

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Oconee County

Alexander S. Macaulay, Circuit Court Judge

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S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

CHARLES M. HARRIS,

PETITIONER

APPELLATE CASE NO. 2014-001236

APPENDIX

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Charles Monroe Harris, Appellant.

Appellate Case No. 2012-212797

Appeal From Oconee County
Alexander S. Macaulay, Circuit Court Judge

Unpublished Opinion No. 2014-UP-160
Submitted February 1, 2014 – Filed April 2, 2014

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Deborah R.J. Shupe,
both of Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Zeigler*, 364 S.C. 94, 101, 610 S.E.2d 859, 863 (Ct. App.
2005) ("On appeal from the denial of a directed verdict in a criminal case, an

appellate court must view the evidence in the light most favorable to the State."); *id.* ("When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight."); *id.* at 102, 610 S.E.2d at 863 ("If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury."); *id.* ("On the other hand, a defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged."); *id.* ("The trial [court] should grant a directed verdict when the evidence merely raises a suspicion that the accused is guilty."); *id.* ("'Suspicion' implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof."); *id.* at 102-03, 610 S.E.2d at 863 ("However, a trial [court] is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis."); *id.* at 103, 610 S.E.2d at 863 ("The appellate court may reverse the trial [court's] denial of a motion for a directed verdict only if there is no evidence to support the [trial court's] ruling."); S.C. Code Ann. § 16-15-342(A) (Supp. 2013) ("A person eighteen years of age or older commits the offense of criminal solicitation of a minor if he knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5) or a violent crime as defined in Section 16-1-60, or with the intent to perform a sexual activity in the presence of the person under the age of eighteen, or person reasonably believed to be under the age of eighteen."); *State v. Gaines*, 380 S.C. 23, 32, 667 S.E.2d 728, 733 (2008) (holding a defendant's argument that criminal solicitation of a minor requires "some 'overt act' in furtherance of the criminal solicitation, such as travel to a destination, arrival with condoms, booking of hotel rooms, etc." to be without merit because "[t]he plain language of the statute imposes no such requirements").

AFFIRMED.¹

WILLIAMS, KONDUROS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

CHARLES M. HARRIS,

APPELLANT

Appeal from Oconee County

Alexander S. Macaulay, Circuit Court Judge

Opinion No. 2014-UP-160

APPELLATE CASE NO. 2012-212797

PETITION FOR REHEARING

Petitioner requests rehearing pursuant to Rule 221(a), SCACR because this Court may have overlooked the fact that its opinion imposes a strict liability standard to any defendant charged with criminal solicitation if he discusses the possibility of having sexual relations with a person he believed to be under the age of eighteen even for a "fleeting moment." See Brief of Appellant at 9-10. Appellant would therefore be punished for his thoughts, and not his actions. That is anathema to our criminal system of justice.

A defendant, here appellant, could have also quickly abandoned any plan to have sexual relations with the fictitious minor even if he very briefly discussed the possibility of having sex with that fictitious minor.

Appellant understands that this Court is bound by State v. Gaines, 380 S.C. 23, 667 S.E.2d 728 (2008) wherein the Supreme Court held that no overt act needs to be done in furtherance of the charge of criminal solicitation of a minor. Although that holding should respectfully be revisited by the Supreme Court a directed verdict nonetheless should have been granted under the highly unusual facts of this case.

Officer Bowling, the fictitious minor, admitted appellant never showed up at the scene and there was no evidence he “traveled.” R. 8-35. Again, as argued above, if appellant ever had the fleeting intention to solicit sex with a minor as envisioned under the statute, he abandoned it seemingly without leaving his computer screen. A fundamental tenant of our criminal justice system has been that we do not punish people for their thoughts. We only punish people for their evil deeds.

Here, unlike State v. Green, 397 S.C. 268, 724 S.E.2d 664 (2012) and State v. Reid, 393 S.C. 325, 713 S.E.2d 274 (2011) appellant was not caught “red-handed.” (Appellant understands the distinction in the crime of attempted criminal sexual conduct with a minor). Appellant offered the explanation, which came out during the state’s case-in-chief, that he was trying to teach the young woman on the other side of the chat room “a lesson.” While appellant’s actions in this regard may have been unusual they were not criminal.

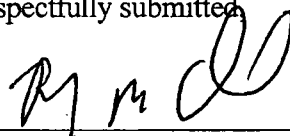
The state simply did not provide the requisite direct or substantial circumstantial evidence to

show appellant reasonably knew he was attempting to entice someone he believed to be thirteen-year-old (under eighteen) to have sex with him and that he had the criminal intent to commit that crime. A directed verdict should have been issued. See State v. Mitchell, 341 S.C. 406, 409, 535 S.C. 126, 127 (2000); State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984).

Otherwise criminal solicitation is simply a strict liability offense, and a person can be punished for his thoughts and not his actions, and he can never take back even the momentary consent to have sex with the fictitious minor. Further, public policy favors allowing people to abandon even agreed-upon criminal conduct. Notice of abandonment or withdrawal is only necessary in limited instances such as a conspiracy. This case was decided without oral argument, and appellant respectfully requests rehearing on this significant issue.

This Court should respectfully grant rehearing.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 17th day of April, 2014.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County

Alexander S. Macaulay, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

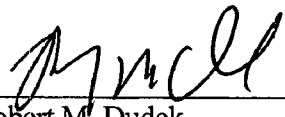
CHARLES M. HARRIS,

APPELLANT

APPELLATE CASE NO. 2012-212797

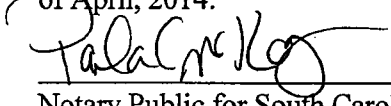
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 17th day of April, 2014.


Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 17th day
of April, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022.

The South Carolina Court of Appeals

The State, Respondent,

v.

Charles Monroe Harris, Appellant.

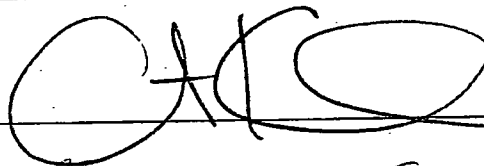
Appellate Case No. 2012-212797

ORDER

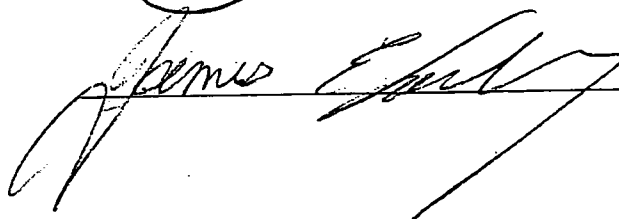
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Deborah R.J. Shupe, Esquire
The Honorable Alexander S. Macaulay

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APPELLATE DEFENSE

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

Alexander S. Macaulay, Circuit Court Judge

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S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

CHARLES M. HARRIS,

APPELLANT

APPELLATE CASE NO. 2012-212797

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT #4 (PHOTOGRAPH)

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON
2 OCONEE) PLEAS
3) TENTH JUDICIAL CIRCUIT
4) CASE NO: 2007-CP-37-01081

5
6 STATE OF SOUTH)
CAROLINA,)
7) TRANSCRIPT OF RECORD
8 PLAINTIFF,) TRIAL
9)
-vs-)
10 CHARLES M. HARRIS,)
11 DEFENDANT.)

12 August 13th and 14th, 2012
13 OCONEE, SOUTH CAROLINA

14 B E F O R E:
15 THE HONORABLE ALEXANDER S. MACAULAY, JUDGE.

16
17 A P P E A R A N C E S:
18 JASON S. ANDERS, ESQ.
19 ASSISTANT ATTORNEY GENERAL FOR THE STATE
20 KYLE SENN, ESQ.
21 ASSISTANT ATTORNEY GENERAL FOR THE STATE
22 R. DANIEL DAY, ESQ.
23 ATTORNEY FOR THE DEFENDANT

24 ROBIN SUE HILD, FCRR, RPR
25 CIRCUIT COURT REPORTER
POST OFFICE BOX 9
WALHALLA, SC 29691

1 THE COURT: Witness state your name and spell your
2 last name.

3 THE WITNESS: Casey Bowling, B-O-W-L-I-N-G.

4 OFFICER CASEY BOWLING,
5 having been first duly sworn, was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. ANDERS:

9 Q. Thank you, officer. Where are you currently
10 employed?

11 A. The Oconee County Sheriff's Office.

12 Q. Okay. And how long have you been employed there?

13 A. For 14 years.

14 Q. What's your rank?

15 A. Sergeant.

16 Q. Okay. And what are, what are your duties under
17 that rank?

18 A. Right now I'm a narcotics officer with the
19 Sheriff's Office.

20 Q. Okay. If you could just describe briefly for the
21 jury your training in law enforcement, how did you get
22 started?

23 A. How you get started in law enforcement is you have
24 to go through a South Carolina Criminal Justice Academy
25 which is in Columbia. And the time I went through was

1 nine weeks of training before you graduate to get your
2 certification to be a law enforcement officer.

3 Q. Okay. And where were you employed in 2007?

4 A. Oconee County Sheriff's Office.

5 Q. Specifically March of 2007?

6 A. At the Oconee County Sheriff's Office.

7 Q. In 2007 were you a part of the Internet Crimes
8 Against Children task force?

9 A. Yes, sir.

10 Q. Would you tell the jury briefly what that is?

11 A. The Internet Crimes Against Children task force is
12 a task force developed by the State Attorney General's
13 Office. It's compiled of state, local law enforcement
14 agencies that have come together to proactively fight
15 crimes on the internet against minors.

16 Q. What does it entail to be a member? What do you
17 do?

18 A. To be a member of the, you have to be -- first off,
19 you have to be selected by your agency to be on this
20 task force. Also you have to go through a lot of
21 training that's put on by the State Attorney General's
22 Office as well.

23 Q. So you went, you underwent training as a part of
24 the Internet Crimes Against Children?

25 A. Yes, sir.

1 Q. Or ICAC?

2 A. Yes, sir.

3 Q. Now, what sort of investigation did you undertake
4 as a part of that ICAC unit?

5 A. The main types of investigations what we would do
6 is proactively go on the internet looking and try to
7 find these child predators who are, who are on the
8 internet through proactive investigations, through chat
9 rooms or through file sharing programs as well.

10 Q. I know you briefly described what you did. But if
11 you would just describe in a little bit more detail what
12 a proactive undercover investigation entails. Where do
13 you go? Where does it end? What do you do?

14 A. Okay. A proactive investigation on the internet
15 starts off with you making a persona. A persona is a
16 description of yourself. It's what kind of hobbies you
17 like, where you're from, that type of thing. After you
18 make this persona, which we make fake personas.

19 Q. If I could just interrupt, when you say persona,
20 what age do you typically, is that persona?

21 A. Typically our personas are 13 years of age. On the
22 persona, the profile that we use on chat rooms we don't
23 put an age on that persona *per se* for the chat room
24 screen name. Now, after we develop and get this persona
25 together, we put that screen name on chat rooms and we

1 just sit back and wait. We don't go and talk to
2 anybody. We wait for people to come to us and talk to
3 us.

4 When somebody comes and talks to us, we just
5 continue the conversation that they have brought towards
6 us. Eventually, you know, usually asking for your age.
7 At all times when I was doing our undercover
8 investigations the age was 13 years old.

9 During that, these investigations you're looking
10 for somebody to start talking to you about sexual
11 activities, things of a sexual manner. Then you start
12 an investigation on that screen name of trying to find
13 out who that person is. Again, sometimes it's, you
14 know, getting them to tell you things about themselves,
15 their name, or where they're from. Where they work is a
16 big one. How old they are, just kind of like fishing
17 for information. And they give you as much information
18 as they're willing to.

19 And then they'll ask you your age and you make sure
20 you tell them your age, 13 years old, which is what I
21 always told them. And then when they cross that line
22 and you were able to identify them then you would go to
23 a Magistrate's Office to make the official charge to get
24 the arrest warrants.

25 Q. Okay. And what is the line?

1 A. What is inclined, the charge?

2 Q. What is the line they cross?

3 A. That line they cross is any sort of sexual, if they
4 ask you for sex, if they describe a sexual activity to
5 you on like how to have sex, or if they send child
6 pornography over the internet to you, or on a webcam
7 they might masturbate on a webcam to you. That crosses
8 the line as well.

9 Q. Okay. Where are you physically when you're
10 performing these undercover investigations?

11 A. All our undercover investigations are done in one
12 office. There's only three people that have a key to
13 it. Another task force member who works side by side
14 with me and our boss. Those are the only two people
15 that have a key to this office. It is at the Sheriff's
16 Office. It's in a, just a regular office with a locked
17 door. Our computers and everything always stay in that
18 office. During our investigations they always stay in
19 that office and they don't leave that office.

20 Q. Okay. And you just defined a few terms and a lot
21 of these terms will be running around during the course
22 of this trial. You described the persona names the
23 screen name. What about instant messaging, what is
24 instant messaging?

25 A. Instant messaging is a communication between two

1 people. Kind of like an e-mail but faster. You just
2 communicate back and forth with the same person under
3 that screen name. You develop your screen name. I
4 could develop a screen name that had Casey Bowling on
5 it. You develop your own screen name and you can
6 communicate back and forth with that person as much as
7 you want just like an e-mail.

8 Q. All right. And just, I think we talked about the
9 chat rooms. Could you just described what a chat room
10 is. What kind of chat rooms are there, just briefly,
11 please?

12 A. A chat room is a room you can go in to meet
13 different people and talk about different topics. A lot
14 of Yahoo! chat rooms are done by the State. You can get
15 in a South Carolina chat room and just talk about
16 anything you want to people who know about South
17 Carolina, have family in South Carolina, or live in
18 South Carolina. You could be in Georgia. Or you can go
19 into rooms, like there's Christian religion rooms, and
20 any topic just about in the whole entire room you can go
21 into a room and chat with other people about.

22 Q. All right. And in the course of your
23 communications with whoever it may be while you perform
24 these undercover investigations, do you preserve the
25 communications?

1 A. Yes, sir. Any time we start an investigation on a
2 certain screen name, we preserve the communication by a
3 simple copy and paste. We'll copy and paste into a Word
4 document. That way we can preserve it and keep it for
5 our records.

6 Q. Okay. Would you tell the jury how typically you
7 identify the person on the other end during this
8 investigation?

9 A. Typically if they don't give you enough information
10 about themselves where you can do regular, you know,
11 regular police work and identify the person, you can
12 send preservation letters to Yahoo! or the certain chat
13 room that you're using to preserve that chat for a
14 certain amount of time. And then we can send a (D)
15 Order through the Attorney General's Office to find out
16 the account information of that account.

17 Q. Okay. Did that happen in this case?

18 A. No, sir.

19 Q. And why did that not happen in this case?

20 A. The reason it didn't happen in this case is because
21 we received so much information from Charles Harris
22 during our chats and in our investigation that we
23 weren't -- didn't have to go that far.

24 Q. Okay. During March -- between March 14th and March
25 17th, 2007, did you investigate someone using the screen

1 name Mr. Lover love me?

2 A. Yes, sir.

3 Q. Okay. Would you please just tell the jury about
4 your investigation?

5 A. Okay. Our investigation started with me making a
6 persona. Her name was Amy. Her screen name was
7 Amy.Sophia. Sophia was the name of her dog. She was
8 put into a chat room, into a South Carolina chat room at
9 which point in time a screen name of Mr. Lover love me
10 contacted her and started up a conversation with her.

11 During the conversation, you know, they talked
12 about several different things. They talked about, you
13 know, her parents, talked about his family, talked about
14 what kind of car he drives, where he lives. Talked
15 about the bad things that go on on the internet.
16 Eventually leading into Mr. Harris asking Amy to have
17 sex with him. Actually tried to set up a couple
18 meetings with her as well to come meet her.

19 Q. Okay. And is there a situation where your screen
20 name may be one thing but it may appear on the screen as
21 another?

22 A. Yes, sir.

23 Q. The name?

24 A. Yes, sir.

25 Q. What was the name of your persona the way it

1 appeared on the screen to the Defendant?

2 A. Okay. The name of my persona when it appeared on
3 the name was Amy. Sophia or Amy Grace.

4 Q. Okay.

5 A. Amy Grace was her middle name. So when, when you
6 become a friend with somebody in a chat room, when I
7 would start a conversation with you, when somebody
8 starts a conversation with me, even asks me to be your
9 friend and I'll befriend you, at that time your screen
10 name will change to what your name is in your persona,
11 which at that time her name was Amy Grace. That was
12 part of her fake name.

13 MR. ANDERS: Permission to approach, Your Honor?

14 THE COURT: Certainly.

15 BY MR. ANDERS:

16 Q. I'm handing you what's been previously marked
17 State's Exhibit 1. Would you tell me what that is?

18 A. This is the copy and paste chats that started on
19 March 15th of 2007.

20 Q. Okay. Is it a fair and accurate depiction of the
21 communications you had with the Defendant on March 15th,
22 2007?

23 A. Yes.

24 Q. How do you know?

25 A. That's a chat that I had with her.

1 MR. ANDERS: Okay. Your Honor, at this time the
2 State would like to admit this into evidence.

3 MR. DAY: No objection, Your Honor.

4 THE COURT: All right. Without objection that's
5 Plaintiff's number?

6 MR. ANDERS: State's Number 1, Your Honor.

7 THE COURT: States Number 1 admitted without
8 objection.

9 (Whereupon, State's Exhibit Number 1 was entered
10 into the record.)

11 MR. ANDERS: Your Honor, permission to publish?

12 THE COURT: Certainly.

13 BY MR. ANDERS:

14 Q. Officer Bowling, I'm just gonna have you read these
15 chats for the jury.

16 A. Yes, sir.

17 Q. Can you read that okay?

18 A. I can, yes, sir.

19 Q. Just let me know when you need me to move it.

20 A. Sure. I'll explain what that is. That was the
21 copy and paste chat that I took from our chat with
22 Mr. Lover love me. If you look at the first line that's
23 the screen name of Mr. Lover love me, the date and time
24 of when that text was received. The next line would be
25 Amy Grace which is myself with the date and time stamped

1 as well. So what I'll do is I'll read the actual text.
2 Do you want me to read the screen name along with the
3 date and time as well?

4 Q. You do not have to read, I would say you don't have
5 to read the time, just whoever is saying it.

6 A. Sure. Sure.

7 (Whereupon, the following is the witness reading
8 the chats from the screen.)

9 THE WITNESS: It starts off with:

10 Mr. Lover love me: Hey Amy.

11 Amy Grace says: Hi, how are you?

12 Mr. Lover Love me: I'm okay.

13 Amy Grace: All right.

14 Mr. Lover Love me: Just got off of work.

15 Amy Grace: Cool.

16 Amy Grace: Hard day?

17 Mr. Lover says: Yes. And then he says: LOL.

18 Which in chat lingo means laugh out loud.

19 Amy Grace says: I'm sorry.

20 Mr. Lover says: It's okay.

21 Mr. Lover love me says: Hard day at school?

22 Amy Grace says: Nope. Got off early to go to the
23 eye doctor.

24 Mr. Lover says: Cool.

25 Amy says: What you doing?

1 Mr. Lover says: Looking at my mail.

2 Amy says: Okay.

3 Amy says: You're quiet.

4 Mr. Lover says: Laugh out loud again.

5 Mr. Lover: What are you doing over there?

6 Amy says: Nothing at all, bored again.

7 Mr. Lover says: Yes, me too.

8 (Whereupon, Witness stops reading.)

9 THE WITNESS: Go ahead and move it up if you don't
10 mind. All right. Where were we?

11 MR. ANDERS: I think you were at me too.

12 (Whereupon, Witness continues reading chat.)

13 Mr. Lover says: Me too.

14 Then Amy says: It suck, doesn't it?

15 Mr. Lover says: Yes, it does.

16 Mr. Lover says: I'm looking for something to do.

17 Amy says: Me too.

18 Mr. Lover says: What do you want to do?

19 Amy says: I don't know. What do you want to do?

20 Amy says: Hello?

21 Mr. Lover says: I'm here, just thing.

22 Amy says: Thing?

23 Mr. Lover says: Just thinking.

24 Amy says: What ya thinking?

25 Mr. Lover: I'm sorry.

1 Amy: For what?

2 Mr. Lover: I put thing.

3 Amy says: Huh?

4 Mr. Lover says: Not thinking.

5 Amy says: What do you mean?

6 Mr. Lover: Not a thing.

7 Amy: Okay.

8 Mr. Lover: What do you like to do for fun?

9 (Whereupon, Mr. Anders moves screen up and Witness
10 continues reading.)

11 Amy says: Anything really. I like to go to the
12 mall or shop or just hang out.

13 Mr. Lover says: Cool.

14 Amy says: Yeah, I like it.

15 Amy says: What do you do?

16 Mr. Lover says: Anything fun.

17 Amy says: Cool.

18 Mr. Lover asks: Where is your boyfriend? (Witness
19 not reading.) B/f meaning boyfriend.

20 Amy says: I don't have one.

21 Mr. Lover: Why not?

22 Amy says: I don't know.

23 Mr. Lover says: LOL.

24 Mr. Lover says: Well you need one.

25 Amy Grace says: K who?

1 Mr. Lover says: Don't know that.

2 Amy says: K.

3 Mr. Lover says: I'm too old, laugh out loud.

4 Amy says: No, you're not.

5 Mr. Lover says: Well, thank you.

6 Mr. Lover says: Why you like old men?

7 Amy says: I don't know I guess.

8 Mr. Lover says: Okay,.

9 Mr. Lover says: And you are only 13.

10 And Amy says: Yeah.

11 (Whereupon, screen is moved up more and Witness
12 continues reading.)

13 Mr. Lover says: Well, don't, don't let them do
14 anything to you.

15 Amy says: I wouldn't. I promise.

16 Mr. Lover says: Okay good. There are a lot of
17 guys on here just looking for one thing.

18 Amy says: What's that?

19 Mr. Lover says: Just sex.

20 Amy says: Whatever.

21 And Mr. Lover says: Well, they're out there.

22 Amy says: K. And I'll be careful.

23 Mr. Lover says: But I'm not like that at all.

24 Amy says: I know.

25 Mr. Lover says: My kids are 24, 23, 22 and 18.

1 Amy says: Wow.

2 Amy says: What are their names?

3 Mr. Lover says: Marie, Carrie, Charlene and

4 Sabrina.

5 Amy says: Good names.

6 Amy says: All girls?

7 Mr. Lover says: Yes.

8 Amy says: No boys?

9 Mr. Lover: Says no or on. (Turns page).

10 Amy says: LOL.

11 Mr. Lover: But I want one.

12 Amy says: Where did you say you live?

13 Mr. Lover said: Anderson.

14 Amy says: Right. You said near the mall.

15 Mr. Lover said: Yes.

16 Amy said: Cool. Do you, do you go out a lot?

17 Mr. Lover said: Yeah.

18 Mr. Lover said: Well, it was nice talking to you

19 but I need to get in a shower. Hope to talk to you

20 again.

21 Amy says: What you gonna do tonight?

22 Amy says: After your shower?

23 Mr. Lover: Nothing. You?

24 Amy says: Nothing at all.

25 Mr. Lover says: Yes, if you like.

1 Amy says: Sure you're nice.

2 Mr. Lover says: Okay, thank you.

3 Amy says: When is your birthday?

4 Amy says: Mine's coming up.

5 Mr. Lover says: 7/18.

6 Amy says: Cool birthday.

7 Mr. Lover says: Thank you.

8 Amy says: You're welcome.

9 (Whereupon, Witness stops reading.)

10 THE WITNESS: TY means thank you and YW means

11 you're welcome.

12 (Whereupon, Witness continues reading.)

13 Amy says: You in the shower?

14 Mr. Lover says: Okay, sweetie.

15 And then Amy asked him: Where did he go -- where

16 did you go?

17 (Whereupon, Mr. Anders moves screen up.)

18 THE COURT: Thank you.

19 MR. ANDERS: I'm sorry.

20 THE WITNESS: Oh, okay.

21 MR. ANDERS: I think you ended okay sweetie.

22 THE WITNESS: Okay, yeah. Right under hey sweetie.

23 (Whereupon, Witness continues reading.)

24 Amy says: Hey there.

25 Mr. Lover says: Hey.

1 Amy says: What's up?

2 Mr. Lover says: Not me, LOL. JK.

3 (Whereupon, Witness stops reading.)

4 THE WITNESS: Jk means joke.

5 (Whereupon, Witness continues reading.)

6 Amy says: Ha ha.

7 Mr. Lover says: I'm just playing.

8 Amy says: I know.

9 Amy says: What kind of car you drive?

10 Mr. Lover says: Z 28 with T tops.

11 Amy says: Is that a fast car?

12 Mr. Lover says: Yesssssssss.

13 Amy says: Cool.

14 Amy says: What color?

15 Mr. Lover says: Blue.

16 Amy says: My favorite.

17 Mr. Lover says: Mine too.

18 Amy says: Cool.

19 Amy says: You there?

20 Mr. Lover says: Yeah.

21 Amy says: Wondering.

22 Mr. Lover says: K.

23 (Whereupon, Witness turns page and continues
24 reading.)

25 Then Amy says: Where did you go?

1 (Whereupon, Witness stops reading.)

2 BY MR. ANDERS:

3 Q. All right. Officer Bowling, the Defendant during
4 his chat with you mentioned several things that were
5 personal in nature about his daughters. Did you check
6 that out?

7 A. Yes, sir.

8 Q. Was that true?

9 A. Yes, sir.

10 Q. He identified his vehicle?

11 A. Yes, sir.

12 Q. Was that true?

13 A. Yes, sir. According to DMV records and the vehicle
14 sitting out in front of his house was the blue Z-28 with
15 T-tops.

16 Q. He stated he lived in Anderson?

17 A. Yes, sir.

18 Q. Was that true?

19 A. Yes, sir, it was.

20 Q. Stated his birthday was 7-18. Was that true?

21 A. Yes, sir, it was 7-18.

22 Q. Were you able to find out his full birth date?

23 A. Yes, sir.

24 MR. ANDERS: Permission to approach, Your Honor?

25 THE COURT: Certainly.

1 BY MR. ANDERS:

2 Q. Officer Bowling, I'm handing you what's been
3 premarked as State's Exhibit Number 3. What is that?

4 A. It's the copy and paste chat of 3-16 of '07.

5 Q. Is that a fair and accurate depiction of the
6 communications between you and the Defendant?

7 A. Yes, sir.

8 Q. Okay.

9 MR. ANDERS: Your Honor, at this time I move that
10 this chat, State's Exhibit 3, go into evidence?

11 THE COURT: Have any objection?

12 MR. DAY: Now, what was that number?

13 MR. ANDERS: This was State's Exhibit Number 3.

14 MR. DAY: No objection.

15 THE COURT: All right. Without objection, State's
16 Exhibit Number 3 will be admitted.

17 (Whereupon, State's Exhibit Number 3 was entered
18 into the record.)

19 MR. ANDERS: Your Honor, permission to publish?

20 THE COURT: Certainly.

21 BY MR. ANDERS:

22 Q. Officer Bowling, if you could just first of all
23 what date?

24 A. The date is March 16, 2007.

25 Q. Okay. So this is the day after, correct?

1 A. Yes, sir.

2 Q. Okay. If you would just read the chats for the
3 jury?

4 A. Yes, sir.

5 (Whereupon, Witness starts reading the chat.)

6 Mr. Lover starts the chat: You not in school
7 today?

8 Mr. Lover: Okay you must be busy.

9 Amy says: I'm here. Sorry watching TV.

10 Amy says: You there?

11 Amy: Sorry don't be mad at me.

12 Mr. Lover: Hey there.

13 Amy says: Oh, are you?

14 Amy says: How.

15 Mr. Lover says: I'm okay, thank you.

16 Mr. Lover says: How are you today?

17 Amy says: I'm all right. The rain sucks.

18 Mr. Lover says: I bet you are.

19 Amy says: Yeah, I am.

20 Amy says: What you doing today?

21 Mr. Lover says: Laugh out loud, yes it's raining.

22 Amy says: Yep.

23 Mr. Lover says: Not, not too much. I'm looking
24 for something to do.

25 Amy says: Me too. It's boring since it's raining.

1 Mr. Lover said: Yes.

2 Amy says: What you, what you want to do?

3 Mr. Lover said: Where's mom and dad at?

4 Mr. Lover said: Don't know you.

5 Amy says: I don't know my dad and my mom just left
6 for work.

7 Mr. Lover says: Oh.

8 Amy says: Yeah, it's lonely here.

9 And Mr. Lover says: Yeah, here too.

10 Then Mr. Lover says: I just wish you were older.

11 Mr. Lover says: Laugh out loud.

12 Amy says: Why?

13 Mr. Lover says: I just do.

14 Amy says: I don't care.

15 Mr. Lover says: Okay. Laugh out loud.

16 Amy says: I care less. I'm just bored.

17 And Mr. Lover says: You might care.

18 Amy says: Why should I care?

19 Mr. Lover says: I'm a lot older.

20 Amy says: I don't care about that.

21 Mr. Lover says: Yeah, but it's not right.

22 (Whereupon, Witness turns page and continues
23 reading.)

24 Amy says: Whatever that's stupid.

25 Mr. Lover says: Yeah, I know that but...

1 Amy says: But what?

2 Mr. Lover says: Still not right for me to think
3 about you like that laugh out loud.

4 Amy says: Like how?

5 Mr. Lover says: Well I'm just a man you know.

6 Mr. Lover says: Laugh out loud.

7 Amy says: Laugh out loud. I know that's why I
8 like talking to you.

9 Mr Lover said: And I like chatting with you too.

10 Amy says: Me too.

11 Mr. Lover says: Okay.

12 Amy says: Do you not like me?

13 Mr. Lover says: When you get a, when you get a man
14 then you will know what I'm talking about.

15 Mr. Lover says: Yes, I do.

16 Amy says: I like you too.

17 Mr. Lover says: Good.

18 Amy says: You're really nice to me.

19 Mr. Lover says: Thank you.

20 Amy says: You're welcome.

21 Mr. Lover says: Got any more pic?

22 Amy says: Na, just the on prof.

23 Mr. Lover says: Oh, okay.

24 Amy says: What you think?

25 Mr. Lover said: You are nice looking.

1 (Whereupon, Witness stops reading.)
2 THE WITNESS: There's more on the bottom of that.
3 (Whereupon, Witness continues reading.)
4 Amy says: What you thinking?
5 Mr. Lover: You are nice looking.
6 Amy said: Thank you..
7 Amy said: You're sweet..
8 Mr. Lover says: You're welcome.
9 Mr. Lover says: Said you're not along are you?
10 Amy says: Yeah, I am.
11 Mr. Lover: Why?
12 Amy says: Mom's at work.
13 Mr. Lover says: Where's dad?
14 Amy says: I never met my dad.
15 Mr. Lover says: Oh, I'm sorry.
16 Amy says: Na, it's all right.
17 Amy says: I don't care.
18 Mr. Lover: Mom got a man?
19 Amy says: Nope. She says she has no time.
20 Mr. Lover: Laugh out loud.
21 Amy says: Yeah, she's a workaholic.
22 Mr. Lover: I got a cam, too.
23 Mr. Lover love me says: Yeah, me too.
24 Amy says: Cool.
25 Mr. Lover: Wish you had a cam, too.

1 (Whereupon, Witness stops reading.)

2 BY MR. ANDERS:

3 Q. When they say cam what do they mean?

4 A. A cam in a chat room is a webcam. A webcam is just
5 a realtime camera that you can be able to see somebody
6 back and forth with.

7 (Whereupon, Witness continues reading.)

8 Amy says: Yeah, me too.

9 Amy says: I've asked for one like Christmas and
10 mom always says no.

11 Mr. Lover says: Laugh out loud.

12 Mr. Lover says: She just cares about you.

13 Amy says: I know. She's cool.

14 Mr. Lover says: You busy?

15 Amy says: No, not at all.

16 Mr. Lover says: Okay.

17 Amy says: Why are you?

18 Mr. Lover says: No. I wish I was. Laugh out
19 loud.

20 Amy says: Me too. Laugh out loud.

21 Amy Grace:

22 (Whereupon, Witness stops reading.)

23 THE WITNESS: Then there's a blank message. It
24 just means the enter button, the enter key was hit with
25 no message in it.

1 (Whereupon, Witness continues reading.)

2 Mr. Lover love me says: What would you do if I was
3 there Laugh out loud?

4 A. Amy says: Anything. You're nice. What do you
5 want to do -- what do you want me to do?

6 Mr. Lover says: I just, I just aksed.

7 Mr. Lover says: Asked.

8 Amy says: K.

9 Amy says: Me too.

10 Amy says: I think you're really cool.

11 Mr. Lover says: Thank you.

12 Mr. Lover: There's a question mark.

13 Amy says: You're welcome.

14 Amy says: Why?

15 Mr. Lover says: Got a question?

16 Mr. Lover says? You ever seen a man, question
17 mark?

18 (Whereupon, Mr. Anders moves page up and Witness
19 continues reading.)

20 Amy says: What's that?

21 Amy says: Man what, question mark?

22 Mr. Lover says: Just ask if you had ever seen a
23 man nude that's all.

24 Amy says: Oh, yeah, I did once.

25 Mr. Lover: There are a lot of nuts out there.

1 Amy says: Yeah, I know.

2 Mr. Lover says: Okay.

3 Mr. Lover: Did you like seeing him?

4 Amy says: Yeah. It was weird at first but then I
5 liked it.

6 Mr. Lover says: Oh, okay.

7 Mr. Lover: What did you like about it?

8 Amy says: I don't know. It was cool to see it.

9 Mr. Love said: Laugh out loud. Want to see
10 another man?

11 Amy says: Yeah I'm human, sure.

12 Amy says: How question mark?

13 Mr. Lover says: Laugh out loud.

14 Mr. Lover said: I got a cam laugh out loud.

15 Amy says: Laugh out loud. Okay.

16 Mr. Lover says: What do you want to see, question
17 mark?

18 (Whereupon, Witness turns page and continues
19 reading.)

20 Amy says: Sure.

21 Mr. Lover said: My face.

22 Amy says: Sure.

23 Amy says: Are you cute.

24 Mr. Lover says: Don't know.

25 Amy says: I'll tell you.

1 Amy says: Heck yeah you're cute.
2 Mr. Lover says: Thank you.
3 Amy says: You're welcome.
4 Amy says: So what are you going to do today?
5 Mr. Lover says: Not a thing. Why?
6 Amy says: Just wondering.
7 Mr. Lover: What you thing about over there?
8 Amy says: I don't know. You're cute.
9 Amy says: What do you want to do?
10 Mr. Lover says: I don't want to be your first,
11 laugh out loud.
12 Amy says: Why not?
13 Mr. Lover says: I don't know.
14 Mr. Lover says: You might like it too much, laugh
15 out loud.
16 Amy says: Laugh out loud. You're just so sweet.
17 I know I can trust you.
18 Mr. Lover says: If you were older it would be all
19 right.
20 Amy says: Whatever. I think it is.
21 Mr. Lover says: You want to see anything else?
22 Amy says: Whatever you want to show me.
23 Amy says: I wish, I wish you like me.
24 Mr. Lover: I do like you.
25 Amy says: You don't act like it.

1 (Whereupon, Mr. Anders pulls page up and Witness
2 continues reading.)

3 Mr. Lover says: Yes, I do. Why would, why would
4 you say I don't?

5 Amy says: You keep saying you don't want to see me
6 or nothing like that.

7 Mr. Lover: Would love to meet you, but I know it's
8 not right.

9 Amy says: Whatever. See what I mean?

10 Mr. Lover says: But you are cute to me and I think
11 you are really sweet.

12 Amy said: Thank you.

13 Amy said: I think.

14 Mr. Lover said: You're welcome.

15 Mr. Lover said: I don't want to go to jail.

16 Mr. Lover said: Laugh out loud.

17 Amy says: You won't. I'm no cop.

18 Mr. Lover says: Yeah, I know that.

19 Amy says: Listen. If you don't like me I
20 understand.

21 Mr. Lover: But you're only 13, too.

22 Mr. Lover says: See now you mad.

23 Amy says: I'm not mad. Said I don't care. I told
24 you.

25 Mr. Lover says: You want to have sex, question

1 mark?

2 (Whereupon, Witness turns page and continues
3 reading.)

4 Amy says: If you want. Will you be careful?

5 Mr. Lover says: Yes, I would be.

6 Amy says: Please I know you will be.

7 Amy says: You thinking?

8 Mr. Lover says: Yeah. Laugh out loud.

9 Amy says: Don't think no more. Laugh out loud.

10 Mr. Lover says: Okay.

11 Amy says: Well then.

12 Mr. Lover says: Okay.

13 Amy says: You serious?

14 Mr. Lover says: Yeah.

15 Amy says: Cool. Thank you.

16 Amy says: Now I won't be bored today.

17 Mr. Lover says: Are you?

18 Amy said: I'm ready.

19 Mr. Lover said: You think you are.

20 Amy said: Yeah.

21 Mr. Lover said: Okay.

22 Mr. Lover said: Where you want to meet at?

23 Amy said: Can you pick me up at my house?

24 Mr. Lover said: Yes, I can.

25 Amy said: Cool.

1 Amy said: How long will it take you?

2 Mr. Lover said: About 30 minutes.

3 Amy said: Cool.

4 Then Amy said: You know where I live?

5 (Whereupon, Mr. Anders moves screen up and Witness
6 continues reading.)

7 Mr. Lover said: I think so.

8 Amy: Do you? Have I told you where I live.

9 Mr. Lover: I think so, yeah.

10 Amy Grace: What's my address then?

11 Mr. Lover: You behind Hardee's.

12 Amy: Yeah. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 Amy: You know where Hardee's is in Walhalla?

14 Mr. Lover says: Yeah.

15 Amy Grace says: I'm like right behind past a
16 church on right.

17 Amy said: You promise?

18 Mr. Lover said: Yes.

19 Amy said: Cool.

20 Amy: What will you be driving?

21 Mr. Lover: Blue Z-28.

22 Amy said: That's right. Sorry. That a cool car.

23 Amy says: What do you want me to wear?

24 Mr. Lover said: Anything.

25 Amy said: Okay.

1 Amy said: What time will you be here?
2 Mr. Lover said: By 1:35, 1135.
3 Amy says: Okay.
4 Mr. Lover lover says [sic]: Okay. I'm leaving
5 now.
6 Amy Grace says: There's a gold truck in carport.
7 That's my mom's work truck. She takes trash. Don't
8 think it's anyone else's, okay?
9 Mr. Lover says: Okay.
10 Amy Grace: You promise you're coming?
11 Mr. Lover says: Yeah.
12 Amy Grace says: Cool.
13 Mr. Lover says: Coming now.
14 (Whereupon, Witness turns page and continues
15 reading.)
16 And Mr. Lover says: Hello. You there? I think I
17 got lost.
18 Amy says: Why you say that? I've been waiting.
19 Amy says: Where you been?
20 Mr. Lover says: Up there.
21 Amy says: Did you go behind Hardee's?
22 Mr. Lover said: Yes.
23 Amy said: Did you see Earl Street?
24 Mr. Lover said: Yes.
25 Amy says: You can't miss it then.

1 Amy says: Do you want me to meet you somewhere
2 else?

3 Amy says: Maybe Hardee's?

4 Mr. Lover says: Where at?

5 Mr. Lover says: Okay.

6 Amy says: You sure?

7 Amy says: I think you're messing with me.

8 Amy says: I can walk up to Hardee's.

9 Mr. Lover says: You think they will tell your
10 mother on you?

11 Amy says: Who you talking about?

12 Mr. Lover says: Anyone.

13 Amy says: I don't know anyone up there.

14 Mr. Lover says: Oh, okay, cool.

15 Amy says: You sure you're not messing with me?
16 I've been nice to you.

17 Mr. Lover says: If you're going to be there, I
18 will come -- I can't read that part -- I will come back.

19 Amy: Yeah, I'll go up there. What time?

20 Amy Grace says: You promise?

21 Mr. Lover says: Yes, I do.

22 Amy Grace says: Please don't mess with me.

23 Mr. Lover said: I'm not. You're too sweet for
24 that.

25 Amy says: I know.

1 Amy says: Okay. What time you want me to go to
2 Hardee's?

3 Mr. Lover said: It took me 35 minutes to get
4 there.

5 Amy says: Okay.

6 Amy says: So what time?

7 Mr. Lover says: What time is your mother coming
8 home?

9 Amy says: Not until 11.

10 Mr. Lover says: Oh, okay.

11 Amy says: Friday is a busy day for her.

12 Mr. Love said: I'll be there by four.

13 (Whereupon, Witness turns page and continues
14 reading.)

15 Amy says: Promise? Don't mess with me.

16 Mr. Lover said: I'll be there.

17 Amy says: Please.

18 Mr. Lover said: And we do not have to have sex
19 either if you don't want to, okay?

20 Amy says: Okay. I'll see how it goes, okay.

21 Mr. Lover says: We can just talk if you like.

22 Amy says: Okay.

23 Amy says: So four, right?

24 MR. Lover says: Yes.

25 Mr. Lover says: I want to push myself on you,

1 okay?

2 Amy says: Okay. I know you're sweet.

3 Mr. Lover says: Thank you. I'll see you in a
4 little bit sweetie, okay?

5 Amy says: Okay, thanks.

6 Mr. Lover says: You're welcome sweetie. Be there
7 at four, okay?

8 Amy says: Okay. Blue car, right?

9 Mr. Lover says: Yes, with T-tops.

10 Amy says: Okay. Come to side door and I'll just
11 walk out with you.

12 Mr. Lover said: Okay.

13 Amy said: Bye. See you soon.

14 Mr. Lover said: Okay, sweetie, bye bye.

15 (Whereupon, Witness stops reading.)

16 BY MR. ANDERS:

17 Q. All right. So both days he mentioned that he's 13
18 years old?

19 A. Yes, sir.

20 Q. Now, towards the end of the March 16, 2007 chat
21 there seemed to be plans made to travel.

22 A. Yes, sir.

23 Q. Did the Defendant ever travel, to your knowledge?

24 A. Not to my knowledge.

25 Q. Okay. If he had traveled, would he have been

1 charged with this crime?

2 A. No, sir. He would have been charged with a
3 different crime.

4 Q. Okay. So in your experience when you have done
5 these proactive undercover investigations, do they
6 always travel?

7 A. Yes.

8 MR. DAY: Objection, Your Honor. I think we get in
9 speculation now.

10 MR. ANDERS: I'm just talking about other cases.

11 THE COURT: Excuse me. Unless you're going into a
12 question like that you're gonna lay a foundation.

13 MR. ANDERS: Withdrawn, Your Honor.

14 THE COURT: Yes, sir.

15 BY MR. ANDERS:

16 Q. During the March 16, 2007, chat, there was, there
17 was talking of a webcam.

18 A. Yes, sir.

19 Q. Did the Defendant ever send you a picture?

20 A. Yes, sir. He opened up his webcam.

21 MR. ANDERS: Okay. Permission to approach, Your
22 Honor?

23 THE COURT: Certainly.

24 BY MR. ANDERS:

25 Q. I'm handing you what's been premarked as State's

1 Exhibit Number 4. Can you tell the jury what that is?

2 A. It's a picture of a webcam, a capture of a webcam
3 of Mr. Charles Harris.

4 Q. Okay. Is that a fair and accurate depiction of
5 what was sent to you on March 16, 2007?

6 A. Yes, sir.

7 MR. DAY: No objection.

8 THE COURT: All right. Without objection, State's
9 Exhibit Number 4 is admitted.

10 (Whereupon, State's Exhibit Number 4 was entered
11 into the record.)

12 MR. ANDERS: Thank you, Your Honor. Your Honor,
13 permission to publish?

14 THE COURT: Certainly.

15 (Whereupon, Mr. Anders publishes State's Exhibit
16 Number 4 to jury.)

17 BY MR. ANDERS:

18 Q. Is this man in the courtroom today?

19 A. No, sir. Is this man in the courtroom?

20 Q. Yes, sir.

21 A. Yes, sir. He's sitting right over there, Charles
22 Harris. (Pointing.)

23 Q. Can you point him out and describe what he's
24 wearing for the record?

25 A. A white dress shirt with glasses on.

1 MR. ANDERS: Okay. Let the record reflect that
2 he's picked the Defendant.

3 THE COURT: So be it.

4 BY MR. ANDERS:

5 Q. After the March 16, 2007 chat, what did, what did
6 you do?

7 A. After that chat, after Mr. Harris crossed that line
8 that he had asked Amy to have sex with him, we started
9 our investigation trying to find out who he was. We
10 took the information that he gave us, the blue Z-28 car,
11 the children's names, and where about his residence was,
12 and started looking, doing regular police work, looking
13 at DMV files, and found a residence with the same name
14 of Charles Harris.

15 It had a blue Z-28 registered to it as well, and
16 looked up the DMV picture from his driver's license
17 which matched the webcam that we got from Mr. Lover love
18 me as well. At that time we sent an Anderson County
19 Deputy over to the address that we had found, which they
20 positively identified with the tag number and the blue
21 Z-28 sitting in the driveway.

22 MR. ANDERS: Permission to approach, Your Honor?

23 THE COURT: Certainly.

24 BY MR. ANDERS:

25 Q. Officer Bowling I'm handing you what's been marked

1 as State's Exhibit Number 5. Can you tell the jury what
2 that is?

3 A. This is an Oconee County Sheriff's Office rights
4 form, *Miranda* rights form.

5 MR. DAY: No objection.

6 THE COURT: All right. Without objection
7 Plaintiff's -- State's Exhibit Number 5 is admitted.

8 (Whereupon, State's Exhibit Number 5 was entered
9 into the record.)

10 MR. ANDERS: Thank you, Your Honor.

11 BY MR. ANDERS:

12 Q. Could you tell the jury what this form is used for?

13 A. This form is used for any time someone is being
14 interrogated by the Sheriff's Office about a specific
15 crime that they might have been involved in. Any time
16 before they are questioned at all we have to give them
17 their rights, their *Miranda* warning. This is a written
18 form that we use at the Sheriff's Office to be able to
19 give them their rights and let them sign off on their
20 rights knowing that we gave them their rights.

21 Q. Okay. And where was this signed?

22 A. This was signed at the Oconee County Law
23 Enforcement Center in an interview room.

24 Q. And what date?

25 A. It's March 17th of 2007.

1 Q. Okay. If you would, just please read that for the
2 jury.

3 A. Sure. It says: The date of March 17, 2011, time
4 of 2:55, the place is the Oconee County Law Enforcement
5 Center: "Before we ask you any questions you must
6 understand your rights. You have the right to remain
7 silent. Anything you say can be used against you in
8 court. You have the right to talk to a lawyer for
9 advice before we ask you any questions and to have them
10 with you during questioning. If you cannot afford a
11 lawyer, one will be appointed for you before any
12 questions if you wish. If you decide to answer any
13 questions now without a lawyer present, you will still
14 have the right to stop answering at any time. You also
15 have the right to stop answering at any time until you
16 talk to a lawyer.

17 The waiver of rights is I have read this statement
18 of my rights and I understand what my rights are. I am
19 willing to make a statement and answer questions. I do
20 not want a lawyer at this time. I understand and know
21 what I am doing. No promises or threats have been made
22 to me and no pressure or coercion of any kind has been
23 use against me."

24 It's signed Mr. Charles Harris on 3-17-07 at 2:55
25 and also witnessed by myself.

1 Q. Did Mr. Harris give you a statement?

2 A. Yes, sir.

3 Q. Okay. In what form was that statement given?

4 A. That is a verbal statement that he gave to me.

5 Q. Was he coerced to give his statement?

6 A. No, sir.

7 Q. Was he under the influence of drugs or alcohol when
8 he gave his statement?

9 A. No, sir.

10 Q. Would your testimony be that it was free and
11 voluntary?

12 A. Yes, sir.

13 Q. Okay. Would you tell the jury what the Defendant
14 told you, what his statement was, please?

15 A. Sure. Mr. Harris told us during the interview that
16 he had made a mistake. What he did was a mistake. And
17 I asked him what his mistake was, and then he said his
18 mistake was asking her to have sex with him. He said he
19 was sorry. He said that his intentions were just to
20 teach her a lesson.

21 But during his statement towards me, he, he did say
22 that he was just sorry for what he did, and that he was
23 just trying to teach her that lesson.

24 Q. At any time during his statement did he indicate to
25 you what age the girl was?

1 A. Yes, sir. He, he said that she was 13 years of
2 age.

3 Q. Okay. Did he ever indicate to you on the March
4 15th or March 16th of 2007 that he was talking with
5 anybody else besides a 13-year-old girl?

6 A. No, sir.

7 MR. ANDERS: Okay. I believe that's all I have.
8 Please answer any questions Mr. Day may have.

9 THE COURT: All right. Just before we have
10 Cross-Examination, Mr. Foreman, ladies and gentlemen of
11 the jury, it's been admitted into the record in this
12 case a statement allegedly to have been made by the
13 Defendant. Before you can consider the statement as
14 evidence for any purpose you must determine four things.

15 First, did the Defendant make the statement?
16 Second, was the Defendant warned of his Constitutional
17 rights? Third, did the Defendant knowingly and
18 intelligently waive his Constitutional rights? And
19 fourth, was the statement given voluntarily?

20 The fact the State -- the fact that the Court has
21 admitted the statement into evidence should not be
22 considered by you as any evidence whatsoever that the
23 Defendant made such a statement or that required
24 Constitutional safeguards were in fact provided and
25 waived by the Defendant or the statement was voluntarily

1 given because these issues are for you, the jury, to
2 determine. The State must prove beyond a reasonable
3 doubt that these four requirements that I just stated to
4 you before you may consider this statement as evidence
5 for any purpose whatsoever.

6 Now, as for the first requirement, did the
7 Defendant make a statement? If you conclude that the
8 Defendant did not make the statement, you must totally
9 disregard the statement. If you conclude the Defendant
10 did make the statement, then -- did not -- you should
11 not, must not consider the statement as evidence in any
12 manner whatsoever. You should completely disregard the
13 statement in its entirety and in every part of it.

14 If you find that the Defendant did make the
15 statement, you must then consider next the second
16 requirement which was, was the Defendant warned of his
17 Constitutional rights? Did he have the right to remain
18 silent? That the statement would be made -- that the
19 statement he does make can and will be used against him
20 in a court of law; that he had the right to select an
21 attorney of his choice, but if he does not have the
22 money or resources to employ a lawyer the Court would
23 appoint and provide a lawyer to represent him without
24 cost to him if he so desires; that he has the right to
25 consult a lawyer before answering any questions or

1 making any statement; and that he has a right to have a
2 lawyer present with him during all interviews and
3 interrogations.

4 If you determine that these Constitutional warnings
5 were not given to the Defendant prior to the
6 interrogation and that the taking of the statement or
7 that the Defendant was not afforded the opportunity to
8 exercise these rights, you must completely disregard the
9 statement and in that event you cannot consider the
10 statement as evidence in any manner whatsoever.

11 If you find the statement did make -- the Defendant
12 did make the statement and these Constitutional warnings
13 were given by the State to the Defendant, then the
14 Defendant was afforded the opportunity to exercise his
15 Constitutional rights, you must next consider the third
16 requirement. Did the Defendant knowingly and
17 intelligently waive his Constitutional rights?

18 If you find the defendant did not knowingly and
19 intelligently waive his Constitutional rights, then any
20 answer given by him or any statement made by him cannot
21 be considered by you against him and you must completely
22 disregard the testimony or any answers to alleged
23 statements.

24 Now the fourth requirement, was the statement given
25 voluntarily? If a statement is not voluntary, it may

1 not be used against a Defendant unless it is the product
2 of essentially free unconstrained choice by its maker.
3 The true test is whether the statement is freely,
4 voluntarily, knowingly and intelligently and
5 understandably made without compulsion or inducement.

6 With regard to the statement of the Defendant, the
7 State must prove by evidence each and every requirement
8 of that by which I've instructed you beyond a reasonable
9 doubt before you consider the alleged statement as
10 evidence in this case. Absence any one of these
11 requirements about which I've instructed you the alleged
12 statement must be disregarded completely. In that event
13 you will regard no evidentiary weight whatsoever to it
14 or any part of it.

15 We will now proceed with Cross-Examination.

16 CROSS-EXAMINATION

17 BY MR. DAY:

18 Q. Hi. Detective Bowling, let me go over a couple of
19 things with you. I want to make sure that we
20 understand, again, exactly how this chat room works. In
21 order to get in there, or is a chat room that says you
22 are supposed to be 18; is that right?

23 A. Yes, sir. There are some terms and conditions that
24 you have to agree to, yes, sir.

25 Q. Right. And those terms and conditions is one of

1 them is you say you are 18?

2 A. Yes, sir.

3 Q. So me, you, anyone else going into this chat room
4 the first thing we're gonna see is the terms and
5 conditions saying hey, got to be 18, buddy?

6 A. Right.

7 Q. And that's male, female, doesn't make any
8 difference?

9 A. Yes, sir.

10 Q. So you gotta get past that, so you've got to
11 actually say yeah I'm 18?

12 A. Right.

13 Q. Or over 18 or 18 or over?

14 A. Yes, sir.

15 Q. Okay. Then when you get into the chat room then
16 you begin talking or chatting, conversing, communicating
17 in some way. That's what you were in there for?

18 A. If we're approached, yes, sir.

19 Q. Okay. And when you get in there, what are you --
20 what were you looking for?

21 A. When we set up a persona and put it in a chat room,
22 we just sit back and wait for people to talk to us. We
23 just put -- we just join a chat room and literally sit
24 back and just wait and wait for somebody to approach us
25 and talk to us. That's what we'll do.

1 Q. Okay. All right. And -- okay. And one of the
2 things you, you testified to at the very beginning of
3 what you said is that during this time in order to
4 identify Charles Harris, you pretty much just looked at
5 what he said.

6 A. Yes, sir.

7 Q. He was -- it would appear to me and what it looked
8 like, he wasn't hiding anything he was letting you know
9 who he was?

10 A. Yes, sir.

11 Q. As a matter of fact, that would have been rather
12 unusual, wouldn't it?

13 A. Yes, sir. It really would. That much, yes, sir.

14 Q. Yes. Because you said a while ago also that one of
15 the things in order to try to find out who some of these
16 people are you have to go through and get certain -- a
17 special type of subpoena?

18 A. Yes, sir. If you don't have enough information,
19 yes, sir.

20 Q. And as I understand it, that subpoena is where you
21 are able to get Yahoo! to give you all the information
22 they have concerning anyone who has opened up a profile
23 and using the chat room; is that correct?

24 A. A certain screen name, yes, sir.

25 Q. Yes. And that's what you start with and it says

1 give me all the information you've got on that?

2 A. Yes, sir.

3 Q. And then you are able to begin tracking where that
4 person is originating his chats or her chats or
5 whatever?

6 A. Yes, sir.

7 Q. All right. Now, I'm ashamed to say I got my first
8 degree in electronics and I worked on some of the first
9 computers that were bigger than this courthouse, I
10 think. And I still don't have a clue. But as I
11 understand it, every computer that ends up on line
12 actually has an identifying number that you can get
13 ahold of the way you said.

14 A. Yes, sir.

15 Q. And by doing that you can pretty much track down
16 where it's coming from?

17 A. Yes, sir.

18 Q. And that allows you to be able to go out and find
19 someone who is online in that chat room that you feel is
20 doing something inappropriate?

21 A. Yes, sir.

22 Q. But in this case you didn't have to go that far?

23 A. No, sir.

24 Q. As a matter of fact, you were able to -- I think
25 the last chat was at -- I wrote it down -- on March the

1 16th of '07 at 6:48 p.m.?

2 A. Correct.

3 Q. Right. And you were able to get there and arrest
4 him before 2 o'clock in the morning?

5 A. Yes, sir.

6 Q. Do you remember about what time it was you got to
7 his house?

8 A. I have no idea. I don't recall. I can't tell you
9 roundabout.

10 Q. About how long were you at his house?

11 A. Not very long.

12 Q. And then you came back from - did you go to the
13 Anderson County jail first?

14 A. No, sir.

15 Q. Or did you come straight back here?

16 A. Straight back to Oconee.

17 Q. Came straight to Oconee. All right. So in order
18 to find out who this person was you were able to go
19 through look at the chats, he didn't hide anything?

20 A. No, sir.

21 Q. Gave his age, gave, even gave his right birth date?

22 A. Yes, sir.

23 Q. He gave how many children he had, even their names
24 and ages?

25 A. Yes, sir.

1 Q. He, again, talked about the kind of car he had,
2 kind of bragged about it?

3 A. Yes, sir.

4 Q. As a person with a, what was it, a Z-28?

5 A. Yes, sir.

6 Q. I like the way he said it in there.. It said, is
7 that a fast car? He says, yessssss. That's the way a
8 person brags about his car, right?

9 A. Yes, sir.

10 Q. Okay. So he wasn't a person trying to hide behind
11 false statements or anything made up? He wasn't trying
12 to create some illusionary person? He was being who he
13 is?

14 A. Right.

15 Q. Okay. Now, going again through the, through the
16 chat, and let me, if I may, I'm going to hand you
17 State's 1 and 3 just so you will have them there to
18 refer to.

19 A. Yes, sir.

20 Q. I've got my copy. I'm looking on the second page
21 of the March the 15th, okay?

22 A. Yes, sir.

23 Q. And we get down there to, if you will look, March
24 15th, 4:42:14, about a third of the way down.

25 A. 4:42:13?

1 Q. 4:42:14, excuse me.

2 A. Okay. Yes, sir.

3 Q. Where it starts talking, it said something about a
4 boyfriend up there.

5 A. Right.

6 Q. Don't know that, okay? I'm too old, laughing out
7 loud.

8 A. Right.

9 Q. So this was an opportunity for Charles to in effect
10 put himself forward as I'll be your boyfriend.

11 A. Right.

12 Q. But he didn't do that, did he?

13 A. He didn't ask to be my boyfriend, no, sir.

14 Q. Right. Didn't ask you to, to want to create that
15 kind of relationship at that point. Didn't say I'll be
16 your boyfriend or let's be boyfriend, let me be your
17 boyfriend.

18 A. During the chat?

19 Q. Yeah.

20 A. Well, he asked to have sex with me.

21 Q. What?

22 A. He asked to have sex with me.

23 Q. No. I'm talking about -- I don't see that right
24 there.

25 A. You are talking about right there at the entity?

1 Q. Yes, sir.

2 A. No, sir.

3 Q. And then further down, and I'm looking around the
4 4:26:28 p.m., which is just over halfway?

5 A. Uh-huh.

6 Q. Okay. Talking about something about being 13.

7 Then says, there are a lot of guys that are looking for
8 one thing.

9 A. Right.

10 Q. What's that? Just sex. Oh my God. Whatever.

11 Well, they're out there. Okay? You be careful. She
12 said, Amy, I'll be careful, but I'm not like that at
13 all.

14 A. Right.

15 Q. He's giving a warning, is he not?

16 A. Yes, sir.

17 Q. Okay. And then he moves into, again, identifying
18 himself where he talks about his children and how old
19 they are and their names, et cetera?

20 A. Uh-huh.

21 Q. The fact he had girls, no boys?

22 A. Yes, sir.

23 Q. And then over on the next page, if I may up there
24 at the top, it asks him where do you live? I live in
25 Anderson.

1 In a chat room you can pretty much pick anyplace in
2 the world you want to live if you want to.

3 A. Right.

4 Q. That's true because it's the anonymity of the thing
5 that creates these illusions, right?

6 A. Yes, sir.

7 Q. Okay. Then he gets down also again about halfway
8 down, he even gives his birthday as to -- and his birth
9 date of July 18th, birthday is coming up, et cetera.
10 Then he gets down there and you ask him, what kind of
11 car you drive? And he gets into that Z-28 again.
12 That's where he's talking about describing his car.

13 A. Yes, sir.

14 Q. Yeah. Color, everything. And then that ends that
15 day.

16 A. Yes, sir.

17 Q. All right. Then we go onto the 17th. We start
18 looking there and it's back and forth chatting, rain, et
19 cetera. Then I look down here at 12:14:06 on March the
20 16th about right at halfway. Do you see that?

21 A. Uh-huh.

22 Q. And you say, what you want to do?

23 A. Right.

24 Q. So you opened the conversation what you want to do?

25 A. No, sir. He opens it up on 12:13:28 when he says

1 not too much. I'm looking for something to do.

2 Q. Okay. And you're asking, what you want to do?

3 A. Right.

4 Q. All right. You are getting that conversation,
5 you're pulling that towards you, what do you want to do,
6 right?

7 A. After he opens it up, yes.

8 Q. Okay. And then down at the very, very bottom of
9 that page, the chats go back and forth. And I'm looking
10 at, let's say the 12:17:43, about five or six up from
11 the bottom?

12 A. Yes, sir.

13 Q. Do you see that?

14 A. Uh-huh.

15 Q. You say, I couldn't care less, I'm just bored.

16 A. Right.

17 Q. Mr. Lover: I -- you might care. You say, why
18 should I care? And then he says, I'm a lot older. You
19 say, I don't care about that. And then he says, yeah,
20 but it's not right. You then say, whatever. That's
21 stupid. Yeah, I know that. But what? Still not right
22 for me to think about you like that. He is still
23 staying back.

24 A. Right.

25 Q. Okay. Now, excuse me just a second.

1 Okay. And down when we look at, if you would,
2 12:28:54 which is about a fourth of the way up from the
3 bottom?

4 A. Uh-huh.

5 Q. Got that?

6 A. Yes, sir.

7 Q. Okay. It says, I never met my dad. Now, another
8 place in here you talk about mom and dad gone to work.

9 A. Maybe. No. It says he asked me where my mom and
10 dad are at and I said I don't know. He said don't know
11 you. And this is still on 3-16. It goes, I don't know
12 my dad and mom just left for work.

13 Q. Okay.

14 A. And that's where I said I've never met my dad.

15 Q. Okay. Look over and go over to the next page, if I
16 may.

17 A. Uh-huh.

18 Q. I'm looking like on 3-16 at 12:40:06. Here you
19 have conversations about seeing a person, a man nude.

20 A. Right.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. And he says there at the 12:4 he says, there are a
24 lot of nuts out there. Again, another warning; is that
25 correct?

1 A. Uh-huh. Yes, sir. Because he just asked if I ever
2 seen a man nude.

3 Q. Uh-huh. And then down at that very last line,
4 Mr. Lover says, what do you want to see?

5 A. Uh-huh.

6 Q. Come back. You say sure. And he says, my face.
7 Sure. You are cute.

8 Now, the only picture that Charles Harris ever did
9 anything on was that one that we got here, right?

10 A. Yes, sir.

11 Q. That's right. There were no pictures of private
12 parts of his body or anything of that nature?

13 A. No, sir.

14 Q. He never did that. He never offered to do that,
15 did he?

16 A. No, sir.

17 Q. Okay. All right, sir. I'm going to the next page,
18 if I may.

19 A. Okay.

20 Q. And I think -- let's see -- we'll look about a
21 third of the way down, if I may, and that's at 1:01:32.

22 A. Okay.

23 Q. Got that? You say, I'm ready. He says, you think
24 you are. You say, yeah. He says, okay. Where do you
25 want to meet at? You can pick me up at my house. Yes,

1 I can.

2 He talks about where he lives, gave an address,
3 description on where it is.

4 A. Yes, sir.

5 Q. Never showed up, did he?

6 A. No, sir.

7 Q. Where were you at that time when this meeting was
8 supposed to take place?

9 A. Between -- I was at the Sheriff's Office.

10 Q. Okay. Did you go to the house to wait for him to
11 show up?

12 A. I had other Deputies at the house. That house is a
13 house owned by a Sheriff's Deputy.

14 Q. Owned by who?

15 A. It's a vacant house owned by a Sheriff's Deputy.

16 Q. Oh, okay. That makes sense. So there were other
17 deputies that were there?

18 A. Yes, sir.

19 Q. I was trying to figure out how you were going to
20 continue the chat room while you were sitting in your
21 car.

22 A. I understand.

23 Q. I didn't know the County had that kind of
24 capability. That's pretty good. Anyway.

25 Okay. So there were other deputies there that were

1 just waiting?

2 A. Yes, sir.

3 Q. He never showed up?

4 A. No, sir.

5 Q. Okay. All right. Then he again talks about the
6 car but doesn't show up.

7 A. Uh-huh.

8 Q. I'm leaving now, et cetera. Never came, okay?
9 Then it picks up again at 7:26 in the evening. I think
10 that's the next to the last page.

11 A. Yes, sir.

12 Q. Where it says, show recent message up at the top?

13 A. Yes, sir.

14 Q. Okay. 7:26. Yeah, I think I got lost. Well, I've
15 been waiting. Where you been? I was there. Did you go
16 behind Hardee's? Yeah. Then he starts talking again
17 about meeting again; is that correct?

18 A. Yeah. For the record, can we just get the time
19 right? It's actually 3:07:26, 26 seconds.

20 Q. Oh, I'm sorry, you're right. I was looking at the
21 last 57. 3:07, you're correct.

22 A. I just wanted to make sure that was right.

23 Q. Yes. I keep reading those numbers. 3:07:26, yes.
24 Then within a few minutes talking about you say, you
25 sure you're not messing with me?

1 A. Uh-huh.

2 Q. Right?

3 A. Yes, sir.

4 Q. Then start talking about getting together again.
5 This time still nobody shows up.

6 A. Right.

7 Q. Okay. So and, again, this is another one where the
8 deputies were down watching the house?

9 A. Yes, sir.

10 Q. Okay. And still nobody shows up?

11 A. Right.

12 Q. After that there was no more, no more contact.

13 A. No, sir.

14 Q. All right. So now he hasn't shown up and tried to
15 set up something and two times he never shows up,
16 correct?

17 A. Yes, sir.

18 Q. And that's when you went, as I understand it, to a
19 magistrate and asked for a warrant?

20 A. Yes, sir.

21 Q. And then you took off for Anderson because you
22 already were able to determine where he lived. Did you
23 call to have Anderson deputies go there first?

24 A. Yes, sir.

25 Q. And what was the purpose of that, just to watch to

1 see if he leaves?

2 A. That and to identify the vehicle and the house that
3 coincided with the DMV picture and the DMV records that
4 we found to match up Mr. Harris with Mr. Lover love me.

5 Q. Okay. All right. When you got there, who all did
6 you speak to at the house?

7 A. I only spoke to Mr. Harris.

8 Q. Okay. Who else was there?

9 A. I think there was a, I think there was a daughter
10 there, one of his daughters.

11 Q. Okay. And who all did you have with you when you
12 got there?

13 A. Sergeant Gentry Hawk was with me from the Ocone
14 County Sheriff's Office, Investigator McKindra Bearden
15 with the Anderson County Sheriff's Office, and I believe
16 there was an Anderson County Deputy that identified the
17 car for us was there as well.

18 Q. Okay. Now, I take it Gentry didn't participate in
19 any of this, Gentry Hawk?

20 A. He sat in on the interview and was with me during
21 the investigation.

22 Q. Okay. Now, the interview you are talking about at
23 the jail?

24 A. No. At the Sheriff's Office.

25 Q. At the Sheriff's Office I mean. Down at the Law

- 1 Enforcement Center?
- 2 A. Yes, sir.
- 3 Q. Okay. Who spoke to the daughter?
- 4 A. I don't recall.
- 5 Q. All right. Was she in the room with you when you
- 6 made the arrest?
- 7 A. I don't remember.
- 8 Q. Okay. About how long were y'all at the house? Do
- 9 you remember? I think I asked you that before.
- 10 A. It was a very short period of time. I remember we
- 11 weren't there very long at all.
- 12 Q. All right. And then you traveled back to Ocone?
- 13 A. Yes, sir.
- 14 Q. And did Mr. Harris, was he in your car?
- 15 A. I would imagine so.
- 16 Q. All right. As best you remember?
- 17 A. Yeah. As best I remember, he was with us.
- 18 Q. All right, sir. Now to get back to the jail, I say
- 19 the jail because I'm used to that as the building.
- 20 A. Same building.
- 21 Q. Yeah. Law Enforcement Center?
- 22 A. Yes, sir.
- 23 Q. As my wife says, if she wants to spend more time
- 24 with me she needs to get arrested. I spend too much
- 25 time at the jail.

1 When you got Mr. Harris you -- I take it they
2 processed him in, filled out all of the paperwork?

3 A. That was after we talked to him and after all that,
4 yes, sir.

5 Q. Oh, instead of processing him in at the jail you
6 took him upstairs?

7 A. Yes, sir. We parked upstairs and went straight in
8 to an interview room.

9 Q. Oh, okay. And you say you were in an interview
10 room. Can you -- have you got some -- in thinking back
11 on it now, about how long y'all were actually in the
12 interview room?

13 A. Maybe 20, 30 minutes. It wasn't long at all.

14 Q. Okay. And during this 20, 30 minutes, that's where
15 you got the record of interview from?

16 A. Yes, sir.

17 Q. All right. While you were in there the 20 to 30
18 minutes, I assume y'all did not just sit there and stare
19 at each other.

20 A. No, sir.

21 Q. Okay. Because I looked at this and if I read
22 through this and don't read fast, it'd take about a
23 minute to read it.

24 A. Right.

25 Q. So for the rest of the time that you were in there,

1 did you ever take time to take this and write out a
2 statement of what he says he said and hand it to him and
3 see if he wants to read it over, look at it and see if
4 that's correct and sign it or make corrections on it?

5 A. No, sir.

6 Q. Did you record it in any way?

7 A. No, sir.

8 Q. All right. And you were there at the Sheriff's
9 Department?

10 A. Yes, sir.

11 Q. And I believe they have recording devices there
12 that they use sometimes?

13 A. Of course, yes, sir.

14 Q. Okay. And out of that 20 to 30 minutes, this is
15 all you came up with?

16 A. Yes, sir. (Shows Witness handwriting statement.)

17 Q. Okay. All right, sir. Do you remember speaking to
18 Charles's father? I believe he spoke to you at the, I
19 believe it was the Law Enforcement Center.

20 A. That night?

21 Q. I don't think it was that night. I think it was
22 probably the next day.

23 A. I remember somebody came up to the Sheriff's
24 Office. I don't remember who it was, though.

25 Q. All right.

1 A. That's been five years ago.

2 Q. Yeah. Do you remember whether there was two
3 people, his father and his brother?

4 A. No, sir. I don't remember how many people there
5 was.

6 Q. But you do remember, there is a recollection that
7 you spoke to someone?

8 A. Yes, sir. Yes, sir.

9 Q. All right. Do you remember what the gist of that
10 conversation was? The reason I ask is because the
11 father will testify that he spoke to you up there, came
12 up and spoke to you. I think it might have been a time
13 when they were trying to figure out how to get him out
14 of jail.

15 A. Okay.

16 Q. Things of that nature. And spoke to you. As a
17 matter of fact, he kind of said to me you were not what
18 he expected?

19 MR. ANDERS: Your Honor, we object.

20 MR. DAY: I'll withdraw that, okay?

21 BY MR. DAY:

22 Q. What he was saying was a lot nicer. Okay?

23 But that, do you remember saying to his father or
24 to his brother that you feel you may have made a mistake
25 in this particular case?

1 A. That I made a mistake?

2 Q. Yes.

3 A. Oh, no, sir.

4 Q. Or say that along with that he doesn't seem to be
5 the kind of person that you were looking for?

6 A. No, I don't recall saying that.

7 Q. Okay. Just a quick followup, if I can.

8 (Counsel confer off the record.)

9 BY MR. DAY:

10 Q. Deputy Bowling, let me show you very quickly, if I
11 can, what has been marked as Defendant's Exhibit Number
12 2.

13 A. Yes, sir.

14 Q. Now, this is not from 2007, needless to say.

15 A. Right.

16 Q. But is that similar to what the type of
17 regulations, rules?

18 A. Yes, sir. It's a general terms of service that you
19 would, that a website would want you to read over that
20 always has the little click at the bottom that says
21 accept to use this service or whatnot.

22 Q. Right. And I've got it marked down there in
23 yellow. That's the part that says you are supposed to
24 be 18?

25 A. Yes, sir.

1 Q. Okay. And that's similar. I'm not saying it's the
2 same one, certainly not from 2007, but that would be
3 similar to what it was?

4 A. Yes, sir. (Handing back.)

5 Q. And this is also certainly not from 2007?

6 A. Yes, sir.

7 Q. But that is something I got ahold of. That, I use
8 the term window or door, once you have set up you agreed
9 to this and set up e-mail and all that before you can
10 get online you kind of go through one of these to make
11 sure you are the right person who has signed up going
12 into the chat room. Would that be approximately
13 correct?

14 A. No, sir.

15 Q. Okay. What would?

16 A. Not in 2007.

17 Q. Okay.

18 A. In 2007 the only thing you had to do is to sign up
19 for Yahoo! and set up an account and then use Yahoo!.
20 Later, I don't know exactly what year, but later down
21 the road they started a little more security to get in
22 the chat rooms, but not in 2007.

23 Q. Oh, okay. Thank you.

24 (Whereupon, counsel confer off the record.)

25 (Whereupon, the Defendant conferred with counsel

1 off the record.)

2 MR. DAY: Give me just a second, if I may, Your
3 Honor. I think I'm about through.

4 All right. Your Honor, I believe that's all the
5 questions I have of this witness except that, having
6 identified Defendant's Number 2, I'd move to introduce
7 that for demonstrative purposes only, not being the
8 identical one from 2007, but for the purposes for
9 identification and for purpose of demonstration.

10 THE COURT: And you are moving for its admission?

11 MR. DAY: Yes, sir. And I imagine that's ---

12 THE COURT: All right. Any objection?

13 MR. ANDERS: Yes, Your Honor. We object to that.

14 THE COURT: I'll hear you on that later.

15 MR. ANDERS: Okay.

16 THE COURT: All right. Anything else on
17 cross-examine?

18 MR. DAY: No, Your Honor.

19 THE COURT: Redirect?

20 MR. ANDERS: Just briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. ANDERS:

23 Q. Officer Bowling, the Defendant contacted what he
24 believed to be a 13-year-old female on two occasions?

25 A. Yes, sir.

1 Q. He contacted you first?

2 A. Yes, sir.

3 Q. On both occasions?

4 A. Yes, sir.

5 Q. Did he ever have the opportunity to stop chatting
6 with you?

7 A. All the time. Any time he could have just stopped.

8 Q. And the defense attorney said something about
9 webcam and he never put his privates on a webcam. If he
10 had put his privates on the webcam, would that have been
11 a different charge?

12 A. Yes, sir, it would have.

13 Q. And you testified under oath today that no one
14 under 18 has ever used social media or has not used a
15 social chat room?

16 A. No, sir.

17 MR. ANDERS: All right. No further questions, Your
18 Honor.

19 THE COURT: Redirect? I mean recross?

20 MR. DAY: No, Your Honor.

21 THE COURT: Thank you very much. You may step
22 down.

23 (Whereupon, Witness leaves witness stand.)

24 THE COURT: Ladies and gentlemen, normally if a
25 case goes near 5:00 I try to break about 5:00.

1 (Whereupon, a recess was taken.)

2 THE COURT: All right. We're back in the case of
3 State of South Carolina versus Charles Monroe Harris.
4 It is my understanding we have completed the testimony
5 of the witness, Sergeant Bowling, and I now understand
6 that there is a motion by the Defendant.

7 MR. DAY: Yes, Your Honor. I move to introduce ---

8 THE COURT: Or a proffer by the Defendant.

9 MR. DAY: Defendant's Exhibit Number 2. We are not
10 proffering Number 1 because he testified that that is
11 not like it is or anything, not even -- he says somewhat
12 similar, but they didn't have to do that, so I'm not
13 gonna do that. But Number 2 where he says that it is
14 similar to content to the profile.

15 THE COURT: Did you have him identify that?

16 MR. DAY: Yes, sir, he did.

17 THE COURT: Did he?

18 MR. ANDERS: I don't believe so, Your Honor.

19 THE COURT: I don't remember him identifying it.

20 MR. DAY: I identified it to him. I showed him
21 Defendant's Exhibit Number 2 and had him look at it and
22 had him identify that. In fact, those, the profile -- I
23 mean, excuse me, the terms and conditions are the same
24 or similar to what they were in 2007 to get onto the
25 chat room and that's like it. And, again, with the

1 acknowledgment that these are not identical, not the
2 exact same ones to 2007, but are so similar that in fact
3 are similar ---

4 THE COURT: Let me hear Mr. Anders or Mr. Senn on
5 that.

6 MR. ANDERS: Your Honor, I don't believe the
7 witness identified the documents. They were just used
8 as demonstrative evidence to compare the 2007, at which
9 time I believe the witness said they were not like 2007.

10 THE COURT: All right. Well, maybe I'm getting a
11 little confused, which is not unusual. But you are only
12 offering this as demonstrative?

13 MR. DAY: Yes, sir.

14 THE COURT: So you know that does not go to the
15 jury.

16 MR. DAY: I understand.

17 THE COURT: All right. Well in that case, if there
18 is a foundation in the testimony that it is, you know,
19 relates to what was there. I don't remember him saying
20 there was any difference.

21 MR. ANDERS: Your Honor, I truly can't remember. I
22 thought, and I believe Officer Bowling he told me he was
23 speaking of the first document. But I'm not sure what
24 he said about the terms and conditions. Regardless,
25 it's already been used as demonstrative once.

1 THE COURT: But it has.

2 MR. ANDERS: Well, he had it in his hand. I
3 believe he read some of it to the jury, if I'm not
4 mistaken. Is that what happened?

5 THE COURT: He did?

6 MR. DAY: Yes, sir.

7 THE COURT: Discussion ended.

8 MR. ANDERS: I guess I should have objected
9 earlier.

10 THE COURT: That's just it. Like you say, it's in
11 and it's a little late to close the door. Except that
12 it does, from what I understand, consistently it has
13 been demonstrative, it is not evidence of anything in
14 this case other than what the general requirements were.

15 MR. DAY: Yes, Your Honor. We'd like -- we would
16 do that. And I think as a result of that I would ask
17 the Court if it would be proper then for the Court to
18 explain to the jury that that particular piece of
19 evidence is not from 2007, but is there to show similar.

20 THE COURT: All right. The Court does not comment
21 on facts.

22 MR. DAY: Oh, I understand, Your Honor.

23 THE COURT: So I'll leave that to the two of you.
24 Okay? If you use it, then of course Mr. Anders can
25 explain it.

1 MR. DAY: Oh, yes.

2 THE COURT: And obviously you are not gonna
3 misrepresent it, he can clarify it.

4 MR. DAY: If I don't say what's right I'm sure he
5 will.

6 THE COURT: Well, I mean, but therefore it also can
7 be subject to clarification inasmuch as it's not
8 proffered or offered as an accurate document.

9 MR. DAY: Yes, sir, that's correct. This is not
10 2007.

11 THE COURT: It's not a facsimile of anything. It
12 is demonstrative of what some of the terms would be.

13 MR. DAY: Yes, sir.

14 THE COURT: And if you don't explain that to them,
15 Mr. Anders and Mr. Senn ---

16 MR. DAY: And I'm sure they'll bring it to my
17 attention.

18 THE COURT: All right. Anything else? (No
19 response.)

20 All right. So I will admit what has been marked
21 previously and I guess it still is Defendant's Exhibit 2
22 for demonstrative purposes, it can be used.

23 MR. DAY: Right, sir. And we will not -- and at
24 this point I'm not putting in 1 and I don't think ---

25 THE COURT: If you don't put in 1, as I understand

1 it, nobody has validated it.

2 MR. DAY: I could have the witness who brought it
3 out. But because it was so far from where it was in his
4 testimony is not the same ---

5 THE COURT: Well, it has to be someone who can say
6 it was there and saw it.

7 MR. DAY: Yeah, I'm not gonna have that.

8 THE COURT: Well, that's what I'm saying. It will
9 just be, it will be a part of the record for
10 identification but not admitted.

11 All right. Anything else?

12 MR. DAY: No, sir.

13 MR. ANDERS: Not now, Your Honor.

14 THE COURT: All right. Thank you very much. And I
15 do hope that I'll be back by 11. By the way, you do
16 understand that you don't have to copy Danny and Danny
17 you don't have to copy Jason.

18 MR. ANDERS: Yes, Your Honor.

19 MR. DAY: And, Your Honor, for the record
20 Mr. Harris is on bond, a \$25,000 surety bond. I ask him
21 to be allowed to continue on bond.

22 THE COURT: And I understand he has made all
23 appearances except for one when they told him to go home
24 and he did.

25 MR. DAY: Yes, sir.

1 This is Tuesday, August 14, 2012, Oconee County
2 General Sessions, Judge Macaulay. Day two of the State
3 v. Charles Harris.

4 MR. ANDERS: Your Honor, the State rests.

5 THE COURT: That's what I was going to ask you.
6 Why don't we go ahead and rest on the record before we
7 bring the jury back. That way we won't have to send
8 them out, and then Mr. Day can make your motions, and
9 whatever the results of your motions are, we bring the
10 jury out and either proceed or dismiss them anyway. But
11 in other words, for the record we'll do that.

12 All right. We're back on the record in the case of
13 the State of South Carolina versus Charles Monroe Harris
14 2007-1081. I've received this morning copies of the
15 proposed charges from both the State and Defendant and I
16 will consider them in preparing the charges when we do
17 go to the jury.

18 Now, is there anything from the State before we
19 proceed?

20 MR. ANDERS: Your Honor, nothing further from the
21 State except that the State rests.

22 THE COURT: The State rests. All right. Any
23 motions, Mr. Day?

24 MR. DAY: Yes, Your Honor. Your Honor, we would
25 move for a directed verdict on the charges against the

1 Defendant under the indictment in that we feel that the
2 State has failed to prove or present sufficient evidence
3 to support the charge as set forth in the indictment.
4 In this regard, the testimony of the State has been that
5 the Defendant was in a chat room which called for you to
6 be 18 years of age, to be in there, and that the only
7 thing they found and they've testified to is that the
8 Defendant used a line that says do you want to have sex?
9 At no time did it ever go into anything else that's
10 covered under the statute which the Court has already
11 alluded to concerning the charge to the jury, et cetera,
12 that there is nothing to do with what's under 375 (5) of
13 all of the things it says is sexual activity.

14 The only thing that came in is what the Court said.
15 And we would submit that even though it says that under
16 375 (a), I believe it is where it states that it is --
17 let me get my statute back out in front of me. That the
18 sexual activity has to do with vaginal, anal, or oral
19 intercourse. We would submit to Your Honor that the
20 evidence as submitted by the State so far has failed to
21 get to that point, that that is what the Defendant
22 requested of anything or anyone in this regard.

23 We would submit that using the word just plain sex,
24 and there's no follow-up, no prelude to it or anything
25 else that would indicate that there was a fleshing out

1 so to speak of all of this. And I would submit to the
2 Court that that is insufficient to support the
3 requirements of the State to all the elements and
4 present that to the jury, that that fails in that
5 regard.

6 We would ask the Court since it requires knowingly
7 and intentionally of doing these things that it just
8 doesn't quite all add up and as a result, the Court
9 should grant a directed verdict.

10 THE COURT: All right. Mr. Anders?

11 MR. ANDERS: Thank you, Your Honor.

12 THE COURT: Or Mr. Senn?

13 MR. ANDERS: Your Honor, we feel that there is
14 sufficient evidence to go forward. At this stage we're
15 not concerned about the weight of the evidence, but just
16 the existence of the evidence. We have introduced
17 evidence that he was over the age of 18; that he
18 contacted what he believed to be a minor, a 13-year-old.
19 On two occasions he did ask for sex. Sex is sex. And
20 it's either as defined vaginal, anal or orally, Your
21 Honor. And we, we just feel that we've met our burden
22 really with every element under the statute that's in
23 the indictment. We would just ask that we feel that
24 there is sufficient evidence to go forward, Your Honor.

25 MR. DAY: If I may just very briefly, Your Honor?

1 THE COURT: Yes, sir.

2 MR. DAY: You heard where he says where the
3 Defendant believed. We believe, we think, and we submit
4 to the Court that is one of the real issues here is they
5 have failed to provide evidence that he believed that.
6 And we would submit then to the Court that that is where
7 the failure is. They have to prove that and that they
8 have failed to prove that he believed it.

9 THE COURT: Thank you.

10 MR. ANDERS: Your Honor, and we would just -- we
11 believe that's a jury question. At no point did he ever
12 say anything about any age other than 13. You know,
13 there were several instances where he says well you're
14 only 13. He says that many times. And I believe that's
15 a question for the jury, Your Honor.

16 THE COURT: All right. As we all know on a
17 directed verdict motion, that the Court shall consider
18 only the existence or non-existence of evidence and not
19 its weight which is, of course, Rule 19 of the Rules of
20 Criminal Procedure.

21 All right. Inasmuch as the law that is at issue,
22 Section 16-15-342 speaks of criminal solicitation of a
23 minor to engage or participate in sexual activity
24 apparently has been found to be not overbroad or vague,
25 and then more specifically refers to the definitions in

1 Sections 16-15-375-5 as to what sexual activity is. And
2 the Court as noted, has been somewhat reluctant to not
3 include anything that might exceed the testimony here.
4 But the testimony, according to the record, is that
5 asked about sex. Sex apparently is a term that is not
6 only specifically defined but also reasonably understood
7 as being certain activities.

8 In other words, that is something for the jury to
9 determine, was sex used in some other way than as the
10 two statutes refer to. So I'm going to deny the motion
11 for summary judgment. I find there is sufficient
12 evidence to go forward to the jury.

13 All right. Anything else before we proceed from
14 the State?

15 MR. ANDERS: Nothing further, Your Honor.

16 THE COURT: All right. Mr. Day, do you have
17 anything?

18 MR. DAY: Your Honor, the Defendant will be
19 presenting witnesses.

20 THE COURT: All right. Will the Defendant be
21 testifying or should I ---

22 MR. DAY: That's not a determination we have made
23 yet. We may ask the Court ---

24 THE COURT: All right. Just tell me if there is
25 something that you want me to, at a time that you feel

1 that I should, advise the Defendant of his
2 Constitutional rights.

3 MR. DAY: Well, we just haven't made that decision
4 yet. We thought we had, but we're looking at it again.
5 So what I thought I'd do is wait until that point in
6 trial where he wants to testify we would ask the Court
7 to do the Fifth Amendment advisory of rights.

8 THE COURT: Very good. All right. Anything else?

9 MR. ANDERS: Nothing from the State, Your Honor.

10 THE COURT: From the Defense?

11 MR. DAY: None, Your Honor.

12 THE COURT: All right. What I'll do is I'll bring
13 the jury and Mr. Anders will rest on the record and I'll
14 recognize Mr. Day for his first witness.

15 All right. If you would please ask the jury to
16 join us.

17 (The Jury entered the courtroom at approximately
18 11:28 a.m.)

19 THE COURT: All right. Let the record reflect the
20 jury and the alternates are in the jury-box.

21 Mr. Foreman, ladies and gentlemen of the jury, we
22 will now continue with the trial of the case and I will
23 recognize Mr. Anders.

24 MR. ANDERS: Thank you, Your Honor. The State
25 rests.

1 THE COURT: Very well.

2 Mr. Foreman, ladies and gentlemen of the jury, the
3 State having rested, now we will hear from the
4 Defendant.

5 Mr. Day?

6 MR. DAY: Thank you, Your Honor.

7 Your Honor, at this time the Defendant would call
8 Dorothy Harris. Dorothy Harris.

9 (Whereupon, Witness comes forward.)

10 THE CLERK: Ma'am, if you would please place your
11 left hand on the Bible and raise your right.

12 (Complies.)

13 Do you solemnly swear or affirm the testimony you
14 give the Court to be the truth, the whole truth, and
15 nothing but the truth?

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Please be seated. (Complies.)

18 THE COURT: All right. If you would please, ma'am,
19 give us your full name for the record spelling your last
20 name.

21 THE WITNESS: Harris, Helena Dorothy.

22 THE COURT: What is it?

23 THE WITNESS: Helena Dorothy Harris.

24 THE COURT: Helena Dorothy Harris?

25 THE WITNESS: Yes, sir.

1 THE COURT: Very good. Thank you, ma'am.

2 HELENA DOROTHY HARRIS,

3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DAY:

7 Q. All right. Ms. Harris, where do you live?

8 A. Fant Street. [REDACTED], [REDACTED], [REDACTED]

9 Q. That's in Anderson?

10 A. Anderson.

11 Q. Okay. And are you married?

12 A. Yes, sir.

13 Q. And who are you married to?

14 A. Charles Harris.

15 Q. How long have y'all been married?

16 A. Twenty-nine years.

17 Q. I understand at the present time y'all are
18 separated?

19 A. Yeah.

20 Q. How long have you been separated?

21 A. Over five years.

22 Q. Do you work?

23 A. No, sir.

24 Q. All right. Do you have children?

25 A. Yes, sir.

- 1 Q. With Mr. Harris you have children?
- 2 A. Yes, sir.
- 3 Q. How many?
- 4 A. Three.
- 5 Q. Okay. How old are they?
- 6 A. 29, 28, and 26.
- 7 Q. And I take it those children lived with y'all while
- 8 you were married?
- 9 A. Yes, sir.
- 10 Q. Those are children that y'all raised?
- 11 A. Yes, sir.
- 12 Q. What kind of -- during the time y'all have been
- 13 married, what kind of work has Charles done?
- 14 A. He's done plumbing, roofing, tree work, basket
- 15 work, just about anything.
- 16 Q. Now, y'all separated you say about five years ago?
- 17 A. A little over five years ago.
- 18 Q. I don't mean to be leading too much, but that was
- 19 just before the time when all of this happened?
- 20 A. Yes, sir.
- 21 Q. Okay. Now, when y'all separated, were there
- 22 children still at home?
- 23 A. Yes, sir.
- 24 Q. Who was that?
- 25 A. My youngest one.

1 Q. What's her name?

2 A. Sabrina [REDACTED].

3 Q. Sabrina. And when y'all separated where did
4 Sabrina stay?

5 A. With her daddy Charles Harris.

6 Q. Okay. And how old was she at that time?

7 A. Seventeen.

8 Q. The other two girls, what about them? Did they
9 live with you or were they out of the home?

10 A. They was already out of the home.

11 Q. Okay. All right. Ms. Harris, during the time, the
12 29 years y'all have been married and lived together for
13 approximately 24 years of that or more; is that correct?

14 A. Yes, sir.

15 Q. At any time did you ever have any inkling, idea
16 thought, fear, anything that any of your daughters might
17 be in danger of any inappropriate behavior by your
18 husband?

19 A. No, sir.

20 Q. At any time were you ever aware, brought to be
21 aware or thought of any kind of activity that would have
22 been improper by Mr. Harris towards his children?

23 A. No, sir.

24 Q. All right. Or any other girl?

25 A. No, sir.

1 Q. At any time?

2 A. No, sir.

3 Q. Now, I've asked you specifically about your
4 daughters and those same questions about anyone else,
5 any other teenage girl or whatever. Have you ever heard
6 any kind of inkling about that?

7 A. No, sir.

8 Q. What would happen if you had?

9 A. I wouldn't be here today. My kids are my world.

10 Q. All right.

11 MR. DAY: Please answer any questions Mr. Anders
12 may have.

13 CROSS-EXAMINATION

14 BY MR. ANDERS:

15 Q. Good morning Ms. Harris?

16 A. Good morning.

17 Q. What is your relationship with Mr. Harris?

18 A. Friends.

19 Q. Friends?

20 A. Yeah.

21 Q. You're still technically married?

22 A. Yes, sir.

23 Q. Okay. How many children does Mr. Harris have?

24 A. Three. I have four, but he's got three.

25 Q. Okay. Do you love the Defendant?

1 A. I'm not in love with him, but I'll always love him.
2 He's the father of my kids.

3 Q. Okay. Were you with Mr. Harris on March 15th and
4 16th, 2007?

5 A. No, sir.

6 Q. Were you in the house?

7 A. No, sir.

8 Q. You don't want to see him get into trouble, do you?

9 A. Well, I don't want to see him go down the road for
10 something I know he didn't do.

11 Q. Okay. But you have -- you care about him?

12 A. Yeah.

13 MR. ANDERS: Okay. No further questions, Your
14 Honor.

15 THE COURT: Redirect?

16 MR. DAY: I don't think I have any more questions,
17 Your Honor. Thank you.

18 THE COURT: You may step down. Thank you, ma'am.
19 (Whereupon, the Witness leaves witness stand, but
20 stays in courtroom.)

21 MR. DAY: Before I call the next witness I want to
22 explain to Ms. Harris that she can stay or go back out.

23 THE COURT: All right. I will explain to the
24 Witness that if you do stay and hear other testimony you
25 cannot be re-called as a witness. Do you understand?

1 THE WITNESS: Okay.

2 THE COURT: Very good. Thank you, ma'am.

3 MR. DAY: I call Sabrina Harris.

4 (Whereupon, Witness comes forward.)

5 THE CLERK: If you would place your left hand on
6 the Bible and raise your right hand. (Complies.)

7 Do you swear or affirm the testimony you give the
8 Court will be the truth, the whole truth, and nothing
9 but the truth?

10 THE WITNESS: I do.

11 THE CLERK: Please be seated.

12 THE COURT: If you would, please ma'am, give us
13 your full name for the record spelling your last name.

14 THE WITNESS: Sabrina H. [REDACTED] [REDACTED] [REDACTED]

15 THE COURT: Thank you, ma'am.

16 SABRINA H. [REDACTED],

17 having been first duly sworn, was examined and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DAY:

21 Q. All right. Ms. H. [REDACTED], what's your relation to
22 Charles Harris?

23 A. I'm his daughter.

24 Q. As I understand it from your mom and talked to you,
25 when your mom and dad separated you remained in the

- 1 house with your dad; is that correct?
- 2 A. Yes, sir.
- 3 Q. Do you still live there?
- 4 A. No, sir.
- 5 Q. Are you married?
- 6 A. No, sir.
- 7 Q. Do you got children?
- 8 A. Yes, sir.
- 9 Q. I noticed that the other day. What is that?
- 10 A. She's a four-month-old daughter.
- 11 Q. And are you employed?
- 12 A. No, sir.
- 13 Q. Where did you go to school?
- 14 A. West Side High School.
- 15 Q. Any other schooling?
- 16 A. No, sir.
- 17 Q. You grew up in the home with Charles; is that
- 18 correct?
- 19 A. Yes, sir.
- 20 Q. And as I understand it, your older sisters -- with
- 21 the older sisters?
- 22 A. Yes, sir.
- 23 Q. Okay. A couple of things, if I may. First of all,
- 24 just some background. During the time in which you
- 25 lived in the home, at any time did your father act

1 inappropriate towards you?

2 A. No, sir.

3 Q. Your sisters?

4 A. No, sir.

5 Q. Any other girls, you know, teenage girls of any
6 kind?

7 A. No, sir.

8 Q. Did you ever have any inkling, thought, anybody
9 bring anything to your attention like that?

10 A. No, sir.

11 Q. Now, back in March of 2007 you were living at home?

12 A. Yes, sir.

13 Q. And do you remember the night when the deputies
14 came to the house?

15 A. Yes, sir.

16 Q. Do you remember speaking to those deputies?

17 A. Yes, sir.

18 Q. Who all do you remember being there? Do you
19 remember?

20 A. It was him and one other gentleman.

21 Q. When you say him, you're talking about Bowling?

22 A. Yes, sir.

23 Q. And one other person?

24 A. Yes, sir.

25 Q. Anyone else?

1 A. No, sir.

2 Q. Okay. When they came in the house what happened?

3 A. They said that they was there to arrest my father
4 and I asked why.

5 Q. And what did they say?

6 A. And they told me for talking to ---

7 MR. ANDERS: Objection, hearsay.

8 THE COURT: Well, I think it was a State agent, was
9 it not?

10 MR. DAY: Yes, sir.

11 THE COURT: All right. Overruled.

12 BY MR. DAY:

13 Q. Okay. And what did they say?

14 A. They told me they was there to arrest my father.

15 Q. And for what?

16 A. For being on a computer talking to a minor.

17 Q. Okay. After they said that, what happened as far
18 as you are -- happened with you? What did you do?

19 A. Well, I started crying and I went into the room and
20 talked to the officer.

21 Q. Which officer?

22 A. That officer, Mr. Bowling.

23 Q. Officer Bowling?

24 A. Yes, sir.

25 Q. And what did Officer Bowling say to you?

1 A. That he tried to set up meetings to meet with my
2 dad and he refused to meet him, so he came and arrested
3 him because he was talking to a minor on the computer.

4 Q. Did he say anything else?

5 A. No, sir.

6 Q. Did he say anything about the reason he had to come
7 was he was mad because he didn't show up?

8 A. He said he didn't show up at the meetings he set up
9 so he come to arrest him; that he waited for him to show
10 up and he never showed up.

11 Q. Okay. Now, during the time you were there, and you
12 were living in the home at this time?

13 A. Yes, sir.

14 Q. Were you aware of your father being in a chat room,
15 this chat room or anything?

16 A. No, sir. I had just got off of work. I was
17 working at Burger King.

18 Q. Okay. If I may, just so I can save the Attorney
19 General the bother I reckon, do you love your daddy?

20 A. Yes, sir, I do.

21 Q. Okay. Do you want to help him?

22 A. No. I'm here to tell the truth. If it helps him,
23 it helps him. If it don't, it don't.

24 Q. Do you understand you are here to tell the truth?

25 A. Yes, sir.

1 Q. You placed your hand on the Bible?

2 A. Yes, sir.

3 Q. Okay. Has anything you told me been told to you to
4 say or suggested to you in any way?

5 A. No, sir.

6 Q. Okay. Please answer any questions Mr. Anders may
7 have.

8 A. Yes, sir.

9 THE COURT: Cross-Examination?

10 CROSS-EXAMINATION

11 BY MR. ANDERS:

12 Q. Good morning Ms. [REDACTED].

13 A. Good morning.

14 Q. Mr. Harris is your father?

15 A. Yes, sir.

16 Q. And you were living with him March 15th and 16th,
17 2007?

18 A. Yes, sir.

19 Q. Were you living with your dad when he was on the
20 internet?

21 A. No. Most of the time I was working.

22 Q. Okay. So you weren't there?

23 A. No. I was there when he got arrested.

24 Q. Okay. You weren't there when he was in the Yahoo!
25 chat room, correct?

1 A. No.

2 Q. Okay.

3 A. He's been on the computer, but I don't know what he
4 was doing on there. I don't ask him.

5 Q. You weren't in the room?

6 A. That's his business. I don't ---

7 Q. I understand. And as the defense attorney said you
8 love your dad?

9 A. Yes, sir.

10 Q. And you don't want to see him get in trouble, do
11 you?

12 A. No, sir.

13 MR. ANDERS: Okay. No further questions, Your
14 Honor.

15 THE COURT: Re-exam?

16 MR. DAY: I would have no further questions. I
17 would ask the witness be advised whether she wants to
18 leave the courtroom or not.

19 THE COURT: Ms. [REDACTED], if you testify -- once you
20 have testified you either have to go out or you can
21 remain in the courtroom, but if you do remain in the
22 courtroom you cannot be re-called. Do you understand?

23 THE WITNESS: Yes, sir.

24 THE COURT: Very good. Thank you, ma'am.

25 THE WITNESS: Thank you.

1 (Whereupon, Witness leaves witness stand but stays
2 in courtroom.)

3 MR. DAY: I call Candace Roberts.

4 (Whereupon, Witness comes forward.)

5 THE CLERK: If you'll Place your left hand on the
6 Bible and raise your right. (Complies.)

7 Do you swear or affirm the testimony you give the
8 Court to be the truth, the whole truth, and nothing but
9 the truth?

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Please be seated. (Complies.)

12 THE COURT: If you would please give us your full
13 name for the record spelling your last name.

14 THE WITNESS: Candace Michelle Roberts,
15 R-o-b-e-r-t-s.

16 THE COURT: Thank you, ma'am.

17 CANDACE MICHELLE ROBERTS,

18 having been first duly sworn, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. DAY:

22 Q. Hi. Ms. Roberts, how old are you?

23 A. I'm 20 years old.

24 Q. All right. Are you in school?

25 A. Yes, sir.

- 1 Q. Where do you go to school?
- 2 A. Tri-County Technical College.
- 3 Q. What are you studying?
- 4 A. Criminal Justice.
- 5 Q. What are you looking to do with that?
- 6 A. I'm going to be a police officer and then transfer
- 7 into forensics.
- 8 Q. You like getting into forensics?
- 9 A. Yes, sir.
- 10 Q. And how long have you been at Tri-County going to
- 11 school?
- 12 A. August of 2010.
- 13 Q. Excuse me?
- 14 A. August of 2010.
- 15 Q. Okay. Getting close to finishing?
- 16 A. Yes, sir.
- 17 Q. Okay. Now, what is your relationship to Charles
- 18 Harris?
- 19 A. Him and my mother date.
- 20 Q. All right. I've been given too many girls names
- 21 here. So you and Cindy, Cindy is your mother?
- 22 A. Yes, sir.
- 23 Q. And Cindy and Robert date?
- 24 A. Yes, sir.
- 25 Q. Now, did you actually live in the home with

1 Charles?

2 A. I did.

3 Q. About how long?

4 A. From 2009 until March of 2012.

5 Q. And then so you're no longer living at that house?

6 A. No, sir.

7 Q. Okay. Now, during the time in which you lived
8 there, you said starting in 2009 you were how old?

9 A. I was 14 about to turn 15.

10 Q. And you stayed there through high school. Where
11 did you go to high school?

12 A. West Side High School.

13 Q. So you stayed there until you got out of high
14 school and how long after that did you move out?

15 A. I graduated in June of 2010 and I stayed until
16 March of 2012.

17 Q. Now, during the time in which you were living with
18 Charles -- do you have sisters?

19 A. I do.

20 Q. Were they living there too?

21 A. Two of them were.

22 Q. Two?

23 A. Two of them were.

24 Q. Okay. And how old are they?

25 A. Samantha is 14 and Brittany -- or Samantha is 15

1 now and Brittany is 16.

2 Q. Okay. And all of y'all lived there in the house?

3 A. We did.

4 Q. At any time while you or your sisters lived there,
5 were you ever aware of or had any inkling, thought or
6 anything that Charles was acting inappropriate towards
7 your sisters?

8 A. No, sir.

9 Q. Towards you?

10 A. No, sir.

11 Q. Okay. Were you the last one to move out of the
12 house or were the other girls still there or what?

13 A. Samantha and Brittany both still live there.
14 They're both still in high school.

15 Q. All right. How do you feel towards Charles Harris?

16 A. I haven't had a dad since I was nine years old.
17 He's probably the closest thing I have to a dad, so he's
18 been there more in the last five years than my dad ever
19 has, so...

20 Q. You feel strongly towards him?

21 A. I do.

22 Q. Okay. Has anybody suggested to you, asked you or
23 in any way told you what you should testify to today?

24 A. No, sir.

25 Q. Are you here to tell the truth?

1 A. I am.

2 Q. As part of your studies in criminal justice, you
3 learn about the court system and witnesses?

4 A. I have.

5 Q. And presenting of testimony?

6 A. I have.

7 Q. You know that testimony is supposed to be true?

8 A. Yes, sir.

9 Q. Is your testimony true?

10 A. Yes, sir.

11 MR. DAY: That's all the questions I have, thank
12 you. Please answer any questions Mr. Anders may have.

13 CROSS-EXAMINATION

14 BY MR. ANDERS:

15 Q. Good morning Ms. Roberts. Were you living with
16 Mr. Harris March 15th and 16th, 2007?

17 A. I was not.

18 Q. Do you care for the Defendant?

19 A. I do.

20 Q. You don't want to see him get in trouble, do you?

21 A. No, I don't.

22 MR. ANDERS: Okay. No further questions, Your
23 Honor.

24 THE COURT: Re-exam?

25 MR. DAY: I have no further questions, Your Honor.

1 THE COURT: All right. You may step down.

2 MR. DAY: And, again, please advise the witness as
3 to whether she wishes to leave or not.

4 THE COURT: Ms. Harris -- oh, no, excuse me.
5 Ms. Roberts, if you want to stay you may stay, but if
6 you do stay you cannot be re-called as a witness. Do
7 you understand that?

8 THE WITNESS: Yes, sir.

9 THE COURT: Very good. Thank you.

10 (Whereupon, Witness leaves witness stand but stays
11 in courtroom.)

12 MR. DAY: Samantha R.

13 (Whereupon, Witness comes forward.)

14 THE COURT: If you would, please ma'am, give us
15 your full name, spelling your last name.

16 THE WITNESS: Samantha R.

17 R-o-b-e-r-t-s.

18 THE COURT: Thank you, ma'am. You may proceed.

19 Samantha R.

20 having been first duly sworn, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. DAY:

24 Q. Samantha, are you nervous?

25 A. Uh-huh.

1 Q. I thought so. How old are you?

2 A. Fifteen.

3 Q. And where do you live?

4 A. [REDACTED], Anderson.

5 Q. And who all lives there?

6 A. My mama and my sister Brittany and Charlie stays
7 there sometimes.

8 Q. You're gonna have to say that a little slower. I'm
9 old and my ears don't work as fast as you.

10 A. Me, my mama, my sister Brittany and Charlie stays
11 the night with us sometimes.

12 Q. Okay. And Charles?

13 A. Uh-huh.

14 Q. And how long have you been living there?

15 A. Going on three years I believe.

16 Q. Okay. Where do you go to school?

17 A. West Side High School.

18 Q. What grade are you in?

19 A. I'm going into tenth.

20 Q. Been thinking about what you want to do when you
21 finally get out of high school?

22 A. Yes.

23 Q. What do you want to do?

24 A. I want to be a special educator.

25 Q. That's a long row to hoe. Okay. Tell me this,

1 what do you think of Charles, Charles Harris?

2 A. He's nice, generous, and kind. He would take his
3 shirt off his back and do anything for anybody.

4 (Crying.)

5 Q. During the time that you have lived there, has
6 there been any time when you feel that he has acted
7 inappropriately towards you?

8 A. No, sir.

9 Q. Your sisters?

10 A. No, sir.

11 Q. Anyone else at all?

12 A. No, sir.

13 Q. I can tell you do care about him. Are you here to
14 tell the truth?

15 A. Yes, sir.

16 Q. Has anybody -- has anybody suggested to you in any
17 way what you were supposed to testify to today?

18 A. No, sir.

19 Q. Are you telling the truth?

20 A. Yes, sir.

21 MR. DAY: Thank you. I think that's all the
22 questions I have. Please answer any questions
23 Mr. Anders may have.

24 THE COURT: Cross-examine?

25 CROSS-EXAMINATION

1 BY MR. ANDERS:

2 Q. Good morning Ms. [REDACTED]. How are you?

3 A. Good.

4 Q. What is your relationship with Mr. Harris?

5 A. He is my mom's boyfriend.

6 Q. And did you know Mr. Harris March 15 and 16th,
7 2007?

8 A. I met him like maybe a couple months after him and
9 my mom got together.

10 Q. Okay. Were you with Mr. Harris in March of 2007?

11 A. No, sir.

12 Q. Okay. And you care for the Defendant?

13 A. Yes, sir.

14 Q. You don't want to see him get in trouble, do you?

15 A. No, sir.

16 MR. ANDERS: Okay. No further questions, Your
17 Honor.

18 THE COURT: Redirect?

19 MR. DAY: None, Your Honor.

20 THE COURT: All right. You may step down.

21 (Witness leaves witness stand.)

22 MR. DAY: Carrie Cappell.

23 (Discussion off the record.)

24 (Whereupon, Witness comes forward.)

25 THE COURT: Okay. You may swear in the witness.

1 THE CLERK: If you'll place your left hand on the
2 Bible and raise your right. (Complies.)

3 Do you swear or affirm the testimony you give to
4 the Court will be the truth, the whole truth, and
5 nothing but the truth?

6 THE WITNESS: I do.

7 THE CLERK: Please be seated.

8 THE COURT: If you would please give us your full
9 name for the record.

10 THE WITNESS: Carrie Lee Cappell.

11 THE COURT: Thank you, ma'am.

12 CARRIE LEE CAPPELL,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. DAY:

16 Q. Ms. Capell, I apologize. I keep wanting to call
17 you Harris. It's now Cappell. What is your
18 relationship to ---

19 THE COURT: Now, I did notice that I did it. There
20 was another Cappell, but I also did Carrie Harris.

21 MR. DAY: Yes, sir.

22 THE COURT: Very good.

23 BY MR. DAY:

24 Q. What is your relationship to Charles Harris?

25 A. That's my dad.

1 Q. And how old are you?

2 A. Twenty-eight.

3 Q. And are you married?

4 A. Yes. My husband is deceased.

5 Q. Okay. And do you have children?

6 A. Yes.

7 Q. How many?

8 A. Two. I got a seven-year-old boy and a
9 three-year-old boy.

10 Q. And what do you do for a living?

11 A. I'm a stay-at-home mom.

12 Q. Now, back in '07 were you living at home at that
13 time?

14 A. No, sir.

15 Q. You had already moved out?

16 A. Uh-huh.

17 Q. This is a superfluous question. You must have
18 already moved out.

19 About what age were you when you moved out of the
20 house?

21 A. I was 17.

22 Q. Ms. Cappell, during the time you that lived at
23 home, you with your sisters, was there any time that
24 your father acted inappropriately towards you?

25 A. Never. Huh-uh.

1 Q. Are you aware or have any idea or inkling that he
2 acted inappropriate to your sisters?

3 A. None.

4 Q. How about any other teenage girl?

5 A. None.

6 Q. Now, do you care for your father?

7 A. Yes.

8 Q. Do you understand when you came here you took an
9 oath to tell the truth?

10 A. Yes.

11 Q. Are you telling the truth?

12 A. Yes.

13 Q. Has anybody suggested to you or requested of you or
14 anything else as to what you should testify to here
15 today?

16 A. No, sir.

17 MR. DAY: All right, Ms. Cappell. Answer any
18 questions Mr. Anders may have.

19 CROSS-EXAMINATION

20 BY MR. ANDERS:

21 Q. Good morning Ms. Cappell.

22 A. Good morning.

23 Q. Were you living with your father March 15th and
24 16th, 2007?

25 A. No.

1 Q. Were you living there when he was in the Yahoo!
2 chat room on those dates?

3 A. No, sir.

4 Q. You love your father?

5 A. Yes.

6 Q. And you don't want to see him get in trouble, do
7 you?

8 A. No.

9 MR. ANDERS: No further questions, Your Honor.

10 THE COURT: You may -- excuse me. Redirect?

11 MR. DAY: None, Your Honor.

12 THE COURT: All right. You may step down.

13 (Whereupon, witness leaves stand but stays in
14 courtroom.)

15 MR. DAY: Brittany R. [REDACTED].

16 (Whereupon, Witness comes forward.)

17 THE CLERK: Please place your left hand on the
18 Bible and raise your right. (Complies.)

19 Do you swear or affirm the testimony you give to
20 the Court will be the truth, the whole truth, and
21 nothing but the truth?

22 THE WITNESS: Yes.

23 THE COURT: If you would, please ma'am, give us
24 your full name for the record, spelling your last name.

25 THE WITNESS: Brittany R. [REDACTED] R. [REDACTED].

1 THE COURT: Very good. Thank you, ma'am.

2 BRITTANY R. [REDACTED]

3 having been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DAY:

7 Q. Hi, Ms. R. [REDACTED]. How old are you?

8 A. Sixteen.

9 Q. And where do you live?

10 A. [REDACTED], Anderson, South Carolina [REDACTED].

11 Q. Who all lives there?

12 A. My sister Samantha and my mom Cindy.

13 Q. And who else?

14 A. Nobody.

15 Q. All right. You live with Charles?

16 A. No, sir.

17 Q. Okay. Did you live at the home with Charles?

18 A. No, sir.

19 Q. Excuse me?

20 A. No, sir.

21 Q. Okay. So you never lived at the home with Charles
22 in the same house with Charles?

23 A. No, sir. He spent the night before.

24 Q. Okay. So you've been around him?

25 A. Yes, sir.

1 Q. So how long would you say that you've known
2 Charles?

3 A. Since 2007.

4 Q. Brittany, at any time in the time that you have
5 known Charles, has he ever acted inappropriate towards
6 you in any manner?

7 A. No, sir.

8 Q. To your knowledge, has he ever acted inappropriate
9 toward your sisters?

10 A. No, sir.

11 Q. Or any other teenage girl?

12 A. No, sir.

13 Q. All right. Has anyone suggested to you or asked
14 you to say anything specific today or anything to
15 testify here today?

16 A. No, sir.

17 Q. You understood you came here to tell the truth?

18 A. Yes, sir.

19 Q. Whatever it is. Whatever the truth is, that's what
20 you were here for?

21 A. Yes, sir.

22 Q. Okay.

23 MR. DAY: I believe those are all the questions I
24 have. Please answer any questions Mr. Anders may have.

25 CROSS-EXAMINATION

1 BY MR. ANDERS:

2 Q. Good morning Ms. [REDACTED]. How are you?

3 A. Good.

4 Q. What is your relationship with the Defendant?

5 A. He's my mom's boyfriend.

6 Q. Did you know or live with the Defendant March 15th
7 or March 16th, 2007?

8 A. No, sir.

9 Q. Okay. Do you care for the Defendant?

10 A. Yes, sir.

11 Q. And you don't want to see him get in any trouble,
12 do you?

13 A. No, sir.

14 MR. ANDERS: Okay. No further questions, Your
15 Honor.

16 MR. DAY: No further questions, Your Honor.

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

19 (Whereupon, witness leaves stand but stays in
20 courtroom.)

21 MR. DAY: Cynthia Roberts.

22 (Whereupon, Witness comes forward.)

23 THE CLERK: If you'll place your left hand on the
24 Bible and raise your right hand. (Complies.)

25 Do you swear or affirm the testimony you give to

1 the Court will be the truth, the whole truth, and
2 nothing but the truth?

3 THE WITNESS: Yes.

4 THE CLERK: Please be seated. (Complies.)

5 THE COURT: If you would, please ma'am, give us
6 your full name for the record, spelling your last name.

7 THE WITNESS: Cynthia A. Roberts. R-o-b-e-r-t-s.

8 THE COURT: Very good. Thank you, ma'am.

9 CYNTHIA A. ROBERTS,

10 having been first duly sworn, was examined and
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DAY:

14 Q. Okay. All right. Ms. Roberts, where do you live?

15 A. [REDACTED], Anderson, South Carolina.

16 Q. And do you have children?

17 A. Yes. I have four.

18 Q. I think we've met most of them here today.

19 A. Yes, sir.

20 Q. Okay. Are you employed?

21 A. No.

22 Q. Do you know, do you know Charles Harris?

23 A. Yes.

24 Q. How long have you known Charles?

25 A. I've been knowing him for almost six years.

1 Q. As I understand it from what your girls have
2 testified to, you all have a relationship?

3 A. Yes.

4 Q. And it has continued on through today?

5 A. Yes.

6 Q. Are you still in that relationship?

7 A. Yes.

8 Q. At the time that you got to know Charles were you
9 aware, or began your relationship with him in earnest
10 say, did you know these charges that we're here today on
11 were pending against him?

12 A. Yes, sir.

13 Q. I take it y'all discussed those?

14 A. Yes, sir.

15 Q. I would imagine. During the time that y'all's
16 relationship here over the years, are you aware or had
17 an inkling that Charles acted inappropriate towards your
18 daughters?

19 A. No. He hasn't done nothing.

20 Q. Or any other girl?

21 A. No.

22 Q. Now, we've also had the testimony of Mr. Harris's
23 wife. Dot. Do you know her?

24 A. Yes.

25 Q. It would appear that at least y'all have a cordial

1 relationship.

2 A. Yes.

3 Q. That you get along?

4 A. Yes.

5 Q. Do you see each other often?

6 A. When we get together or something if we decide to
7 do something together, we do.

8 Q. So the relationship between your daughters and
9 Charles's natural daughters, has it been good?

10 A. Yes.

11 Q. All right. And this relationship between you and
12 Charles has continued on even though he's still married?

13 A. Yes.

14 Q. All right. Now, I need to say this. This is kind
15 of unusual, particularly the part about getting along.
16 Is this something that in the last few years because
17 this has been going on about five years, have you all
18 still continued to get along during that time?

19 A. Yes.

20 Q. Your relationship between Charles, you and his wife
21 Dorothy, Dot?

22 A. Yes.

23 Q. Ms. Roberts, has anyone suggested to you or asked
24 you or anything else about what testimony you should do
25 here today?

1 A. No.

2 Q. You are here to tell the truth?

3 A. Yes, sir.

4 Q. Okay. I do have to ask you, how do you feel
5 towards Charles? You didn't think I was gonna ask you
6 that, did you?

7 A. No. I can't answer that.

8 Q. I take it you like him?

9 A. Yes, I like him.

10 Q. Would you say you love him?

11 A. Yes. (Crying.)

12 MR. DAY: All right. Please answer any questions
13 Mr. Anders may have.

14 CROSS-EXAMINATION

15 BY MR. ANDERS:

16 Q. Good morning Ms. Roberts, how are you?

17 A. Fine. (Crying.)

18 Q. I'll give you a moment. Do you need some water?

19 A. Yes.

20 (There was a pause in the proceedings.)

21 (Discussion off the record.)

22 BY MR. ANDERS:

23 Q. Are you okay?

24 A. Nods head up and down.

25 Q. Okay. It'll be brief. Did you know the Defendant

1 March 15th and 16th, 2007?

2 A. No. I wasn't with him at that time. I was with
3 him in April and that's when he told me about
4 everything.

5 Q. Okay. So you were not at his house with him near
6 the computer on those days?

7 A. No.

8 Q. Okay. And like you just testified, you love the
9 Defendant?

10 A. Yes.

11 Q. And you don't want to see him get into any trouble,
12 do you?

13 A. No.

14 MR. ANDERS: No further questions, Your Honor.

15 THE COURT: Re-exam?

16 MR. DAY: No more questions, Your Honor.

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

19 (Whereupon, witness leaves witness stand but stays
20 in courtroom.)

21 MR. DAY: Your Honor, I apologize to the Court. At
22 this time I would have a matter to take up with the
23 Court.

24 THE COURT: All right. Mr. Foreman, ladies and
25 gentlemen of the jury, I've got a matter of law I need

1 to take up with the attorneys. If you would please
2 retire to the jury room. Are there any refreshments
3 back there?

4 THE BAILIFF: Yes, sir.

5 THE COURT: Let's take this as a morning break and
6 then we'll continue in a few minutes. It should take
7 just a few minutes to address the matter.

8 Again, do not undertake discussion of the case
9 among yourselves in any way.

10 (Whereupon, the Jury left the courtroom at
11 approximately 12:10 p.m.)

12 THE COURT: All right, Mr. Day?

13 MR. DAY: Thank you, Your Honor. May it please the
14 Court? At this time we have reached that point to where
15 a decision has to be made as to whether the Defendant
16 decides he wishes to testify. We would ask the Court to
17 advise him of his Fifth Amendment rights and make sure
18 that he understands he has a right to remain silent.

19 THE COURT: All right. Just a moment.

20 (The Defendant conferred with counsel off the
21 record.)

22 THE COURT: You will have to forgive me. I'm
23 trying to find my -- all right, Mr. Raymond Harris, if
24 you would please stand.

25 You understand that you were sworn yesterday and

1 that you are still under oath?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: We have come to a point in the trial
4 where you have the opportunity to testify or not to
5 testify. Under our Constitution, both the United States
6 Constitution and the Constitution of South Carolina
7 provides that a Defendant is entitled to protection for
8 himself or against any sort of self-incrimination. He
9 cannot be compelled to testify against yourself or to
10 offer evidence against yourself. It's called the right
11 against self-incrimination, as I say.

12 In fact, our Constitution provides that you do not
13 have to testify at all and that you have no duty and you
14 would be presumed to be innocent and that kind of thing.
15 And that presumption of innocence continues throughout
16 the trial. In fact, I'll even instruct the jury if you
17 decide to exercise your right not to testify that they
18 cannot even consider during their deliberations the fact
19 that you did not testify. However, you do have the
20 right to testify, of course.

21 Now, this is a decision that you must make. You
22 can consult with your attorney, with your family, or
23 anyone else, but ultimately the decision will be yours
24 to testify whether you wish to testify or not. At this
25 time I will ask you if you have any questions about your

1 right not to testify or your right to testify?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. Do you have any questions
4 of the Court as to that right?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. I am going to suggest, though,
7 that you do discuss this matter, or if you have not
8 already, discuss it with your attorney, and I'll afford
9 -- do you have any other witnesses Mr. Day?

10 MR. DAY: No, sir.

11 THE COURT: All right. Well, then, we'll take a
12 very short break and if you are ready to advise the
13 Court about how you wish to proceed, we'll continue at
14 that time. All right. Very good.

15 MR. DAY: Thank you, sir.

16 (Whereupon, a recess was taken.)

17 MR. ANDERS: May we approach?

18 (Whereupon, there was an off-the-record Discussion
19 at sidebar.)

20 THE COURT: All right. Mr. Harris you do
21 understand that you are still under oath? I just have
22 to be sure of that. Whenever we communicate that you
23 understand it is under oath.

24 THE DEFENDANT: Yes.

25 THE COURT: All right. As I said earlier, you've

1 got the Constitutional right not to testify provided by
2 our Constitution which says no person shall be compelled
3 in any criminal case to be a witness against himself.
4 Which means that you cannot be required to testify in
5 this case. You have the right to testify on your own
6 behalf; however, you cannot be made to testify. This is
7 a personal right and no one can waive this right except
8 you.

9 If you decide to testify you will be subject to the
10 same rules that govern other witnesses. You may be
11 examined and cross-examined on any relevant issue in the
12 case.

13 In addition, if you have any convictions involving
14 dishonesty or false statement or for crimes punishable
15 for imprisonment for more than one year and this Court
16 determines the probative value of admitting this
17 evidence outweighs its prejudicial effect to you, the
18 Solicitor will be able to or the Prosecutor will be able
19 to introduce your record to attack your credibility.

20 And if you decide to testify, the decision on your
21 part must be made freely, voluntarily, knowingly and
22 intelligently made with knowledge of the protections
23 given to you by the Fifth Amendment with the
24 consequences of your decision to testify.

25 If you decide not to testify, I will instruct the

1 jury that they cannot -- jurors that they cannot give
2 the fact that you did not testify any consideration
3 whatsoever and that there is to be absolutely no
4 prejudice to you because you did not testify. As I
5 mentioned, you are to talk with your attorney, family
6 and friends or anyone else, but the final decision will
7 be left entirely up to you. Do you understand what I
8 have explained to you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you have any questions about what
11 I've explained to you?

12 THE DEFENDANT: No, sir.

13 THE COURT: Have you discussed with your lawyer
14 whether you should or should not testify?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you wish to talk to your lawyer any
17 more about this at this time?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you wish to talk to your lawyer any
20 more about this matter?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you wish to testify in this case?

23 THE DEFENDANT: No, sir.

24 THE COURT: All right. So I will instruct the jury
25 that the law does not compel a Defendant in a criminal

1 case to take the witness stand and they cannot consider
2 the matter at all. And that will mean, Mr. Day, that
3 you have rested?

4 MR. DAY: Yes, sir. Defense rests.

5 THE COURT: All right. Why don't we do the same
6 thing we did at the close of the State's case.

7 Is there any reply?

8 MR. ANDERS: No reply, Your Honor.

9 THE COURT: All right. Anything else on behalf of
10 the Defendant as far as exhibits or anything else that
11 needs to be put in?

12 MR. DAY: Your Honor, we're just -- we put one, I
13 think Defendant's Exhibit Number 2 that we had
14 identified and discussed by Detective Bowling. We'd ask
15 that that be entered into evidence and be allowed to be
16 published to the jury. We had discussed that yesterday
17 that it had been ---

18 THE COURT: I thought that he said that it wasn't
19 the same as the one that was done, that was available in
20 March 2007.

21 MR. DAY: That is correct, Your Honor.

22 THE COURT: Well, then, it would not be relevant.

23 MR. DAY: He said it was similar and that it had
24 the same ---

25 THE COURT: Well, you can use it for demonstrative

1 purposes, but it does not come in as an exhibit. In
2 other words, when we admit something as an exhibit we
3 are vouching for its validity as well as its accuracy.

4 MR. DAY: And I'll be able to refer to it in my
5 argument to the jury?

6 THE COURT: Well, because that was his testimony.

7 MR. DAY: Yes, sir.

8 THE COURT: All right. But it will not be
9 admitted.

10 MR. DAY: Right.

11 THE COURT: It will remain for identification
12 purposes or for demonstrative.

13 MR. DAY: And then I renew my, my motion for a
14 directed verdict, Your Honor.

15 THE COURT: Again, I had had an opportunity and I
16 was somewhat distracted in looking at Green, and I
17 noticed that in Green the sole testimony was that the
18 Defendant was asking the officer whether she would have
19 sex with him. Now, there's no specifics mentioned as to
20 anything. And the Court not only found that that was
21 sufficient under the Constitution but also that it was
22 clear to this Court, or I think it says reasonably known
23 or understood by the public as to what it meant. So I'm
24 going to deny your motion for a directed verdict.

25 MR. DAY: Thank you, Your Honor.

1 THE COURT: All right. Anything else?

2 MR. DAY: I think the only thing I would ask Your
3 Honor if it would be proper for the Court to consider
4 after the defense has rested and advised the jury, if we
5 could go ahead and take the lunch break now.

6 THE COURT: Oh, absolutely. I need to go over the
7 charges and things like that with the attorneys. So
8 we'll take a lunch break after you rest and I have
9 instructed the jury. All right.

10 Anything else from the State?

11 MR. ANDERS: Nothing further, Your Honor.

12 THE COURT: All right. Very good. Ask the jury to
13 join us, please.

14 (The Jury entered the courtroom at approximately
15 12:35 p.m.)

16 THE COURT: All right. Mr. Day, you may proceed.

17 MR. DAY: Thank you, Your Honor. At this time the
18 Defense rests, Your Honor.

19 THE COURT: Any reply from the State?

20 MR. ANDERS: No reply, Your Honor.

21 THE COURT: All right. Mr. Foreman, ladies and
22 gentlemen of the jury, this concludes the testimony and
23 evidence in this case. However, I do need to instruct
24 you so you will understand that the Defendant has the
25 Constitutional right to remain silent, to put up no

1 MR. ANDERS: All right. So you will permit
2 Mr. Senn to ---

3 THE COURT: Right. Yes, sir.

4 MR. ANDERS: Thank you, Your Honor.

5 THE COURT: I've got no problem with that at all.
6 But I do feel, again, as the old court says that it's
7 only fair. Otherwise it invites sandbagging and other
8 surprises.

9 MR. DAY: Right. I want to be the one to sandbag.
10 I don't want them to.

11 MR. ANDERS: There'll be no sandbagging, Your
12 Honor.

13 THE COURT: All right. Very good. Anything else?

14 MR. DAY: I'm sorry, Your Honor. The only other
15 thing, Your Honor, in talking about it, I did ask for a
16 charge and I was looking for the line item and I may
17 have just missed it in there. I was talking about
18 Green, State v. Green, when it talks about uses the word
19 intentionally and especially what the statute stands
20 for.

21 It states the statute, in my request for charge,
22 includes the term knowingly thus it affects only those
23 individuals who intentionally target minors with the
24 purpose of engaging and participating in sexual
25 activity. And I was asking that the State must prove

1 that the Defendant acted knowingly and intentionally. I
2 think you covered that.

3 THE COURT: I did. And I looked at Green. And I
4 think that portion of Green is referring to an analysis
5 made of such statutes. Well, I take that back because
6 here I say that significantly the statute includes the
7 term knowingly. Thus it affects only those individuals
8 who intentionally target minors for the purpose of
9 engaging in -- for the purpose of engaging or
10 participating in sexual activities.

11 Does -- conversely it does not criminalize any
12 inadvertent communication with minors. And it says see
13 United States versus Bailey. What do you say about that
14 Mr. Anders?

15 MR. ANDERS: Your Honor, I ---

16 THE COURT: That's the statement by Justice Beatty.

17 MR. ANDERS: Your Honor, I agree with that.

18 THE COURT: Okay, good. Then I'll put that in.
19 And, in fact, I'll put that in with the area of the
20 elements. In other words, it does not require an overt
21 act.

22 MR. ANDERS: Okay.

23 THE COURT: All right. Anything else?

24 MR. ANDERS: Your Honor, if we could just have a
25 few minutes --

1 THE COURT: Certainly.

2 MR. ANDERS: -- to tape this?

3 THE COURT: All right.

4 MR. ANDERS: And just have a few minutes.

5 THE COURT: Very good. Anything further before we
6 bring the jury back from the State?

7 MR. ANDERS: Nothing, Your Honor.

8 THE COURT: Anything from the Defense?

9 MR. DAY: No, Your Honor.

10 THE COURT: All right. Ask the jury to join us,
11 please.

12 (The Jury entered the courtroom at approximately
13 2:15 p.m.)

14 THE COURT: All right. Let the record reflect that
15 the Jury and alternates are in the jury-box.

16 Mr. Foreman, ladies and gentlemen of the jury, as I
17 said earlier, the testimony and evidence has been
18 concluded. Now we'll have the arguments by counsel.
19 The State will go first since it has the burden of
20 proof. Then the Defendant will argue and then the State
21 will close.

22 After that the Court will give you the charge on
23 the law that's applicable to this case. I'll recognize
24 the State for their final arguments.

25 FINAL ARGUMENTS:

1 MR. SENN: May it please the Court? Ladies and
2 gentlemen of the jury, I would like to go over the law
3 with you, but if I make a mistake please follow whatever
4 the Judge tells you again.

5 Criminal solicitation of a minor has four elements.
6 A person 18 years of age or older knowingly contacts or
7 communicates with or attempts to contact or communicate
8 with a person who is under the age of 18 or a person
9 reasonably believed to be under the age of 18 for the
10 purpose of or with the intent of persuading,
11 introducing, enticing, or coercing a person to engage or
12 participate in a sexual activity. Sexual activity is
13 defined for purposes of this case as vaginal, anal, or
14 oral intercourse.

15 I'll put back the elements again. Nowhere in these
16 elements does it require an overt act. The
17 communication is the crime itself. There's no necessary
18 traveling or actual contact with the victim for it to be
19 a crime.

20 Further, it's not a defense the crime of criminal
21 solicitation of a minor if a person reasonably believed
22 to be under 18 is a law enforcement agent or officer
23 acting in official capacity.

24 Finally, ladies and gentlemen, the State has the
25 burden to prove all of these elements. The State has to

1 prove each of those elements I just described to you
2 beyond a reasonable doubt. And a reasonable doubt is
3 defined the kind of doubt that would cause a reasonable
4 person to hesitate to act.

5 The State submits that we have met that burden.

6 THE COURT: Mr. Anders?

7 MR. ANDERS: Ladies and gentlemen, this has not
8 been a long trial. This has not been a complex trial.
9 It's an important trial to the State and it's an
10 important trial to Mr. Harris. You are the fact-finder
11 in this case. It is up to you to determine those facts.
12 There are no facts in this case until you determine what
13 those are. And the way that you find those facts is
14 through evidence.

15 And you've seen people take the witness stand. And
16 you have the duty to weigh their credibility. You have
17 seen them, you have heard them, you can decide what to
18 believe. You can believe everything they've said,
19 nothing of what they said or some of what they said.

20 Ladies and gentlemen, I'm gonna be brief. The
21 evidence in this case consists of several chats, a
22 picture of the Defendant sent to the undercover officer.
23 And if I could, I just want to talk to you briefly about
24 these chats once again. And you'll have these in your
25 deliberation room. You'll be able to read them and

1 that's how you'll come up with a verdict.

2 March 15, 2007. Everything is pretty innocent.
3 There's no law broken. The Defendant is speaking with
4 what he believes to be a 13-year-old girl. He's giving
5 out information, the kind of car he drives, the number
6 of children, their ages, where he lives, all identifying
7 information that he is giving to somebody he believes
8 has the name of Amy Grace who is 13 years old.

9 And all along it's Officer Casey Bowling of the
10 Oconee County Sheriff's Department. Okay? Officer
11 Bowling, along with Anderson County police, eventually
12 are able to find out who Mr. Lover love me is.

13 During that chat on March 15th, 2007, the Defendant
14 tells the person he believes to be a minor that there
15 are a lot of people out there interested in one thing,
16 sex. He almost warns her. Everything is innocent, but
17 he states he's not like that at all.

18 Come March 16th, 2007, he is like that. That's the
19 date the crime occurred. During the period March 15th
20 and March 16th, 2007, in several different places on
21 both chats he's wondering, where's mom? Where's dad?
22 What are you doing? Are you alone?

23 March 16th, 2007. Where is mom and dad at? A
24 40-year-old man wondering where a 13-year-old girl's mom
25 and dad are at.

1 Later during that chat on the 16th, he was talking
2 about webcam. He wants more pictures. He's got a web
3 contact. He wishes she had one. Ask yourself why. Why
4 does he wish that a 13-year-old girl had a webcam?

5 Wish you had a cam, too. (Reading from board.)

6 The Defendant states later, and you heard during
7 the testimony, I was trying to teach her a lesson. He's
8 trying to warn a 13-year-old persona there are bad guys
9 out there. They only want one thing.

10 Yet on March 16th, 2007, have you ever seen a man?
11 What's that? Man what? Just ask if you've ever seen a
12 man nude. That's all.

13 Doesn't sound like much of a lesson. (New board.)

14 He doesn't stop there. Want to see another man?

15 She doesn't have a webcam. (New board.)

16 Ladies and gentlemen, I'm not gonna dwell a lot on
17 these chats. Like I say, you'll have them. You heard
18 Officer Bowling read them to you. But ladies and
19 gentlemen, on March 16th, 2007, which is why we are here
20 today, (puts board up) the Defendant who has been
21 warning the 13-year-old now says, do you want to have
22 sex? Officer Bowling says, if you want. Will you be
23 careful? Yes, I would be.

24 You heard the testimony from the stand from Officer
25 Bowling later on there were plans to meet. It doesn't

1 matter. This crime doesn't necessitate, it is not
2 necessary in this crime. There is no overt act that
3 needs to be had. Don't know if they met or not. Well
4 we know they didn't met [sic].

5 Ladies and gentlemen, you heard the testimony from
6 Officer Bowling. He was able to find out where this
7 person was, he was located in Anderson County where he
8 said he was gonna be. They arrested him. Took him back
9 to the Sheriff's Department. Gave her [sic] a waiver of
10 rights. Read him his *Miranda* rights. Says you don't
11 have to make a statement. But the Defendant made a
12 statement. And you heard that from Officer Bowling. He
13 said I apologize. I made a mistake asking that girl for
14 sex.

15 Also, you saw the picture. He sent that to the
16 persona who he believed to be 13 years old.

17 And lots have been said and may be said about the
18 intent of the Defendant, whether or not he knowingly
19 knew this person was 13 years old. Just reading the
20 chats. Several places he says you are too young, you
21 are only 13. I shouldn't be doing this. But I'm just a
22 man.

23 Ladies and gentlemen, Mr. Senn told you earlier
24 about the elements. We know the Defendant was older
25 than 18. We know that he knowingly contacted a

1 13-year-old persona twice. We heard Officer Bowling
2 testify they don't, they don't contact people. They
3 wait for people to come to them. That's how these
4 investigations are done.

5 Officer Bowling was 18 years old. He got an
6 account with Yahoo! he went undercover. He explained
7 how these undercover investigations worked. He waited.
8 The Defendant contacted what he believed to be a
9 13-year-old twice. All he had to do was stop after that
10 first day. All he had to do was not type to teach her a
11 lesson.

12 Also, as Mr. Senn told you, the State has a high
13 burden, the highest burden in any court, reasonable
14 doubt. You must prove every element beyond a reasonable
15 doubt, that doubt that would cause a reasonable person
16 to hesitate to act, not every conceivable doubt but a
17 reasonable doubt.

18 Ladies and gentlemen, I submit to you that the
19 State has proven every element of the crime charged.
20 And you will have this information in the jury room. I
21 ask you to read it, read it carefully. We would just
22 ask that you return a verdict that the evidence supports
23 and that's a verdict of guilty. Thank you.

24 THE COURT: Mr. Day?

25 MR. DAY: May it please the Court, ladies and

1 gentlemen.

2 Like we said, in South Carolina we don't take that
3 long to try a case. I do enjoy sometimes reading about
4 or hearing about cases in some other states that take
5 weeks and weeks and weeks to try. But we don't worry
6 about that in South Carolina. The purpose is to get it
7 out there, get it to the jury, show you everything you
8 are supposed to see and tell you what the law is and you
9 go make a decision. It makes life a whole lot easier.

10 But here we are today and now we're getting ready
11 to end this case. So you're not gonna be here trying
12 this case the rest of the week or two weeks or whatever.
13 That will be up to you how much longer the case lasts.

14 Now, to determine how much longer a case lasts very
15 simply is, as the Judge will tell you, Charles Harris
16 walked into this courtroom an innocent man. The judge
17 will use the old English terms. He comes in cloaked
18 with some mantle of innocence upon his shoulders. This
19 robe of innocence accompanies him all the way through
20 the trial until you change it and remove that robe.
21 That's what we're here for, okay?

22 But let's look at this. It certainly is an
23 important day. As the Attorney General said, it's the
24 most important day for Charles Harris and his family.
25 They've been waiting five years for this day. And here

1 we are finally.

2 Now, let's look at what we've got. One, we've got
3 a man recently separated from his wife in a chat room.
4 That's not a great idea. And nobody is gonna stay in
5 this courtroom to try to tell you that that's a great
6 idea. People use chat rooms all the time for whatever
7 purpose or whatever, but he was there. Not arguing
8 that.

9 He hasn't denied he did this. He hasn't denied
10 those are his chats. He hasn't denied that that's his
11 picture. None of that. All that evidence came in
12 without any argument. And that's it. But let's just
13 see what we've got.

14 He's in a chat room, he's playing around. Now, to
15 get into that chat room, in order to do that it was
16 required that he go through the terms and conditions of
17 what a Yahoo! chat room requires. Just as Deputy
18 Bowling said, that everyone that gets on there has to go
19 through those, they have to go through it. They have to
20 agree to it. And what they have to agree to is the
21 first thing is on the first page you are at least 18
22 years old. That's everybody. Going into the chat room
23 is like walking into a room and you came to that door
24 and that door says no one under the age of 18 is allowed
25 in this room or through that door. And you walk in here

1 and you will expect everyone in here is at least 18
2 years old because that is what's on the door. That's
3 the sign that you see. And that's the sign that Charles
4 Harris saw. You got to be 18.

5 And he starts messing around and he starts
6 chatting, no question about it. Those terms, and those
7 are the same terms that existed in 2007, not in exactly
8 a document that we were looking at because this one was
9 not printed out until this year. But as Deputy Bowling
10 said it did require 18. That is still the same for
11 certain and it appeared to most of the rest of it too,
12 but that 18 was certainly there.

13 Now, once he got in the chat room, you heard Deputy
14 Bowling say that once we got in there and we wanted to
15 find out who someone was, we feel that he has violated
16 the law and we want to start proceeding to go after that
17 person.

18 And one of the things he had to do, one of the
19 things he talked about was a certain type of subpoena
20 which you give to Yahoo! and the internet providers, we
21 want to know whose computer is this. Where is this
22 computer located? And what is this? What is the
23 information on the person using that computer under the
24 terms of Yahoo!'s agreement or the Internet so they can
25 find out where it is?

1 That's because if you have a computer in your home
2 that computer has a number and that number is used every
3 time you go online. It's kind of assigned to you.
4 Don't realize it. I've had people working on my
5 computers, et cetera telling me, he says, that's so and
6 so number and that's so and so number. I don't have a
7 clue where it came from or how to use it or anything.
8 But that number is how they normally find them.

9 Not in this case. Deputy Bowling said it's very
10 unusual but not in this case. Why? Because Charles
11 Harris didn't try to hide his identity. He wasn't
12 hiding behind anything.

13 They are using names, chat room names. But he even
14 tells them his birthday, his date of birth. My word.
15 What's the first thing you hear on a computer and he was
16 using a computer on the internet. Anybody tells you do
17 not give out information about yourself because of the
18 fear that it could be misused. He didn't have that fear
19 because he wasn't trying to hide anything.

20 He told them on here, he told Deputy Bowling where
21 he lived, told him how many children he had, what their
22 names were, what their ages. He talked about his type
23 of car, bragged about his car. All of that. He isn't
24 hiding anything.

25 That continues all the way through. Like Deputy

1 Bowling said, that's very unusual that somebody does
2 that because normally they're hiding, they're hiding
3 behind something and they don't want to give out any
4 more information than they absolutely have to, or any at
5 all. Because the kinds of people he's looking for are
6 not like this guy here. The guys that are really
7 predators. That's what this whole case is about.
8 They're looking for predators. And there's nothing
9 wrong with that. More power to them.

10 During these things, you notice they kept talking
11 about pictures, et cetera. Why are they talking about
12 pictures? Because in so many of these cases the
13 pictures that you see are not of a person's face but of
14 other parts of their body. Other parts of their body.
15 Charles Harris never sent any pictures of that. He
16 could have.

17 It's like the Attorney General said. He talked
18 about pictures, had a cam, he could have sent anything
19 he wanted. But he did not. He did not. And that is
20 absolutely undisputed in every way, shape and form. He
21 never sent anything more than that picture.

22 Another thing as you look through it, and as the
23 Attorney General says, you'll have all this back there,
24 the chats, et cetera. In those chats -- let me get mine
25 separated here. In mine over there, looking at these in

1 the chats, as you read through that, one thing you won't
2 find, you won't find what? My daddy put it as filthy
3 talk. He didn't allow his children to use certain
4 language. And if you want a swift retribution you start
5 using filthy language, filthy talk. In this case you
6 won't find that in there.

7 It is chat going back and forth, back and forth.
8 But did he get into anything filthy talking about body
9 parts? No. Did he ask for a description, tell me what
10 your body parts look like? No. Did he start talking
11 about his own body? Let me tell you about me. No.
12 None of that. There is no language going through here
13 that is attempting to create that type of atmosphere.
14 Nowhere.

15 There was no talk about even they were going back
16 and forth, he and Bowling were going back and forth,
17 about getting together, about meeting or whatever, about
18 what all we're gonna do. Not getting into this
19 pre-fantasy stuff. Here's what I want to do. What do
20 you think about doing this? What about a certain sexual
21 act? How about this? What am I gonna do to you? What
22 you gonna do to me? All of that, none of that's in
23 there. Because he's in a chat room, even though it's
24 over 18, that's not what he was doing.

25 That reason I talk about that is just as the

1 Attorney General said, the statute requires that he
2 knowingly did all this, that he intentionally did it.
3 The Judge is gonna charge you on the law. What he
4 knowingly and intentionally did. And that is the crux
5 of this entire case. What did he knowingly do?

6 They're telling you that they can look into his
7 mind, but the only way they can look into his mind is
8 with the evidence that's here for you to look at. If
9 you can't look into his mind with that, then you can't
10 at all. And in this it's not showing an intention, et
11 cetera, to violate that law because, one, when he was
12 given the opportunity by Bowling twice trying to set it
13 up so that he could catch you in the act, that's what
14 he's there for. It's a whole lot easier to catch them
15 in the act if you can get them to travel, get in a car,
16 go to a certain place. That's pretty intentional.

17 You get in that car and you drive all the way from
18 Anderson and you came over to West Union, my word, you
19 would have a very easy job. But that never happened.
20 Bowling once tried to get him to come over. Didn't show
21 up. Ain't coming. Back talking again. Come on over.
22 Don't come to the house, go to Hardee's. Trying to make
23 it easier. A little more, entice him just a little bit
24 more. Just entice, how about this, come on over, let's
25 go to Hardee's. That way we won't be around the house.

1 He didn't show up. He never left Anderson.

2 And, therefore, he was within just a matter of
3 hours they were able to determine exactly where he was
4 based on all the stuff he said here and contact
5 Sheriff's Department in Anderson and say we're coming
6 give us a little help, here's where we're going. And he
7 went there. He went there and went to the man's house,
8 okay?

9 Detective Bowling never once testified that Charles
10 Harris denied any of that. He came in the door, he
11 didn't slam the door, run away. He came in the house.
12 He came in and he says, hey, I'm here about that. He
13 says, oh, God, yeah. He didn't hide from it. He did
14 not project himself as being a guilty person trying to
15 hide. Instead he responded to him. The next thing you
16 know they're on their way. They're on their way to the
17 jail.

18 Once he got to the jail, as Deputy Bowling said, he
19 testified for what he believed was 20 to 30 minutes they
20 spent in a room at the Sheriff's Department. Needless
21 to say, Mr. Harris is under arrest. Not going anywhere,
22 he can't go anywhere. He can't leave that room. He's
23 in custody. And while he was there, asked him do you
24 want to, do you want to waive your rights and talk to
25 me? He said, yeah. Yeah, I'll sign that.

1 And needless to say, practically every lawyer I
2 know would have said, man don't talk to them people.
3 You don't want to talk to Deputy Bowling. I know Deputy
4 Bowling. You don't want to talk to him. No. He talked
5 to him.

6 But in those 20 or 30 minutes, the testimony is
7 that seven lines is the only thing that was done, seven
8 lines. That's all he wrote down in 20 to 30 minutes.
9 In that 20 to 30 minutes, I submit to you that I'll bet
10 you Deputy Bowling said that was me you were talking to.
11 That's how I know I'm here. That was me.

12 None of that's ever mentioned in here. 20 to 30
13 minutes. You never know.

14 Now, this law is a good law. Nobody is saying
15 there's something wrong with this law. I'm not asking
16 to you decide there's something wrong with that law.
17 The purpose of this law is to get rid of the perverts
18 the predators out there who want to prey on an
19 unsuspecting or naive young lady, a girl to take
20 advantage of. I wish we could get rid of all of them.
21 Absolutely.

22 There is no room, building, or place in hell dark
23 enough for those kind of people. Okay? But here the
24 type person they wanted to target and the type of person
25 they want to get rid of isn't this type of person.

1 Because all the people in his family who that type of
2 behavior could be projected for came to this courtroom
3 and put themselves in there to be asked a question about
4 someone they love and know, respect and have been around
5 to ask him, is he a pervert? Has he ever done anything
6 to you?

7 Now, the Attorney General can try to portray them
8 as well, that's their family, what do you expect?
9 Well, my goodness, ladies and gentlemen, who else do you
10 have to speak on your behalf if you don't have your
11 family? How many of you carry around a Baptist
12 preacher, a priest, a schoolteacher, a nun, to accompany
13 you everywhere you go so in case you're ever charged
14 with something that you'll have somebody to speak on
15 your behalf and somebody can say they just want to help
16 you that's all.

17 That's your family. And not only did those girls
18 get up there and say that, their mothers sat up here.
19 And do you for one minute believe that a mother is gonna
20 get up on that stand and try to protect someone who may
21 even had an inkling would do anything to their daughters
22 at all? As his wife said, I wouldn't be here today if I
23 even thought that.

24 The family is unusual. In all my years of
25 practicing law, I have very seldom have I seen where a

1 wife and a girlfriend get along and act like they've got
2 some sense, who are mature enough to accept the
3 situation as it is, continue with their lives, but keep
4 that relationship strong because they have children,
5 grandchildren in common. That's just not, not the usual
6 course of events.

7 But they're willing to come in here. And it's hard
8 to put them up there and have to ask them those
9 questions. But who else? Who else? No one else was
10 there. The reason for that is because Charles Harris
11 isn't like that. He's not that kind of person at all.

12 Ladies and gentlemen, this whole case, needless to
13 say, comes down to what are you gonna do about getting
14 into his head as to what he believed? He's in a chat
15 room for 18-year-olds, 18 and above. He's playing
16 around. He never traveled. He never followed up on any
17 of that. Didn't try to hide who he was. Didn't talk
18 dirty. Didn't send pictures. Didn't do any of the
19 things that you by gosh would expect someone like that
20 to do at all.

21 Yet here he is facing what could be the worst day
22 of his entire life since that day that Deputy Bowling
23 showed up at his house in the middle of the night and
24 put him in handcuffs. There's nothing to show from any
25 of this that Charles Harris made the first contact,

1 there's no evidence there. None there.

2 This is extremely important. The Attorney General
3 keeps talking about what is reasonable doubt and the
4 Judge is gonna explain reasonable doubt. Look at that.
5 Be sure that's all that I'm saying. Make sure. Make
6 sure when you get back in that room where no one else
7 will be that you've gotten beyond that.

8 Make sure that the burden of proof, which the judge
9 will explain to you, stays at this table and it never
10 leaves. They have the burden, the State of South
11 Carolina and all its power and all its strength has all
12 of the burden. They must carry it. Just as you or just
13 as Charles Harris or anyone else comes into a courtroom
14 and sits on that side has no burden.

15 As a matter of fact, if Charles Harris didn't even
16 want to be here today he wouldn't have to. He doesn't
17 have to, but he's here. And he's put it in your hands.

18 The Judge will explain to you that this is an
19 extremely important and extremely heavy burden for you
20 to carry. Because you're gonna go back into a room
21 that's the only sacrosanct place in this entire country.
22 The government at practically every level in some way
23 can get into your bedroom. They can get into your
24 communications, they can get into everything. But they
25 can't get into that room back there. No one can even

1 listen, no one can do anything. Because you in your
2 collective wisdom must decide.

3 And I submit to you that you must individually meet
4 every possible burden that the Judge is gonna put on
5 you, and that is that you believe individually, not what
6 others think, not what the majority thinks, but what you
7 think whether or not he's guilty beyond a reasonable
8 doubt. I ask you to hold on to that. I ask you to look
9 at it very carefully.

10 On behalf of Charles Harris and his family, I thank
11 you again for being here. I hate that you're having to
12 make this decision. The Attorney General is now gonna
13 get up here and tell you all the things I said that are
14 wrong and how he disagrees with me fully. But that's
15 his job.

16 But remember, when you look at that, does it make
17 sense? Is he guilty of this? I submit to you he is
18 not. Thank you.

19 **THE COURT:** Mr. Anders?

20 **MR. ANDERS:** Ladies and gentlemen, just briefly.
21 When I spoke to you before that was really all I had to
22 tell you. There's not much more to go on. It's a short
23 case. You're gonna have everything in front of you.

24 Just a few points. We know what the burden of
25 proof is. We accept it, and we submit that we met it in

1 this case. I applaud the family members for coming up
2 and testifying. It's good to have family to speak up
3 for you. But they added zero to this case. They
4 weren't there and have nothing to add to the facts.

5 Mr. Day said that this was a chat room for
6 18-year-olds. He's somewhat correct. To get in, to get
7 an account you have to be 18 years old. But as Officer
8 Bowling testified, he couldn't testify under oath to
9 somebody being younger than 18 not being on the Yahoo!
10 chat room. It happens all the time. He testified
11 that's how they, that's how they perform their
12 undercover investigations. The police officers get an
13 account, he goes in and pose as minors.

14 Ladies and gentlemen, there's not much more to say.
15 You're gonna have this with you in the jury room. We
16 would just ask that you think about it, talk about it,
17 read the evidence carefully, and once again just ask you
18 to return a verdict of guilty. Thank you.

19 CHARGE OF THE LAW:

20 THE COURT: Mr. Foreman, ladies and gentlemen of
21 the jury, as jurors in this case you have certain
22 functions and responsibilities to perform which are
23 entirely separate and distinct from those of mine as a
24 trial judge. I am prohibited by the Constitution of our
25 state from charging you on the facts of the case. I'm

1 also prohibited from discussing the facts of the case
2 with you or in any way intimating what my feelings, if
3 any, are about the facts of this case.

4 It is your responsibility and yours alone to pass
5 upon all issues of fact presented in the case. I would
6 therefore charge you that if during the course of the
7 trial or during my charge you have been given or left
8 with the impression or feeling that I do have a personal
9 feeling about the facts of this case, I would
10 specifically instruct you to disregard that feeling or
11 impression.

12 Moreover, you are the sole judges of what the
13 testimony was and not the argument of counsel. It is
14 your duty and yours alone to weigh testimony and
15 evidence in the case and to pass upon the credibility or
16 believability of the witnesses.

17 In this connection you have the right to believe
18 all that witness tells you or disbelieve all the witness
19 tells you. You have the right to believe a part of what
20 a witness tells you and to disbelieve a part of what a
21 witness tells you. You have a right to take into
22 consideration any bias or prejudice or interest you feel
23 a witness might have in the case.

24 I say this merely to emphasize that the weight you
25 see fit to give to the testimony, to the credibility of

1 the witnesses as well as to all issues of fact are for
2 your sole consideration. As judges of the facts you are
3 the sole judges of the credibility, that is the
4 believability of the witnesses who have testified in
5 this case.

6 In passing upon their credibility you may take into
7 consideration such things as the appearance and manner
8 of the witness on the stand, sometimes referred to as
9 the demeanor of the witness. Was the witness forthright
10 or hesitant? Was the witness's testimony consistent or
11 did it contain discrepancies? What was the ability of
12 the witness to know the facts about which he or she
13 testified? Did the witness have a cause or reason to be
14 biased or prejudiced in favor of the testimony he or she
15 gave? Was the testimony of the witness corroborated or
16 made stronger by other testimony in evidence or was it
17 made weaker or impeached by such other testimony and
18 evidence?

19 As jurors you have the right to believe a small
20 portion of a witness's testimony and discard the larger
21 or vice versa. You may believe all of a witness's
22 testimony or none. You may believe the testimony of a
23 single witness against that of many witnesses or the
24 other way around. Most certainly you do not determine
25 the matter of credibility or believability by counting

1 up the number of witnesses who may have testified on
2 behalf of the parties.

3 I instruct you and emphasize that the fact that the
4 Defendant did not testify is not a factor to be
5 considered by you in any way in your deliberations.

6 And in your consideration of the question of
7 whether the State has proven the Defendant guilty or not
8 guilty of the charges in the indictment. It must not be
9 considered by you in any manner whatsoever. A Defendant
10 has the Constitutional right to remain silent, and the
11 exercise of this right must not be considered by you in
12 your deliberations.

13 I repeat: Under your oath, you are to draw no
14 conclusion whatsoever from the fact that the Defendant
15 in this case did not testify. The fact that the
16 Defendant did not testify should not even be discussed
17 in the jury room. The burden of proof, as I have stated
18 to you, is on the State. The Defendant is not required
19 to prove their innocence. The burden of proof remains
20 on the State to prove guilt beyond a reasonable doubt.

21 I instruct to you that throughout this entire
22 process you have but one single objective, and that is
23 to seek the truth regardless from what witness the
24 testimony may have come.

25 Now, by the same Constitution and law which makes

1 you the finders of the facts and evidence as I discussed
2 with you, I am as the Judge made the sole and only
3 instructor on the law. You must accept as correct the
4 law I charge and apply to it the evidence you find and
5 reach a verdict.

6 If I should make an error in the law as I instruct
7 you today, there is another time and place that error
8 can be considered and if necessary corrected. But for
9 the purposes of this case today, you must accept the law
10 as I charge it to you to be the correct law. And
11 finally, I charge you in this regard that you, nor for
12 that matter am I, should be concerned with what the law
13 ought to be but rather with what I charge you the law to
14 be.

15 Now, a statement allegedly had meant to have been
16 made by the Defendant has been admitted into evidence in
17 this case. While the Court has determined the statement
18 was admissible, I instruct you, you make the ultimate
19 decision whether or not the Defendant made the
20 statement. If the Defendant did not make or did make
21 the statement, you must determine whether the statement
22 was made by the Defendant voluntarily and of his own
23 free will.

24 This means that the statement was not caused by
25 pressure, force, fear, threats, coercion or intimidation

1 or by hope of a promise of leniency or a reward of any
2 kind. In determining whether the statement was
3 voluntary, you should consider both the characteristics
4 of the Defendant and the details of the questioning.

5 Some of the factors you must consider are the age
6 of the Defendant, the Defendant's education or lack of
7 education, the Defendant's mental ability or capacity,
8 the Defendant's I.Q. or intelligence, the Defendant's
9 background and environment, the place and length of
10 detention, the nature of the question, and the advice or
11 lack thereof of the Defendant to his Constitutional
12 rights, including but not limited to the right to remain
13 silent, that any statement would be used against him in
14 a court of law, the right to have a lawyer present, and
15 if he could not afford a lawyer, a lawyer would can
16 appointed to represent him without any cost and that he
17 should stop -- that he could stop making a statement at
18 any time.

19 You must carefully consider all of the surrounding
20 circumstances before you give any weight to an alleged
21 statement. A statement has a burden of proving -- or
22 the State has the burden of proving beyond a reasonable
23 doubt that the alleged statement was voluntary.

24 If you determine it was, you may give the statement
25 any further consideration that you deem proper. You

1 must not -- you must decide what weight, if any, should
2 be given to the alleged statement. If you determine the
3 alleged statement was not the freely and voluntary
4 statement of the Defendant, you should not consider the
5 statement at all.

6 Now, the Defendant has pled not guilty to the
7 indictment, and that puts the burden on the State to
8 prove the Defendant guilty. A person charged with
9 committing a criminal offense in the state of South
10 Carolina is never required to prove himself innocent. I
11 charge you that it is an important rule of the law, that
12 a Defendant in a criminal case, no matter what the
13 seriousness of the charge may be, will always be
14 presumed innocent of the crime for which the indictment
15 was issued, unless guilt has been proven by evidence
16 that is satisfying you of that guilt beyond a reasonable
17 doubt.

18 This presumption of innocence does not end when you
19 begin your deliberations, but it accompanies the
20 Defendant throughout the trial until you reach a verdict
21 of guilt based upon evidence satisfying you of that
22 guilt beyond a reasonable doubt.

23 The presumption of innocence is like a robe of
24 righteousness placed upon the shoulders of the Defendant
25 which remains with the Defendant until it has been

1 stripped from the Defendant by evidence satisfying you
2 of the Defendant's guilt beyond a reasonable doubt.

3 The presumption of innocence is not a mere legal
4 theory, it's not just a legal phrase. It is the
5 substantial right to which every Defendant is entitled
6 unless you, the jury, are satisfied that the evidence of
7 the Defendant's guilt is beyond a reasonable doubt.

8 What is a reasonable doubt? A reasonable doubt is
9 the kind of doubt that would cause a reasonable person
10 to hesitate to act.

11 Now, there are two types of evidence which are
12 generally presented during a trial: Direct evidence and
13 circumstantial evidence. Direct evidence is testimony
14 of a person who claims to have actual knowledge of a
15 fact such as an eyewitness. It is evidence which
16 immediately establishes the main fact to be proved.

17 Circumstantial evidence on the other hand is proof
18 of a chain of facts and circumstances indicating the
19 existence of a fact. It is evidence which immediately
20 establishes collateral facts from which the main fact
21 may be inferred. Circumstantial evidence is based on
22 inference, not on personal knowledge or observation. It
23 is proof that does not actually establish the fact in
24 question, but asserts or describes something else from
25 which you may either reasonably infer the truth of the

1 fact or at least reasonably infer an increase in the
2 probability that the fact is true.

3 Circumstantial evidence to be sufficient to warrant
4 the finding of a fact, circumstances must lead to the
5 fact with reasonable certainty. The facts and
6 circumstances should be considered in light of ordinary
7 experience and common sense. The existence of a fact
8 cannot be based on speculation, surmise or conjecture.
9 The law makes absolutely no distinction between the
10 weight or value to be given to either direct or
11 circumstantial evidence nor is a greater degree of
12 certainty required of circumstantial evidence than the
13 direct evidence.

14 You should weigh all of the evidence in the case.
15 After weighing all the evidence, if you are not
16 convinced of the guilt of the Defendant beyond a
17 reasonable doubt you must find the Defendant not guilty.
18 In order to establish criminal liability, criminal
19 intent is required. For example, the mental state
20 required to be proven by the State for a particular
21 crime might be purpose, intent, knowledge -- or
22 knowledge.

23 Criminal intent must be proved by the State beyond
24 a reasonable doubt. Criminal intent is always a matter
25 that must be determined by the jury from the

1 circumstances surrounding the situation. There is no
2 way to prove intent to a mathematical certainty. There
3 is no way medical science can dissect a person's brain
4 and determine what the person had in mind. So the law
5 says that criminal intent may be inferred from the
6 circumstances shown to have existed.

7 This is how you make a determination of whether or
8 not the element requiring intent was present. It is not
9 necessary to establish intent by direct and positive
10 evidence, but intent must be established by inference in
11 the same way as any other fact taking into consideration
12 the acts of the parties and all other facts and
13 circumstances of the case.

14 Criminal intent is a mental state, a conscious
15 wrong doing. It is up to you to determine what the
16 Defendant intended to do based on the circumstances
17 shown to have existed. Criminal intent is a state of
18 mind that operates jointly with an act or omission or
19 commission of a crime.

20 Criminal intent is a mental state. Criminal
21 liability is normally based on concurrence of two
22 factors, an evil meaning mind and an evil doing hand. A
23 person who causes a particular result is said to act
24 purposefully if he consciously desires the results,
25 whatever the likelihood that result happening from his

1 conduct. A person is said to act knowingly if he is
2 aware that as a result is particularly certain to follow
3 from his conduct whatever his desire may be to do that
4 result.

5 Suspicion, however strong, is not enough to sustain
6 a conviction. The evidence presented by the State must
7 be a substantial evidence that tends to prove the guilt
8 of the Defendant beyond a reasonable doubt.

9 Now, indictment Number 2007-GS-37-1081 charges the
10 Defendant Charles Monroe Harris with criminal
11 solicitation of a minor pursuant to Section 16-15-3042
12 of the code of laws of South Carolina. I remind you
13 that the fact the Defendant was arrested, charged and
14 indicted in this case is not evidence in this case and
15 cannot be considered by you as evidence of guilt in this
16 case. Nor does it create any presumption or inference
17 of guilt. This document is simply the formal written
18 instrument which contains a charge made against the
19 Defendant. It is the formal document by which this case
20 is brought into court.

21 Now, the Defendant is charged with criminal
22 solicitation of a minor pursuant to Section 16-15-342
23 which provides in pertinent part: A person 18 years of
24 age or older commits the offense of criminal
25 solicitation of a minor if he knowingly contacts or

1 communicates with or attempts to contact or communicate
2 with a person reasonably believed to be under the age of
3 18 for the purpose of or with the intent of persuading,
4 inducing, enticing or coercing the person to engage or
5 participate in sexual activity.

6 Pursuant to Section 16-15-375 of our law, the term
7 sexual activity is defined to include any of the
8 following acts: Vaginal, anal or oral sexual
9 intercourse done with another human. Section 16-15-342
10 further provides that it is not a defense to a
11 prosecution pursuant to this section that the person
12 reasonably believed to be under the age of 18 is a law
13 enforcement agent or officer acting in his official
14 capacity.

15 The criminal solicitation statute specifically
16 identifies the following distinct elements of which the
17 State must establish beyond a reasonable -- each of
18 which the State must establish beyond a reasonable
19 doubt. First, that the Defendant is 18 years of age or
20 older. Second, the Defendant knowingly contacts or
21 communicates with or attempts to communicate with.

22 Third, a person under 18 or a person reasonably
23 believed to be under the age of 18. And four, for the
24 purposes of or with the intent of persuading, inducing,
25 enticing or coercing the person to engage and

1 participate in sexual activity.

2 The statute includes the term knowingly, thus it is
3 only those individuals who intentionally target minors
4 for the purposes of engaging or participating in sexual
5 activity. Conversely, it does not criminalize any
6 inadvertent contact or communications with minors.
7 However, Section 16-15-342 requires no overt act in
8 furtherance of the criminal solicitation.

9 If you have a reasonable doubt of the Defendant's
10 guilt after considering all of the evidence, then you
11 must find the Defendant not guilty. On the other hand,
12 no reasonable doubt -- on the other hand, if you have no
13 reasonable doubt of the Defendant's guilt after
14 considering all of the evidence then you must find the
15 Defendant guilty.

16 Mr. Foreman, ladies and gentlemen of the jury, you
17 have been selected as fair and impartial jurors sworn to
18 impartially try and determine the facts of this case.
19 When you have complied with your oath to do so then no
20 one will have the right to criticize your verdict and
21 you will have fully discharged your duty as jurors. You
22 should not be influenced by opinions or expression of
23 opinions, if any, which you may have heard on the
24 outside. But you are to decide this case according to
25 the testimony that you have heard from the lips of the

1 sworn witnesses, along with the evidence that have been
2 introduced.

3 As I said earlier, you are the judges of the facts
4 in this case and you are to determine only if the
5 Defendant is guilty or not guilty based upon the
6 testimony and evidence presented in the trial and after
7 applying the law as I have given it to you. If from the
8 evidence you have a reasonable doubt as to whether or
9 not the Defendant is guilty, it is your duty to acquit
10 him and write the two words not guilty.

11 Under the oath you took you swore to try this case
12 based only and solely on the testimony and evidence and
13 law presented and heard in this courtroom. It is your
14 duty to lay aside all bias or prejudice or sympathy you
15 may have in reaching your verdict. You have no friends
16 to reward or enemies to punish in this case.

17 I might note that the word verdict comes from the
18 Latin term *veredicto* which means to speak the truth.
19 Abide by your oath and return a verdict which does, in
20 fact, speak the truth.

21 Mr. Foreman, I have prepared a verdict form for you
22 to use in your deliberations. (Handing to bailiff to
23 Foreman.) As you will notice, it is entitled verdict.
24 And by the way, and as I said at the beginning of this
25 case, whatever your verdict is, it must be unanimous;

1 that is, all 12 members of the jury must agree to that
2 verdict.

3 In Indictment 2007-GS-37-1081, criminal
4 solicitation of a minor, you have two possible verdicts.
5 We, the jury, unanimously find on Indictment
6 2007-GS-37-1081 that the Defendant Charles Monroe Harris
7 is guilty of criminal solicitation of a minor or not
8 guilty. Now, whatever is your verdict, your verdict
9 must be unanimous. Mr. Foreman, once you have reached a
10 verdict, indicate the appropriate line in the verdict
11 that you have reached. And once you have done that, if
12 you would please, sign your name on the line provided.

13 Now, I'm gonna ask the bailiff to take back the
14 verdict form and now excuse you to the jury room, except
15 I do not want you to begin your deliberations until the
16 bailiff brings in the verdict form together with the
17 evidence as introduced in this case.

18 Once you receive the verdict form and the evidence,
19 then you may begin your deliberations. And once you
20 have reached a verdict, knock on the door and we'll
21 return and receive your verdict.

22 Now, again, I'm gonna have to ask you to retire to
23 the jury room without beginning your deliberations until
24 you receive the verdict form and the evidence. There
25 are a few matters I need to take up with the attorneys

1 before you begin. It should be just a few minutes.

2 With that I'm going to excuse the 12 members of the
3 jury. The two alternates if you would please remain
4 with us. Mr. Foreman, ladies and gentlemen of the jury,
5 if you would please retire. Once you get the verdict
6 form and the exhibits, please begin your deliberations.

7 Everyone else remain seated while the jury retires
8 from the courtroom.

9 (Whereupon, the Jury left the courtroom at
10 approximately 3:10 p.m.)

11 THE COURT: All right. Are there any exceptions to
12 the charge or additional requests to charge from the
13 State?

14 MR. ANDERS: None from the State, Your Honor.

15 THE COURT: From the Defendant?

16 MR. DAY: None Your Honor.

17 THE COURT: Let's see. Officer, if you would
18 collect the exhibits and then take the verdict form.
19 And then do, gentlemen, if you would be sure that
20 everything goes that is supposed to go back.

21 (Discussion off the record. Court reporter to
22 attorneys.)

23 (Whereupon, Court had off-the-record discussion to
24 two alternates after which alternates were excused at
25 approximately 3:13 p.m.)

1 **THE COURT:** All right, gentlemen, we will wait.
2 The verdict of the jury is in their hands. I do want to
3 thank all three of you for the way that you presented
4 your case and represented your positions and client.
5 You both, both sides were very professional in their
6 representation as well as their patience in the help of
7 the Court and I thank you very much. We'll stand at
8 ease awaiting a verdict.

9 (Whereupon, a recess was had.)

10 **THE COURT:** All right. We're back on the record in
11 the case of State v. Harris. I've been provided a
12 message from or a note from the jury. Can we see the
13 statement? Is it evidence? Signed by the foreman.

14 Of course, we only have the oral statement which
15 was testified to by the officer who interviewed the
16 Defendant. So I have consulted with the attorneys and
17 the court reporter and we have located that testimony,
18 as well as the Cross-Examination relevant to the
19 statement. And I propose that we bring the jury out,
20 ask if that's what they want, and if they do then we'll
21 play that for them. What does the State say?

22 **MR. ANDERS:** Your Honor, we would just ask since it
23 was testified to on direct, and I simply ask what the
24 statement was, that should be sufficient as to what the
25 witness statement is without the Cross-Examination.

1 They are not asking about the circumstances surrounding
2 the statement to my knowledge.

3 THE COURT: All right. Well, the only thing is I
4 think for the total of keeping it complete -- we've
5 heard that word before -- that I am going to permit the
6 Cross-Examination as to the circumstances to the
7 statement.

8 MR. DAY: No objection from the Defense.

9 THE COURT: All right. Objection is overruled as
10 to the limitation.

11 All right. Ask the jury to join us, please.

12 (Whereupon, Court's Exhibit Number 2, Jury Question
13 About Statement, was marked for identification.)

14 (Whereupon, Court's Exhibit Number 2 was entered
15 into the record.)

16 (The Jury entered the courtroom at approximately
17 3:47 p.m.)

18 THE BAILIFF: They say they have reached a verdict
19 now.

20 MR. DAY: They don't need it now?

21 THE COURT: I'm sorry. It's just the way things
22 go. I understand the jury has reached a verdict.
23 Anything from the State?

24 MR. ANDERS: Nothing from the State, Your Honor.

25 THE COURT: Anything from the Defendant?

1 MR. DAY: No, Your Honor.

2 THE COURT: All right. I'm going to ask the jury
3 to return. If you will, please.

4 I will read the note.

5 (The Jury entered the courtroom at approximately
6 3:50 p.m.)

7 THE COURT: Mr. Foreman, I understand you have
8 reached a verdict, but I think that -- well, I don't
9 know. Let me just keep the record clear. Before recent
10 -- not long ago I was given this note from the jury that
11 says can we see the statement? Is it evidence?

12 And the reason for the delay, it was not a written
13 statement, and it was an oral statement and what we have
14 been trying to do is to get the testimony that covered
15 the statement and the Cross-Examination and that took us
16 a little time. But do I understand you have reached a
17 verdict?

18 THE FOREMAN: Yes, sir.

19 THE COURT: All right. If you would, please, pass
20 it up.

21 (Two alternates are still here watching.)

22 THE COURT: Madam Clerk, do you want to publish the
23 verdict?

24 THE CLERK: Yes, sir.

25 In the matter of the State of South Carolina versus

1 Charles Monroe Harris on Indictment Number
2 2007-GS-37-1081, criminal solicitation of a minor, we,
3 the jury, unanimously find on Indictment Number
4 2007-GS-37-1081 that the Defendant Charles Monroe Harris
5 is guilty of criminal solicitation of a minor.

6 (Whereupon, outburst, crying, and screaming
7 occurred.)

8 THE COURT: Clear the courtroom. Clear the
9 courtroom.

10 Get that door back there. Shield the door back
11 there. I'm sorry.

12 Mr. Foreman, is this your verdict? Listen
13 carefully. Is this your verdict and is it still your
14 verdict so say you all? If so, indicate by raising your
15 right hand.

16 Let the record reflect that all 12 members of the
17 jury affirmed the verdict. Thank you very much.

18 Is there anything from the State before I dismiss
19 the jury?

20 MR. ANDERS: Nothing from the State, Your Honor.

21 THE COURT: From the Defense?

22 MR. DAY: No.

23 THE COURT: Mr. Foreman, ladies and gentlemen of
24 the jury, as I told the two alternates, although it
25 looks like I'm doing everything in the world up here

1 service. Thank you.

2 (Whereupon, Jury left courtroom at approximately
3 3:58 p.m.)

4 THE COURT: Anything else from the State before we
5 proceed?

6 MR. ANDERS: No, Your Honor.

7 THE COURT: Anything from the Defense?

8 MR. DAY: Your Honor, I know we're moving on to the
9 sentencing, but I would like to request that the family
10 be allowed to return. I realize it was a very emotional
11 moment, but I think that upon instructions that allow
12 them to come back in because I know he wants his family
13 here with him and some of them may want to speak on his
14 behalf.

15 I would, of course, understand instructions to
16 them, Your Honor, prior to that explaining that there
17 can be no histrionics, et cetera, but they may address
18 the courtroom but they have to do so in a proper manner.

19 THE COURT: What does the State say?

20 MR. ANDERS: Your Honor, obviously it is your
21 courtroom.

22 THE COURT: It is.

23 MR. ANDERS: We do worry about the disruptiveness,
24 but I do feel like the Defendant does have the right to
25 have his family speak on his behalf.

1 THE COURT: Lieutenant, where are the members of
2 the family now?

3 THE SHERIFF'S DEPUTY: In the lobby, Your Honor.

4 THE COURT: Are they downstairs or are they right
5 here?

6 THE SHERIFF'S DEPUTY: Right here.

7 MR. ANDERS: Your Honor, maybe we can just have two
8 or three instead of ---

9 THE COURT: Well, I'll tell you what I'm gonna do.
10 I'm gonna let Mr. Day go out and talk to them before I
11 do. And if there's any problem at all, let me know and
12 I'll take care of it accordingly.

13 MR. DAY: All right, sir.

14 THE COURT: All right. We'll stand at ease for 10
15 minutes.

16 (Whereupon, a recess was had.)

17 THE COURT: All right. Are we ready to proceed?

18 MR. ANDERS: The State's ready, Your Honor.

19 THE COURT: All right. Defense ready?

20 MR. DAY: Yes, sir.

21 THE COURT: All right.

22 (Whereupon, Defendant's family enters courtroom.)

23 THE COURT: All right. We're back on the record in
24 the State of South Carolina versus Charles Monroe
25 Harris, 2007-GS-37-1081. The jury has returned a

1 and he would never touch a child. He's always been good
2 to his grandchildren and me and my sisters and daughters
3 as well. He's never touched any of us.

4 THE COURT: Thank you, ma'am.

5 ROBERT KELLY: I'm Robert Kelly. I'm Charles
6 Harris's friend, been knowing him for six years. I let
7 him watch my son and he's never ever touched him in any
8 way or messed with any child or thought about any child
9 that way as long as I've known him. That's all I have
10 to say.

11 THE COURT: Thank you, sir.

12 All right. Anything else?

13 MR. ANDERS: Nothing further from the State, Your
14 Honor.

15 THE COURT: Anything else, Mr. Day?

16 MR. DAY: Your Honor, Mr. Harris I believe would
17 like to address the Court as well.

18 THE DEFENDANT: Your Honor, I realize that I might
19 have made a mistake, but I never intended to meet
20 anybody or do anybody no harm, especially a child. I
21 got eight grand babies and I wouldn't be standing here
22 today if somebody was to try to mess with one of them or
23 my daughters or my girlfriend's daughters. I love kids.
24 I've always been around them.

25 My ex-wife was raped. When I met her, I raised

1 that baby. I know what she went through. I was there
2 when she went through it, and I wouldn't never put
3 nobody like that. I wouldn't be put in the same
4 category, but yet I find myself today in the same
5 category. And I just beg for you to have mercy on me
6 because I'm not that type fella. I mean, I was raised
7 at foster homes all my life. My mom and dad didn't
8 raise me.

9 THE COURT: All right. Anything else?

10 THE DEFENDANT: No, sir.

11 THE COURT: Anything else from the State?

12 MR. ANDERS: Nothing, Your Honor.

13 THE COURT: Did he serve any time at all?

14 MR. DAY: One day, Your Honor.

15 (Whereupon, the Defendant conferred with counsel
16 off the record.)

17 MR. DAY: Excuse me, Your Honor. I apologize for
18 interrupting. He just reminded me again, he was picked
19 up on a bench warrant. There was a mistake about his
20 appearing. Then they found out he did appear, they
21 lifted the bench warrant immediately. He spent another
22 day in jail for that.

23 THE COURT: All right. Anything else from the
24 State?

25 MR. ANDERS: Nothing, Your Honor.

1 THE COURT: Anything else on behalf of the
2 Defendant, Mr. Day?

3 MR. DAY: No thanks. No, Your Honor.

4 THE COURT: Anything else, Mr. Harris?

5 THE DEFENDANT: No, sir.

6 SENTENCING BY THE COURT:

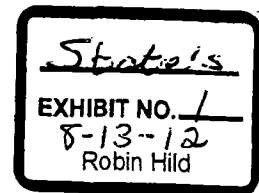
7 THE COURT: Indictment Number 2007-GS-37-1081 the
8 sentence of the Court that the Defendant Charles Monroe
9 Harris be committed to the State Department of
10 Corrections for a term of ten years provided upon the
11 payment of costs and assessments as applicable the
12 balance is suspended, probation for five years.

13 Special condition of probation is he is to be given
14 credit for two days' time served and undergo drug and
15 alcohol testing and treatment, substance abuse
16 counseling as directed, to undergo mental health
17 counseling as directed, pay \$500 to the Clerk of Court
18 during probation.

19 One year of the probation is to be served on home
20 detention.

21 MR. DAY: Your Honor, just to make sure I'm telling
22 him correct, when you say home detention he'll be
23 allowed to go to work?

24 THE COURT: Yes. But he has to follow all of the
25 rules of the Probation Office.



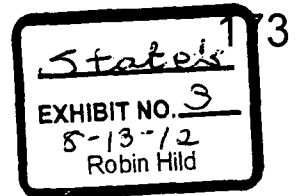
Show Recent Messages (F3)

mr lover love me (3/15/2007 4:24:30 PM): hey amy
Amy Grace (3/15/2007 4:24:39 PM): hi there how r u
mr lover love me (3/15/2007 4:24:52 PM): im ok you
Amy Grace (3/15/2007 4:24:57 PM): alrighgt
mr lover love me (3/15/2007 4:25:05 PM): just got off work
Amy Grace (3/15/2007 4:25:10 PM): kewl
Amy Grace (3/15/2007 4:25:12 PM): hard day
mr lover love me (3/15/2007 4:25:55 PM): yessssssssssssss
mr lover love me (3/15/2007 4:25:57 PM): lol
Amy Grace (3/15/2007 4:25:59 PM): im sorry
mr lover love me (3/15/2007 4:26:09 PM): its ok
mr lover love me (3/15/2007 4:26:38 PM): hard day at school?
Amy Grace (3/15/2007 4:26:55 PM): nope got off early to go to eye doc
mr lover love me (3/15/2007 4:27:07 PM): kool
Amy Grace (3/15/2007 4:29:17 PM): whatcha doin
mr lover love me (3/15/2007 4:29:45 PM): looking at my mail
Amy Grace (3/15/2007 4:29:49 PM): k
Amy Grace (3/15/2007 4:29:51 PM): ur quiet
mr lover love me (3/15/2007 4:29:56 PM): lol
mr lover love me (3/15/2007 4:32:35 PM): what you doing over there
Amy Grace (3/15/2007 4:32:46 PM): nuttin at all bored again
mr lover love me (3/15/2007 4:32:58 PM): yes me too
Amy Grace (3/15/2007 4:33:25 PM): it suck doenst it
mr lover love me (3/15/2007 4:33:42 PM): yes it dose
mr lover love me (3/15/2007 4:34:13 PM): im looking for somthing to do
Amy Grace (3/15/2007 4:34:19 PM): me to
mr lover love me (3/15/2007 4:34:49 PM): what do you want to do
Amy Grace (3/15/2007 4:35:33 PM): i dont no what do u want to d
Amy Grace (3/15/2007 4:36:32 PM): hello
mr lover love me (3/15/2007 4:36:55 PM): im here just thing
Amy Grace (3/15/2007 4:37:08 PM): thing?
mr lover love me (3/15/2007 4:37:18 PM): just thinking
Amy Grace (3/15/2007 4:37:23 PM): whatcha thinking
mr lover love me (3/15/2007 4:37:25 PM): im sorry
Amy Grace (3/15/2007 4:37:29 PM): for what
mr lover love me (3/15/2007 4:37:46 PM): i put thing
Amy Grace (3/15/2007 4:37:54 PM): huh?
mr lover love me (3/15/2007 4:37:58 PM): not thinking
Amy Grace (3/15/2007 4:38:11 PM): what do oumean
mr lover love me (3/15/2007 4:38:28 PM): not a thing
Amy Grace (3/15/2007 4:38:35 PM): ok
mr lover love me (3/15/2007 4:39:01 PM): what do you like to do for fun

Amy Grace (3/15/2007 4:39:18 PM): anything really i lik eto go to the mall and shop or
 just hang out
 mr lover love me (3/15/2007 4:39:30 PM): kool
 Amy Grace (3/15/2007 4:39:49 PM): ya i like it
 Amy Grace (3/15/2007 4:39:51 PM): what do u do
 mr lover love me (3/15/2007 4:40:06 PM): any thing fun
 Amy Grace (3/15/2007 4:40:13 PM): kewl
 mr lover love me (3/15/2007 4:40:42 PM): where is your b/f
 Amy Grace (3/15/2007 4:40:58 PM): i dont have one
 mr lover love me (3/15/2007 4:41:06 PM): why not
 Amy Grace (3/15/2007 4:41:15 PM): i dont no
 mr lover love me (3/15/2007 4:41:21 PM): lol
 mr lover love me (3/15/2007 4:41:33 PM): well you need one
 Amy Grace (3/15/2007 4:41:57 PM): k who
 mr lover love me (3/15/2007 4:42:14 PM): dont know that
 Amy Grace (3/15/2007 4:42:25 PM): k
 mr lover love me (3/15/2007 4:42:47 PM): im to old lol
 Amy Grace (3/15/2007 4:42:52 PM): no ur not
 mr lover love me (3/15/2007 4:43:07 PM): well ty
 mr lover love me (3/15/2007 4:43:30 PM): why you like old men
 Amy Grace (3/15/2007 4:44:05 PM): i dont no i guess
 mr lover love me (3/15/2007 4:44:16 PM): oo ok
 mr lover love me (3/15/2007 4:44:38 PM): and you are onley 13
 Amy Grace (3/15/2007 4:44:41 PM): ya
 mr lover love me (3/15/2007 4:45:33 PM): well dont let them do any thing to you
 Amy Grace (3/15/2007 4:45:42 PM): i wouldnt i poromise
 mr lover love me (3/15/2007 4:45:53 PM): ok good
 mr lover love me (3/15/2007 4:46:28 PM): they are a lot of guys on here just looking for
 one thing
 Amy Grace (3/15/2007 4:47:02 PM): whats that
 mr lover love me (3/15/2007 4:47:18 PM): just sex
 Amy Grace (3/15/2007 4:47:30 PM): OMG whatever
 mr lover love me (3/15/2007 4:47:52 PM): well they are out there
 Amy Grace (3/15/2007 4:48:06 PM): k
 Amy Grace (3/15/2007 4:48:10 PM): ill b careful
 mr lover love me (3/15/2007 4:48:11 PM): but im not like that at all
 Amy Grace (3/15/2007 4:48:20 PM): i no
 mr lover love me (3/15/2007 4:48:33 PM): my kids are 24 23 22 18
 Amy Grace (3/15/2007 4:48:50 PM): wow
 Amy Grace (3/15/2007 4:48:55 PM): whats there names
 mr lover love me (3/15/2007 4:49:21 PM): marie carrie charlene sabrina
 Amy Grace (3/15/2007 4:49:48 PM): good names
 Amy Grace (3/15/2007 4:49:49 PM): all girls
 mr lover love me (3/15/2007 4:49:54 PM): yes
 Amy Grace (3/15/2007 4:50:00 PM): no boys
 mr lover love me (3/15/2007 4:50:11 PM): on

Amy Grace (3/15/2007 4:50:16 PM): lol
mr lover love me (3/15/2007 4:50:23 PM): but i want one
Amy Grace (3/15/2007 4:50:40 PM): wherer di du say u live
mr lover love me (3/15/2007 4:50:49 PM): anderson
Amy Grace (3/15/2007 4:51:00 PM): right u said near the mall
mr lover love me (3/15/2007 4:51:06 PM): yes
Amy Grace (3/15/2007 4:51:19 PM): kewl do u go alot
mr lover love me (3/15/2007 4:51:25 PM): ya
mr lover love me (3/15/2007 4:53:10 PM): well it was nice talking to you but i need to go
get a shower hope to talk to you again
Amy Grace (3/15/2007 4:53:11 PM): whatch gonna do tonight
Amy Grace (3/15/2007 4:53:23 PM): after ur shower?
mr lover love me (3/15/2007 4:53:23 PM): notthing you
Amy Grace (3/15/2007 4:53:27 PM): nutin at all
mr lover love me (3/15/2007 4:53:44 PM): yes if you like
Amy Grace (3/15/2007 4:53:48 PM): sure ur nice
mr lover love me (3/15/2007 4:53:56 PM): ok ty
Amy Grace (3/15/2007 4:55:26 PM): when i sur birthday
Amy Grace (3/15/2007 4:55:30 PM): mines coming up
mr lover love me (3/15/2007 4:55:42 PM): 7 18
Amy Grace (3/15/2007 4:57:32 PM): kewl b day
mr lover love me (3/15/2007 4:58:01 PM): ty
Amy Grace (3/15/2007 4:58:22 PM): yw
Amy Grace (3/15/2007 5:04:11 PM): u in the hshowr
mr lover love me (3/15/2007 5:47:55 PM): ok sweety
Amy Grace (3/15/2007 5:48:00 PM): hey there
mr lover love me (3/15/2007 5:48:11 PM): hey
Amy Grace (3/15/2007 5:48:24 PM): whats up
mr lover love me (3/15/2007 5:48:38 PM): not me lol jk
Amy Grace (3/15/2007 5:48:47 PM): haha
mr lover love me (3/15/2007 5:49:11 PM): im just playing
Amy Grace (3/15/2007 5:49:18 PM): i no
Amy Grace (3/15/2007 5:49:43 PM): whtat kind of car u drive
mr lover love me (3/15/2007 5:50:02 PM): z28 with ttops
Amy Grace (3/15/2007 5:50:11 PM): is that afast car
mr lover love me (3/15/2007 5:50:21 PM): yesssssss
Amy Grace (3/15/2007 5:50:25 PM): kewl
Amy Grace (3/15/2007 5:50:27 PM): what color
mr lover love me (3/15/2007 5:50:37 PM): blue
Amy Grace (3/15/2007 5:50:46 PM): my fav
mr lover love me (3/15/2007 5:50:54 PM): mine to
Amy Grace (3/15/2007 5:50:58 PM): kewl
Amy Grace (3/15/2007 5:54:06 PM): u there
mr lover love me (3/15/2007 5:54:14 PM): ya
Amy Grace (3/15/2007 5:54:20 PM): wonderin
mr lover love me (3/15/2007 5:54:28 PM): k

Amy Grace (3/15/2007 5:57:19 PM): where did u go



Show Recent Messages (F3)

mr lover love me appears to be offline and will receive your messages after signing in.
You can also send a message to mr lover love me's mobile device.
Send an SMS Message (Ctrl+T)

mr lover love me (3/16/2007 11:54:35 AM): you not in school today
mr lover love me (3/16/2007 11:56:16 AM): ok you must be busy
Amy Grace (3/16/2007 12:09:06 PM): im hear sorry watchin tv
Amy Grace (3/16/2007 12:10:46 PM): u there
Amy Grace (3/16/2007 12:10:50 PM): sorry dont b mad at me
mr lover love me (3/16/2007 12:11:25 PM): hey there
Amy Grace (3/16/2007 12:11:34 PM): ow r u
Amy Grace (3/16/2007 12:11:36 PM): how
mr lover love me (3/16/2007 12:11:41 PM): im ok ty
mr lover love me (3/16/2007 12:11:56 PM): how r u today
Amy Grace (3/16/2007 12:12:09 PM): im alright the rain sucks
mr lover love me (3/16/2007 12:12:34 PM): i bet you are
Amy Grace (3/16/2007 12:12:42 PM): ya i am
Amy Grace (3/16/2007 12:12:56 PM): whatcha doin today
mr lover love me (3/16/2007 12:13:05 PM): lol yes its raining
Amy Grace (3/16/2007 12:13:11 PM): yep
mr lover love me (3/16/2007 12:13:29 PM): not to much im looking for something to do
Amy Grace (3/16/2007 12:13:39 PM): me to its borign since it rainin
mr lover love me (3/16/2007 12:13:50 PM): yes
Amy Grace (3/16/2007 12:14:06 PM): whatcha wanna do
mr lover love me (3/16/2007 12:14:09 PM): wheres mom and dad at
mr lover love me (3/16/2007 12:14:23 PM): dont know you
Amy Grace (3/16/2007 12:14:27 PM): i dont no my dad and mom just left for work
mr lover love me (3/16/2007 12:15:05 PM): oh
Amy Grace (3/16/2007 12:15:18 PM): ya its lonely here
mr lover love me (3/16/2007 12:15:28 PM): ya here to
mr lover love me (3/16/2007 12:15:48 PM): i just wish you were older
mr lover love me (3/16/2007 12:15:50 PM): lol
Amy Grace (3/16/2007 12:16:11 PM): why
mr lover love me (3/16/2007 12:16:25 PM): i just do
Amy Grace (3/16/2007 12:16:59 PM): i dont care
mr lover love me (3/16/2007 12:17:20 PM): ok lol
Amy Grace (3/16/2007 12:17:43 PM): i dcould care less im jsutboree
mr lover love me (3/16/2007 12:18:00 PM): you might care
Amy Grace (3/16/2007 12:18:35 PM): why sould i care
mr lover love me (3/16/2007 12:18:52 PM): im a lot older
Amy Grace (3/16/2007 12:18:59 PM): i dont care about that
mr lover love me (3/16/2007 12:19:28 PM): ya but its not right

Amy Grace (3/16/2007 12:20:03 PM): whatever thats stupid
mr lover love me (3/16/2007 12:20:19 PM): ya i know that but
Amy Grace (3/16/2007 12:20:33 PM): but what
mr lover love me (3/16/2007 12:21:11 PM): still not right for me to think about you like that lol
Amy Grace (3/16/2007 12:21:29 PM): like how
mr lover love me (3/16/2007 12:22:01 PM): well im just a man you no
mr lover love me (3/16/2007 12:22:04 PM): lol
Amy Grace (3/16/2007 12:22:18 PM): lol i no thats why i like tlakin to u
mr lover love me (3/16/2007 12:22:39 PM): and i like chating with you to
Amy Grace (3/16/2007 12:23:05 PM): me to
mr lover love me (3/16/2007 12:23:22 PM): ok
Amy Grace (3/16/2007 12:23:57 PM): do u not like me
mr lover love me (3/16/2007 12:24:05 PM): when you get a man then you will know what im talking about
mr lover love me (3/16/2007 12:24:13 PM): yes i do
Amy Grace (3/16/2007 12:24:24 PM): i like u 2
mr lover love me (3/16/2007 12:24:31 PM): good
Amy Grace (3/16/2007 12:24:42 PM): ur really nice 2 me
mr lover love me (3/16/2007 12:24:48 PM): ty
Amy Grace (3/16/2007 12:25:03 PM): yw
mr lover love me (3/16/2007 12:25:20 PM): got any more pic
Amy Grace (3/16/2007 12:25:31 PM): na jsut the on prof
mr lover love me (3/16/2007 12:25:48 PM): oh ok
Amy Grace (3/16/2007 12:25:59 PM): whatcha think
mr lover love me (3/16/2007 12:26:17 PM): you are nice looking
Amy Grace (3/16/2007 12:26:35 PM): ty
Amy Grace (3/16/2007 12:26:40 PM): ur sweet
mr lover love me (3/16/2007 12:26:42 PM): yw
mr lover love me (3/16/2007 12:27:29 PM): you not along are you
Amy Grace (3/16/2007 12:27:58 PM): ya i am
mr lover love me (3/16/2007 12:28:08 PM): why
Amy Grace (3/16/2007 12:28:25 PM): moms at work
mr lover love me (3/16/2007 12:28:40 PM): wheres dad
Amy Grace (3/16/2007 12:28:54 PM): ive neber met my dad
mr lover love me (3/16/2007 12:29:09 PM): oh im sorry
Amy Grace (3/16/2007 12:29:19 PM): na its alright
Amy Grace (3/16/2007 12:29:21 PM): i dont care
mr lover love me (3/16/2007 12:29:37 PM): mom got a man
Amy Grace (3/16/2007 12:29:48 PM): nope she says she has no time
mr lover love me (3/16/2007 12:29:55 PM): lol
Amy Grace (3/16/2007 12:30:26 PM): ya shes a work abolicc
mr lover love me (3/16/2007 12:30:34 PM): i got a cam to
mr lover love me (3/16/2007 12:30:40 PM): ya me to
Amy Grace (3/16/2007 12:30:45 PM): kewl
mr lover love me (3/16/2007 12:32:14 PM): wish you had a cam to

Amy Grace (3/16/2007 12:32:23 PM): ya me 2
 Amy Grace (3/16/2007 12:32:34 PM): ive asked for it for like xmas and mom always
 says no
 mr lover love me (3/16/2007 12:33:00 PM): lol
 mr lover love me (3/16/2007 12:33:40 PM): she just cares about you
 Amy Grace (3/16/2007 12:34:05 PM): i no she skewl
 mr lover love me (3/16/2007 12:34:39 PM): you busy
 Amy Grace (3/16/2007 12:34:52 PM): no not at al
 mr lover love me (3/16/2007 12:35:01 PM): ok
 Amy Grace (3/16/2007 12:35:20 PM): why r u
 mr lover love me (3/16/2007 12:35:33 PM): no i wish i was lol
 Amy Grace (3/16/2007 12:35:42 PM): me 2 lol
 Amy Grace (3/16/2007 12:35:49 PM):
 mr lover love me (3/16/2007 12:36:21 PM): what would you do if i was there lol
 Amy Grace (3/16/2007 12:36:39 PM): anything ur nice what do u want me 2 do
 mr lover love me (3/16/2007 12:37:15 PM): i just acked
 mr lover love me (3/16/2007 12:37:40 PM): asked
 Amy Grace (3/16/2007 12:37:44 PM): k
 Amy Grace (3/16/2007 12:37:47 PM): me 2
 Amy Grace (3/16/2007 12:37:56 PM): i think ur really kewl
 mr lover love me (3/16/2007 12:38:03 PM): ty
 mr lover love me (3/16/2007 12:38:10 PM): ?
 Amy Grace (3/16/2007 12:38:18 PM): yw
 Amy Grace (3/16/2007 12:38:29 PM): why ?
 mr lover love me (3/16/2007 12:38:32 PM): got a?
 mr lover love me (3/16/2007 12:38:48 PM): you ever seen a man?
 Amy Grace (3/16/2007 12:38:48 PM): whats that
 Amy Grace (3/16/2007 12:38:58 PM): man what?
 mr lover love me (3/16/2007 12:39:45 PM): just ask if you had ever seen a man nude
 thats all
 Amy Grace (3/16/2007 12:39:54 PM): oh ya i did once
 mr lover love me (3/16/2007 12:40:06 PM): they are a lot of nuts out there
 Amy Grace (3/16/2007 12:40:27 PM): ya i no
 mr lover love me (3/16/2007 12:40:33 PM): ok
 mr lover love me (3/16/2007 12:40:47 PM): did you like seeing him
 Amy Grace (3/16/2007 12:41:28 PM): ya its was weird at firs tbut then i like d it
 mr lover love me (3/16/2007 12:41:38 PM): oh ok
 mr lover love me (3/16/2007 12:42:08 PM): wha did you like about it
 Amy Grace (3/16/2007 12:42:22 PM): i dont no it was kewl to c it
 mr lover love me (3/16/2007 12:42:59 PM): lol want to see another man
 Amy Grace (3/16/2007 12:43:11 PM): ya im human sure
 Amy Grace (3/16/2007 12:43:17 PM): how?
 mr lover love me (3/16/2007 12:43:19 PM): lol
 mr lover love me (3/16/2007 12:44:05 PM): i got a cam lol
 Amy Grace (3/16/2007 12:44:14 PM): lol ok
 mr lover love me (3/16/2007 12:44:57 PM): what do you want to see ?

Amy Grace (3/16/2007 12:45:02 PM): sure
 mr lover love me (3/16/2007 12:45:06 PM): my face
 Amy Grace (3/16/2007 12:45:10 PM): sure
 Amy Grace (3/16/2007 12:45:16 PM): r u cute
 mr lover love me (3/16/2007 12:45:29 PM): dont know
 Amy Grace (3/16/2007 12:45:38 PM): ill tell u
 Amy Grace (3/16/2007 12:46:11 PM): heck ya ur cute
 mr lover love me (3/16/2007 12:46:23 PM): ty
 Amy Grace (3/16/2007 12:46:37 PM): yw
 Amy Grace (3/16/2007 12:47:21 PM): so what r u going to do today]
 mr lover love me (3/16/2007 12:47:36 PM): not a thing why
 Amy Grace (3/16/2007 12:47:44 PM): just wonderin
 mr lover love me (3/16/2007 12:48:03 PM): what you thing about over there
 Amy Grace (3/16/2007 12:48:16 PM): id ont no ur cute
 Amy Grace (3/16/2007 12:48:43 PM): what duj u want to do
 mr lover love me (3/16/2007 12:48:56 PM): i dont want to be your frist lol
 Amy Grace (3/16/2007 12:49:02 PM): why not
 mr lover love me (3/16/2007 12:49:32 PM): you might like it to much lol
 Amy Grace (3/16/2007 12:49:44 PM): lol ur just so sweet i no i can trust u
 mr lover love me (3/16/2007 12:50:43 PM): if you were older it would be alright
 Amy Grace (3/16/2007 12:50:51 PM): whatever i think it is
 mr lover love me (3/16/2007 12:51:48 PM): you want to see any thing eles
 Amy Grace (3/16/2007 12:51:56 PM): whatever u wnt to show me
 Amy Grace (3/16/2007 12:52:02 PM): i wish u like me
 mr lover love me (3/16/2007 12:52:16 PM): i do like you
 Amy Grace (3/16/2007 12:52:24 PM): u dont act like it
 mr lover love me (3/16/2007 12:52:49 PM): yes i do why would you say i dont
 Amy Grace (3/16/2007 12:53:12 PM): u keep saying u dont want to c me or nuttin like
 that
 mr lover love me (3/16/2007 12:54:02 PM): would love to meet you but i know its not
 right
 Amy Grace (3/16/2007 12:54:10 PM): whatever c what i mean
 mr lover love me (3/16/2007 12:54:48 PM): but you are cute to me and i think you are
 really sweet
 Amy Grace (3/16/2007 12:54:55 PM): ty
 Amy Grace (3/16/2007 12:54:58 PM): i think
 mr lover love me (3/16/2007 12:55:02 PM): yw
 mr lover love me (3/16/2007 12:55:37 PM): i dont want to go to jail
 mr lover love me (3/16/2007 12:55:41 PM): lol
 Amy Grace (3/16/2007 12:55:57 PM): u wont im no cop
 mr lover love me (3/16/2007 12:56:24 PM): ya i know that
 Amy Grace (3/16/2007 12:56:35 PM): listen if u dont like me i understand
 mr lover love me (3/16/2007 12:56:43 PM): but you onley 13 to
 mr lover love me (3/16/2007 12:57:40 PM): sec now you mad
 Amy Grace (3/16/2007 12:57:55 PM): im not mad sad i dont care i told u
 mr lover love me (3/16/2007 12:58:18 PM): you want to have sex?

Amy Grace (3/16/2007 12:58:28 PM): if u want will u b careful
 mr lover love me (3/16/2007 12:58:46 PM): yes i would be
 Amy Grace (3/16/2007 12:59:05 PM): plz i no u will b
 Amy Grace (3/16/2007 1:00:01 PM): u thinkin
 mr lover love me (3/16/2007 1:00:08 PM): ya lol
 Amy Grace (3/16/2007 1:00:22 PM): dont htink no more lol
 mr lover love me (3/16/2007 1:00:34 PM): ok
 Amy Grace (3/16/2007 1:00:43 PM): well then
 mr lover love me (3/16/2007 1:00:48 PM): ok
 Amy Grace (3/16/2007 1:01:00 PM): userious
 mr lover love me (3/16/2007 1:01:06 PM): ya
 Amy Grace (3/16/2007 1:01:12 PM): kewl ty
 Amy Grace (3/16/2007 1:01:18 PM): now i wont b bored today
 mr lover love me (3/16/2007 1:01:19 PM): are you
 Amy Grace (3/16/2007 1:01:32 PM): im ready
 mr lover love me (3/16/2007 1:01:48 PM): you think you are
 Amy Grace (3/16/2007 1:02:00 PM): ya
 mr lover love me (3/16/2007 1:02:14 PM): ok
 mr lover love me (3/16/2007 1:02:28 PM): where you want to meet at
 Amy Grace (3/16/2007 1:02:47 PM): can u pic me up at my house
 mr lover love me (3/16/2007 1:03:00 PM): yes i can
 Amy Grace (3/16/2007 1:03:04 PM): kewl
 Amy Grace (3/16/2007 1:03:30 PM): how long will it take u
 mr lover love me (3/16/2007 1:03:43 PM): about 30 mins
 Amy Grace (3/16/2007 1:03:47 PM): kewl
 Amy Grace (3/16/2007 1:03:53 PM): u no whre i live
 mr lover love me (3/16/2007 1:04:04 PM): i think so
 Amy Grace (3/16/2007 1:04:20 PM): do u have i told u werer i live
 mr lover love me (3/16/2007 1:04:40 PM): i think so ya
 Amy Grace (3/16/2007 1:04:52 PM): whats my addres then
 mr lover love me (3/16/2007 1:05:34 PM): you bhind hareeds
 Amy Grace (3/16/2007 1:05:48 PM): ya [REDACTED]
 Amy Grace (3/16/2007 1:06:24 PM): u no were hardees is in walhala
 mr lover love me (3/16/2007 1:06:37 PM): ya
 Amy Grace (3/16/2007 1:06:53 PM): im like right behind pasta church on right
 Amy Grace (3/16/2007 1:06:55 PM): u promise
 mr lover love me (3/16/2007 1:07:12 PM): yes
 Amy Grace (3/16/2007 1:07:26 PM): kewl
 Amy Grace (3/16/2007 1:07:30 PM): what will u b driven
 mr lover love me (3/16/2007 1:08:03 PM): blue z28
 Amy Grace (3/16/2007 1:08:15 PM): thats right sorryr tath a kewl car
 Amy Grace (3/16/2007 1:08:44 PM): what do u want me to wear
 mr lover love me (3/16/2007 1:09:48 PM): any thing
 Amy Grace (3/16/2007 1:09:51 PM): k
 Amy Grace (3/16/2007 1:09:58 PM): what time wil u b here
 mr lover love me (3/16/2007 1:10:11 PM): by 1 135

Amy Grace (3/16/2007 1:10:19 PM): k
mr lover love me (3/16/2007 1:10:34 PM): ok im leaven now
Amy Grace (3/16/2007 1:10:48 PM): theres a gold trtuckin carport thats my moms work
turckthat she takes trash dont think its ayone else ok
mr lover love me (3/16/2007 1:11:13 PM): ok
Amy Grace (3/16/2007 1:11:22 PM): u promis ur cumin right
mr lover love me (3/16/2007 1:11:27 PM): ya
Amy Grace (3/16/2007 1:11:32 PM): kewl
mr lover love me (3/16/2007 1:11:40 PM): comeing now

Show Recent Messages (F3)

mr lover love me appears to be offline and will receive your messages after signing in.
 You can also send a message to mr lover love me's mobile device.
 Send an SMS Message (Ctrl+T)

mr lover love me (3/16/2007 3:07:26 PM): hello you here i think i got losted
 Amy Grace (3/16/2007 3:07:45 PM): why u say that ive been waitin
 Amy Grace (3/16/2007 3:08:01 PM): where u bene
 mr lover love me (3/16/2007 3:08:09 PM): up there
 Amy Grace (3/16/2007 3:08:26 PM): did u go behind harddes
 mr lover love me (3/16/2007 3:08:33 PM): yes
 Amy Grace (3/16/2007 3:08:43 PM): did u c earle strreet
 mr lover love me (3/16/2007 3:08:52 PM): yes
 Amy Grace (3/16/2007 3:09:03 PM): u cant miss it then
 Amy Grace (3/16/2007 3:09:11 PM): do u want me to meet usomewhre else
 Amy Grace (3/16/2007 3:09:23 PM): maybe harddses
 mr lover love me (3/16/2007 3:09:25 PM): where at
 mr lover love me (3/16/2007 3:09:31 PM): ok
 Amy Grace (3/16/2007 3:09:40 PM): usure
 Amy Grace (3/16/2007 3:09:47 PM): i think ur mjessin with me
 Amy Grace (3/16/2007 3:09:52 PM): i can walk up to harddes
 mr lover love me (3/16/2007 3:09:53 PM): you think they will tell your mother on you
 Amy Grace (3/16/2007 3:10:04 PM): who u tlakin about
 mr lover love me (3/16/2007 3:10:14 PM): any one
 Amy Grace (3/16/2007 3:10:22 PM): i dont no anyone up there
 mr lover love me (3/16/2007 3:10:33 PM): oh ok kool
 Amy Grace (3/16/2007 3:10:53 PM): u sure ur not messin with me ive been nice 2 u
 mr lover love me (3/16/2007 3:11:00 PM): if you are going to be there i will come back
 Amy Grace (3/16/2007 3:11:16 PM): ya ill go up there what time
 Amy Grace (3/16/2007 3:11:33 PM): u promise
 mr lover love me (3/16/2007 3:11:41 PM): yes i do
 Amy Grace (3/16/2007 3:11:48 PM): plz dont mess with me
 mr lover love me (3/16/2007 3:12:10 PM): im not you to sweet for that
 Amy Grace (3/16/2007 3:12:14 PM): i no
 Amy Grace (3/16/2007 3:12:23 PM): k what time u wan t me to go to hardsees
 mr lover love me (3/16/2007 3:12:47 PM): it took me 35 mins to get there
 Amy Grace (3/16/2007 3:12:50 PM): k
 Amy Grace (3/16/2007 3:13:23 PM): so what time
 mr lover love me (3/16/2007 3:13:34 PM): what time is you mother comeing home
 Amy Grace (3/16/2007 3:13:45 PM): not until 11
 mr lover love me (3/16/2007 3:13:53 PM): oh ok
 Amy Grace (3/16/2007 3:14:00 PM): fridya is a busy day for her
 mr lover love me (3/16/2007 3:14:06 PM): ill be there by 400

Amy Grace (3/16/2007 3:14:14 PM): promise don mess with me
mr lover love me (3/16/2007 3:14:25 PM): i will be there
Amy Grace (3/16/2007 3:14:55 PM): plz
mr lover love me (3/16/2007 3:15:37 PM): and we do not have to have sex eighter if you
dont want to ok
Amy Grace (3/16/2007 3:15:48 PM): k ill c how it goes ok
mr lover love me (3/16/2007 3:15:51 PM): we can just talk if you like
Amy Grace (3/16/2007 3:15:56 PM): k
Amy Grace (3/16/2007 3:16:03 PM): so 4 right
mr lover love me (3/16/2007 3:16:13 PM): yes
mr lover love me (3/16/2007 3:16:34 PM): i want push my self on you ok
Amy Grace (3/16/2007 3:16:38 PM): k\
Amy Grace (3/16/2007 3:16:41 PM): i no ur sweet
mr lover love me (3/16/2007 3:17:10 PM): ty ill see you in a little bit sweety ok
Amy Grace (3/16/2007 3:17:19 PM): k thx
mr lover love me (3/16/2007 3:17:39 PM): yw sweety be there at 4 ok
Amy Grace (3/16/2007 3:17:48 PM): k blue car right
mr lover love me (3/16/2007 3:18:02 PM): yes with t tops
Amy Grace (3/16/2007 3:18:16 PM): k come to side doror and i ll jus twalk out with u
mr lover love me (3/16/2007 3:18:30 PM): ok
Amy Grace (3/16/2007 3:18:37 PM): bye c u sonn
mr lover love me (3/16/2007 3:18:48 PM): ok sweety bye bye

Hi, Cindy Sign Out Help

Preview Mail w/ Y! Toolbar

Mail 1 My Y! Yahoo!

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Yahoo! Info Center > Yahoo! Terms Center > Yahoo! Terms of Service

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Yahoo! Terms of Service

1. ACCEPTANCE OF TERMS

Yahoo! Inc. ("Yahoo!") welcomes you. Yahoo! provides the Yahoo! Services (defined below) to you subject to the following Terms of Service ("TOS"), which may be updated by us from time to time without notice to you. You can review the most current version of the TOS at any time at: <http://info.yahoo.com/legal/us/yahoo/utos/utos-173.html>. By accessing and using the Yahoo! Services, you accept and agree to be bound by the terms and provision of the TOS. In addition, when using particular Yahoo! owned or operated services, you and Yahoo! shall be subject to any posted guidelines or rules applicable to such services, which may be posted and modified from time to time. All such guidelines or rules (including but not limited to our [Spam Policy](#)) are hereby incorporated by reference into the TOS. Yahoo! may also offer other services that are governed by different Terms of Service. For instance, different terms apply to members of [AT&T Yahoo! Dial](#) or [AT&T Yahoo! High Speed](#).

2. DESCRIPTION OF YAHOO! SERVICES

Yahoo! provides users with access to a rich collection of resources, including without limitation various communications tools, forums, shopping services, search services, personalized content and branded programming through its network of properties which may be accessed through any various medium or device now known or hereafter developed (the "Yahoo! Services"). You also understand and agree that the Yahoo! Services may include advertisements and that these advertisements are necessary for Yahoo! to provide the Yahoo! Services. You also understand and agree that the Yahoo! Services may include certain communications from Yahoo!, such as service announcements, administrative messages and the Yahoo! Newsletter, and that these communications are considered part of Yahoo! membership and you will not be able to opt out of receiving them. Unless explicitly stated otherwise, any new features that augment or enhance the current Yahoo! Services, including the release of new Yahoo! properties, shall be subject to the TOS. You understand and agree that the Yahoo! Services is provided "AS-IS" and that Yahoo! assumes no responsibility for the timeliness, deletion, mis-delivery or failure to store any user communications or personalization settings. You are responsible for obtaining access to the Yahoo! Services, and that access may involve third-party fees (such as Internet service provider or airtime charges). You are responsible for those fees, including those fees associated with the display or delivery of advertisements. In addition, you must provide and are responsible for all equipment necessary to access the Yahoo! Services.

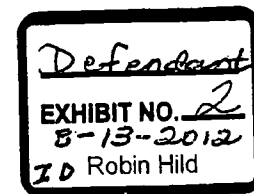
You understand that the technical processing and transmission of the Yahoo! Services, including your Content, may involve (a) transmissions over various networks; and (b) changes to conform and adapt to technical requirements of connecting networks or devices.

Please be aware that Yahoo! has created certain areas on the Yahoo! Services that contain adult or mature content. You must be at least 18 years of age to access and view such areas.

3. YOUR REGISTRATION OBLIGATIONS

In consideration of your use of the Yahoo! Services, you represent that you are of legal age to form a binding contract and are not a person barred from receiving the Yahoo! Services under the laws of the United States or other applicable jurisdiction. You also agree to: (a) provide true, accurate, current and complete information about yourself as prompted by the Yahoo! Service's registration form (the "Registration Data") and (b) maintain and promptly update the Registration Data to keep it true, accurate, current and complete. If you provide any information that is untrue, inaccurate, not current or incomplete, or Yahoo! has reasonable grounds to suspect that such information is untrue, inaccurate, not current or incomplete, Yahoo! has the right to suspend or terminate your account and refuse any and all current or future use of the Yahoo! Services (or any portion thereof). Yahoo! is concerned about the safety and privacy of all its users, particularly children. For this reason, parents of children under the age of 13 who wish to allow their children access to the Yahoo! Services must create a Yahoo! Family Account. When you create a Yahoo! Family Account and add your child to the account, you certify that you are at least 18 years old and that you are the legal guardian of the child/children listed on the Yahoo! Family Account. By adding a child to your Yahoo! Family Account, you also give your child permission to access many areas of the Yahoo! Services, including, email, message boards and instant messaging (among others). Please remember that the Yahoo! Services is designed to appeal to a broad audience. Accordingly, as the legal guardian, it is your responsibility to determine whether any of the Yahoo! Services areas and/or Content (as defined in Section 6 below) are appropriate for your child.

4. YAHOO! PRIVACY POLICY



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Registration Data and certain other information about you are subject to our applicable privacy policy. For more information, see the full Yahoo! Privacy Policy at <http://info.yahoo.com/privacy/us/yahoo/>, or if you came from Yahoo! Kids, then see our Yahoo! Kids Privacy Policy at <http://info.yahoo.com/privacy/us/yahoo/kids>. You understand that through your use of the Yahoo! Services you consent to the collection and use (as set forth in the applicable privacy policy) of this information, including the transfer of this information to the United States and/or other countries for storage, processing and use by Yahoo! and its affiliates.

5. MEMBER ACCOUNT, PASSWORD AND SECURITY

You will receive a password and account designation upon completing the Yahoo! Service's registration process. You are responsible for maintaining the confidentiality of the password and account and are fully responsible for all activities that occur under your password or account. You agree to (a) immediately notify Yahoo! of any unauthorized use of your password or account or any other breach of security, and (b) ensure that you exit from your account at the end of each session. Yahoo! cannot and will not be liable for any loss or damage arising from your failure to comply with this Section 5.

6. MEMBER CONDUCT

You understand that all information, data, text, software, music, sound, photographs, graphics, video, messages, tags, or other materials ("Content"), whether publicly posted or privately transmitted, are the sole responsibility of the person from whom such Content originated. This means that you, and not Yahoo!, are entirely responsible for all Content that you upload, post, email, transmit or otherwise make available via the Yahoo! Services. Yahoo! does not control the Content posted via the Yahoo! Services and, as such, does not guarantee the accuracy, integrity or quality of such Content. You understand that by using the Yahoo! Services, you may be exposed to Content that is offensive, indecent or objectionable. Under no circumstances will Yahoo! be liable in any way for any Content, including, but not limited to, any errors or omissions in any Content, or any loss or damage of any kind incurred as a result of the use of any Content posted, emailed, transmitted or otherwise made available via the Yahoo! Services.

You agree to not use the Yahoo! Services to:

- a. upload, post, email, transmit or otherwise make available any Content that is unlawful, harmful, threatening, abusive, harassing, tortious, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful, or racially, ethnically or otherwise objectionable;
- b. harm minors in any way;
- c. impersonate any person or entity, including, but not limited to, a Yahoo! official, forum leader, guide or host, or falsely state or otherwise misrepresent your affiliation with a person or entity;
- d. forge headers or otherwise manipulate identifiers in order to disguise the origin of any Content transmitted through the Yahoo! Service;
- e. upload, post, email, transmit or otherwise make available any Content that you do not have a right to make available under any law or under contractual or fiduciary relationships (such as inside information, proprietary and confidential information learned or disclosed as part of employment relationships or under nondisclosure agreements);
- f. upload, post, email, transmit or otherwise make available any Content that infringes any patent, trademark, trade secret, copyright or other proprietary rights ("Rights") of any party;
- g. upload, post, email, transmit or otherwise make available any unsolicited or unauthorized advertising, promotional materials, "junk mail," "spam," "chain letters," "pyramid schemes," or any other form of solicitation, except in those areas (such as shopping) that are designated for such purpose (please read our complete [Spam Policy](#));
- h. upload, post, email, transmit or otherwise make available any material that contains software viruses or any other computer code, files or programs designed to interrupt, destroy or limit the functionality of any computer software or hardware or telecommunications equipment;
- i. disrupt the normal flow of dialogue, cause a screen to "scroll" faster than other users of the Yahoo! Services are able to type, or otherwise act in a manner that negatively affects other users' ability to engage in real time exchanges;
- j. interfere with or disrupt the Yahoo! Services or servers or networks connected to the Yahoo! Services, or disobey any requirements, procedures, policies or regulations of networks connected to the Yahoo! Services, including using any device, software or routine to bypass our robot exclusion headers;
- k. intentionally or unintentionally violate any applicable local, state, national or international law, including, but not limited to, regulations promulgated by the U.S. Securities and Exchange Commission, any rules of any national or other securities exchange, including,

without limitation, the New York Stock Exchange, the American Stock Exchange or the NASDAQ, and any regulations having the force of law;

- l. provide material support or resources (or to conceal or disguise the nature, location, source, or ownership of material support or resources) to any organization(s) designated by the United States government as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act;
- m. "stalk" or otherwise harass another; and/or
- n. collect or store personal data about other users in connection with the prohibited conduct and activities set forth in paragraphs a through m above.

You acknowledge that Yahoo! may or may not pre-screen Content, but that Yahoo! and its designees shall have the right (but not the obligation) in their sole discretion to pre-screen, refuse, or remove any Content that is available via the Yahoo! Services. Without limiting the foregoing, Yahoo! and its designees shall have the right to remove any Content that violates the TOS or is otherwise objectionable. You agree that you must evaluate, and bear all risks associated with, the use of any Content, including any reliance on the accuracy, completeness, or usefulness of such Content. In this regard, you acknowledge that you may not rely on any Content created by Yahoo! or submitted to Yahoo!, including without limitation information in Yahoo! Message Boards and in all other parts of the Yahoo! Services.

You acknowledge, consent and agree that Yahoo! may access, preserve and disclose your account information and Content if required to do so by law or in a good faith belief that such access preservation or disclosure is reasonably necessary to: (i) comply with legal process; (ii) enforce the TOS; (iii) respond to claims that any Content violates the rights of third parties; (iv) respond to your requests for customer service; or (v) protect the rights, property or personal safety of Yahoo!, its users and the public.

You understand that the Yahoo! Services and software embodied within the Yahoo! Services may include security components that permit digital materials to be protected, and that use of these materials is subject to usage rules set by Yahoo! and/or content providers who provide content to the Yahoo! Services. You may not attempt to override or circumvent any of the usage rules embedded into the Yahoo! Services. Any unauthorized reproduction, publication, further distribution or public exhibition of the materials provided on the Yahoo! Services, in whole or in part, is strictly prohibited.

7. INTERSTATE NATURE OF COMMUNICATIONS ON YAHOO! NETWORK

When you register with Yahoo!, you acknowledge that in using the Yahoo! Services to send electronic communications (including but not limited to email, search queries, sending messages to Yahoo! Chat or Yahoo! Groups, uploading photos and files to Flickr, and other Internet activities), you will be causing communications to be sent through Yahoo!'s computer networks, portions of which are located in California, Texas, Virginia, and other locations in the United States and portions of which are located abroad. As a result, and also as a result of Yahoo!'s network architecture and business practices and the nature of electronic communications, even communications that seem to be intrastate in nature can result in the transmission of interstate communications regardless of where you are physically located at the time of transmission. Accordingly, by agreeing to this TOS, you acknowledge that use of the service results in interstate data transmissions.

8. SPECIAL ADMONITIONS FOR INTERNATIONAL USE AND EXPORT AND IMPORT COMPLIANCE

Recognizing the global nature of the Internet, you agree to comply with all local rules regarding online conduct and acceptable Content. Use of the Yahoo! Services and transfer, posting and uploading of software, technology, and other technical data via the Yahoo! Services may be subject to the export and import laws of the United States and other countries. You agree to comply with all applicable export and import laws and regulations. In particular, you: (a) represent that you are not a party identified on any government export exclusion list, including but not limited to the U.S. Denied Persons, Entity, and Specially Designated Nationals Lists, nor will you transfer software, technology, and other technical data via the Yahoo! Services to parties identified on such lists; (b) agree not to use the Yahoo! Services for military, nuclear, missile, chemical or biological weaponry end uses in violation of U.S. export laws; (c) agree not to transfer, upload, or post via the Yahoo! Services any software, technology or other technical data in violation of U.S. or other applicable export or import laws.

9. CONTENT SUBMITTED OR MADE AVAILABLE FOR INCLUSION ON THE YAHOO! SERVICES

Yahoo! does not claim ownership of Content you submit or make available for inclusion on the Yahoo! Services. However, with respect to Content you submit or make available for inclusion on publicly accessible areas of the Yahoo! Services, you grant Yahoo! the following worldwide, royalty-free and non-exclusive license(s), as applicable:

- a. With respect to Content you submit or make available for inclusion on publicly accessible areas of Yahoo! Groups, the license to use, distribute, reproduce, modify, adapt, publicly perform and publicly display such Content on the Yahoo! Services solely for the purposes

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of providing and promoting the specific Yahoo! Group to which such Content was submitted or made available. This license exists only for as long as you elect to continue to include such Content on the Yahoo! Services and will terminate at the time you remove or Yahoo! removes such Content from the Yahoo! Services.

- b. With respect to photos, graphics, audio or video you submit or make available for inclusion on publicly accessible areas of the Yahoo! Services other than Yahoo! Groups, the license to use, distribute, reproduce, modify, adapt, publicly perform and publicly display such Content on the Yahoo! Services solely for the purpose for which such Content was submitted or made available. This license exists only for as long as you elect to continue to include such Content on the Yahoo! Services and will terminate at the time you remove or Yahoo! removes such Content from the Yahoo! Services.
- c. With respect to Content other than photos, graphics, audio or video you submit or make available for inclusion on publicly accessible areas of the Yahoo! Services other than Yahoo! Groups, the perpetual, irrevocable and fully sublicensable license to use, distribute, reproduce, modify, adapt, publish, translate, publicly perform and publicly display such Content (in whole or in part) and to incorporate such Content into other works in any format or medium now known or later developed.

"Publicly accessible" areas of the Yahoo! Services are those areas of the Yahoo! network of properties that are intended by Yahoo! to be available to the general public. By way of example, publicly accessible areas of the Yahoo! Services would include Yahoo! Message Boards and portions of Yahoo! Groups and Flickr that are open to both members and visitors. However, publicly accessible areas of the Yahoo! Services would not include portions of Yahoo! Groups that are limited to members, Yahoo! services intended for private communication such as Yahoo! Mail or Yahoo! Messenger, or areas off of the Yahoo! network of properties such as portions of World Wide Web sites that are accessible via hypertext or other links but are not hosted or served by Yahoo!.

10. CONTRIBUTIONS TO YAHOO!

By submitting ideas, suggestions, documents, and/or proposals ("Contributions") to Yahoo! through its suggestion or feedback webpages, you acknowledge and agree that: (a) your Contributions do not contain confidential or proprietary information; (b) Yahoo! is not under any obligation of confidentiality, express or implied, with respect to the Contributions; (c) Yahoo! shall be entitled to use or disclose (or choose not to use or disclose) such Contributions for any purpose, in any way, in any media worldwide; (d) Yahoo! may have something similar to the Contributions already under consideration or in development; (e) your Contributions automatically become the property of Yahoo! without any obligation of Yahoo! to you; and (f) you are not entitled to any compensation or reimbursement of any kind from Yahoo! under any circumstances.

11. INDEMNITY

You agree to indemnify and hold Yahoo! and its subsidiaries, affiliates, officers, agents, employees, partners and licensors harmless from any claim or demand, including reasonable attorneys' fees, made by any third party due to or arising out of Content you submit, post, transmit, modify or otherwise make available through the Yahoo! Services, your use of the Yahoo! Services, your connection to the Yahoo! Services, your violation of the TOS, or your violation of any rights of another.

12. NO COMMERCIAL REUSE OF YAHOO! SERVICES

You agree not to reproduce, duplicate, copy, sell, trade, resell or exploit for any commercial purposes, any portion or use of, or access to, the Yahoo! Services (including Content, advertisements, Software and your Yahoo! ID).

13. GENERAL PRACTICES REGARDING USE AND STORAGE

You acknowledge that Yahoo! may establish general practices and limits concerning use of the Yahoo! Services, including without limitation the maximum number of days that email messages, message board postings or other uploaded Content will be retained by the Yahoo! Services, the maximum number of email messages that may be sent from or received by an account on the Yahoo! Services, the maximum size of any email message that may be sent from or received by an account on the Yahoo! Services, the maximum disk space that will be allotted on Yahoo!'s servers on your behalf, and the maximum number of times (and the maximum duration for which) you may access the Yahoo! Services in a given period of time. You agree that Yahoo! has no responsibility or liability for the deletion or failure to store any messages and other communications or other Content maintained or transmitted by the Yahoo! Services. You acknowledge that Yahoo! reserves the right to log off accounts that are inactive for an extended period of time. You further acknowledge that Yahoo! reserves the right to modify these general practices and limits from time to time.

Yahoo! Messenger, including any web-based versions, will allow you and the people with whom you communicate to save your conversations in your Yahoo! accounts located on Yahoo! servers. This means you can access and search your message history from any computer with access to the internet. Whether or not you use this feature, other users may choose to use it to save conversations with you in their account on Yahoo! too. Your agreement to this TOS

constitutes your consent to allow Yahoo! to store these communications on its servers.

14. MODIFICATIONS TO YAHOO! SERVICES

Yahoo! reserves the right at any time and from time to time to modify or discontinue, temporarily or permanently, the Yahoo! Services (or any part thereof) with or without notice. You agree that Yahoo! shall not be liable to you or to any third party for any modification, suspension or discontinuance of the Yahoo! Services (or any part thereof).

15. TERMINATION

You may terminate your Yahoo! account, any associated email address and access to the Yahoo! Services by submitting such termination request to Yahoo!.

You agree that Yahoo! may, *without prior notice*, immediately terminate, limit your access to or suspend your Yahoo! account, any associated email address, and access to the Yahoo! Services. Cause for such termination, limitation of access or suspension shall include, but not be limited to, (a) breaches or violations of the TOS or other incorporated agreements or guidelines, (b) requests by law enforcement or other government agencies, (c) discontinuance or material modification to the Yahoo! Services (or any part thereof), (d) unexpected technical or security issues or problems, (e) extended periods of inactivity, (f) engagement by you in fraudulent or illegal activities, and/or (g) nonpayment of any fees owed by you in connection with the Yahoo! Services. Further, you agree that all terminations, limitations of access and suspensions for cause shall be made in Yahoo!'s sole discretion and that Yahoo! shall not be liable to you or any third party for any termination of your account, any associated email address, or access to the Yahoo! Services.

Termination of your Yahoo! account includes any or all of the following: (a) removal of access to all or part of the offerings within the Yahoo! Services, (b) deletion of your password and all related information, files and content associated with or inside your account (or any part thereof), and (c) barring of further use of all or part of the Yahoo! Services.

16. DEALINGS WITH ADVERTISERS

Your correspondence or business dealings with, or participation in promotions of, advertisers found on or through the Yahoo! Services, including payment and delivery of related goods or services, and any other terms, conditions, warranties or representations associated with such dealings, are solely between you and such advertiser. You agree that Yahoo! shall not be responsible or liable for any loss or damage of any sort incurred as the result of any such dealings or as the result of the presence of such advertisers on the Yahoo! Services.

17. LINKS

The Yahoo! Services may provide, or third parties may provide, links to other World Wide Web sites or resources. You acknowledge and agree that Yahoo! is not responsible for the availability of such external sites or resources, and does not endorse and is not responsible or liable for any Content, advertising, products or other materials on or available from such sites or resources. You further acknowledge and agree that Yahoo! shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such Content, goods or services available on or through any such site or resource.

18. YAHOO!'S PROPRIETARY RIGHTS

You acknowledge and agree that the Yahoo! Services and any necessary software used in connection with the Yahoo! Services ("Software") contain proprietary and confidential information that is protected by applicable intellectual property and other laws. You further acknowledge and agree that Content contained in advertisements or information presented to you through the Yahoo! Services or by advertisers is protected by copyrights, trademarks, service marks, patents or other proprietary rights and laws. Except as expressly permitted by applicable law or as authorized by Yahoo! or the applicable licensor (such as an advertiser), you agree not to modify, rent, lease, loan, sell, distribute, transmit, broadcast, publicly perform or create derivative works based on the Yahoo! Services, such Content or the Software, in whole or in part.

Yahoo! grants you a personal, non-transferable and non-exclusive right and license to use the object code of its Software on a single computer; provided that you do not (and do not allow any third party to) copy, modify, create a derivative work from, reverse engineer, reverse assemble or otherwise attempt to discover any source code, sell, assign, sublicense, grant a security interest in or otherwise transfer any right in the Software. You agree not to modify the Software in any manner or form, nor to use modified versions of the Software, including (without limitation) for the purpose of obtaining unauthorized access to the Yahoo! Services. You agree not to access the Yahoo! Services by any means other than through the interface that is provided by Yahoo! for use in accessing the Yahoo! Services.

19. DISCLAIMER OF WARRANTIES

YOU EXPRESSLY UNDERSTAND AND AGREE THAT:

- a. YOUR USE OF THE YAHOO! SERVICES AND SOFTWARE ARE AT YOUR SOLE RISK. THE YAHOO! SERVICES AND SOFTWARE ARE PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS. YAHOO AND ITS SUBSIDIARIES, AFFILIATES, OFFICERS, EMPLOYEES, AGENTS, PARTNERS AND LICENSORS EXPRESSLY DISCLAIM ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT.
- b. YAHOO! AND ITS SUBSIDIARIES, AFFILIATES, OFFICERS, EMPLOYEES, AGENTS, PARTNERS AND LICENSORS MAKE NO WARRANTY THAT (i) THE YAHOO! SERVICES OR SOFTWARE WILL MEET YOUR REQUIREMENTS; (ii) THE YAHOO! SERVICES OR SOFTWARE WILL BE UNINTERRUPTED, TIMELY, SECURE OR ERROR-FREE; (iii) THE RESULTS THAT MAY BE OBTAINED FROM THE USE OF THE YAHOO! SERVICES OR SOFTWARE WILL BE ACCURATE OR RELIABLE; (iv) THE QUALITY OF ANY PRODUCTS, SERVICES, INFORMATION OR OTHER MATERIAL PURCHASED OR OBTAINED BY YOU THROUGH THE YAHOO! SERVICES OR SOFTWARE WILL MEET YOUR EXPECTATIONS; AND (v) ANY ERRORS IN THE SOFTWARE WILL BE CORRECTED.
- c. ANY MATERIAL DOWNLOADED OR OTHERWISE OBTAINED THROUGH THE USE OF THE YAHOO! SERVICES OR SOFTWARE IS ACCESSED AT YOUR OWN DISCRETION AND RISK, AND YOU WILL BE SOLELY RESPONSIBLE FOR AND HEREBY WAIVE ANY AND ALL CLAIMS AND CAUSES OF ACTION WITH RESPECT TO ANY DAMAGE TO YOUR COMPUTER SYSTEM, INTERNET ACCESS, DOWNLOAD OR DISPLAY DEVICE, OR LOSS OF DATA THAT RESULTS FROM THE DOWNLOAD OF ANY SUCH MATERIAL.
- d. NO ADVICE OR INFORMATION, WHETHER ORAL OR WRITTEN, OBTAINED BY YOU FROM YAHOO! OR THROUGH OR FROM THE YAHOO! SERVICES OR SOFTWARE SHALL CREATE ANY WARRANTY NOT EXPRESSLY STATED IN THE TOS.
- e. A SMALL PERCENTAGE OF USERS MAY EXPERIENCE EPILEPTIC SEIZURES WHEN EXPOSED TO CERTAIN LIGHT PATTERNS OR BACKGROUNDS ON A COMPUTER SCREEN OR WHILE USING THE YAHOO! SERVICE. CERTAIN CONDITIONS MAY INDUCE PREVIOUSLY UNDETECTED EPILEPTIC SYMPTOMS EVEN IN USERS WHO HAVE NO HISTORY OF PRIOR SEIZURES OR EPILEPSY. IF YOU, OR ANYONE IN YOUR FAMILY, HAVE AN EPILEPTIC CONDITION, CONSULT YOUR PHYSICIAN PRIOR TO USING THE YAHOO! SERVICE. IMMEDIATELY DISCONTINUE USE OF THE YAHOO! SERVICES AND CONSULT YOUR PHYSICIAN IF YOU EXPERIENCE ANY OF THE FOLLOWING SYMPTOMS WHILE USING THE YAHOO! SERVICE: DIZZINESS, ALTERED VISION, EYE OR MUSCLE TWITCHES, LOSS OF AWARENESS, DISORIENTATION, ANY INVOLUNTARY MOVEMENT, OR CONVULSIONS.

20. LIMITATION OF LIABILITY

YOU EXPRESSLY UNDERSTAND AND AGREE THAT YAHOO! AND ITS SUBSIDIARIES, AFFILIATES, OFFICERS, EMPLOYEES, AGENTS, PARTNERS AND LICENSORS SHALL NOT BE LIABLE TO YOU FOR ANY PUNITIVE, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL OR EXEMPLARY DAMAGES, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOSS OF PROFITS, GOODWILL, USE, DATA OR OTHER INTANGIBLE LOSSES (EVEN IF YAHOO! HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES), RESULTING FROM: (a) THE USE OR THE INABILITY TO USE THE YAHOO! SERVICE; (b) THE COST OF PROCUREMENT OF SUBSTITUTE GOODS AND SERVICES; (c) UNAUTHORIZED ACCESS TO OR ALTERATION OF YOUR TRANSMISSIONS OR DATA; (d) STATEMENTS OR CONDUCT OF ANY THIRD PARTY ON THE YAHOO! SERVICE; OR (e) ANY OTHER MATTER RELATING TO THE YAHOO! SERVICE.

21. EXCLUSIONS AND LIMITATIONS

SOME JURISDICTIONS DO NOT ALLOW THE EXCLUSION OF CERTAIN WARRANTIES OR THE LIMITATION OR EXCLUSION OF LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. ACCORDINGLY, SOME OF THE ABOVE LIMITATIONS OF SECTIONS 19 AND 20 MAY NOT APPLY TO YOU.

22. SPECIAL ADMONITION FOR YAHOO! SERVICES RELATING TO FINANCIAL MATTERS

If you intend to create or join any service, receive or request any news, messages, alerts or other information from the Yahoo! Services concerning companies, stock quotes, investments or securities, please read the above Sections 19 and 20 again. They go doubly for you. In addition, for this type of information particularly, the phrase "Let the investor beware" is apt. The Yahoo! Services is provided for informational purposes only, and no Content included in the Yahoo! Services is intended for trading or investing purposes. Yahoo! and its licensors shall not be responsible or liable for the accuracy, usefulness or availability of any information transmitted or made available via the Yahoo! Services, and shall not be responsible or liable for any trading or investment decisions based on such information.

23. NO THIRD-PARTY BENEFICIARIES

You agree that, except as otherwise expressly provided in this TOS, there shall be no third-party beneficiaries to this agreement.

24. NOTICE

Yahoo! may provide you with notices, including those regarding changes to the TOS, including by but not limited to email, regular mail, SMS, MMS, text message, postings on the Yahoo! Services, or other reasonable means now known or hereafter developed. Such notices may not be received if you violate this TOS by accessing the Yahoo! Services in an unauthorized manner. Your agreement to this TOS constitutes your agreement that you are deemed to have received any and all notices that would have been delivered had you accessed the Yahoo! Services in an authorized manner.

25. TRADEMARK INFORMATION

You agree that all of Yahoo!'s trademarks, trade names, service marks and other Yahoo! logos and brand features, and product and service names are trademarks and the property of Yahoo! Inc. (the "Yahoo! Marks"). Without Yahoo!'s prior permission, you agree not to display or use in any manner the Yahoo! Marks.

26. NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT OR INTELLECTUAL PROPERTY INFRINGEMENT

Yahoo! respects the intellectual property of others, and we ask our users to do the same. Yahoo! may, in appropriate circumstances and at its discretion, disable and/or terminate the accounts of users who may be repeat infringers. If you believe that your work has been copied in a way that constitutes copyright infringement, or your intellectual property rights have been otherwise violated, please provide Yahoo!'s Copyright Agent the following information:

- a. an electronic or physical signature of the person authorized to act on behalf of the owner of the copyright or other intellectual property interest;
- b. a description of the copyrighted work or other intellectual property that you claim has been infringed;
- c. a description of where the material that you claim is infringing is located on the site;
- d. your address, telephone number, and email address;
- e. a statement by you that you have a good faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law;
- f. a statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the copyright or intellectual property owner or authorized to act on the copyright or intellectual property owner's behalf.

Yahoo!'s Agent for Notice of claims of copyright or other intellectual property infringement can be reached as follows:

By mail:
Copyright Agent
c/o Yahoo! Inc.
701 First Avenue
Sunnyvale, CA 94089
By phone: (408) 349-5080
By fax: (408) 349-7821
By email: copyright@yahoo-inc.com

27. GENERAL INFORMATION

Entire Agreement. The TOS constitutes the entire agreement between you and Yahoo! and governs your use of the Yahoo! Services, superseding any prior version of this TOS between you and Yahoo! with respect to the Yahoo! Services. You also may be subject to additional terms and conditions that may apply when you use or purchase certain other Yahoo! services, affiliate services, third-party content or third-party software.

Choice of Law and Forum. You and Yahoo! each agree that the TOS and the relationship between the parties shall be governed by the laws of the State of California without regard to its conflict of law provisions and that any and all claims, causes of action or disputes (regardless of theory) arising out of or relating to the TOS, or the relationship between you and Yahoo!, shall be brought exclusively in the courts located in the county of Santa Clara, California or the U.S. District Court for the Northern District of California. You and Yahoo! agree to submit to the personal jurisdiction of the courts located within the county of Santa Clara, California or the Northern District of California, and agree to waive any and all objections to the exercise of jurisdiction over the parties by such courts and to venue in such courts.

Waiver and Severability of Terms. The failure of Yahoo! to exercise or enforce any right or

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provision of the TOS shall not constitute a waiver of such right or provision. If any provision of the TOS is found by a court of competent jurisdiction to be invalid, the parties nevertheless agree that the court should endeavor to give effect to the parties' intentions as reflected in the provision, and the other provisions of the TOS remain in full force and effect.

No Right of Survivorship and Non-Transferability. You agree that your Yahoo! account is non-transferable and any rights to your Yahoo! ID or contents within your account terminate upon your death. Upon receipt of a copy of a death certificate, your account may be terminated and all contents therein permanently deleted.

Statute of Limitations. You agree that regardless of any statute or law to the contrary, any claim or cause of action arising out of or related to use of the Yahoo! Services or the TOS must be filed within one (1) year after such claim or cause of action arose or be forever barred.

The section titles in the TOS are for convenience only and have no legal or contractual effect.

28. VIOLATIONS

Please report any violations of the TOS to our [Customer Care](#) group.

Last updated November 24, 2008

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[Privacy](#) | [Legal](#)

WITNESSES

Sgt. Casey Bowling - Oconee County SO

Mike Cawshaw

ARREST WARRANT NUMBER

K-166097

ACTION OF GRAND JURY

True Bill

July 16, 2007

Robert A. Knowlton

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

DOCKET NO. 2007-GS-37-

1081

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

JULY 2007 TERM

THE STATE

VS.

Charles Monroe Harris

D.O.B. [REDACTED]

Indictment for

**CRIMINAL SOLICITATION
OF A MINOR**

SC Code: 16-15-0342

CDR Code: 2999

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plea guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED OCONEE, SC
SALLIE C. SMITH
CLERK OF COURT
2007 JUL 16 P 3 04

[Signature]

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF OCONEE)

INDICTMENT

CRIMINAL SOLICITATION OF A MINOR

At a Court of General Sessions, convened on July 16, 2007, the Grand Jurors of Oconee County present upon their oath:

That Charles Monroe Harris on or about March 16, 2007, did willfully and knowingly commit the crime of criminal solicitation of a minor. To wit: Charles Monroe Harris, a person eighteen years of age or older, did knowingly through the Internet contact and communicate with a person located within the County of Oconee, State of South Carolina, whom he reasonably believed to be thirteen year-old girl, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5). This is in direct violation of Section 16-15-342, of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL



HENRY McMASTER (DMS)
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Oconee

STATE

VS.

Charles Monroe Harris

AKA:

Race: C

Sex: M

Age: 47

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Anderson, SC [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was TO: Criminal Solicitation of a Minor

In violation of § 16-15-0342 of the S.C. Code of Laws, bearing CDR Code # 2999

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Attorney General

70203

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$, plus costs and assessments as applicable; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. *two days*☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. *Register §23-3-430*

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$	
\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ 500.00
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 18.90
TOTAL	\$	\$ 648.90

Clerk of Court/Deputy Clerk

Court Reporter: *Beverly H. Whitfield**Robins Hild*

INDICTMENT/CASE#: 2007-GS-37 - 1081

A/W#: K-166097

Date of Offense: March 16, 2007

S.C. Code §: 16-15-0342

CDR Code #: 2999

SENTENCE SHEET

☒ CONVICTED OF or ☒ PLEADSObtain GED ☐Attend Voc. Rehab. Or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☒Random Drug/Alcohol Testing ☒

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

*Other: Probation to be served**on Home Detention**No internet or computer use**Unhappy mental health care;*☒ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

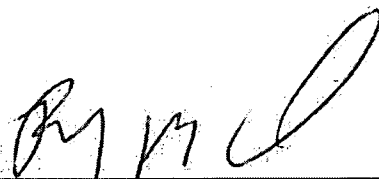
during probation.

Presiding Judge *W. O. Oakes*Judge Code: *103*Sentence Date *3/14/12*

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 10th, 2013



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Oconee County

Alexander S. Macaulay, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLES M. HARRIS,

APPELLANT

APPELLATE CASE NO. 2012-212797

FINAL BRIEF OF APPELLANT

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred by refusing to direct a verdict of acquittal on the charge of criminal solicitation of a minor where the talk of sex was vague, and the state failed to offer the requisite evidence appellant's criminal intent consisted of knowingly contacting a person he reasonably believed to be under eighteen years of age with the intent of enticing that person to engage in sexual activity?

STATEMENT OF THE CASE

Appellant was indicted at the July 16, 2007 term of the Oconee County Grand Jury for the offense of criminal solicitation of a minor pursuant to S.C. Code § 16-15-342, and S.C. Code § 16-15-375(5). R. 189. His case was called to trial on August 13, 2012 before the Honorable Alexander S. Macaulay and a jury. R. Daniel Day represented appellant. Jason Anders and Kyle Senn were the Assistant Attorney Generals. R. 1.

On August 14, 2012 the jury found appellant guilty. R. 163, ll. 1-5.

Judge Macaulay sentenced appellant to ten years imprisonment suspended, on five years probation with one year of home detention. R. 168, ll. 7-25.

This appeal follows.

ARGUMENT

The court erred by refusing to direct a verdict of acquittal on the charge of criminal solicitation of a minor where the talk of sex was vague, and the state failed to offer the requisite evidence appellant's criminal intent consisted of knowingly contacting a person he reasonably believed to be under eighteen years of age with the intent of enticing that person to engage in sexual activity.

Relevant Facts

The state's case consisted of one witness, Officer Casey Bowling. R. 2, l. 4 – 3, l. 9. In appellant's defense he offered the testimony of his ex-wife of twenty-nine years, Helena Dorothy Harris. At the time of trial he had been separated from Helena for the last five years. Their seventeen year old daughter, Sabrina, lived with appellant. R. 81, l. 2 – 83, l. 14. Mrs. Harris said in their twenty-four years of marriage, and living together, she never feared nor saw any inappropriate behavior by appellant towards their children or any other girls. R. 83, l. 11 – 84, l. 7.

Appellant's daughter, Sabrina, testified appellant never acted inappropriately towards her, her sisters, or any other girls. R. 86, l. 21 – 91, l. 5. Sabrina testified that Officer Bowling told her when appellant was arrested at their house that "he tried to set up a meeting to meet with my Dad and he refused to meet him, so he came and arrested him because he was talking to a minor on the computer." R. 89, l. 25 – 90, l. 3.

Candace Roberts was twenty-years-old. Her mother was dating appellant. She lived with appellant from 2009 until March of 2012. Two of her sisters, fourteen and sixteen now, also lived with them. Appellant never acted inappropriately towards any of them. R. 93, l. 17 – 97, l. 10.

Fifteen-year-old Samantha R. also testified that appellant never acted inappropriately towards her, her sisters, or anyone else. R. 98, l. 19 – 101, l. 15. Carrie C. appellant's daughter, Brittany R. and Cynthia R. all testified consistently that appellant never acted inappropriately towards girls or young women. R. 101, l. 12 – 112, l. 11. Defense counsel renewed his directed verdict motion at the conclusion of his case.

Officer Bowling was a narcotics officer at the time of trial. He had previously worked internet cases in 2007, and he posed undercover on the computer as a thirteen-year-old girl, Amy. R. 2, l. 4 – 5, l. 8. Bowling said his investigation in this case lasted three days: March 14, 2007 through March 17, 2007.

He testified that appellant's screen name was "Mr. Lover love me," and that appellant contacted him on Yahoo. Appellant used a Yahoo terms of Service document, for documentary purposes, that stated all people agreed they were of age, and that they would only provide accurate information. R. 181. (Defendant's #2 for Identification: Yahoo terms of service document). Bowling testified this talk on the internet ultimately led to appellant asking him if he – pretending to be a she -- wanted to have sex. R. 8, l. 6 – 10, l. 8.

Bowling read from his copy of the conversation with appellant. It talked about the weather (rain), shopping, "hanging out" and other mundane matters. R. 12, l. 7 – 15, l. 7.

Appellant allegedly told Bowling that some men were only out for sex and "don't let them do anything to you." R. 15, ll. 13-19. Bowling told appellant - - as Amy - - that "she" would not let that happen. "She" lived in Anderson, and appellant corresponded that he owned a "Z28 with T tops." R. 16, l. 12 – 22, l. 4.

Bowling further said, as Amy, at another point, that he told appellant that "my mom and dad just left for work." He said appellant told him that wished "she" were older and the

character posing as Amy said: "I don't care." Then appellant said it was not right to not care. The Amy character countered: "Whatever that's stupid." R. 22, ll. 5-24. The Amy character repeatedly said: "You're sweet." Appellant allegedly asked her if she had ever seen a male nude, to which the Amy character responded: "Once."

Appellant once again allegedly told "her": "If you were older it would be alright." R. 26, l. 2 – 28, l. 20. Appellant also said: "I don't want to go to jail" and the Amy character responded: "I'm no cop." At one point appellant typed: "You want to have sex?" The Amy character said: "If you want. Will you be careful?" R. 29, l. 15 – 31, l. 10.

The Amy character then told appellant she lived behind Hardee's on "Earl Street West Union." R. 31, ll. 10-21. Appellant typed he was "coming now." However, it was undisputed, as Bowling admitted, that there was no evidence "appellant traveled" anywhere. Appellant never showed up at "her" house. R. 35, ll. 20-24.

On cross-examination Bowling admitted there were deputies waiting to arrest appellant at "Amy's" place, but he stated appellant never showed up for the alleged encounter. R. 57, l. 23 – 58, l. 4. Bowling denied he ever told appellant's father or brother that he may have made a mistake in bringing a case against appellant on these facts. R. 64, l. 22 – 65, l. 6. Bowling admitted that when he interviewed appellant, appellant told him that "his intentions were just to teach her a lesson and that he was sorry for what he did and he had made a mistake." R. 41, ll. 13-23.

Defense counsel moved for a directed verdict of acquittal. He argued the state had failed in its burden of showing appellant knowingly intended to have sex with someone he should have known was under the age of eighteen. Appellant took no action in furtherance

of knowingly enticing someone he believed to be under eighteen-years-old to have sex. R. 74, l. 24 – 77, l. 8.

Discussion

In State v. Logan, Op. No. 27296 (filed August 14, 2013), the Supreme Court discussed its decisions in State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), and State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011) as to the standard relied on by the trial judge in assessing circumstantial evidence.¹ The Court repeated that under settled principles the trial court should grant a directed verdict when the evidence merely raises a suspicion of the defendant's guilt.

If there is any direct or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced, the case should be submitted to the jury. See State v. Mitchell, 341 S.C. 406, 409, 535 S.C. 126, 127 (2000); State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984).

In State v. Odems the Court noted that the traditional circumstantial evidence charge from State v. Edwards, 298 S.C. 272, 274-76, 379 S.E.2d 888, 889 (1989), illustrated the lack of evidence against Odems the state had provided. In State v. Edwards the instruction stated that “every circumstance relied on by the state must be proven beyond a reasonable doubt; and . . . all the circumstances proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.”

Applying that standard from State v. Odems it should be apparent that all of the circumstances here are not consistent with each other and they do not point exclusively to

¹ That opinion was released on the day the initial brief in this case was filed.

appellant's guilt pursuant to the elements of S.C. Code § 16-15-342, and S.C. Code § 16-15-375(5). Appellant recognizes that in State v. Gaines, 380 S.C. 23, 667 S.E.2d 728 (2008) the Supreme Court held that no overt act needs to be done in furtherance of the charge of criminal solicitation of a minor. This case illustrates why that is such a disturbing holding and should be revisited.

Officer Bowling admitted appellant never showed up at the scene and there was no evidence he "traveled." If appellant ever had the fleeting intention to solicit sex with a minor as envisioned under the statute, he abandoned it seemingly without leaving his computer screen. He never traveled. A fundamental tenant of our criminal justice system has been -- hopefully not in the past tense -- that we do not punish people for their thoughts. We only punish people for their evil deeds.

Further, under a correct directed verdict analysis the state's circumstantial evidence is *not substantial circumstantial evidence* showing appellant had the criminal intention of enticing a person he reasonably believed to be under eighteen-years-old to have sex with him.

Further, unlike State v. Green, 397 S.C. 268, 724 S.E.2d 664 (2012) and State v. Reid, 393 S.C. 325, 713 S.E.2d 274 (2011) appellant was not caught "red-handed."² Appellant offered the explanation, which came out during the state's case-in-chief, that he was trying to teach the young woman on the other side of the chat room "a lesson." The state simply did not provide the requisite direct or substantial circumstantial evidence to

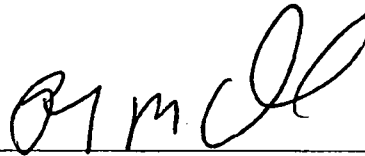
² Appellant understands the distinction in the crime of attempted criminal sexual conduct with a minor.

show appellant reasonably knew he was attempting to entice someone he believed to be thirteen-year-old (under eighteen) to have sex with him and that he had the criminal intent to commit that crime. The judge abused his discretion by refusing to direct a verdict.

CONCLUSION

By reason of the foregoing argument, an order of acquittal should be issued, or this case remanded to the Oconee County court of General Sessions with an order to issue a verdict of acquittal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

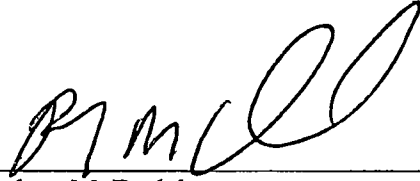
ATTORNEY FOR APPELLANT

This 29th day of October, 2013.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR.

October 29th, 2013

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Alexander S. Macaulay, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

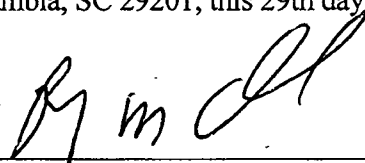
CHARLES M. HARRIS,

APPELLANT

APPELLATE CASE NO. 2012-212797

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 29th day of October, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 29th day of October, 2013.



(L.S.)

Notary Public for South Carolina

My Commission Expires: August 21, 2023



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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October 29, 2013

Deborah R.J. Shupe, Esquire
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Re: The State v. Charles M. Harris

Dear Ms. Shupe:

Enclosed are two copies of the Final Brief of Appellant in the above-entitled case, which I have filed today with the South Carolina Court of Appeals.

Please call me if you have any questions.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/kam

Enclosure

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STATEMENT OF ISSUE ON APPEAL

The circuit court properly denied Appellant's directed verdict motion because there was evidence in the record from which the jury could find each element of the criminal solicitation of a minor charge.

STATEMENT OF THE CASE

Respondent concurs with Appellant's procedural Statement of the Case.

STATEMENT OF FACTS

In July, 2007, the Oconee County Grand Jury indicted Appellant Charles M. Harris on one count of criminal solicitation of a minor. (Indictment No. 2007-GS-37-1081; Record on Appeal [R.], pp. 189-190). The charge arose from Internet chats between Appellant and an undercover police officer posing as a thirteen-year old female, during which Appellant asked the “minor” if she wanted to have sex, and discussed meeting her for that purpose. The case was called for a jury trial on August 13, 2012, before the Honorable Alexander S. Macaulay, Circuit Court Judge.

Deputy Casey Bowling of the Oconee County Sheriff’s Office testified he was assigned to work with the Internet Crimes Against Children Task Force in 2007. In that capacity, he entered a Yahoo chat room on March 15, 2007, using an undercover profile of a thirteen year old female with the name “Amy Sophia” or “Amy Grace” (hereinafter “Amy”). After entering the chat room, Amy waited to see if anyone in the chat room contacted her. At 4:24 p.m., “mr lover love me,” later identified as Appellant, contacted Amy, and started communicating with her. (Trial Transcript [TT], pp. 97-106, State’s Exhibit S-1 [Chats]; R., pp. 2-11; 169).

After some small talk, during which Appellant asked Amy if she had a hard day at school, and what she did for fun, Appellant asked Amy if she had a boyfriend. When Amy said no, Appellant said she needed one and he was “to old.”¹ He then asked Amy if she liked old men, and when Amy replied “i don’t no, i guess,” Appellant said “and you

¹ Quotes from the chats will use the exact wording and spelling reflected in the chat transcripts.

are onley 13.” Appellant told Amy there were guys on the Internet just looking for sex, but stated he was “not like that at all.” (TT, pp. 107-110, State’s Exhibit S-1 [Chats]; R., pp. 12-15; 169).

After a forty-three minute break in the chat, Appellant resumed the conversation with “ok sweetie.” Amy asked “whats up,” to which Appellant replied “not me lol jk.” After some discussion about Appellant’s car, the chat ended at 5:57 p.m. (TT, pp. 112-114, State’s Exhibit S-1 [Chats]; R., pp. 17-19; 169).

At 11:54 a.m. on March 16, 2007, Appellant again reached out to Amy on-line. They initially talked about the weather and being bored. At 12:13 p.m., Appellant stated he was “looking for something to do,” and asked Amy where her parents were. After Amy told Appellant her parents just left for work, he said “i just wish you were older.” When Amy said she did not care, Appellant stated she should care because he was “a lot older,” and it was “not right.” He then said it was not right for him “to think about [Amy] like that,” and when Amy asked “like how,” Appellant stated “well, im just a man you no,” and told her “when you get a man then you will know what im talking about.” (TT, pp.115-118, State’s Exhibit S-3 [Chats]; R., pp. 20-23; 173).

After talking about photographs and verifying Amy was home alone, Appellant asked Amy “what would you do if I was there.” He then asked her if she had “ever seen a man nude.” When Amy responded that she saw one once, Appellant asked her if she liked seeing him, and what she liked about it. He asked if she wanted “to see another

man.” He told her he had a webcam, and showed her his face. (TT, pp. 118-123, State’s Exhibit 3 [Chats], State’s Exhibit 4 [Photograph]; R. pp. 23-28, 173-180).²

Appellant told Amy he did not “want to be [her] frist.” When she asked why, he stated “you might like it to much lol.” He said “if you were older it would be alright,” and he “would love to meet [Amy] but I know its not right.” He then said “i don’t want to go to jail.” (TT, pp. 123-124, State’s Exhibit S-3 [Chats], R., pp. 28-29; 173-180).

After again saying “but you onley13,” Appellant asked Amy “you want to have sex.” Amy replied “if u want will u b careful,” and Appellant responded “yes i would be.” (TT, pp. 124-125; State’s Exhibit S-3 [Chats]; R., pp. 29-30; 173-180).

At 1:02 p.m., Appellant asked Amy “where you want to meet at.” They arranged for Appellant to pick Amy up at her house, and at 1:11 p.m., Appellant said he was “coming now.” (TT, pp. 125-127, State’s Exhibit S-3 [Chats]; R., pp. 30-32; 173).

Appellant did not show up at the residence the undercover gave as Amy’s address. At 3:07 p.m., Appellant again reached out to Amy on-line, and told her he got lost. They then arranged for him to come back and pick her up at the Hardee’s in front of her house. He asked what time Amy’s mother would get home, and after she told him “not until 11,” Appellant said he would be there to pick her up by 4:00 p.m. He then said “and we do not have to have sex eighter if you don’t want to ok,” and “i want push my self on you.” At 3:17 p.m., Appellant told Amy “ill see you in a little bit sweety, ok,” and ended the

² State’s Exhibit #4 (Photograph) has been delivered to this Court for its consideration.

communication at 3:18 p.m. with “ok sweetie bye bye.” (TT, pp. 127-130, State’s Exhibit 3 [Chats]; R., pp. 32-35; 173-180).

Appellant did not show up at the Hardee’s, but law enforcement was able to conclusively identify him from the personal information he gave to Amy during the chats, the picture of his face he sent Amy, and Department of Motor Vehicles information. Deputy Bowling obtained an arrest warrant, and arrested Appellant on March 17, 2007. (TT, pp. 130-133; R., pp. 35-38).

Appellant waived his Miranda³ rights, and admitted he had communicated with Amy. He said Amy was thirteen years old, and stated he “made a mistake” asking her to have sex with him, claiming he only intended to teach Amy a lesson. (TT, pp. 134-137; R., pp. 39-42).

The circuit court denied Appellant’s directed verdict motions, finding Appellant specifically asked about having “sex,” the meaning of which was reasonably understood to include certain activities. The court further found it was for the jury to determine if the word was used in some other way during the chats. (TT, pp. 174-178, 220; R., pp. 74-78).

The jury convicted Appellant of criminal solicitation of a minor, and the circuit court sentenced him to ten years incarceration, suspended to five years probation, including one year home detention. (TT, pp. 267-268, 279-281; R., pp. 162-163; 166-168). This appeal followed.

³ Miranda v. Arizona, 384 U.S. 436 (1966).

ARGUMENT

The circuit court properly denied Appellant's directed verdict motion because there was evidence in the record from which the jury could find each element of the criminal solicitation of a minor charge.

Relying on State v. Logan, 405 S.C. 83, 747 S.E.2d 444 (2013), State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011), and State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), Appellant contends the circuit court failed to apply the appropriate directed verdict analysis, and erred in denying his directed verdict motions because the State did not present sufficient circumstantial evidence to establish Appellant's intent, or that he reasonably believed he was communicating with someone under the age of eighteen. This case is readily distinguishable from Logan, Odems and Bostick, and there is ample evidence in the record from which the jury could find both the requisite intent, and Appellant's belief he was communicating with a minor.

If there is any direct evidence, or any substantial circumstantial evidence, reasonably tending to prove the guilt of the accused, the case must be submitted to the jury. State v. Cope, Op. No. 27303 (S.C. Sup. Ct. filed August 28, 2013) (2013 WL 4553427); State v. Brandt, 393 S.C. 526, 713 S.E.2d 591, 599 (2011). When reviewing the denial of a directed verdict motion, the appellate court views the evidence and all reasonable inferences in the light most favorable to the State. *Id.*; see also State v. Gaines, 380 S.C. 23, 667 S.E.2d 728, 732-33 (2008) (same).

Criminal solicitation of a minor requires that a person over the age of eighteen knowingly communicate with a person reasonably believed to be under the age of eighteen, for the purpose of, or with the intent of, persuading, inducing, enticing, or

coercing the person to engage or participate in a sexual activity or a violent crime. S.C. Code Ann. §16-15-342 (A) (Supp. 2012); *see also* Gaines, 667 S.E.2d at 733. For purposes of the statute, “sexual activity” includes, *inter alia*, masturbation, vaginal, anal or oral intercourse, and touching in an act of apparent sexual stimulation or sexual abuse. S.C. Code Ann. §16-15-375 (5) (2003).

A. Intent

In Odems and Bostick, the evidence linking the defendants to the crimes was entirely circumstantial. After noting there was no direct evidence of the defendants’ involvement in the crimes, the Supreme Court held the circumstantial evidence presented merely raised a suspicion of guilt, and therefore, was not sufficient to warrant submitting the cases to the jury. Odems, 720 S.E.2d at 53; Bostick, 708 S.E.2d at 778.⁴

In this case, there is direct evidence linking Appellant to the crime. It is undisputed Appellant communicated with Amy using the screen name “mr lover love me.” The personal information he gave during the chats, the picture of his face he sent to Amy, and Department of Motor Vehicles records confirmed Appellant’s identity. In addition, after his arrest, Appellant admitted he communicated with Amy, and told Deputy Bowling the girl was thirteen years old.

⁴ Logan is completely inapplicable to this case. In Logan, the Supreme Court made it clear Odems and Bostick dealt with the directed verdict analysis when the State relies on circumstantial evidence, while Logan addressed the appropriate jury charge in circumstantial evidence cases, which involves a very different test to be used by the jury when considering circumstantial evidence. Logan, 747 S.E.2d @ 449.

The content of the communications between Appellant and Amy provide both direct and circumstantial evidence of Appellant's intent. In the March 15 chat, Appellant steered the conversation from innocent topics such as school and what Amy liked to do, to whether she had a boyfriend, and whether she liked old men when she was only thirteen. Appellant then stated there are guys on the Internet just looking for sex, but assured Amy he was not one of them. He referred to Amy as "sweety," quickly followed by the clearly sexual innuendo that he was not "up."

In short, during the very first chat, Appellant engaged in classic grooming behavior by gradually introducing the issue of sex into the conversation, and trying to win Amy's trust by casting himself as her protector. He continued the grooming behavior in the March 16 chat, ultimately asking Amy if she wanted "to have sex," and assuring her he would be careful with her, which provided direct evidence of Appellant's intent.

In addition to the direct evidence of intent, the content of the chats provided substantial circumstantial evidence from which the jury could infer Appellant's intent. *See State v. Tuckness*, 257 S.C. 295, 185 S.E.2d 607, 608 (1971) (question of intent is one of fact and ordinarily for jury determination; intent is seldom susceptible to proof by direct evidence and must ordinarily be proven by circumstantial evidence); *State v. Meggett*, 398 S.C. 516, 728 S.E.2d 492 (Ct. App. 2012) (same). Appellant orchestrated the progression in the chats from innocent topics to sex, and after asking Amy if she wanted to have sex, he discussed picking her up from her home for that purpose.

Appellant contends the fact he did not actually “travel” to meet with Amy and have sex shows he did not have the requisite intent to commit criminal solicitation of a minor. He acknowledges the Supreme Court expressly held in Gaines that no such overt act is required under the applicable statute, but calls that holding “disturbing,” and argues not requiring an overt act punishes a person for his “thoughts.”

As Appellant does in this case, the defendant in Gaines contended he was entitled to a directed verdict on the charge of criminal solicitation of a minor because there was no evidence of an “overt act” on his part to actually engage in sexual acts with the minor. The Supreme Court affirmed denial of his directed verdict motion, holding “[t]he plain language of [the criminal solicitation of a minor] statute imposes no such requirement.” 667 S.E.2d at 733.

The language of the criminal solicitation of a minor statute has not changed since it was enacted in April, 2004. The plain language of the statute prohibits “soliciting” (persuading, inducing, enticing or coercing) a minor to engage in sexual activity or a violent crime. S.C. Code §16-15-342(A) (Supp. 2012). Contrary to Appellant’s assertions, the statute does not punish people for “thoughts,” but applies only when a person conveys those “thoughts” to a minor via some form of communication. Conveyance of the “thoughts” is the “evil deed” addressed by the statute. If Appellant had kept his “thoughts” to himself and not conveyed them to Amy, he would not have violated the statute.

Appellant correctly notes the fact he did not “travel” distinguishes this case from State v. Green, 397 S.C. 268, 724 S.E.2d 664 (2012), and State v. Reid, 393 S.C. 325,

713 S.E.2d 274 (2011). He fails to acknowledge, however, that the defendants in both cases were convicted of criminal solicitation of a minor based on the communications between them and the undercover officers, as well as attempted criminal sexual conduct with a minor based on their “travel” for the purpose of having sex with a person they believed was a minor. Further, while the on-line communications in Green were more graphic than the communications at issue in this case, the communications in Reid were very similar. Green, 724 S.E.2d at 666; State v. Reid, 383 S.C. 285, 679 S.E.2d 194, 196 (Ct. App. 2009).

B. Amy’s Age

Appellant also contends the State failed to present evidence to prove he reasonably believed Amy was under the age of eighteen as required by the criminal solicitation of a minor statute. This contention is patently meritless.

Deputy Bowling’s on-line profile was a thirteen year old girl. (TT, pp. 99-100; R., pp. 4-5). Appellant expressly referenced Amy’s age as thirteen in both the March 15 and March 16 chats, talked about him being older, said it was not right for him to “think about her like that” or want to meet her, and said he did not want to go to jail. (State’s Exhibits S-1 and S-3; R., pp. 169-173). After his arrest, Appellant told Deputy Bowling he had been communicating with a thirteen year old girl. (TT, pp. 136-137; R., pp. 41-42). Thus, there was direct evidence conclusively establishing Appellant believed he was communicating with a person under the age of eighteen as required by the criminal solicitation of a minor statute.

There was ample direct and circumstantial evidence from which the jury could find each element of the criminal solicitation of a minor charge, including Appellant's intent and belief he was communicating with a person under the age of eighteen. Accordingly, the circuit court properly denied Appellant's directed verdict motions.

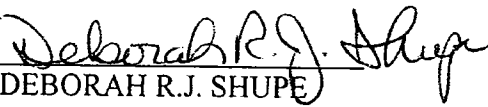
CONCLUSION

Based on the foregoing, Respondent respectfully submits Appellant's conviction and sentence should be affirmed.

Respectfully submitted,

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BY: 
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ATTORNEYS FOR RESPONDENT

October 14, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Oconee County
Alexander S. Macaulay, Circuit Court Judge
Appellate Case No. 2012-212797

THE STATE,

Respondent,

vs.

CHARLES M. HARRIS,

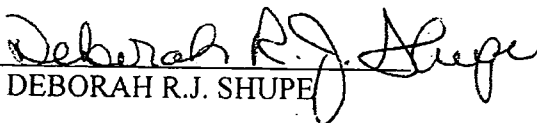
Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR and the August 13, 2007, order from the South Carolina Supreme Court entitled, "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings.

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By: 
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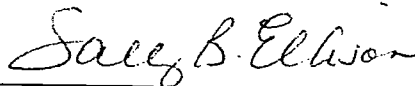
PROOF OF SERVICE

I, Sally B. Ellison, certify I served the Final Brief of Respondent on Appellant by depositing two copies in the United States mail, postage prepaid, addressed to:

Robert M. Dudek
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I further certify all parties required by Rule to be served have been served.

This 14 day of October, 2013.



SALLY B. ELLISON
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