

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SEBASTIAN JAMES HEPBURN,

APPELLANT

APPELLATE CASE NO. 2012-213403

RECORD ON APPEAL

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COUNTY OF GREENVILLE	)	Case No(s):2012GS2302699
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Sebastian James Hepburn,	)	
	)	
Defendant.	)	
	)	

November 08, 2012
Greenville, South Carolina

B E F O R E:

HONORABLE LARRY B. HYMAN, JR., Judge.

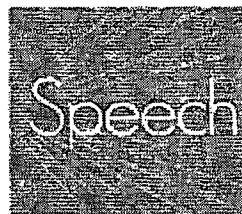
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(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 7th day of November, 2012 at approximately 4:41 p.m.)

THE COURT: All right. Mr. Hepburn, please stand and be sworn.

(WHEREUPON, the defendant is first duly sworn.)

THE COURT: Mr. Hepburn, I have been advised by your attorney and by the Solicitor that you would waive your right to a jury trial or would like to waive your right to a jury trial and have your case heard by the Court, that is, by me, the judge, without a jury. Is that correct?

MR. HEPBURN: Yes, sir.

THE COURT: Do you understand how a jury trial works?

MR. HEPBURN: Yes, sir.

THE COURT: Basically?

MR. HEPBURN: Uh-huh.

THE COURT: You understand that in a jury trial, what we would do is we would pull 12 or select 12 jurors to hear your case. Your attorney and the prosecutor would both participate in the selection of those jurors. Those jurors would hear the relevant and admissible evidence that the State might have. Of course, you could put up any

1 defense you would care to put up. You could
2 testify or not testify.

3 If you chose not to testify, which you are
4 entitled to do under the 5th Amendment of the
5 Constitution of the United States, I would tell the
6 jury that they could not use that against you in
7 any form or fashion. At the end of the day or the
8 end of the trial, the State must have convinced
9 each and every juror of your guilt beyond a
10 reasonable doubt. Do you understand?

11 **MR. HEPBURN:** Yes, sir.

12 **THE COURT:** Do you understand that if you
13 waive your jury trial, you are waiving those rights
14 that would, uh, -- would pertain to the jury trial,
15 particularly, your right to require the state to
16 convince each and every one of the 12 jurors that
17 you are guilty beyond a reasonable doubt. Is that
18 what you wish to do?

19 **MR. HEPBURN:** Yes, sir.

20 **THE COURT:** And you wish to then have your
21 case tried by me as judge and jury?

22 **MR. HEPBURN:** Yes, sir.

23 **THE COURT:** And you understand that if we do
24 that, I would take the place of the jury as fact-
25 finder. I would determine what the facts are in

1 this case from the evidence. I will pronounce a
2 verdict based on my view of the evidence. You
3 understand -- you understand that the burden on the
4 State is still one of proof beyond a reasonable
5 doubt. Do you wish to waive your right to a jury
6 trial?

7 **MR. HEPBURN:** Yes, sir..

8 **THE COURT:** Have you had all the time you
9 need to think about this?

10 **MR. HEPBURN:** Yes, sir.

11 **THE COURT:** Have you discussed it with your
12 attorney fully?

13 **MR. HEPBURN:** Yes, sir.

14 **THE COURT:** You are sure this is what you
15 want to do?

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

17 **THE COURT:** All right. Very well. I find
18 that he has made a free, voluntary, knowing and
19 intelligent waiver of his right to a jury trial.

20 Yes, ma'am.

21 **MS. BENTLEY:** May it please the Court, Your
22 Honor. This is a bench trial. There was a
23 statement made by the defendant in this case.
24 Would you prefer to have a Jackson v. Deno hearing
25 pretrial or would you prefer that I ask the

1 questions of the officer in the course of his
2 testimony?

3 **THE COURT:** I think that you can do it
4 during the course of his testimony. I will make a
5 finding as to whether or not it's free and
6 voluntary. All right.

7 **MS. BENTLEY:** Yes, sir. And I would also
8 request that the witnesses be sequestered during
9 this trial.

10 **THE COURT:** Very well. And that's what you
11 -- you say what?

12 **MR. RAY:** I would agree with the State.

13 **THE COURT:** All right. Then all witnesses
14 are to be sequestered. (Pause.)

15 All right.

16 **MS. BENTLEY:** May it please the Court, Your
17 Honor. You want a brief opening?

18 **THE COURT:** A brief opening where you give
19 me the basic facts.

20 **MS. BENTLEY:** Yes, sir.

21 Mr. Ray.

22 Your Honor, we are here today because the
23 defendant has been charged with a heinous crime,
24 sexually assaulting his girlfriend's 14-year-old
25 daughter in March of 2007. As you will hear from

1 the reading of the indictment, this act occurred on
2 March 3rd, 2007. The reason for the delay is not
3 delayed disclosure on the part of the victim but
4 because, as you will hear, Mr. Hepburn fled to
5 Miami, Florida and he was not apprehended until
6 February of 2011.

7 The evidence will also show that this was a
8 one time only crime of opportunity, that when
9 Jacqueline Baker went to the store on the evening
10 of March 3rd, this defendant lured her daughter,
11 who was 14, into the living room and performed oral
12 sex on her against her will. The victim disclosed
13 this assault right away. Her recitation of the
14 facts at trial will be the same as they were to the
15 police the very next day. The State believes this
16 case is very clear and straightforward and we thank
17 you for hearing it.

18 **THE COURT:** All right. Mr. Ray.

19 **MR. RAY:** Yes, Your Honor. Please the Court
20 and Ms. Bentley. Your Honor, I've got to know Mr.
21 Hepburn quite well over the last few months. Uh,
22 he lives in Miami, Florida. He is in the nursing
23 business. He takes care of elderly people. He
24 takes care of young people, disabled people. He is
25 a very good, uh, caretaker.

1 The incident that we're talking about, Your
2 Honor, took place allegedly in, uh, March of 2007.
3 It is not as Ms. Bentley says that he fled to
4 Miami. As a matter of fact, when -- the incident
5 never occurred to begin with. This is -- what this
6 is is a woman-scorned type of scenario.

7 The mother thought that Mr. Hepburn was her
8 lover or whatever. Mr. Hepburn had been living
9 with the mother for almost a year. They worked at
10 the same place and Mr. Hepburn had no such, uh, uh,
11 belief that they were a couple at all.

12 And what happened was there was a Valentine
13 dance on Valentine's Day and the day after. The
14 day after the Valentine's Day is called the Black
15 Valentine's Day, February 15th, 2007. And Mr.
16 Hepburn went to that dance without Jackie, the
17 mother, and she got very upset and very mad. And
18 she didn't want him living in her house anymore.
19 Mr. Hepburn had been paying a lot of the bills
20 during the time he was there. And he had taken
21 care of this 14-year-old **Minor**

22 But, uh, this incident never took place. I
23 have good character witnesses. And after, uh, the
24 incident supposedly took place, Mr. Hepburn got
25 wind of the fact that Mrs. Baker, the mother, had

1 said that she was going to have him killed by her
2 uncle and then by some other people, so he went to
3 the police department. He went over to the police
4 department. He was accompanied by one of the
5 witnesses on going over there. He said are you
6 looking for me, is there something wrong. They
7 said no. So eventually he went back to Miami on
8 the bus. And we have a witness who will testify
9 she took him to the bus. So this is not somebody
10 fleeing to Miami.

11 As a matter of fact, I believe Detective
12 Arterburn who is here today from Greer told Mr.
13 Hepburn at the time when he brought him back up
14 here -- they put him in jail in February of 2011
15 for 15 days down in Miami. Then they shackled him
16 in a van, brought him back up here, had his arms
17 tied to the floor of the van. Then got him up to
18 Greer. Kept him in jail for 15 more days. Then
19 brought him over to get this statement out of him.
20 Indicated to him that he would not be getting out
21 of jail until he gave the right kind of statement.
22 Mr. Arterburn -- Detective Arterburn told Mr.
23 Hepburn that the reason they didn't go get him was
24 because they didn't have any money in the Greer
25 Police Department, any funds to go pick him up.

1 He was down there in Miami. As a matter of
2 fact, he was working for another nursing home that
3 was affiliated with the one he was working for up
4 here. They knew where he was the whole time. He
5 didn't go and hide. I don't know why they waited
6 so long to do anything. Like I said, he didn't do
7 anything wrong. Mr. Hepburn's nature is that he
8 would never do such a thing.

9 All of this -- it will be brought out in the
10 evidence that the mother's statement -- 80 percent
11 of the mother's statement is about the mother and
12 Mr. Hepburn. And then at the end, it's like, oh,
13 yeah, by the way, this about my daughter. So this
14 is really between this mother and Mr. Hepburn.

15 I appreciate Your Honor hearing about the
16 cause. But quite honestly, Mr. Hepburn did not do
17 this. He has been wrongfully accused. He has
18 spent a fortune coming back and forth from Miami
19 during all this time. Thank you, Your Honor.

20 **THE COURT:** Very well. All right. Call
21 your first witness.

22 **MS. BENTLEY:** The State calls Minor

23 **THE CLERK:** Ms. Baker, if you would, come
24 forward to be sworn in please. If you would, come
25 up here. Would you please place your left hand on

1 the Bible and raise your right.

2 Minor

3 having first been sworn, testifies as follows:

4 THE CLERK: Thank you. You may be seated.

5 Would you please state your name?

6 THE WITNESS: Minor

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MS. BENTLEY:

10 Q Minor how old are you?

11 A [REDACTED].

12 Q And when is your birthday?

13 A [REDACTED].

14 Q Are you currently employed?

15 A Yes, ma'am.

16 Q Where do you work?

17 A Dunkin Donuts.

18 Q How long have you worked there?

19 A About a month.

20 MR. RAY: Your Honor, I'm having trouble
21 hearing her.

22 THE COURT: I am too. You going to have to
23 speak up, ma'am.

24 THE WITNESS: Okay.

25 THE COURT: And speak slowly. Okay.

1 **MR. RAY:** I did not understand how old she
2 was.

3 **BY MS. BENTLEY:**

4 **Q** I'm going to adjust the microphone. (Pause.)

5 Minor could you please repeat how old you
6 are.

7 **A** 20.

8 **Q** And you are employed at Dunkin Donuts, you
9 said?

10 **A** Yes, ma'am.

11 **Q** And how long have you worked there?

12 **A** About a month.

13 **Q** Where were you born, Minor

14 **A** Daytona Beach, Florida.

15 **Q** When did you move to South Carolina?

16 **A** Eighth grade.

17 **Q** Eighth grade. And where did you go to school?

18 **A** Mauldin Middle.

19 **Q** Where were you living when you moved up to
20 South Carolina?

21 **A** When I first moved up here, I was staying in
22 Mauldin.

23 **Q** Okay.

24 **A** [REDACTED] Apartment 2.

25 **MR. RAY:** Your Honor, I can hear about a

1 third of what she's saying.

2 THE WITNESS: [REDACTED] Apartment
3 number 2, well, 5.

4 MR. RAY: Your Honor, I can't even hear that.

5 THE COURT: I'll let you move around if you
6 want to come up closer. I can hear her now. I
7 think that -- check that microphone.

8 MS. BENTLEY: It's working, Your Honor.

9 THE COURT: It's working?

10 MR. RAY: Maybe if she slows down a little
11 bit or something.

12 THE COURT: All right. Speak slowly and
13 distinctly.

14 THE WITNESS: Yes, sir.

15 BY MS. BENTLEY:

16 Q Okay. Ms. Baker, at any point, did you move to
17 Greer?

18 A Yes, ma'am.

19 Q When did you move to Greer?

20 A My eighth grade year.

21 Q Do you remember what month?

22 A No.

23 Q What was your address in Greer?

24 A [REDACTED].

25 Q Who did you live with when you lived at [REDACTED]

1 [REDACTED]?

2 A My mom and Sebastian.

3 Q Who is your mother?

4 A Jacqueline Baker.

5 Q And Sebastian is ---

6 A Yes, ma'am.

7 Q --- the defendant? And you recognize him?

8 A (Nods head.)

9 Q How long had your mother been dating Sebastian
10 when you moved to [REDACTED]?

11 A I really can't tell you.

12 Q Okay. What was your relationship like with
13 Sebastian?

14 A It was fine.

15 Q Was he a disciplinarian?

16 A No, ma'am.

17 Q Did y'all get along?

18 A Yes, ma'am.

19 Q Were you comfortable with him?

20 A Yes, ma'am.

21 Q How did he treat you?

22 A Like we was just cool.

23 Q You were cool?

24 MR. RAY: Sorry. I can't hear that one.

25 THE COURT: Said she was cool.

1 MR. RAY: Cool. Okay.

2 THE COURT: When is your birthday?

3 THE WITNESS: [REDACTED].

4 THE COURT: [REDACTED] Thank you.

5 BY MS. BENTLEY:

6 Q Okay. Minor in your own words, why are we
7 hear today?

8 A Because Sebastian sexually abused me.

9 Q How many times did that happen?

10 A Once.

11 Q When did that happen?

12 A March 2007.

13 Q Do you remember the day?

14 A No, ma'am.

15 Q How old were you in March of 2007?

16 A 14.

17 Q What grade were you in?

18 A Eighth.

19 Q And you were at Mauldin Middle?

20 A Yes, ma'am.

21 Q Tell me what you remember about that day in
22 March of 2007. What had you been doing that day?

23 A I went to my brother's house cause they had a
24 cookout.

25 Q Who went with you?

- 1 A My mom and Sebastian.
- 2 Q Okay. Where did your brother live?
- 3 A [REDACTED]
- 4 Q In Mauldin?
- 5 A Yes, ma'am.
- 6 Q Tell me about the cookout.
- 7 A It was just a neighborhood get-together.
- 8 Q Were there a lot of people there?
- 9 A Yes, ma'am.
- 10 Q Do you remember what time you arrived there?
- 11 A No, ma'am.
- 12 Q You remember about what time you left?
- 13 A It was later on that night.
- 14 Q Okay. How was everybody at the cookout?
- 15 A Everybody looked fine. Everybody looked fine
- 16 to me.
- 17 Q And who drove you to and from the cookout?
- 18 A My mom.
- 19 Q Your mother. Sebastian rode with you?
- 20 A Yes, ma'am.
- 21 Q What was the ride home like?
- 22 A They argued.
- 23 Q They who?
- 24 A My mom and Sebastian.
- 25 Q Do you remember what they argued about?

1 A No, ma'am.

2 Q Can you describe the argument? Was it yelling?
3 Was it screaming? Tell me what it was about.

4 A They was screaming back and forth. I didn't
5 try to pay attention.

6 Q Okay. What happened when you got home? What
7 did you do?

8 A I went in my room.

9 Q Okay.

10 A And got on the phone.

11 Q Who were you on the phone with?

12 A Trabodrick.

13 Q Who is that?

14 A A friend of mine.

15 Q He was a friend of yours. Do you know where
16 your mom or Sebastian were?

17 A They were in the house when I first -- when we
18 all got there. I was in my room.

19 Q Okay. Uh, did that change at any point?

20 A Yes, ma'am.

21 Q What changed?

22 A My mom left.

23 Q How do you know your mom left?

24 A I heard the front door open.

25 Q Okay. Did you care or try to find out why?

1 **A** No, ma'am.

2 **Q** What did you do?

3 **A** Stayed in my room on the phone.

4 **Q** What happened next?

5 **A** Sebastian called the phone.

6 **Q** He called the phone you were on?

7 **A** Yes, ma'am.

8 **Q** How did that -- how did that work?

9 **A** I was on the phone. The phone beeped in
10 another call so I clicked over.

11 **Q** You have call waiting?

12 **A** Yes, ma'am.

13 **Q** And what did Sebastian tell you?

14 **A** He asked me to come watch TV with him in the
15 living room.

16 **Q** Did you --

17 **MR. RAY:** I'm sorry. I didn't hear that.

18 **MS. BENTLEY:** She said Sebastian asked her to
19 watch TV with him in the living room.

20 **THE WITNESS:** Just let her speak if you
21 would.

22 **THE COURT:** That's what she said.

23 **MR. RAY:** I couldn't hear, Your Honor.

24 **BY MS. BENTLEY:**

25 **Q** Minor did you do what Sebastian asked you to

1 do?

2 **A** Yes, ma'am.

3 **Q** Tell me what happened when you got to the
4 living room.

5 **A** I sat down on the couch. And he was telling me
6 how he was upset about the argument him and my mom had.

7 **Q** Okay. How did you react?

8 **A** I can't remember.

9 **Q** Were you bothered by the fight?

10 **A** No, ma'am.

11 **Q** Did it affect you in any way?

12 **A** No, ma'am.

13 **Q** Do you remember what he was watching on TV?

14 **A** No, ma'am.

15 **Q** How long did he talk to you about how sad he
16 was?

17 **A** A few minutes.

18 **Q** What happened then?

19 **A** I started to get up. Then he told me not to
20 leave.

21 **Q** You are going to need to speak up.

22 **A** He told me -- I started to get up. He was like
23 no. So I sat back down. Then he started touching me.

24 **Q** Tell me what you mean.

25 **THE COURT:** Started what? I can't hear.

1 **THE WITNESS:** Touching me.

2 **BY MS. BENTLEY:**

3 **Q** Please describe what you mean by he started
4 touching me.

5 **A** Touching me on my private area.

6 **Q** Over or under your clothing?

7 **A** I really can't remember.

8 **MR. RAY:** What? Your Honor, I didn't hear
9 that.

10 **THE WITNESS:** I really can't remember.

11 **MS. BENTLEY:** Okay.

12 **THE COURT:** You're going to have to speak up
13 now. So get right up to that microphone and speak
14 clearly and distinctly.

15 **BY MS. BENTLEY:**

16 **Q** Minor what happened after he started touching
17 you?

18 **A** I tried to get up again and he pushed me back
19 over the couch. He took my pants off and my panties off.

20 **Q** Okay. I'm going to stop you right there. Tell
21 me, if you could, could you describe how that happened
22 and how he pushed you down?

23 **A** I was pushed over the arm of the couch with my
24 legs pushed on me to where I couldn't move after he took
25 my clothes off.

1 Q Where did he put your clothes?

2 A My pants were hanging -- I guess my pants were
3 on the floor. Everything were just right there. I was
4 just hanging over the arm of my couch.

5 Q You were over the arm?

6 A Uh-huh.

7 Q What pants were you wearing that day? Do you
8 remember?

9 A Light blue gauchos.

10 Q Okay.

11 MR. RAY: What was it?

12 THE WITNESS: Light blue gauchos.

13 BY MS. BENTLEY:

14 Q How did you react to that, Minor

15 A I kind of just froze.

16 Q Okay. Did you understand what was happening?

17 A No, ma'am.

18 Q Were you able to get up or fight back in any
19 way?

20 A No, ma'am.

21 Q Tell me what happened after he took your pants
22 and panties off.

23 A He put his fingers in me and then he performed
24 oral sex.

25 Q He put his fingers inside where?

1 **A** My vagina.

2 **Q** And he performed oral sex on you?

3 **A** Yes, ma'am.

4 **Q** How long did this assault last?

5 **MR. RAY:** Objection, Your Honor.

6 **MS. BENTLEY:** What's the objection?

7 **MR. RAY:** The word assault.

8 **THE COURT:** Go ahead.

9 **BY MS. BENTLEY:**

10 **Q** How long did this last?

11 **A** No longer than a few minutes. But it felt
12 longer to me. But it only lasted a few minutes.

13 **Q** Okay. How did you feel while this was
14 happening?

15 **A** Disgusted. Nasty.

16 **Q** Did anything he do cause you physical pain?

17 **A** No, ma'am.

18 **Q** Why did he stop?

19 **A** Because he heard my mom at the door.

20 **Q** How did you know? Did you hear anything?

21 **A** You can hear where -- the house we stayed in,
22 the front door, you could hear when somebody puts a key
23 in a lock. The lock's really loud. So you could hear
24 the lock when she unlocked it.

25 **Q** Was there one lock, more than one lock?

1 **A** Just one lock.

2 **Q** Okay. What happened when y'all heard that key
3 in the lock?'

4 **A** He threw a cover on me and went into my mom's
5 room. I just sat there. When my mom came into the
6 house, she went to the room.

7 **Q** What cover did he throw on you?

8 **A** It was one hanging on the back of the couch.

9 **Q** What did it look like?

10 **A** I can't remember.

11 **Q** Okay. How did you feel at that point?

12 **A** Violated.

13 **Q** Did your mom speak to you when she came inside?

14 **A** No, ma'am.

15 **Q** What did you do?

16 **A** I got up, put my clothes on and went back in my
17 room.

18 **Q** And where was your mom at that point?

19 **A** She was still in the room.

20 **Q** She was still in the living room?

21 **A** In her room.

22 **Q** She was in her room. What did you do once you
23 got back to your room?

24 **A** I started crying. I called my brother's
25 girlfriend Melanie.

1 Q What is -- do you remember Melanie's last name?

2 A Brunson.

3 Q How long had she been dating your brother?

4 A About a year at that time.

5 Q And how old was Melanie in 2007 would you
6 guess?

7 A 18 or 19.

8 Q Why did you call Melanie?

9 A Cause that's the only person I knew I could
10 call.

11 Q Okay. Were y'all friendly? Did you have a
12 good relationship?

13 A Yes, ma'am.

14 Q Where was Melanie when you called her?

15 A With my brother.

16 Q Could you hear him in the background?

17 A Yeah, they were with some -- they were with my
18 cousin and his friend and their girlfriends playing
19 cards.

20 Q What did you tell Melanie?

21 A I told her that Sebastian had ate me out.

22 Q Okay.

23 MR. RAY: I'm sorry. I didn't hear that.

24 THE WITNESS: Sebastian had ate me out.

25 BY MS. BENTLEY:

1 Q How did she respond?

2 A She didn't believe me at first.

3 Q Okay. So what did you do?

4 A I told her again and she heard me crying on the
5 phone. She asked me did I want to tell my brother. I
6 told her yes.

7 Q You told her to tell your brother?

8 A (Nods head.)

9 Q Why didn't you tell your brother yourself?

10 A It felt uncomfortable.

11 Q Okay. Could you hear her tell your brother?

12 A Yes, ma'am.

13 Q What happened next?

14 A My mom came in my room when I was still on the
15 phone with Melanie. She was getting ready to go in my
16 closet for something. Then when she noticed I was crying
17 on the phone, she asked me what was wrong. I told her
18 nothing. Then she asked me again. Then I told her
19 Sebastian ate me out.

20 Q How did your mother respond to what you told
21 her?

22 A She kind of just stood there with a blank
23 expression.

24 Q Okay. Did she question you again?

25 A Yes, ma'am.

1 Q Did you repeat your answer?

2 A Yes, ma'am.

3 Q What did she do that time?

4 A She called Sebastian into my room.

5 Q She called Sebastian into your room?

6 A Uh-huh.

7 Q Did Sebastian come into your room?

8 A Yes, ma'am.

9 Q What was he doing at that time?

10 A He was on the phone with my brother.

11 Q How do you know he was on the phone with your
12 brother?

13 A Cause he said he was.

14 Q What happened when Sebastian entered your room?
15 Who all was in your room at that point?

16 A Me, my mom and Sebastian.

17 Q And what happened when he entered your room?

18 A She asked me to repeat what I said in front of
19 him. I said it again. Then she kind of blocked him from
20 looking at me. She put my head on her stomach and asked
21 me one more time.

22 Q Why did she do that?

23 A Because he was trying to look at me.

24 Q Like intimidate you?

25 A I guess.

1 Q So you repeated what you told your mother in
2 front of the defendant as well?

3 A Yes, ma'am.

4 Q What happened at that point?

5 A My mom got really angry.

6 Q Okay.

7 A And was just like upset and mad.

8 Q Okay. Did you leave your room at that point?

9 A I don't know if I left it at that point, but I
10 remember standing in the hallway in front the bathroom.

11 Q Okay. Tell me -- tell me what you remember
12 happening after your mother got angry.

13 A She told Sebastian that, you know, he had to
14 get his stuff and leave. And he was like he didn't do
15 it, but -- he said he would break everything in the
16 house. And my momma told him all that stuff is
17 replaceable, but my children ain't. And so my mom was
18 standing in her room. And he threw a carrier down, a
19 glass carrier, and broke it and left.

20 Q He left?

21 A (Nods head.)

22 Q Did you call the police or did you mother call
23 the police? Do you know?

24 A No, ma'am.

25 Q What happened next?

1 **A** My brother, my cousin Dorian and two of their
2 other friends came to the house, and my mom's friend Ms.
3 Robin came.

4 **Q** Okay. And what did they do at the house?

5 **A** They helped my momma clean up and put his stuff
6 out on the yard.

7 **Q** Whose stuff?

8 **A** Sebastian's.

9 **Q** So they moved all of his property out of the
10 house into the yard?

11 **A** Yes, ma'am.

12 **Q** Did you stay there that night?

13 **A** No, ma'am.

14 **Q** Where did you go?

15 **A** To my cousin's house.

16 **Q** When did you speak to the police for the first
17 time? Was it that night or the next day?

18 **A** I think it was that night.

19 **Q** Okay. You spoke to the police that night. Did
20 you provide a written statement?

21 **A** Yes, ma'am.

22 **Q** When did you provide that written statement?

23 **A** We actually went to the police department.
24 When I went there, my mom was like she wanted to press
25 charges. I took a statement with a female officer in one

1 of the back rooms.

2 Q Okay.

3 THE COURT: When was this now again? Moment
4 of time?

5 MS. BENTLEY: The next day, Your Honor.

6 THE COURT: Okay.

7 BY MS. BENTLEY:

8 Q Did you answer all the questions the police had
9 for you?

10 A Yes, ma'am.

11 Q Did you provide them an honest and accurate
12 statement?

13 A Yes, ma'am.

14 Q Is anything that you told us today in that
15 statement that you can recall?

16 A Not that I can remember, no, ma'am.

17 Q Okay. And it's been how many years since this
18 happened for you?

19 A Five.

20 Q And you still remember it?

21 A (Nods head.)

22 MS. BENTLEY: One moment please. (Pause.)
23 I have no further questions for this witness.

24 THE COURT: All right, Counsel.

25 MS. BENTLEY: Please answer any questions Mr.

1 Ray may have for you.

2 **CROSS-EXAMINATION**

3 **BY MR. RAY:**

4 Q Minor my name is Bob Ray and I'm representing
5 Sebastian. Can you hear me okay?

6 A (Nods head.)

7 Q If I can, I'm going to ask you some questions.
8 Okay. You did give a statement to the police, is that
9 right?

10 A Yes, sir.

11 Q And what day did you give the statement to the
12 police?

13 A March of 2007. March of 2007. I don't
14 remember what time.

15 Q What day of the week was it you gave the
16 statement?

17 A I don't remember what day of the week.

18 Q I'm sorry.

19 A I don't remember what day of the week.

20 Q You don't know what day of the week. Okay. It
21 was the next day after this happened, right?

22 A I guess.

23 Q You guess. Is that what you're saying?

24 A I really can't remember.

25 Q Okay. Well, your statement is dated March 4th.

1 **A** Okay.

2 **Q** So would that mean that March 3rd is when you
3 say this happened?

4 **A** Yes.

5 **Q** Yes? And I'll tell you March 3rd of 2007 was a
6 Saturday.

7 **A** Okay.

8 **Q** Cause I looked it up.

9 **A** Okay.

10 **Q** So March 4th was a Sunday. Does that sound
11 right to you?

12 **A** I guess, yes.

13 **Q** Have you looked at your statement lately?

14 **A** Yes.

15 **Q** How many times?

16 **A** Maybe three, four.

17 **Q** Who told you to do that?

18 **A** My lawyer.

19 **Q** Your lawyer?

20 **A** Well, her, Ms. Lisa.

21 **Q** The lady that was just talking to you?

22 **A** Yes.

23 **Q** Ms. Bentley. She had you read your statement
24 over and over?

25 **A** No, not over and over.

1 Q Ma'am?

2 A No.

3 Q No, but you have been reading it, right?

4 A Yes.

5 Q Okay. I've got a copy of your statement right
6 here that I'm looking at. All right. Now, how long was
7 Sebastian living in the house with you and your mother?

8 A I don't know.

9 Q Was it a year?

10 A No.

11 Q Was it a half a year?

12 A I guess.

13 Q You guess?

14 A Yeah.

15 Q Did your mom consider Sebastian to be her
16 boyfriend?

17 A Yes.

18 Q And do you know where Sebastian was from?

19 A (Shakes head.)

20 Q She never told you that?

21 A (Shakes head.)

22 Q How many jobs was he working while he --

23 MS. BENTLEY: I would ask that she gives an
24 audible answer and not just nod her head.

25 THE COURT: Okay. You need to answer vocally

1 or verbally, not, uh, just nod your head.

2 THE WITNESS: Okay.

3 BY MR. RAY:

4 Q Now, I forgot the question. So, uh, he was
5 living with you about a half a year and your mom. Is
6 that right?

7 A Yes, sir.

8 Q And you know many jobs he was working?

9 A No, I didn't keep up with it. No, sir. I
10 didn't keep up with it.

11 Q Was he working most all the time?

12 A Yeah. I know him and my mom worked together at
13 one job.

14 Q All right. And then he had another job, right?

15 A I don't know.

16 Q Did you get along with your mom?

17 A Yeah.

18 Q All the time?

19 A Not all the time, but yeah.

20 Q Would it surprise you in your statement if it
21 says that you didn't get along with her?

22 A Can I know where I said that at?

23 Q I'm sorry?

24 A Can I know in my statement where that's at?

25 Q Yeah.

1 **THE COURT:** She wants to see her statement.

2 **BY MR. RAY:**

3 **Q** You want to see the statement?

4 **A** (Nods head.)

5 **Q** All right. Let's see here. (Pause.)

6 It will take me a minute, Your Honor.

7 **MS. BENTLEY:** I've got a copy of it, Your
8 Honor.

9 **MR. RAY:** I've got to find it, Your Honor.
10 Just a minute.

11 **MS. BENTLEY:** I've got a copy. Do you want
12 to give her this one, Mr. Ray?

13 **BY MR. RAY:**

14 **Q** Did you -- let me ask you this. Did you talk
15 to Sebastian about your mother some times?

16 **A** No.

17 **Q** You never did that?

18 **A** Not that I remember, no. It don't say that I
19 said anything like that in my statement either.

20 **Q** All right. Well, didn't -- uh, what did you
21 say -- when he first approached you, according to your
22 statement that night, did he say he wanted a shoulder to
23 lean on?

24 **A** (No response.)

25 **Q** That would be on ---

1 **A** Yes, sir.

2 **Q** --- line 5. You see that?

3 **A** Yes, sir.

4 **Q** And right now, I can't remember where it was
5 that you were talking about your relationship with your
6 mother, but I'll find it before the trial is over. And
7 you're saying -- what time of night did all this happen?

8 **A** Sir, that had been five years ago so I don't
9 know.

10 **Q** It was after you got home from this cookout,
11 right?

12 **A** Yes.

13 **Q** And so if it happened on March the 3rd, the day
14 before, which was the day before you gave your statement,
15 that would be a Saturday?

16 **A** Uh-huh.

17 **Q** So what time do you think you got home from the
18 cookout?

19 **A** I don't know.

20 **Q** You don't know. Do you know if it was dark
21 outside or not?

22 **A** It was.

23 **Q** It was dark outside?

24 **A** (Nods head.)

25 **Q** And this was in early March. Okay. So would

1 it be about 7 o'clock?

2 A I don't know.

3 Q Do you know if Sebastian was going out that
4 night?

5 A No.

6 Q You don't remember that?

7 A He wasn't going nowhere, not that I recall.

8 Q Okay. Do you remember -- you know his friend
9 Thomas Taylor?

10 A Yeah.

11 Q Okay. You seen Thomas before?

12 A Once or twice. Not too many times.

13 Q I'm sorry.

14 A Once or twice. Not too many times.

15 Q Do you remember Thomas coming over that night?

16 A Yeah.

17 Q Okay. And did he pick up Sebastian?

18 A Yes.

19 Q And they left and went out together, didn't
20 they?

21 A Yes.

22 Q So he was going out that night?

23 A When he left -- Thomas came and got him after
24 everything had happened.

25 Q Okay. And now, uh, so you are saying that when

1 your mom got back, you were in your room crying. Is that
2 right?

3 **A** Yes.

4 **Q** And --

5 **THE COURT:** Is that what she says on that
6 statement? It was my recollection of her testimony
7 today she was on the sofa and was covered up.

8 **MR. RAY:** Right. The statement says, Your
9 Honor -- hang on just a second please. You say, uh,
10 I put my clothes on and went in my room and started
11 to cry. Then my brother's girlfriend called Melanie
12 and I told her what happened. Then she told my big
13 brother, Dwayne [sic]. So my momma asked me what
14 happened. When I told her, he was already on the
15 phone with my big brother and he was like I'm
16 telling a lie. So my momma asked me would I --

17 **THE WITNESS:** Was I telling the truth.

18 **MR. RAY:** Would I tell him the truth. Was I
19 telling the truth. And I said, yes, ma'am. And my
20 momma said okay. And then, uh, have you ever seen
21 your mother's statement?

22 **MS. BENTLEY:** Objection, Your Honor. Is
23 there a question?

24 **THE COURT:** I was wondering when you were
25 going to chime in here. We've got Rule 801 that

1 says if he wants to examine her on a prior
2 statement, it's limited, very limited as to what you
3 can do in a Criminal Sexual Conduct case unless it
4 is inconsistent. If it's inconsistent, he can ask
5 her pretty much anything he wants. But you need to
6 ask her a question, specific questions, Mr. Ray, not
7 just read her statement.

8 **MR. RAY:** Yes, sir.

9 **BY MR. RAY:**

10 **Q** So, uh, you went back to your room. Let me ask
11 you this. You are 20 years old now, Minor is that
12 right?

13 **A** Yes, sir.

14 **Q** Are you pregnant now?

15 **A** Yes, sir.

16 **MS. BENTLEY:** Objection, Your Honor. Number
17 one, completely irrelevant.

18 **THE COURT:** I -- it's stricken from the
19 record. It's nothing I'm going to consider.

20 **BY MR. RAY:**

21 **Q** You told the officer that night that you had on
22 capris and boy shorts and pink, white and light brown --
23 what was that? Light -- I can't read the rest of it.
24 Did you have on boy shorts?

25 **A** Yes, those are panties. Yes, sir. Those are

1 panties.

2 Q Those are panties?

3 A Yes.

4 Q So you had on three pairs of pants?

5 A No, I had on boy shorts and gauchos, which are
6 light blue capris.

7 Q Uh-huh.

8 A That's it.

9 Q What's pink, white and light brown --

10 MS. BENTLEY: Objection, what is he --

11 MR. RAY: I'm trying to --

12 THE COURT: I think he's asking her if she
13 said that in her statement she was wearing something
14 else different from what she said she's wearing
15 today.

16 MR. RAY: It's from some discovery I have,
17 Your Honor. I'm trying to understand --

18 THE COURT: Well, that's not her statement,
19 Mr. Ray. That's an improper way to approach it. I
20 thought you were reading from her prior statement.
21 You were pointing out inconsistencies with her
22 testimony here today which makes it an exception to
23 the hearsay rule. Now, stuff that's in your
24 discovery does not.

25 BY MR. RAY:

1 Q All right. I won't go any more into that. All
2 right. Have you ever been arrested?

3 A Yes.

4 Q Okay. And what was that for?

5 A Assault and Battery.

6 MS. BENTLEY: Objection. Your Honor, this
7 was juvenile and it's been expunged, which means
8 that it's improper to ask her on.

9 MR. RAY: No, it's not.

10 THE COURT: Well, uh, ask her, Mr. Ray, if
11 it's been expunged.

12 BY MR. RAY:

13 Q Has it been expunged?

14 A I haven't paid for it yet.

15 Q Ma'am?

16 A I haven't got it expunged yet.

17 Q It's not expunged. Okay. What was that for?

18 A Assault and Battery.

19 Q Okay. Was there a Disorderly Conduct you had?

20 A No, I just had Assault and Battery. It was
21 four counts.

22 THE COURT: Are those properly impeachable
23 offenses, Mr. Ray, Disorderly Conduct and, I assume,
24 a Simple Assault?

25 MS. BENTLEY: Yes, Your Honor, and they are

1 not. They are misdemeanor charges and they are
2 juvenile.

3 MR. RAY: No, they are not juvenile, Your
4 Honor.

5 THE COURT: Well, they are still not within
6 10 years and punishable by one-year imprisonment.
7 So I'm not going to consider them.

8 MR. RAY: Well, I'm not --

9 THE COURT: That's what the rule says.

10 MR. RAY: Okay.

11 THE COURT: Offenses that are --

12 MR. RAY: They got a big fine on it. All
13 right. All right. Uh, that's all I have at this
14 time, Your Honor.

15 THE COURT: All right. You can step down
16 unless counsel has further questions.

17 MS. BENTLEY: No further questions for this
18 witness.

19 THE COURT: Step down.

20 MS. BENTLEY: Would you like another witness
21 this evening, Your Honor?

22 THE COURT: Certainly.

23 MS. BENTLEY: The State calls Jacqueline
24 Baker.

25 THE COURT: Since this jury is out, I'd like

1 to finish up your case at least.

2 **MS. BENTLEY:** Your Honor, there is one
3 officer I didn't ask to come. I just wasn't sure.

4 **THE CLERK:** Mrs. Baker, if you would, come
5 forward to be sworn in please. Please place your
6 left hand on the Bible and raise your right.

7 **JACQUELINE BAKER**

8 having first been sworn, testifies as follows:

9 **THE CLERK:** Thank you. You can be seated.
10 Please state name for the record..

11 **THE WITNESS:** Jacqueline Baker.

12 **THE CLERK:** Thank you.

13 **DIRECT EXAMINATION**

14 **BY MS. BENTLEY:**

15 **Q** Mrs. Baker, I'm going to ask you how old you
16 are.

17 **A** 46.

18 **Q** And where are you from originally?

19 **A** Daytona Beach, Florida.

20 **Q** When did you move to South Carolina?

21 **A** In '03. 2003.

22 **Q** I'm going to ask you if you don't mind if you
23 could scoot closer to the microphone and speak up.

24 **A** Okay.

25 **Q** So you moved to South Carolina in 2003.

- 1 **A** Uh-huh.
- 2 **Q** Where did you move to first?
- 3 **A** Mauldin.
- 4 **Q** What was your address in Mauldin?
- 5 **A** We lived at [REDACTED].
- 6 **Q** Where was the next place you lived in
- 7 Greenville?
- 8 **A** Then I moved to Fountain Inn.
- 9 **Q** At some point, did you move to Memorial Drive
- 10 in Greer?
- 11 **A** Yes.
- 12 **Q** When?
- 13 **A** January '06, 2006.
- 14 **Q** And who moved in with you in January of 2006?
- 15 **A** My daughter Minor and Sebastian Hepburn.
- 16 **Q** Who was Sebastian Hepburn to you in 2006?
- 17 **A** He was my boyfriend.
- 18 **Q** How did you meet?
- 19 **A** At my job.
- 20 **Q** Okay. What was your job?
- 21 **A** CNA at Magnolia Place of Greenville.
- 22 **Q** Is that where you are still employed?
- 23 **A** Yes.
- 24 **Q** And what was Sebastian's position there?
- 25 **A** He was a CNA also.

1 Q Okay. And when did you first meet Sebastian?

2 A When he started working there.

3 Q Okay. Do you remember when that was?

4 A No, not the exact date.

5 Q Okay.

6 MR. RAY: I'm sorry, Your Honor. I couldn't
7 hear that.

8 THE WITNESS: Not the exact date, but it was
9 in 2005.

10 MR. RAY: 2005?

11 THE WITNESS: Yes.

12 BY MS. BENTLEY:

13 Q Mrs. Baker, when did Minor move in with you?

14 A When we moved to Memorial Drive.

15 Q Okay. What was the first time that she had
16 lived with you?

17 A No.

18 Q Had she previously -- was she living in South
19 Carolina when you and Sebastian were first dating?

20 A Yes.

21 Q Okay. Did you consult with her about having
22 Sebastian move in with you?

23 A Yes, I did.

24 Q And was she okay with it?

25 A Yes.

1 Q How was the relationship between Minor and
2 Sebastian?

3 A She used to call him her stepdad.

4 Q They had a good relationship?

5 A Yeah.

6 Q Was he the disciplinarian in the house?

7 A No.

8 Q Did they ever fight that you know of?

9 A No.

10 Q How many other children do you have?

11 A Two.

12 Q Who are they?

13 A Dewon Baker and Everett Baker.

14 Q And Dewon Baker is?

15 A My son.

16 Q How old is he?

17 A 27.

18 Q So he's older than Minor

19 A Yes.

20 Q I want to take you back to March 3rd, 2007.

21 A Okay.

22 Q Were you still living at Memorial Drive?

23 A Yes.

24 Q Do you remember what day of the week that was?

25 A Saturday.

1 Q What had you been doing that day?

2 A We went to my son's house for a cookout.

3 Q Which son?

4 A Dewon.

5 Q Dewon. And where was that cookout?

6 A Mauldin.

7 Q Okay. Do you remember what time of day the
8 cookout was?

9 A We got there about one o'clock in the
10 afternoon.

11 Q Okay. How was the cookout?

12 A Oh, we had a good time.

13 Q Okay. Who all went?

14 A Me, Sebastian, my daughter Minor And we were
15 there with my son and his girl -- ex-girlfriend now,
16 Melanie and a couple of other neighbors.

17 Q How long did you stay?

18 A We stayed until about 6:00, 6:30 in the
19 afternoon.

20 Q Okay. And who drove to and from the cookout?

21 A Sebastian did.

22 Q Okay. How was the drive there?

23 A Fine.

24 Q How was the drive back?

25 A We argued.

1 Q We who?

2 A Sebastian.

3 Q About what?

4 A Any and every thing.

5 Q Okay. Was your relationship on the rocks at
6 that point or was it just an argument?

7 A It was just an argument.

8 Q Okay. And did Minor get involved in your
9 arguments?

10 A No.

11 Q Did you go to her and talk to her about your
12 problems with Sebastian?

13 A No.

14 Q Why not?

15 A Cause she was a child.

16 Q Okay. What happened when you all got home?

17 A Well, I left and went to Wal-Mart.

18 Q Okay. Now, tell me where was Minor when you
19 left.

20 A In her bedroom.

21 Q Okay. Why did you decide to go to Wal-Mart?

22 A To cool off from the argument.

23 Q And where is Wal-Mart from your house?

24 A Around 10 minutes up the road up Wade Hampton.

25 Q And how long -- it took you about 10 minutes to

1 get there.

2 **A** Uh-huh.

3 **Q** What did you go there for?

4 **A** I just went and sat in the parking lot.

5 **Q** Okay. How long did you sit in the parking lot?

6 **A** About five minutes.

7 **Q** What did you do?

8 **A** Went back home.

9 **Q** You literally just went there to cool off?

10 **A** Uh-huh.

11 **Q** How long do you think you were gone total?

12 **A** About 20-25 minutes.

13 **Q** What happened when you -- pardon me. Where did

14 you go after you were done at Wal-Mart?

15 **A** I went back home.

16 **Q** What happened when you arrived back home?

17 **A** I went to go in the house and my top bolt lock
18 was locked. I never lock it unless I'm done in the house
19 for the night.

20 **MR. RAY:** Your Honor, I couldn't hear. I
21 can't hear that.

22 **THE COURT:** She said she never locked the top
23 door unless she's in the house for good in the
24 evening. Right?

25 **THE WITNESS:** Yes.

1 BY MS. BENTLEY:

2 Q Had you locked --

3 MR. RAY: I thought she said she went
4 somewhere from Wal-Mart.

5 MS. BENTLEY: She went home.

6 MR. RAY: She went home. Okay.

7 THE COURT: She went home and her top door
8 was locked. The top door lock was locked which she
9 doesn't usually do unless she's home for the
10 evening.

11 BY MS. BENTLEY:

12 Q Did you lock the bottom lock before you left?

13 A Yes.

14 Q You did.

15 A Uh-huh.

16 Q Did you lock the top lock?

17 A No.

18 Q Is it possible you locked the top lock?

19 A No.

20 Q Why not?

21 A I never lock it until I'm in for the night.

22 Q Okay. So what did you do after the top lock
23 was locked?

24 A Unlocked it and went in.

25 Q Where was Minor when you walked inside?

1 **A** Laying on the sofa.

2 **Q** What was she doing?

3 **A** She was just laying there on the phone with a
4 blanket across her.

5 **Q** Okay. Did you stop to speak to her?

6 **A** No, I didn't say anything to her at that time.

7 **Q** What did you do?

8 **A** I went to my bedroom.

9 **Q** Where was Sebastian?

10 **A** Laying in the bed on the bed -- laying in the
11 room on the bed.

12 **Q** Okay. What did you do?

13 **A** I changed clothes.

14 **Q** Okay. Into?

15 **A** My pajamas.

16 **Q** And then what did you do?

17 **A** I went to the living room to talk to Minor

18 **Q** Was she there?

19 **A** No, she went to her bedroom.

20 **Q** What did you do?

21 **A** I went back into the bedroom.

22 **Q** Into whose bedroom?

23 **A** My bedroom.

24 **Q** At any point, did you go to Minor room?

25 **A** Yes.

1 Q Where was Minor when you got to her room?

2 A Laying in the bed talking on the phone.

3 Q Okay. Did you speak to her?

4 A Yes.

5 Q What did you tell her or what did you say to
6 her?

7 A I asked her who she was talking to on the
8 phone. She said Melanie. I told her to tell Melanie hi
9 for me.

10 Q Okay. And how was Minor

11 A She was kind of quiet.

12 Q Okay. How long did you spend in her room?

13 A Not long.

14 Q Okay. What did you do next?

15 A I went into the kitchen.

16 Q Okay. How long were you in the kitchen?

17 A I was in there washing dishes.

18 Q At any point did you go back to Minor room?

19 A Yes.

20 Q When?

21 A After I had went and washed dishes, I went back
22 to see what she was doing.

23 Q Okay.

24 A And she was in there crying.

25 Q Okay. Was that -- I mean, she was a 14-year-

1 old girl. Was she emotional?

2 A No.

3 Q How often would she cry?

4 A Not often.

5 Q Okay. What did you do?

6 A I asked her why she was crying.

7 Q What did she tell you?

8 A She told me Sebastian touched her.

9 Q Okay. What was the first thought in your mind?

10 A I asked her to repeat. She said it again.

11 Q Okay. Without telling us any details, did she
12 tell you how he touched her?

13 A Yes.

14 Q Did she disclose sexual abuse to you?

15 A Yes.

16 MR. RAY: Objection, Your Honor.

17 THE COURT: What's the objection?

18 MR. RAY: She said did she describe sexual
19 abuse to you. That -- when she's asking her, that's
20 a conclusory statement.

21 MS. BENTLEY: That's --

22 THE COURT: Asked her what she described
23 then. I thought she had.

24 MS. BENTLEY: And Your Honor, I don't -- I
25 mean, in Criminal Sexual Conduct cases, all I can

1 elicit from a witness is that a victim disclosed
2 sexual abuse. I don't believe that she can get into
3 the details.

4 **THE COURT:** Okay.

5 **MS. BENTLEY:** Correct me if I'm wrong.

6 **THE COURT:** Well, he wants you to ask her
7 what the abuse was, so go ahead and ask.

8 **MS. BENTLEY:** All right. Uh, I would also, I
9 guess, argue that that's an excited utterance and
10 she was crying and under the stress of statement.

11 **BY MS. BENTLEY:**

12 **Q** Tell me what Minor told you.

13 **A** That he ate her out.

14 **Q** That he ate her out?

15 **A** Yes.

16 **Q** What do you know that to mean?

17 **A** He performed oral sex on her.

18 **Q** What did you do?

19 **A** I went and got him.

20 **Q** How did you -- how did you feel?

21 **A** I was mad.

22 **Q** You went to get who?

23 **A** Sebastian.

24 **Q** Where was he?

25 **A** In the living room on the phone.

1 Q And do you know who he was on the phone with?

2 A My son, Dewon.

3 Q How do you know that?

4 A Cause he told me.

5 Q Sebastian told you?

6 A Yes.

7 Q Did you bring him back to Minor room?

8 A Yes, I did.

9 Q Why did you do that?

10 A Because I wanted to ask her in front of him
11 what he did.

12 Q Why did you want to do that?

13 A To make sure that she wasn't lying.

14 Q And you believe that she would not lie in front
15 of him?

16 A Exactly.

17 Q Did you have concerns that she was lying?

18 A No.

19 Q Was she an untruthful child?

20 A No.

21 Q Did y'all have a bad relationship?

22 A No.

23 Q When you brought Sebastian in, what did you do?

24 A I asked her, I said, now, tell me again what
25 Sebastian did. And she repeated what she said.

1 Q Okay. In the same words that you told us
2 before?

3 A Yes.

4 Q What did you do at that point?

5 A I turned around and looked at him. He was
6 trying to get in front of her where she could see him.

7 Q Okay. And what did you do?

8 A I put her head on my stomach and I said, now
9 tell me again what he did. And she said he ate me out.

10 Q What did you do at that point?

11 A I told her don't worry about it, momma, got
12 this.

13 Q Okay. What did you do?

14 A I walked to my bedroom and put my jogging suit
15 on.

16 Q Okay. Why did you do that?

17 A It was about to be a fight.

18 THE COURT: Put your what?

19 THE WITNESS: Jogging suit on.

20 THE COURT: Okay. All right.

21 MR. RAY: Your Honor, I never did get it.

22 THE COURT: Jogging suit on.

23 MR. RAY: Jogging suit.

24 BY MS. BENTLEY:

25 Q You been in your pajamas, so you changed back

1 into street clothes?

2 **A** Uh-huh.

3 **Q** What did you do -- did Sebastian follow you?

4 What did he do?

5 **A** He was following me saying, I would never do

6 that, I didn't do that.

7 **Q** Did you believe him?

8 **A** No.

9 **Q** So what did you do? You changed clothes and
10 did what?

11 **A** Uh, me and him was in there talking and he
12 left.

13 **Q** Sebastian left?

14 **A** He left.

15 **Q** What did you do after he left?

16 **A** I called my son.

17 **Q** You called which son?

18 **A** Dewon.

19 **Q** Okay.

20 **A** And they came over and I was talking to Minor

21 **Q** When you say they came over, who came over with
22 Dewon?

23 **A** Two of my nephews and a couple of his friends.

24 **Q** Okay. Why did they come over?

25 **A** Because they were upset. They wanted to make

1 sure we're okay.

2 Q What happened once they came over?

3 A I left to go get the lock changed, to change
4 the locks on the lock -- door.

5 Q Where did you go to get new locks?

6 A Wal-Mart.

7 Q And they were still open?

8 A Uh-huh.

9 Q 24 hours. Did you change the locks that night?

10 A Yeah.

11 Q Why did you do that?

12 A Because Sebastian came back -- cause he took my
13 house keys and he came back to give me the key but he
14 gave me the wrong key.

15 Q What does that mean?

16 A The key that he had to the house didn't work.
17 So he gave me his key and took my key off the key chain.

18 Q Which did work?

19 A Yes.

20 Q And so you changed the locks?

21 A Yes.

22 Q Did Minor stay with you that night?

23 A No.

24 Q Why not?

25 A I made sure that she went to my son's house for

1 the night, to Dewon's house for the night so she could
2 feel safe.

3 Q So she could feel safe. What did you do while
4 you were there at the house?

5 A Threw his stuff outside.

6 Q What all kind of stuff did he have?

7 A He had floor model TV. He had a sectional. He
8 had a dresser. He had some clothes.

9 Q And you did what with it?

10 A Put it outside the front yard.

11 Q Did you call the police?

12 A Yes.

13 Q About what time did you call the police?

14 A Yes.

15 Q About what time did you call the police?

16 A I'm not sure. About 7:30 or 8 o'clock. I'm
17 not sure of the exact time.

18 Q Okay. Why wasn't that the first call you made?

19 A Cause I wanted to make sure my daughter was
20 safe first.

21 Q Did you speak to the police that evening?

22 A Yes.

23 Q Did they respond to your home?

24 A Yes.

25 Q Was Minor still there?

1 **A** No.

2 **Q** At any point, did you provide a written
3 statement?

4 **A** Yes, I did.

5 **Q** When was that?

6 **A** I provided one that night.

7 **Q** Okay. Did you take Minor to provide a
8 statement?

9 **A** Yes, I did.

10 **Q** When was that?

11 **A** That Sunday night.

12 **Q** So the next day?

13 **A** Uh-huh.

14 **Q** I want to ask you this, Mrs. Baker. Did you
15 try to reach your son for this trial?

16 **A** Yes, I did.

17 **Q** Did you try to reach Melanie for this trial?

18 **A** Yes, I did.

19 **Q** Were you able to locate either one of them?

20 **A** No.

21 **MS. BENTLEY:** Okay. I have no further
22 questions for this witness, Your Honor.

23 **THE COURT:** All right. Answer any questions
24 Mr. Ray has.

25 **MR. RAY:** Yes, Your Honor.

CROSS-EXAMINATION**BY MR. RAY:**

Q Hey, Mrs. Baker. My name is Bob Ray and I'm representing Sebastian. I'm going to ask you some questions. Okay.

A Okay.

Q When did you first meet Sebastian?

A It was in '05.

Q '05?

A Uh-huh.

Q What month was that?

A I'm not sure. I don't know. I just started working there.

Q You were working at Piedmont Nursing?

A No, Magnolia Place.

Q Magnolia Place. And what was he doing there?

A He was a CNA.

Q A CNN?

A A CNA.

Q A TNA.

A CNA.

Q What does that mean?

A Certified Nursing Assistant.

Q Was he a good assistant?

A Yeah.

1 Q Okay. Uh, what was your job title there?

2 A I was a CNA also.

3 Q Did you consider Sebastian to be your
4 boyfriend?

5 A When he moved in with me, yeah.

6 Q When did he move in with you?

7 A January of '06.

8 Q January of '06?

9 A Uh-huh.

10 Q Do you pay rent there?

11 A Yes, I did.

12 Q Okay. Did Sebastian help pay your expenses?

13 A Yep.

14 Q And how much was he paying each month? Do you
15 know?

16 A Not sure.

17 Q Did he pay more than you did?

18 A No.

19 Q But you don't remember how much he paid?

20 A Not exactly the amount.

21 Q How much was your rent there?

22 A My rent was 550.

23 Q And what other expenses did you have?

24 A We had a light bill, gas bill, water bill,
25 cable.

1 Q And so he shared all of those expenses with
2 you?

3 A Uh-huh.

4 Q Okay. So would it be fair to say that he lived
5 with you for more than a year?

6 A No.

7 Q It wouldn't?

8 A No.

9 Q I thought you said he moved in in January of
10 '06.

11 A Uh-huh.

12 Q And you're saying that this incident happened
13 in March of '07?

14 A Yeah.

15 Q So it was more than a year?

16 A Uh-huh.

17 Q Is that right?

18 A Yes.

19 Q Did he have his own room?

20 A No, he slept with me.

21 Q He slept with you?

22 A Uh-huh.

23 Q Okay. Was his clothes in a dresser there in
24 the room or something?

25 A Yep.

- 1 Q Are those the clothes that you cut up?
- 2 A Yep.
- 3 Q And you bleached them?
- 4 A No, I didn't cut up any clothes.
- 5 Q What did you cut up?
- 6 A I didn't cut up anything. I bleached them, but
- 7 I didn't cut them.
- 8 Q You didn't cut them?
- 9 A Nope.
- 10 Q But you bleached them and put them in the yard?
- 11 A Uh-huh.
- 12 Q Who kicked in the TV?
- 13 A I don't know who kicked the TV in. Somebody
- 14 came and picked up the TV. Nobody kicked it in.
- 15 Q All right. And so what day of the week did all
- 16 of this happen?
- 17 A That was a Saturday.
- 18 Q Saturday. And so this cookout was at your
- 19 son's house?
- 20 A Uh-huh.
- 21 Q Is that right?
- 22 A (Nods head.)
- 23 Q And he lives in Mauldin?
- 24 A At that time, he did.
- 25 Q Is that the same place you are living now?

1 **A** Yes, same apartment complex but different
2 apartment.

3 **Q** And that's where the cookout was was at the
4 apartments?

5 **A** Yes.

6 **Q** And so Sebastian went over there with you and
7 Minor was already there?

8 **A** No.

9 **Q** Minor went with you?

10 **A** Yep.

11 **Q** Okay. And so when y'all came home, was it dark
12 outside?

13 **A** Yes, it is.

14 **Q** And I couldn't quite hear everything you were
15 saying. I think you said you went to the Wal-Mart?

16 **A** Uh-huh.

17 **Q** And so what was your relationship with Minor
18 like?

19 **A** We got a good relationship. We had one then.

20 **Q** She wasn't living with you up until right
21 before then, was she?

22 **A** She went and stayed with my sister.

23 **Q** Stayed with your sister?

24 **A** Before then, she was living with me. She was
25 going to Mauldin Middle.

1 Q She was going to Mauldin Middle?

2 A Yes.

3 Q Wait a minute. I don't understand.

4 A She was going to Mauldin Middle School.

5 Q Right. She was living with your sister?

6 A No, she was living with me at that time.

7 Q Yeah, but she had just been living with your
8 sister.

9 A I went and got her way before that happened.

10 Q Why was she living with your sister?

11 A Because --

12 **MS. BENTLEY:** Objection, Your Honor. What's
13 the relevance of all this?

14 **THE COURT:** I don't know but we'll see.

15 **MR. RAY:** Trying to establish the
16 relationship that she had with her daughter, Your
17 Honor.

18 **THE WITNESS:** She was born down in Florida
19 and she had missed my niece and my mother and she
20 was a little homesick.

21 **BY MR. RAY:**

22 Q Oh, okay. She was homesick, so she was staying
23 with them.

24 A Uh-huh.

25 Q Okay. All right. So this is a Saturday night

1 when all of this happened, is that right?

2 A Uh-huh.

3 Q Was Sebastian going out that night?

4 A He had planned to but he had changed his plans.

5 Q So he didn't go out that night?

6 A After everything happened, he left.

7 Q He did?

8 A Uh-huh.

9 Q So why did he -- you said first he changed his
10 plans. Why was that?

11 A Because after she told me what happened --
12 well, before she told me what happened, he said he was
13 going to stay in the house, we was going to have some
14 drinks and go to church that Sunday morning.

15 Q Go to church?

16 A Uh-huh.

17 Q Had y'all ever gone to church before?

18 A Nope.

19 Q So whose idea was it to go to church?

20 A His.

21 Q His idea to go to church?

22 A Yes.

23 Q So he was going to have some drinks and go to
24 church the next day?

25 A Uh-huh.

1 Q All right. Now, this happened according to
2 your statement on March the 3rd, is that right?

3 A Uh-huh.

4 Q Now, there was a Valentine's dance a couple of
5 weeks before this, wasn't there?

6 A Not that I know of.

7 Q You don't know anything about the Valentine's
8 dance?

9 A No.

10 Q You don't remember talking to one of
11 Sebastian's friends about the Valentine's dance?

12 A No.

13 Q Did you ever talk to any of Sebastian's friends
14 about having somebody hurt Sebastian?

15 A No.

16 Q You never said that?

17 A I don't talk to any of his friends.

18 Q You never have?

19 A Uh-huh.

20 Q Even if you saw him at a club or something like
21 that, you wouldn't talk to him?

22 A No, I don't go to clubs.

23 Q Okay. Were, uh, -- you don't know anything
24 about a Valentine's dance. Do you know anything about
25 the, I think they call it the Black Valentine's Dance?

1 **A** No.

2 **Q** You never heard of that?

3 **A** Uh-huh.

4 **Q** First Friday after Valentine's every year?

5 **A** No.

6 **Q** You don't know anything about that?

7 **A** Uh-huh.

8 **Q** There was another dance called White

9 Valentine's Dance. You know anything about that?

10 **A** I don't know anything about any Valentine's
11 dance.

12 **Q** Did Sebastian ever take you to a dance?

13 **A** No.

14 **Q** Did you ever ask him to take you to a dance?

15 **MS. BENTLEY:** Objection, Your Honor. She's
16 testified repeatedly she knows nothing about any
17 dance.

18 **THE COURT:** Well, let him ask.

19 **THE WITNESS:** No, I haven't.

20 **BY MR. RAY:**

21 **Q** But at this time, on that Saturday afternoon,
22 when y'all went to the cookout, you considered yourself
23 to be his girlfriend, right?

24 **A** Uh-huh.

25 **Q** Did you ever talk about marriage with him?

- 1 **A** No, that was too soon.
- 2 **Q** Ma'am?
- 3 **A** It was too soon for that.
- 4 **Q** Too what?
- 5 **A** Soon.
- 6 **Q** Soon. Okay. All right. When he first moved
7 into the house with you, where was he sleeping then?
- 8 **A** In my bed.
- 9 **Q** He never slept on the sofa?
- 10 **A** We both slept on the sofa. When we first moved
11 there, the bed wasn't in the house.
- 12 **Q** You both slept on the same sofa?
- 13 **A** Yeah.
- 14 **Q** And you had an argument on the way back from
15 the cookout. What was that argument about?
- 16 **A** I don't know. About any and every thing. He
17 was mad about something. I'm not sure what it was about.
- 18 **Q** And when **Minor** was staying there with you and
19 all, did Sebastian look after **Minor** from time to time?
- 20 **A** Yes.
- 21 **Q** A lot of times?
- 22 **A** Uh-huh.
- 23 **Q** Was he working two jobs?
- 24 **A** Yes.
- 25 **Q** What was his other job besides Magnolia Place?

1 **A** At the Carriage House. At that time, he wasn't
2 working at Magnolia Place.

3 **Q** Okay. And you were depending on him to bring
4 in that money, right?

5 **A** No.

6 **Q** You weren't?

7 **A** No.

8 **Q** I thought he was paying part of the bills.

9 **A** He was paying part of the bills.

10 **Q** And, uh, what did you go to the Wal-Mart for?
11 I couldn't hear that part.

12 **A** I went to cool off.

13 **Q** To what?

14 **A** To cool off from the argument.

15 **Q** Okay. Okay. And then you came back and that's
16 when you think you found -- when you saw **Minor** crying
17 and so forth?

18 **A** Uh-huh.

19 **Q** And then later, you went back to the Wal-Mart
20 to change the locks.

21 **A** Uh-huh.

22 **Q** You said when you got back to the house, the
23 upper lock was locked?

24 **A** Uh-huh.

25 **Q** How would that be?

- 1 **A** Somebody had to lock it.
- 2 **Q** From the inside?
- 3 **A** From the inside.
- 4 **Q** Did Sebastian have a key to the house?
- 5 **A** To the bottom lock, yes.
- 6 **Q** To the bottom lock?
- 7 **A** Uh-huh.
- 8 **Q** Did he have a key to the upper lock?
- 9 **A** No.
- 10 **Q** So he couldn't have locked it?
- 11 **A** Yes, he could.
- 12 **Q** How was that?
- 13 **A** It was a double-sided deadbolt lock. You can
- 14 lock it from the inside.
- 15 **Q** You can lock it from the inside? All right.
- 16 Did you always lock both locks at night?
- 17 **A** When I'm in for the night.
- 18 **Q** Okay. All right. And when -- you reported
- 19 that accident that same night?
- 20 **A** Yes.
- 21 **Q** All right. And the officer came over there
- 22 when?
- 23 **A** When I called.
- 24 **Q** The same day?
- 25 **A** That same night.

1 Q That night?

2 A Uh-huh.

3 Q Was it Officer Ross?

4 A It was a lady officer.

5 Q A lady. Okay. Did she talk to Minor and you?

6 A No, she talked to Minor that Sunday, on the
7 4th.

8 Q But you talked to her on the 3rd?

9 A Yes.

10 Q What did you tell her on the 3rd?

11 A Everything that happened.

12 Q Did she make a report on the 3rd?

13 A Yes, she did.

14 Q Did you see her write down things?

15 A Yeah, she was writing down stuff. I don't know
16 what she did after she left.

17 Q She didn't ever talk to Minor

18 A Not that night.

19 Q Did she have a tape recorder with her?

20 A No.

21 Q She came back the next -- did y'all go to the
22 police station on the 4th?

23 A She asked me to bring her when she got back
24 home on the 4th.

25 Q To bring her to the police department on the

1 4th?

2 A Yes.

3 Q Okay. All right. And that's the Greer Police
4 Department?

5 A Yes.

6 Q All right. Did you talk to your uncle about
7 hurting Sebastian?

8 A My uncle?

9 Q Somebody. Maybe it was your father's brother
10 or --

11 A No.

12 Q Did you talk to anybody about hurting
13 Sebastian?

14 A No.

15 Q You never said anything like that?

16 A No.

17 Q Okay. Did you ever give Sebastian money?

18 A No.

19 Q He gave you money by paying the bills though,
20 right?

21 A Yes.

22 Q You didn't -- you were just renting that house,
23 right? You were not purchasing the house?

24 A Yes, just renting.

25 Q Okay. What's your relationship with Minor

1 like today?

2 **A** We got a good relationship.

3 **Q** Okay. Now, she's living with you now?

4 **A** Yep.

5 **MR. RAY:** I think that's all I have, Your
6 Honor.

7 **THE COURT:** All right. Anything further?

8 **MS. BENTLEY:** No redirect, Your Honor.

9 **THE COURT:** You may step down. We'll take a
10 break for about five minutes.

11 (WHEREUPON, a short recess is taken.)

12 (WHEREUPON, State's Exhibits 1 and 2 are marked for
13 identification purposes.)

14 **THE COURT:** Okay.

15 **MS. BENTLEY:** Detective Dale Arterburn.

16 **THE CLERK:** Mr. Arterburn, if you would, come
17 forward to be sworn in please. Please place your
18 left hand on the Bible and raise your right.

19 **DALE ARTERBURN**

20 having first been sworn, testifies as follows:

21 **THE CLERK:** Thank you. Please be seated.
22 Would you please state your name for the record.

23 **THE WITNESS:** Dale Arterburn.

24 **THE CLERK:** Thank you.

25 **DIRECT EXAMINATION**

1 BY MS. BENTLEY:

2 Q Detective Arterburn, tell us where you are
3 employed and in what capacity.

4 A City of Greer Police Department as a
5 Investigator.

6 Q Okay. How long have been with Greer Police
7 Department?

8 A I been with the Police Department for
9 approximately 16 and a half years.

10 Q And how long have you been an investigator?

11 A About 10 of those.

12 Q Investigator Arterburn, were you assigned a
13 case with the defendant, Sebastian Hepburn?

14 A Yes, ma'am. I was.

15 Q When were you assigned to that case?

16 A The case was assigned to me on March the 4th,
17 2007 is when the file was made and passed to my office.

18 Q Okay. And what day did you receive that
19 report?

20 A March 4th, 2007.

21 Q On that Sunday?

22 A It would have been assigned then. I received
23 the following Monday workday.

24 Q Okay. Who initiated the report on this
25 defendant?

1 **A** Initial report was taken by Ashley Wright.

2 **Q** Okay. And what did you do -- tell me about the
3 process when somebody takes the report and it goes to an
4 investigator.

5 **A** The call would come in either through the phone
6 line or walk in the lobby. An officer would respond to
7 that location or the incident location of where they
8 needed to meet with the victim or complainant. And
9 initial report would be taken at that time. A detailed
10 report would be sent to our office if it was a crimes
11 against persons or property crime or what it may be, if
12 the elements meet the classification for us to followup
13 on that specific case.

14 **Q** Okay.

15 **A** That's where a case would have landed on a
16 lieutenant's desk, been assigned and sent to an
17 investigator for followup.

18 **Q** What was in the report when you received it?

19 **A** The report, when I received it, was the
20 incident report.

21 **Q** Ashley Wright's incident report?

22 **A** That's correct. Officer Wright's incident
23 report. There would have been statement from the victim
24 and a statement from the victim's mother, the
25 complainant, Mrs. Baker.

1 Q Okay. Were there any statements from the
2 defendant at that time?

3 A No, ma'am.

4 Q Okay. Did you obtain the arrest warrants in
5 this case?

6 A I did.

7 Q What date did you obtain those?

8 A The arrest warrant was actually -- I submitted
9 for a warrant request on March the 5th. I actually
10 signed a warrant that was issued by Judge Reynolds on
11 March the 6th, 2007.

12 Q Did you attempt to serve those warrants?

13 A I did.

14 Q Where or how did you attempt to serve them?

15 A We attempted to locate Mr. Hepburn but he was
16 no longer in the state from what we could understand from
17 speaking to the victim's mother.

18 Q So they believed he was no --

19 A They believed he had left the state, yes,
20 ma'am.

21 Q Okay.

22 A At that time, I had the warrant entered into
23 NCIC which is a database for wanted people or for missing
24 people we are able to locate through a database that's
25 nationwide.

1 Q Okay. When was the defendant arrested in this
2 case?

3 A I believe it was February 28th, 2011.

4 Q Okay.

5 A Located in Miami, Florida.

6 Q Did he waive extradition and come to South
7 Carolina?

8 A Yes. Extradition was waived and he was
9 transported back to the state of South Carolina.

10 Q Did you speak to him when he arrived in South
11 Carolina?

12 A Yes, ma'am. I did.

13 Q Where did you speak with him?

14 A Met with him in the Greer City Jail.

15 Q Was he under arrest at that time?

16 A Yes.

17 Q Did you read him his rights at that time?

18 A I did.

19 Q Did he indicate whether or not he wanted to
20 speak with you?

21 A He did. He indicated that he would like to
22 speak to me about the case.

23 Q Did you speak to him in the jail cell or did
24 you take him somewhere else?

25 A Spoke to in an interview room that was just

1 outside of our booking area. It's set up with two chairs
2 and a table.

3 Q Okay.

4 A A door.

5 Q Did you offer him food, beverage?

6 A He was offered anything to drink or use the
7 restroom. But he was also in a detention facility. He
8 wasn't allowed to leave or go outside.

9 Q Was he handcuffed?

10 A No, ma'am.

11 Q Was he in the same type of seat that you were?
12 Was he as comfortable as you were?

13 A I believe it was, yes. Same type of chair.

14 Q Okay. If at any point he told you that he
15 wanted to cease conversation, would you have done that?

16 A Yes, sir.

17 Q Did he at any point say that he wanted to stop
18 talking?

19 A No, he didn't indicate that he'd like to --

20 THE COURT: Did you mirandize him?

21 BY MS. BENTLEY:

22 Q Did you mirandize him?

23 A Yes.

24 Q So you mirandized him first when you first
25 approached him?

1 **A** Made casual conversation with him, would you
2 like to speak to me. He said yes. I said we need to go
3 over a form here.

4 **BY MS. BENTLEY:**

5 **Q** I'm showing you what's been marked as State's
6 Exhibit 1. Do you recognize this form?

7 **A** Yes, ma'am.

8 **Q** What is it?

9 **A** It's our standard form we used for the Greer
10 Police Department Advisement of Rights form.

11 **Q** And is this the form you read the defendant?

12 **A** It is.

13 **Q** How do you know that?

14 **A** Cause my signature is there and his is and our
15 case numbers reflect the same date and time that I met
16 with him.

17 **Q** What are these notes in the top corner?

18 **A** These notes in the top corner are some
19 questions I normally ask defendants or folks that I
20 interview under Miranda, their highest grade of education
21 they've completed. He has indicated to me 12th grade. I
22 asked him if he was able to read and write, which I've
23 indicated that he could read and write, and if he was
24 sober at the time which he admitted he was sober.

25 **Q** Okay. There's a word that's been circled

1 there. What is that word?

2 **A** The word coercion.

3 **Q** And who circled it?

4 **A** I did.

5 **Q** Why?

6 **A** I explained to him what the word "coercion"
7 was. I asked him if he knew what it was. Sometimes guys
8 come in and act like they do know what it is or that they
9 don't know what it is. So I went ahead and explained to
10 him that it's that we're not going to be pressuring you
11 into anything. The word pressure is written beside
12 coercion. It's something you'd be doing voluntarily. I
13 circled that and initialed it with my initials that day
14 explaining to him what coercion meant.

15 **Q** And is his signature on there?

16 **A** It is. His signature is right above mine where
17 I've listed as a witness myself and he has -- also the
18 date, 2/28/2011 and the time of our interview is at the
19 bottom lefthand corner, which is 0918 in the morning.

20 **Q** So it's 9:18 in the morning?

21 **A** That's correct.

22 **Q** Had he been deprived of any sleep the night
23 before?

24 **A** I don't believe so. I don't know what time he
25 arrived at the jail. But he was transported in. I -- to

1 be honest with you, I can't answer that question. I
2 don't know what time he arrived at the jail. I didn't
3 get the word until 8:00.

4 Q You did not deprive him?

5 A I didn't deprive him.

6 Q Okay. Did you read him each and every one of
7 the rights on this form?

8 A I did. Each and every right was read.

9 Q Okay. Have any other changes, aside from the
10 ones that we spoke about been made to this form?

11 A Other than your sticker that says State's
12 Exhibit, no, ma'am.

13 MS. BENTLEY: Okay. Your Honor, at this
14 time, we would submit Exhibit 1 into evidence.

15 MR. RAY: Miranda? Okay.

16 THE COURT: All right. Without objection.

17 (WHEREUPON, State's Exhibit 1 is admitted into the
18 record.)

19 BY MS. BENTLEY:

20 Q Okay. Detective Arterburn, did the defendant
21 indicate that he wanted to waive each and every one of
22 those rights and speak with you?

23 A By signing his name, he did agree that he would
24 like to waive his rights at that time and speak with me
25 about the case, yes, ma'am.

1 Q Did you record audio, video, your conversation
2 with the defendant?

3 A I did not record or audio -- video or audio the
4 interview, no, ma'am.

5 Q Why not?

6 A I had never in 16 years videotaped or
7 audiotaped an interview or an interrogation or whatever
8 they may call it on any defendant.

9 Q Okay.

10 A That's just not a practice I use. We have the
11 facilities to do that, but it's not required that we do.

12 Q Okay.

13 A I've not done it now and probably won't do it
14 until they require me to do such.

15 Q All right. Detective Arterburn, after you read
16 him those rights, what did you do?

17 A At that time, we began to talk about the case.
18 And, uh, I had spoken casually with him about if he
19 recall that day. He said yes. I asked him what he was
20 doing that day. He said he was at the house.

21 Q He said he had been at the house the whole
22 time?

23 A Yes.

24 Q What house -- did he indicate what house?

25 A The house that he shared with Mrs. Baker and,

1 uh, the victim, Minor

2 Q And what was the address?

3 A The physical address, I don't recall. But it
4 was [REDACTED] Drive in Greer, South Carolina. [REDACTED].

5 Q Okay.

6 A I don't remember the number. I apologize.

7 Q Is that within Greenville county?

8 A It is within the Greenville county side of
9 Greer.

10 Q Okay. Tell me how your conversation progressed
11 with the defendant.

12 THE COURT: Before we get into the
13 conversation, let's just break order a little bit
14 here and let Mr. Ray cross-examine him as to the
15 circumstances of the statement and whether or not
16 the statement was voluntarily made.

17 Detective, before we get into that point, how
18 long was your interview?

19 THE WITNESS: Mr. Hepburn? I would say no
20 longer than an hour, Your Honor.

21 THE COURT: Okay. All right. Thank you.
22 All right, Mr. Ray.

23 MR. RAY: Yes, sir.

24 THE COURT: He says an hour.

25 VOIR DIRE EXAMINATION

1 BY MR. RAY:

2 Q Detective Arterburn, we met out in the hall.

3 A Yes, sir.

4 Q Uh, okay. Uh, what we're going to do now is
5 like a mini Jackson v. Deno hearing. Uh, this has to do
6 with the voluntariness of the statement.

7 A Okay.

8 Q Now, who had Mr. Hepburn arrested in Miami?

9 A Who had him arrested?

10 Q Yes.

11 A I have no idea. Miami-Dade County is who
12 contacted us.

13 Q As a result of what?

14 A I have no idea.

15 Q You don't know how he got arrested?

16 A Other than the warrant being entered into NCIC,
17 I have no idea why he was arrested or what he was
18 arrested for.

19 Q Okay. Do you know how long he was in jail in
20 Miami?

21 A I have no idea.

22 Q Have you ever looked to see?

23 A It didn't pertain to my case. I had a pickup
24 date that was required that he needed to be picked up by
25 a certain date. That's when we met that date and had him

1 brought back to South Carolina.

2 Q Had he ever called the station -- there is a
3 time period here of between March the 3rd of 2007 and I
4 believe you said you got onto this case in, let's see,
5 February 28th of 2011. Is that right?

6 A Your question was?

7 Q My question is there's about a four-year lapse
8 of time here?

9 A Yes, sir.

10 Q Did Mr. Hepburn ever call the station during
11 that period of time, March 3rd, 2007 to February 28th,
12 2011?

13 A Did he ever call the station?

14 Q Uh-huh.

15 A Inquiring of -- I'm sorry. I'm not sure what
16 the question is.

17 Q Let's say that maybe he heard that somebody was
18 threatening his life.

19 A I don't have any reports to suffice that, no.

20 Q You don't have any knowledge of that. Do you
21 know if he came over to the station during that period of
22 time?

23 A I did.

24 Q You do?

25 A Yes, sir.

1 Q Did he?

2 A I have a CAD report that I believe he may have
3 shown up the day after ---

4 Q Right.

5 A --- this incident took place, but I can't
6 justify that was him. I know there was an escort that
7 took place to the house.

8 Q Somebody escorted him back to --

9 A Somebody escorted someone to the house. It
10 doesn't specify. I can't tell you any further on that.
11 I have no idea.

12 Q Do you believe it was him?

13 A I couldn't tell you who it was.

14 Q Do you know why he got an escort? This person.
15 You have any idea?

16 A I would -- if this is Mr. Hepburn we are
17 speaking of, I would assume probably to retrain -- or
18 regain some of his belongings would be my assumption
19 based on what took place there. What I had knowledge of
20 is some belongings were put out to the curb. I can't --

21 Q You know if any of his friends might have shown
22 up at the police department?

23 A I couldn't tell you.

24 Q Couldn't tell me. All right. So during this
25 period of time, you didn't have any idea where he was?

1 **A** I had no idea where he was.

2 **MS. BENTLEY:** Your Honor, what does this --
3 freely and voluntarily. This is not cross-
4 examination.

5 **THE COURT:** Just limit your questions to --

6 **MR. RAY:** I'm trying to get to this.

7 **BY MR. RAY:**

8 **Q** All right. When he got back to Greer, how long
9 was he in jail?

10 **A** After the -- during extradition?

11 **Q** Yes.

12 **A** I have no idea how long he stayed in our jail
13 before we -- we are a 48-hour holding facility. So he
14 wouldn't have stayed any longer than 48 hours in Greer
15 after being transported here.

16 **Q** So if he was in jail longer than 48 hours, what
17 would be --

18 **A** There's a possibility he could stay 49 or 50
19 hours. I don't work the jail. There are requirements to
20 try to keep people in and out. It was just a holding
21 facility or like a nine-bed jail.

22 **Q** Uh-huh.

23 **A** Or 12-bed. I'm not sure what the numbers are
24 that can hold up to.

25 **Q** Okay.

1 **A** But we try to move people in and out to the
2 appropriate county so they can be --

3 **Q** So if he was in there for 10 days, that would
4 be too long?

5 **A** I don't believe he would stay 10 days in my
6 jail, sir. It's impossible.

7 **Q** Impossible?

8 **A** Yeah. I believe our requirements would not
9 allow that to take place whatsoever.

10 **Q** When you first went to talk to him, did you say
11 anything to him about how he could get out of jail?

12 **A** I don't know if we would have got to that point
13 after -- probably after our meeting. He would have an
14 opportunity to meet with the judge for an arraignment.
15 I'm sure we went into that if he asked me about his bond.
16 I don't have any control over his bond. He would meet an
17 arraigning judge.

18 **Q** Would you say you had some control over getting
19 him out of the jail?

20 **A** Would I have control in getting him out of the
21 jail?

22 **Q** Did you tell him that?

23 **A** I don't have any control over getting him out
24 of the jail.

25 **Q** I'm aware of that. Did you tell him you had

1 control over --

2 **A** I don't believe I would have, no.

3 **Q** Did you ever make a statement something to the
4 effect of the polygraph could help clear him from the
5 allegations and he declined?

6 **A** I believe I may have made that statement to
7 him, yes.

8 **Q** So you offered him a polygraph?

9 **A** I believe a polygraph was offered.

10 **Q** And you would have let him go if he passed the
11 polygraph?

12 **A** Not if he was in jail.

13 **THE COURT:** We're not getting into
14 polygraphs.

15 **MR. RAY:** Okay. Yes, sir. What I'm getting
16 to is this coercion that was going on.

17 **BY MR. RAY:**

18 **Q** So you never insinuated to him in any way that
19 if he gave certain testimony in his statement that that
20 would get him released?

21 **A** No. No promises or threats were made. None at
22 all. Now if a polygraph was offered, yes, that it would
23 help anyone to know about a polygraph. If you don't mind
24 me going down that route, Your Honor.

25 **THE COURT:** I don't want to go down that

1 road.

2 THE WITNESS: Okay.

3 BY MR. RAY:

4 Q Okay. All right. But did you infer to him,
5 like certain words were used in his statement that if he
6 said the right thing, that you could talk to the judge
7 and that would get him out of jail?

8 A Never.

9 Q You never said anything like that?

10 A No, sir.

11 Q When he was giving the statement, what did you
12 -- did he tell you he had touched Minor

13 A During the statement, yes.

14 Q Yes.

15 A Yes.

16 Q At first, did he tell you that?

17 A At first, he told me he wasn't even in the same
18 room with her.

19 Q Okay. And so did you think that was the truth?

20 A No.

21 Q And so what did you say to him after that?

22 A We talked about the case a little further and I
23 said let's be honest with each other cause I don't
24 believe that you're telling me the truth.

25 Q And at that point, did you say something to him

1 to the effect of, you know, if you could tell me a little
2 bit more, I can talk to the judge and get you out of
3 jail?

4 **A** I don't believe it would have been worded like
5 that, no, sir.

6 **Q** How would you have worded it?

7 **A** I would have said let's be honest with each
8 other and move through this case together.

9 **Q** What did you say to him about the judge?

10 **A** That the -- Ms. Baker has been victimized here.
11 Let's be honest about what happened.

12 **Q** I understand. We're talking about the
13 coercion.

14 **A** There would have been no coercion.

15 **Q** I'm talking about what did you say to him about
16 the judge?

17 **A** I don't believe we would have talked about a
18 judge until after the statement was taken completely.
19 And that would have been time for a bond arraignment and
20 he would have talked about how --

21 **Q** When you said just a minute ago, let's stick on
22 the subject here, you said that you wanted to narrow the
23 focus of what he was saying. Let's move along or
24 something like that. What did you say?

25 **A** I said, let's talk about the case, Mr. Hepburn.

1 Q Okay.

2 A And we would talk about the case as far as I
3 don't believe you were in one room and she was in
4 another; that's not the information I have here; why
5 would this young girl lie about what happened?

6 Q And at that point, he was saying he never
7 touched her, is that right?

8 A He said he wasn't even in the same room with
9 her, no, sir.

10 Q Okay.

11 A That's correct.

12 Q So he was not touching her?

13 A Not unless he could do it through the whole
14 house. No, he was on two separate sides of the house
15 from what he was telling me.

16 Q Right. And then did you say something to him
17 about -- how long had he been in jail at that point in
18 time.

19 A Which jail are we referring to?

20 Q The Miami jail plus the --

21 **THE COURT:** He said he didn't know.

22 **THE WITNESS:** I don't know.

23 **BY MR. RAY:**

24 Q You don't have any idea. Okay. But you didn't
25 say anything to him about you could help him out if he

1 could just put certain words in there?

2 **A** No, sir.

3 **Q** So all these words were his creation?

4 **A** His statement, yes, sir.

5 **Q** Okay. And so what did you say to him after you
6 said let's move on on the statement, what did you say
7 then?

8 **A** We discussed the case. I said you are not
9 making a lot of sense here based on what Ms. Baker has
10 provided me with. Let's be honest with each other and
11 tell me what happened.

12 **Q** But wonder if he was telling you the truth and
13 she wasn't.

14 **THE COURT:** Let's limit this to the
15 coerciveness.

16 **MR. RAY:** Yes, sir. That's what I'm trying
17 to --

18 **THE COURT:** No, you are being argumentative.

19 **THE WITNESS:** I haven't spent very many --

20 **THE COURT:** Wait a minute. I want you to ask
21 him questions about the circumstances surrounding
22 the taking of this statement.

23 **MR. RAY:** Yes, sir.

24 **THE COURT:** We don't need to go into this
25 statement. We just need to know what the

1 circumstances were.

2 **BY MR. RAY:**

3 **Q** Was there anybody else in the room with you?

4 **A** No, sir.

5 **Q** No?

6 **A** No.

7 **Q** You were not videotaping this?

8 **A** No.

9 **Q** And you were not recording it?

10 **A** No.

11 **Q** And what was the reason for that?

12 **A** I do not videotape or audiotape interviews or
13 interrogations, nor have I ever in 16 and a half years.
14 I've worked plenty of cases. I've never audiotaped or
15 videotaped any of these.

16 **Q** And did you ever suggest any words to him to
17 put in the statement?

18 **A** I did not.

19 **Q** Did you ever say anything about how the
20 statement could get him out of jail?

21 **A** I did not.

22 **Q** So after you said let's move along, then what
23 did you say to him?

24 **A** We discussed the case. And he began to put
25 himself in the same room with Minor

1 Q At your suggestion?

2 A No, he did after, uh, a little more prompting I
3 would say by myself. Watching his body language and his
4 deception that was being shown. I said let's go --

5 Q You said something about the body language.
6 What does the body language have to do with the
7 statement?

8 A He was not being truthful with me from the
9 first words that came out of his mouth.

10 Q What was the body language you saw?

11 A I saw a lot of deception in his body language
12 with his closure and not wanting to show me --

13 THE COURT: Mr. Ray.

14 MR. RAY: Yes, sir.

15 THE COURT: Does that have anything to do
16 with the Jackson v. Deno hearing?

17 MR. RAY: Yes, sir. I'm trying to get the
18 officer to tell me a little bit more about the words
19 he used to prompt Mr. Hepburn to give this
20 statement. That's what I'm trying to get to.

21 THE COURT: You were talking about body
22 language.

23 MR. RAY: Well, he's the one that brought
24 that up.

25 THE COURT: Well, I want to limit this. I'm

1 going to let you fully cross-examine him after I
2 determined whether or not this statement is made
3 freely and voluntarily.

4 **MR. RAY:** Yes, sir.

5 **THE COURT:** I would like to let you call Mr.
6 Hepburn after we explore the circumstances
7 surrounding this statement.

8 **MR. RAY:** I'll be glad to.

9 **THE COURT:** But that's what I want to limit
10 it to. I don't want to get into the statement.

11 **MR. RAY:** All right.

12 **BY MR. RAY:**

13 **Q** So after you told him you wanted to move along
14 and you got him in the same room with Minor then at
15 that time, all the words were his words and you didn't
16 give him any words?

17 **A** I didn't write his statement.

18 **Q** No, no, no, no. Did you give him any words in
19 that statement?

20 **A** I did not, no.

21 **Q** Did you tell him he had to say she was touching
22 her?

23 **A** No, sir.

24 **Q** You never said that?

25 **A** No, sir.

1 **Q** Did you ever suggest that by saying he was
2 touching her he could get out of jail?

3 **A** No, sir.

4 **Q** Did you discuss him getting out of jail?

5 **A** No, sir.

6 **MR. RAY:** Your Honor, that's all I got.

7 **THE COURT:** All right. Now, that's on that
8 issue. Now, I'm going to tell him step down. I'm
9 going to let you reconvene his cross -- direct
10 examination. I'm going to let you, Mr. Ray, if you
11 wish, call Mr. Hepburn for the sole purpose of
12 determining whether or not this is a freely and
13 voluntarily made statement.

14 **MR. RAY:** Yes, sir.

15 **THE WITNESS:** Thank you.

16 **THE COURT:** Will you call Mr. Hepburn?

17 **MR. RAY:** Yes, I will. I call Mr. Hepburn to
18 the stand, Your Honor.

19 **THE CLERK:** Please come forward and be sworn
20 in. Place your left hand on the Bible and raise
21 your right.

22 **SEBASTIAN HEPBURN**

23 having first been sworn, testifies as follows:

24 **THE CLERK:** Please state your -- please state
25 your name for the record.

1 **THE WITNESS:** Sebastian James Hepburn.

2 **THE CLERK:** Thank you.

3 **DIRECT EXAMINATION**

4 **BY MR. RAY:**

5 **Q** Okay. Sebastian, how old are you?

6 **A** 41.

7 **Q** And what kind of education do you have?

8 **A** 12 years of high school and like a year of
9 college.

10 **Q** Where did you go to college?

11 **A** South Carolina State.

12 **Q** Okay. And you never graduated?

13 **A** No, sir.

14 **Q** Can you read and write?

15 **A** Yes, sir.

16 **Q** Okay. Do you remember Officer --

17 **A** Yes, sir.

18 **Q** Okay. And do you remember the -- you did give
19 a statement, is that correct?

20 **A** Yes, sir.

21 **Q** Okay. Can you tell me the facts that led up to
22 giving that statement?

23 **A** Officer Arterburn had me in there. He was
24 basically like -- first, I was telling him I did not
25 touch her, I did not touch her. Then he started saying,

1 well, I can't go into court like this or go to the judge
2 who is going to give you your bond and tell them that you
3 didn't do nothing. We're not getting nowhere.
4 Basically, what he wanted me to say -- it was like 30
5 minutes I kept telling him I did not touch her.

6 Q Okay. Let me pull the microphone back a little
7 bit.

8 A Okay. I'm sorry.

9 Q Okay.

10 A And then, you know, next thing you know, he was
11 basically like, well, at least say she had her clothes on
12 and you touched her on the leg. I was basically like
13 okay, is this going to get me off so I can prove my
14 innocence.

15 Q Get you out of --

16 A Get out of jail so I can prove my innocence.

17 Q And by the way, how long had you been in jail
18 at that point?

19 A I did 15 days in Miami.

20 Q Yes, sir.

21 A Then I came up here in Greer, I want to say
22 three -- three, four days. I'm not quite sure. And then
23 they transferred me to Greenville after I talked to
24 Detective Arterburn.

25 Q Okay. All right. Let's go back to the

1 statement. So he said something about touching her leg.

2 **A** He said, okay, you have to say you touched her.
3 She's going to get in the courtroom and they're going to
4 believe her and we're not getting nowhere. Your bond
5 might be \$100,000. All type of stuff he was saying. So
6 I was like, well, what do you want me to say. So he was
7 like, well, at least say you touched her with her clothes
8 on. So I said, so that's what you want me to write? He
9 said, okay, write that. You know what I'm saying?

10 So I wrote it. So at the end of my statement,
11 I also put not one time I gave her oral sex, not one time
12 I fingered her, not one time I penetrated in no sexual
13 way. He left. He was like, okay, we've got a long way.
14 We done made it a long way.

15 **Q** What do you mean by that?

16 **A** I guess I gave him what he wanted.

17 **Q** All right.

18 **A** So like he left and I thought about it. And he
19 wasn't even gone for like two minutes. And I knocked on
20 the door for the lady to let me out to talk to him again.

21 **Q** Uh-huh.

22 **A** And she was like, oh, he's gone for the day and
23 I haven't seen him no more until the preliminary hearing
24 we had in Greer.

25 **Q** All right. And so, uh, let me ask you this.

1 The words that are in that statement, where did those
2 words come from?

3 A From Detective Arterburn.

4 Q Did he suggest the words to you?

5 A He suggested those words.

6 Q Did you actually write more than one statement?

7 A No, that's the only one I wrote with him.

8 Q So what was he implying by giving you those
9 words?

10 A Basically this the only way you going to get
11 out.

12 Q Have you --

13 A I never been in jail before. I never been
14 through that before and I was just scared.

15 Q Okay. All right.

16 MR. RAY: Your Honor, that's all I have.

17 THE COURT: All right.

18 CROSS-EXAMINATION

19 BY MS. BENTLEY:

20 Q Mr. Hepburn, you have a high school diploma,
21 correct?

22 A Yes, ma'am.

23 Q And a year of college?

24 A Yes, ma'am.

25 Q And you are a Certified Nursing Assistant?

1 **A** Nursing assistant and I work with C.K. Group
2 Home with disabled kids.

3 **Q** And how long have you done that?

4 **A** I been doing nursing for probably like seven to
5 eight years, but I been in the nursing home for over 12
6 years and I been doing C.K. Group Home for like a month
7 and a half to two months until this came up and that stop
8 me.

9 **Q** Okay. So you are a pretty smart guy?

10 **A** Pretty much.

11 **Q** And do you recognize what has been marked as
12 State's Exhibit 1?

13 **A** I didn't know nothing --

14 **Q** I'm asking you -- I'm asking you if you
15 recognize this form?

16 **A** Yeah, I recognize it. I recognize it. That's
17 my signature.

18 **Q** That's your signature?

19 **A** Yes, ma'am.

20 **Q** And did you read this?

21 **A** I mean, he was reading this to me. I don't --

22 **Q** He read this to you?

23 **A** Yeah, he read it to me.

24 **Q** And you can read?

25 **A** Yes.

1 Q And you looked at the paper at least to sign
2 your name, correct?

3 A Well, I just signed it. That's all I did.

4 Q You just signed it?

5 A I just signed it.

6 Q But he read you those rights?

7 A I mean, he was basically telling me this and
8 that.

9 Q Okay.

10 A Okay. I didn't know nothing about no waiver
11 cause I don't know what a waiver is. I don't know the
12 court system and stuff.

13 Q You just said you're a pretty smart guy.

14 A But I don't know about no court system. You
15 can tell me about anything else. I don't know about all
16 that. I never been in trouble before, ma'am.

17 Q Okay. Does this -- you can read this, right?
18 Read that to me.

19 A Which part?

20 Q All of it. Start at the top.

21 A Before we ask you any questions, you must
22 understand your rights. You have the right to remain
23 silent. Anything you say can be used against you in the
24 court. You have the right to talk to a lawyer for advice
25 before we ask you any questions and to have him with you

1 during questions. If you have no money to pay a lawyer
2 fee, the court will appoint one to represent you without
3 cost if you wish. If you decide to answer questions now
4 without a lawyer present, you will still have the right
5 to stop answering at any time. You also have the right
6 to stop answering at any time until you talk to a lawyer.

7 Q Okay. Did you have any trouble reading that?

8 A Not right now.

9 Q Not right now? And you, at least, held this
10 paper at one point in your hand.

11 A I was nervous, ma'am. I didn't know honestly.

12 Q I believe that you were nervous.

13 A I was nervous.

14 Q But you touched this paper. That's your
15 signature?

16 A If I signed it, yes, I did.

17 Q And that is your signature?

18 A Yes, ma'am.

19 Q And nobody falsified that signature?

20 A No, ma'am.

21 Q Okay. Now looking at State's Exhibit 2, just
22 to show you briefly, and this is not in evidence, is your
23 signature on this paper?

24 A Yes, ma'am.

25 Q And are your initials on this paper?

1 **A** Yes, ma'am.

2 **Q** How many times are your initials on that paper?

3 **A** Three times.

4 **Q** And your signature?

5 **A** Once.

6 **Q** Okay. And all this handwriting, whose is that?

7 **A** That's my handwriting.

8 **THE COURT:** Let me see. Thank you.

9 **MS. BENTLEY:** Yes, sir.

10 **THE COURT:** Go ahead.

11 **BY MS. BENTLEY:**

12 **Q** Mr. Hepburn, what time did you arrive in South
13 Carolina the night before this --

14 **A** Before the interview?

15 **Q** Yeah.

16 **A** I was there a couple of days before he came in
17 the interview room.

18 **Q** In Greer?

19 **A** Yes.

20 **Q** Were you deprived of sleep in any way?

21 **A** What do you mean?

22 **Q** Did anyone try to keep you awake or hurt you at
23 night?

24 **A** No. No. It's a small jail cell.

25 **Q** Okay. Were you fed?

1 **A** Uh, --

2 **Q** I'm not saying was the food good.

3 **A** Nah. Okay.

4 **Q** Did they have food for you?

5 **A** Well, the next day.

6 **Q** Okay. What time did you get there? Late at
7 night?

8 **A** Yeah. I got there about, I want to say like
9 9:00, 10:00, 11:00 o'clock.

10 **Q** So after dinner most likely?

11 **A** Yeah.

12 **Q** Uh, did Detective Arterburn first encounter you
13 at the jail cell type area?

14 **A** No. I was already in the interview room.

15 **Q** Okay. Did he ask if you wanted to talk to him?

16 **A** No, he did not.

17 **Q** He did not?

18 **A** No, he did not.

19 **Q** Did he read you those rights, the Miranda
20 rights?

21 **A** If I'm not mistaken, if I signed it, I believe
22 he did.

23 **Q** Okay. And you understood what those words
24 meant as you read them?

25 **A** Like right now, I do.

1 Q Okay.

2 A But at that time, my mind wasn't completely --
3 completely right.

4 Q Did you have -- did he ask you if you needed to
5 use the bathroom?

6 A No.

7 Q If you wanted food or water?

8 A No.

9 Q He didn't do any of those things?

10 A No, no.

11 Q Did you have to use the bathroom?

12 A No.

13 Q Did you want food or water?

14 A No.

15 Q If you had wanted it, would you have asked for
16 it?

17 A Yeah.

18 Q Were you handcuffed when he was talking to you?

19 A No, ma'am.

20 Q Did you feel that there was anything else he
21 could have done to make you more comfortable? I guess --

22 A I mean, to be honest with you, the way he came
23 to me, he said it out of his mouth that I'm here to help
24 you. You know, I mean, it's like -- it's like at a point
25 I felt that he wasn't. I kept telling him what I did not

1 do. He kept telling me I don't believe you, I don't
2 believe you. So I'm basically like how can you believe
3 another person and not believe me.

4 Q Okay. Now, your story changed a couple of
5 different times during this. You did tell him that you
6 didn't touch her.

7 A Uh-huh.

8 Q You started telling him that you were not even
9 in the same room?

10 A No, I did not.

11 Q Okay. Your story changed a couple of times?

12 A Okay.

13 Q Is that correct? I'm asking you.

14 A Just when he told me what to say.

15 Q Okay.

16 A Twice. I'm going to say twice. I kept telling
17 him I did touch him [sic]. Then when he started saying,
18 well, say you touched her on the leg and this and that
19 with her clothes on, that's the only time my story
20 changed.

21 Q Are you're here because you touched her on the
22 leg?

23 A I'm here to prove my innocence.

24 Q Okay.

25 A That's what I'm here to prove.

1 Q Mr. Hepburn, are you trying to tell us that you
2 believe or you were pressured into believing that if you
3 confessed to molesting Minor that you would be let free?

4 A I'm not going to say molesting. I'm going to
5 say confessed to touching her on the leg. Like I said,
6 first, I was telling him, I said, okay, I touched her on
7 the knee. Then he said, no, you can't go there. You
8 have to say you touched her on the thigh with her clothes
9 on.

10 Q On her upper thigh, on her vagina?

11 A No, on her thigh. That's what he said, on her
12 thigh, on the inner part of her thigh with her clothes
13 on.

14 Q And you believe that if you told a police
15 officer that you touched a 14-year-old girl on her upper
16 thigh over her clothes that you would be let free?

17 A At that time, ma'am, that's what I felt.

18 MS. BENTLEY: No further questions, Your
19 Honor.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 BY MR. RAY:

23 Q Were you ever offered an attorney?

24 A No.

25 Q Did anybody ever discuss that with you?

1 **A** No.

2 **Q** And uh, did you know who Detective Arterburn
3 was from before?

4 **A** No, I didn't.

5 **Q** And did you ask for him?

6 **A** No, I did not.

7 **Q** So how did you get put in the interview room?

8 **A** Cause the officer that was there at the time,
9 she was like, you know, you're going to be transferred to
10 Greenville county, but an officer has to come and talk to
11 you. I didn't know who it was. Like a couple of days
12 later, that's when Arterburn -- well, they called me out
13 of my cell and had me in the interview room. That's when
14 Arterburn came in.

15 **Q** As a result of what he said to you, did you
16 believe that you were going to be let free from doing the
17 statement a certain way?

18 **A** I believe I would have got a bond to where,
19 like I said, all I want to do was get out and prove my
20 innocence. That's all I wanted to do.

21 **Q** Without going into the truth of it or anything
22 right now, do you feel like you were pressured to put
23 those words on that?

24 **A** Yes, I do.

25 **Q** And was it Detective Arterburn that did that?

1 **A** Yes, it was.

2 **Q** That's all.

3 **THE COURT:** All right. Thank you. You can
4 step down.

5 **THE WITNESS:** Thank you.

6 **THE COURT:** Anything further from the State
7 on the issue of Jackson v. Deno?

8 **MS. BENTLEY:** Your Honor, we believe the
9 statement was freely and voluntarily given. He
10 signed his waiver of rights. He initialed his
11 statement three times. He signed it. He wrote it
12 himself. We believe he's clearly articulate and
13 educated enough to understand those rights and read
14 them.

15 **THE COURT:** How about it, Mr. Ray? Anything
16 else?

17 **MR. RAY:** Your Honor, yes. I think the
18 statement is inadmissible. I think that, uh, --

19 **THE COURT:** Well, you have anybody else you
20 want to call?

21 **MR. RAY:** Just a second.

22 **THE COURT:** On this issue.

23 **MR. RAY:** Thank you, sir. (Pause.)
24 I can give a character witness.

25 **THE COURT:** On Jackson v. Deno?

1 **MR. RAY:** Your Honor, I'm trying to think of
2 somebody else to call. Your Honor, I don't know --

3 **THE COURT:** I'm going to let you call the
4 witnesses you want.

5 **MR. RAY:** I understand. I know. What I'm
6 saying is I've gotten to know Sebastian pretty well
7 over the last few months. I am positive that those
8 stories were not his.

9 **THE COURT:** All right. Based on the
10 testimony that I've heard here today, I find that
11 the circumstances of the, uh, interview were not
12 coercive. He was not handcuffed. He was
13 comfortable. He did not need food or water. The
14 detectives testified that they were offered but he
15 denies that and said he did not want any.

16 Uh, he -- I've considered his individual
17 characteristics. He's obviously articulate. He
18 has, uh, at least some college. I find that the,
19 uh, circumstances of this interview were such that
20 the interview was made freely and voluntarily.

21 There's no question he has signed a, uh,
22 Miranda warning. Uh, I have no doubts in my mind
23 that he understood that he gave a statement. It's a
24 limited statement. I'll take it for what it's
25 worth. I believe it satisfies the requirements of

1 being freely and voluntarily made.

2 All right. Call your witness back.

3 **MS. BENTLEY:** The State again recalls
4 Detective Dale Arterburn.

5 **DALE ARTERBURN**

6 having previously been sworn, testifies as follows:

7 **DIRECT EXAMINATION (con't)**

8 **BY MS. BENTLEY:**

9 **Q** All right. Detective Arterburn, you are still
10 under oath.

11 **A** Yes, ma'am.

12 **Q** I'm going to show you what's -- let me go back
13 to those questions. After you read Mr. Hepburn his
14 rights, tell me how the conversation progressed. Did you
15 immediately ask him to write the statement?

16 **A** I did not. We discussed the case verbally. My
17 challenge to get Mr. Hepburn to tell me his side of the
18 story. I told him I only had one side to work off and he
19 needed to tell me his side of the story so we could
20 probably figure this thing out a lot better together.

21 **Q** Okay.

22 **A** And that is where Mr. Hepburn initially started
23 with a story that Minor was in one room and that he was
24 in another and that this story didn't -- this didn't
25 happen, what he's been charged with.

1 Q Okay.

2 A I said that's really good and I understand that
3 you are telling me that. But what -- and I used
4 different tactics during the interview to ask Mr.
5 Hepburn. For example, I don't know if I used this as a
6 tactic, but have you won the lottery recently? No, sir.
7 Does she have any reason to be mad at you? No, sir. Or
8 whatever. I would say well, why would she want to make
9 this huge allegation against you. And he had no answer.
10 And I use that very often. I don't know if I used that
11 exact same line or scenario. But I started to learn his
12 body language at that time and watched him to start being
13 more deceptive with me. He would sway away from the
14 questions that were being directed at him.

15 Q Did you ask him if she and he got along?

16 A I did. I did ask him what their relationship
17 was like. He said it was like a father/daughter
18 relationship and she had no reason to be mad at him. I
19 asked him if she had boys over or something that would
20 make him mad about -- you know, anything that would cause
21 a problem between the two. He could not think of one at
22 all.

23 Q Okay. Tell me how he began to change his
24 story.

25 A His story changed initially. Like I said, from

1 the point that he was in one room, she was in another and
2 this didn't happen at all to the next scenario where she
3 came into the, uh, living room where he was at and
4 actually sat on the couch beside him but nothing
5 happened.

6 Then we talked a little further. I said,
7 that's still not what I think happened Mr. Hepburn. I
8 started to change the role by reading Mr. Hepburn's
9 language once again and started to play him as the victim
10 instead of as the defendant. I asked him if Ms. Minor

11 had come on to him ---

12 Q Okay.

13 A --- or touched him inappropriately.

14 Q Is that a common tactic?

15 A It is a tactic used. It changed the concept of
16 the case. And he fed into it as I was hoping he would.
17 He said, yeah, she did rub on me and she put her arm
18 around me and touched him. So I started to establish a
19 little contact at this point. Now we're in the same
20 room. We're touching each other or she's touching him.
21 He continued on with that she was rubbing on his head and
22 chest and comforting him and talking about the argument
23 that he initially had with her mother that day.

24 Q Was he descriptive?

25 A As far as --

1 Q As far as how she was touching him?

2 A Chest area, rubbing on his head, his shoulders.
3 Uh, he never mentioned, you know, that he rubbed down his
4 genital area or like that. That never came up. But that
5 it was in a, you know, -- I think it might have been like
6 a loving manner, like a caring manner, like she would
7 just kind of like caress me like feeling sorry for what
8 happened. That was the way I read it from him. I then
9 asked him if he returned any body contact with her
10 accidentally or, you know, a hug or anything like that.
11 He said, that's possible that I put my arm around her.

12 Q Okay.

13 A And I asked him, I said, you know, this is -- I
14 didn't say this to him, but I'm thinking through my mind
15 set of questions to ask him, which is do you recall what
16 she was wearing that day cause it had been several years.

17 Q Okay.

18 A He said pajamas immediately. Pajamas, she was
19 in her pajamas. I said, okay. Did you touch her about
20 her leg or anywhere else accidentally. He said, I may
21 have touched her leg accidentally.

22 Q All right.

23 A At which point, I went direct with him and
24 asked if he might have rubbed on her vagina, which was
25 the allegations.

1 Q Right.

2 A At which point, Mr. Hepburn took a deep breath,
3 dropped his head into his hands and just began to shake
4 his head. He said I did rub on the outside of her pants
5 but I never penetrated her.

6 Q Okay.

7 A I said, okay, we've come a long way through
8 this whole thing. I appreciate you working with me, your
9 honesty and your cooperation. We've come a long way from
10 this didn't happen at all. Direct questions or oral sex
11 or penetration, he would not release any further and
12 denied any further at that point. I believe that was the
13 end of our interview.

14 Q And how long did you say this whole interview
15 lasted?

16 A I would say no longer than an hour.

17 Q So he went from opposite sides of the house to
18 he did touch her vagina outside her clothes.

19 A That's correct.

20 Q At what point did you ask him to reduce his
21 statement to writing?

22 A I said, would you like to put this in writing.
23 He said yes. I had victim -- I'm sorry -- statement
24 forms in my folder with me. I presented him with a
25 statement form. I always ask the individual if they

1 would like me to write it for them or they would like to
2 write it their selves. And I always tell them if it's in
3 their own handwriting, it's your words. That's what you
4 want to put down. Not that I won't write your words
5 specifically as you want, but it's your handwriting.

6 Would you like to write the statement? He said yes.

7 Q Okay. I'm going to show you what's been marked
8 as State's Exhibit 2. Do you recognize this piece of
9 paper?

10 A I do.

11 Q What is it?

12 A It is our Greer Police Department statement
13 form. It is the statement form that was completed by
14 Sebastian Hepburn on February the 28th, 2011.

15 Q How do you know that?

16 A It's -- by many different reasons. It's been
17 witnessed by myself here at the bottom on 2/28/2011.
18 He's also signed it. His name is at the top. It's page
19 1 of 1.

20 Q Are his initials on there?

21 A They are. In several spots.

22 Q Explain why they are where they are please.

23 A Yes, ma'am. At the top of the statement where
24 it says statement of, I've asked -- I put a line and an X
25 and a line and an X at the bottom of the statement. I've

1 also added an X where I would like him to sign his name
2 once he completed the statement. There is another line
3 with an X where I have written the statement was given
4 freely and voluntarily, without coercion, which I have
5 written in my own handwriting. And his initials are at
6 the beginning of the statement and at the end of the
7 statement to close his statement that no words have been
8 added or deleted from there. I also asked him to initial
9 right here and sign his name. The only thing I've
10 written on here was the date and page 1 of 1 and I've
11 written across this line "End of Statement".

12 Q Okay.

13 A The statement was given freely and voluntarily
14 once again by myself without coercion and I've witnessed
15 here on the 28th of 2011.

16 Q Sebastian Hepburn and the address in Miami, is
17 that his handwriting?

18 A That is his handwriting.

19 Q He wrote his name and address?

20 A That's all his.

21 MS. BENTLEY: Okay. Your Honor, at this
22 point, the State would like to introduce Exhibit 2
23 into evidence and publish it.

24 MR. RAY: Your Honor, same objection.

25 THE COURT: All right. Go ahead.

1 **(WHEREUPON, State's Exhibit 2 is admitted into the**
2 **record.)**

3 **BY MS. BENTLEY:**

4 **Q** Please tell us what Sebastian Hepburn wrote
5 down that day.

6 **A** Yes, ma'am. It says here, statement of
7 Sebastian Hepburn. It looks like 16 -- I'm sorry --
8 1760, I'm going to assume that's Northwest 4th Avenue,
9 Apartment 12D, Miami, Florida, 33136. That's correct.
10 It says, I, Sebastian Hepburn, rubbed on **Minor** on her
11 thighs in the middle of them with her clothes on. She
12 also was rubbing on me on my chest. I'm not sure what
13 this word is. But it says -- I think it says **Minor** mom
14 walked in and she went in the room. As I was leaving to
15 go out, Jackie and **Minor** was in her room with her
16 crying. When I walked in, I guess **Minor** told her mom
17 what happened, but not the truth because I didn't
18 penetrate with my finger or -- with my finger or my
19 private part or no oral sex. It's been signed by
20 Sebastian Hepburn.

21 **Q** Did you refer to Mrs. Baker, Mrs. Jacqueline
22 Baker, as Jackie at any point?

23 **A** Did I refer to her as that? I believe that's
24 her first name, but I did not. I knew her as Mrs.
25 Baker.

1 Q Okay. And did you tell the defendant anything
2 about whether Minor had been crying or not?

3 A No, ma'am.

4 Q So that would have been his own personal
5 knowledge?

6 A Yes.

7 Q All right.. Did you tell him anything about the
8 top lock from Mrs. Jacqueline Baker's statement?

9 A No.

10 Q Okay. So are there details in there that you
11 did not give the defendant?

12 A Oh, absolutely.

13 Q Okay. Is it your testimony that he -- did you
14 give him any indication that if he told you, if he made a
15 confession to you, that you would let him go?

16 A No, ma'am.

17 Q Was he pressured in any way?

18 A No, ma'am.

19 Q In your experience, 16 and a half years, is it
20 common for confessions to take time, to be a process?

21 A It is. It is.

22 Q Okay.

23 A Some do. Some don't. I mean, it depends on
24 what they want to tell you or what they think you will be
25 willing to accept. That was what he was willing to give

1 me that day.

2 Q Okay. You said earlier that you noticed signs
3 of deception during your conversation with him.

4 A Correct. I've had many schools in
5 interrogation techniques.

6 Q Did you feel any deception when he was
7 admitting to you that he touched her?

8 A Yes.

9 Q Describe that. Did you feel that he did not
10 touch her?

11 A I felt that things were pretty more consistent
12 probably with what the victim had disclosed. She had no
13 real reason to make this story up. I say no reason at
14 all. I never met the young lady before, but I didn't see
15 any reason why she would make up an allegation, or her
16 mother, an allegation of sexual assault on her child.

17 MR. RAY: Your Honor, I want to object to
18 this. I mean, --

19 THE COURT: It's just, uh, speculation on his
20 part.

21 MS. BENTLEY: Yes, sir.

22 MR. RAY: Way off.

23 MS. BENTLEY: I'll move on.

24 THE COURT: Sure.

25 MS. BENTLEY: Actually, I have no further

1 questions.

2 THE COURT: All right. Mr. Ray.

3 MR. RAY: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. RAY:

6 Q Okay. Detective, you said you had a course in,
7 uh, deception?

8 A I've had many courses in interrogation
9 interview techniques.

10 Q Where did you take those courses?

11 A I've taken the Reid School advanced in, uh,
12 Fayetteville, North Carolina.

13 Q Uh-huh.

14 A I've had a 40-hour course or plus in
15 Mississippi at the Naval Base there which we do law
16 enforcement training at. I've had a 40-hour at the
17 Criminal Justice Academy.

18 Q And that tells you if somebody's telling the
19 truth or not?

20 A It gives you techniques. There's plenty of
21 manuals and things to learn during those courses where
22 you've had hands on.

23 Q Is this more about techniques to use to get
24 somebody to say something?

25 A No, sir. It's techniques to read people's body

1 language. Yes.

2 Q But it's techniques to read. It's not
3 techniques to say if they are telling the truth?

4 A It's not -- it's techniques to show whether
5 they are being truthful or not or being deceptive.

6 Q When you saw Sebastian, had you ever met Minor
7 before?

8 A No, sir.

9 Q But you assume that Minor was telling the
10 truth, didn't you?

11 A I wouldn't say assume. I would base that the
12 victim had no reason to make up an allegation.

13 Q How did you know that?

14 A I don't.

15 Q So that was an assumption.

16 A I don't believe that the victim would have had
17 to have any reason to make this up.

18 Q What if she did?

19 A Then Mr. Hepburn should have come in and spoke
20 with me about it, which he did not. He disappeared on
21 us.

22 Q At that point, he had been in jail almost 20
23 days. He was wanting to get out.

24 A I'm sorry. What day was this?

25 MS. BENTLEY: Objection.

1 **MR. RAY:** I'm sorry.

2 **MS. BENTLEY:** Is there a question?

3 **BY MR. RAY:**

4 **Q** Was he not in jail at that point about 20 days?

5 **A** In 2007?

6 **Q** No, in 2011.

7 **A** He did not come see me in 2007. Maybe I should
8 have advised that. He didn't come see me after this
9 report had been made. But I believe he was in town, is
10 that correct?

11 **Q** Right.

12 **A** Okay.

13 **Q** And he's been in jail 15 days in Miami and
14 shackled and brought up here?

15 **A** I don't believe we're -- I don't believe I'm
16 answering your question.

17 **THE COURT:** Ask him questions, Mr. Ray. You
18 are testifying.

19 **BY MR. RAY:**

20 **Q** All right. Now, do you have any physical
21 evidence of this crime?

22 **A** Physical evidence? No, sir.

23 **Q** So this is all testimony?

24 **A** It is.

25 **Q** And there's no other evidence that you have?

1 A No, sir.

2 Q And you were sitting in the back of the room
3 when Mr. Hepburn testified, weren't you?

4 A In the back? Yes, sir. With the Jackson v.
5 Deno, yes, sir.

6 Q Right. And he said that you left the room, you
7 tried to get his attention after you signed the
8 statement. Where did you go?

9 A I don't recall that. I don't know what he's
10 talking about. I would have stayed with him until he was
11 escorted out of the room back into his jail cell by
12 another jail officer. I would not have left him in that
13 room alone. I don't know where he's going with that.

14 Q Did you not leave him in the room?

15 A I don't believe so. No. I don't see how I
16 could have left him in the room. It's a room in a jail
17 area. We don't leave people hanging around by their self
18 in there. So it's not going to happen. He would have
19 been escorted out as I would have walked out of the door
20 with him. Then he would have been taken in possession by
21 a jail officer and escorted back to his jail cell.

22 Q Was he taken to another room?

23 A He would have been taken to his jail cell, his
24 holding cell.

25 Q His jail cell?

1 **A** Yes, sir.

2 **Q** And you said you don't know of any reason why
3 the mother Jackie and Mr. Hepburn would have had an
4 argument?

5 **A** Would I have had another reason why?

6 **Q** No, you said you didn't know of any reason why
7 they would be --

8 **A** He told me they had a fight during our
9 conversation. But I don't know of any other reasons, no.

10 **Q** Okay. You don't know anything about argument
11 after a cookout that afternoon?

12 **A** Nope.

13 **Q** Okay. And you are also testifying, if I
14 understand it, after he told you this, then he wanted to
15 reduce it to writing, is that right?

16 **A** I asked him if he'd like to put it in writing,
17 that's correct.

18 **Q** You didn't have him put it in writing as you
19 were eliciting?

20 **A** No.

21 **Q** You just did it afterwards?

22 **A** That's correct.

23 **Q** You never, ever told him what to write down?

24 **A** No, sir. These were his words as he wanted to
25 write them.

1 **Q** You never said we can't have it on the knee, it
2 has to be on the thigh?

3 **A** No, sir.

4 **MR. RAY:** Okay. Your Honor, I think that's
5 all I have.

6 **THE COURT:** All right.

7 **MS. BENTLEY:** Brief redirect, Your Honor.

8 **THE COURT:** Yes.

9 **REDIRECT EXAMINATION**

10 **BY MS. BENTLEY:**

11 **Q** Two questions. Would there be physical
12 evidence of oral sex on a victim?

13 **A** In this case, I don't believe there would be.

14 **Q** What about digital penetration?

15 **A** Once again, in this case, I don't believe there
16 would be. The -- there could be had this case been maybe
17 had a sexual assault kit been done on her that night.
18 Maybe they could have looked for fingernail scrapings or
19 DNA transfer, but that's not part of this case. That
20 didn't take place, nor was no rape kit done on the
21 victim. This was, like I said, reported in as from what
22 we understood, oral sex and digital penetration. There
23 could have been, but there's not. It's not a DNA case.

24 **MS. BENTLEY:** All right. I have no further
25 questions.

1 **THE COURT:** All right.

2 **MR. RAY:** Your Honor, I have one question.

3 **RECROSS-EXAMINATION**

4 **BY MR. RAY:**

5 **Q** Detective, this basically is just one word
6 against another, isn't it?

7 **A** It's one statement against one statement, yes.
8 Closely related.

9 **Q** And there's nothing else besides that?

10 **A** No, sir. I wasn't there.

11 **MR. RAY:** Thank you, Your Honor.

12 **THE COURT:** You may step down.

13 **THE WITNESS:** Thank you.

14 **MS. BENTLEY:** Your Honor, those are the
15 witnesses I have to present this evening.

16 **THE COURT:** All right. Mr. Ray, you have any
17 witnesses you want to call out of order if you have
18 them here?

19 **MR. RAY:** Uh, Your Honor, can I go talk to
20 them a second.

21 **THE COURT:** Yeah. Go ahead. If you don't
22 want to have them come back tomorrow, that will be
23 fine.

24 **MR. RAY:** All right.

25 **(WHEREUPON, there is a pause.)**

1 **MR. RAY:** Your Honor, this is Brenda Murphy.
2 I need to probably call her out of order cause she
3 has a work conflict tomorrow.

4 **THE COURT:** Okay. All right. Come around
5 this way.

6 **THE CLERK:** Come forward to be sworn in
7 please. Please place your left hand on the Bible
8 and raise your right.

9 **BRENDA MURPHY**
10 having first been sworn, testifies as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. RAY:**

13 **Q** Mrs. Murphy, please state your name for the
14 record again.

15 **A** Brenda Lee Murphy.

16 **Q** And how old are you?

17 **A** 48.

18 **Q** And how long have you known Sebastian?

19 **A** Roughly about two years.

20 **Q** Okay. Did you know Sebastian back in 2007?

21 **A** Yes.

22 **Q** So that would be longer than two years, right?

23 **A** Yeah.

24 **Q** Are you saying two years before 2007 or --

25 **A** Yeah.

1 Q So that would be about --

2 **MS. BENTLEY:** Objection, Your Honor. She
3 clearly testified --

4 **THE COURT:** Don't lead her. Okay.

5 **BY MR. RAY:**

6 Q All right. Are you married?

7 A Single.

8 Q All right. Where do you work?

9 A Burger King.

10 Q All right. And, uh, how did you meet
11 Sebastian?

12 A By one of my friend-girls, Caroline Wilson.

13 Q Okay. And, uh, so, uh, do you know Jackie?

14 A I don't know Jackie. I just know of her.

15 Q And how do you know about her?

16 A Well, a couple of times, Sebastian was getting
17 ready to go out, he will say I'm getting ready to go out
18 with my friend-girl, Jackie.

19 Q Is that about all you know about Jackie?

20 A Yes, sir.

21 Q Do you know Minor her daughter?

22 A No, I don't know Minor at all.

23 Q Okay. Are you familiar with the allegations
24 against Sebastian?

25 A Yeah, sort of. Cause when it happened, I was

1 over to my, uh, -- I just had left my friend-girl house,
2 Caroline Wilson, and Jackie went over there and asked
3 Caroline to call me.

4 Q Uh-huh.

5 A She had got on the phone and told me what had
6 happened.

7 Q Okay. And that was Caroline that told you
8 that?

9 A Yeah, Caroline Wilson.

10 Q Okay. And we can't go into hearsay. Did
11 Sebastian ever tell you about his living arrangements
12 with Jackie?

13 A No, sir.

14 Q Okay. And, uh, do you pretty clearly remember
15 the time period, February and March 2007?

16 A I remember February around Valentine's Day.

17 Q Okay. Are you familiar with the black and
18 white Valentine's dance?

19 A The only thing I remember that because they
20 talk about it on the radio cause I don't go to those
21 functions.

22 Q Okay. Do you know what that is?

23 A Yes, a dance.

24 Q What day is it on, do you know?

25 A No, it usually be on, round about Fridays.

1 Q Did you have any contact with Sebastian around
2 the time period of that Valentine dance in 2007?

3 A Well, I had talked to him earlier that and
4 called him to see what he was doing. He said he was
5 getting ready to go to the dance.

6 Q Did he say who he was going to the dance with?

7 A No, sir.

8 Q And, uh, did you have a reason to talk to
9 Sebastian a couple of weeks after, uh, that dance?

10 A Yeah. He had called me and told me what had
11 happened.

12 Q And did he ask you to do something for him?

13 A No, sir.

14 Q Did you pick him up during any of that time in
15 your car?

16 A Yes, I did.

17 Q When was that? Do you know?

18 A I don't have exactly date.

19 Q What did you do when you picked him up?

20 A When I picked him up, we went to the next
21 street where they was having a cookout. We went over
22 there.

23 Q All right. Did you ever take him to the police
24 department in Greer?

25 A Yes, sir. I did.

1 Q Okay. And why did you do that?

2 A He called me when I was getting ready to get
3 off from work. He called and asked me could I take him
4 to the police department to see if they had a warrant on
5 him.

6 Q And do you know what the date was on that?

7 A Not exactly. I know it was on a Sunday.

8 Q Okay. And did you take him to the police
9 department?

10 A Yes, I did.

11 Q Okay. And did you ever take him to the bus
12 station?

13 A Yes, I took him to the bus station that night
14 when he left.

15 Q And where was he going? Do you know?

16 A He said he was going to Miami.

17 Q And do you know when that was?

18 A That was round about March the 8th.

19 Q And that's the same -- a few days later than
20 these events?

21 A Yes, sir.

22 Q Okay. And when he went -- he went to Miami, I
23 guess, did you keep in touch with him down there?

24 A He called me and let me know that he had made
25 it to his mom's house.

1 Q When you picked him up, did he act unusual?

2 A No. We was headed to the bus station, he just
3 busted out and started crying and he didn't know why
4 Jackie was trying to do this to him.

5 Q How long did he cry?

6 A Probably about five or six minutes.

7 Q Okay. And did he tell you anything else that
8 night?

9 A No, sir.

10 Q Okay. Did you have any contact with Jackie
11 after this time?

12 A No, sir.

13 Q Okay. And, uh, would you know Jackie if you
14 saw her?

15 A Yes, sir.

16 MR. RAY: Okay. But, uh, -- okay. That's
17 all I have, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. BENTLEY:

20 Q Hi.

21 A Hi.

22 Q Brenda Murphy?

23 A Yes, ma'am.

24 Q Okay. Ms. Murphy, I'm Lisa Bentley. I'm the
25 prosecutor.

1 A Uh-huh.

2 Q I'm going to ask you some questions.

3 A Okay.

4 Q Uh, I'm going to be honest. I'm a little
5 confused about some of the things we talked about.

6 A Okay.

7 Q So if I get anything wrong, I want you to let
8 me know.

9 A Okay.

10 Q You said you known Mr. Hepburn about two years?

11 A Yes, ma'am.

12 Q And you work at Burger King?

13 A Yes, ma'am.

14 Q And you met Mr. Hepburn through your friend
15 Caroline Wilson?

16 A Yes, ma'am.

17 Q Do you know how Caroline knew Mr. Hepburn?

18 A No, ma'am.

19 Q Okay. Were you ever in a relationship with Mr.
20 Hepburn?

21 A No, ma'am.

22 Q No sort of intimate relationships?

23 A No, ma'am.

24 Q Okay. Uh, you never met Mr. Hepburn's friend,
25 Jackie, is that correct?

1 **A** No, I just seen her. I didn't actually see
2 Jackie. One of my friend-girls that work with me, her
3 sister hang with Jackie. And we'd stop by the Lil
4 Cricket before we went home. She said, Brenda, that's
5 Jackie. That's Sebastian friend. That's how I knowed
6 Jackie.

7 **Q** Okay. But you never been introduced formally
8 to Jackie?

9 **A** No, ma'am.

10 **Q** You never hung out with Jackie?

11 **A** No, ma'am.

12 **Q** You didn't chat on the phone?

13 **A** No, ma'am.

14 **Q** You didn't go get your nails done together?

15 **A** No, ma'am.

16 **Q** Okay. Uh, it's your testimony that the night
17 this happened, Jackie called you.

18 **A** No, it was one day during the day that Jackie
19 went to Caroline house and had Caroline to call me.

20 **Q** Okay.

21 **A** Caroline Wilson, she called me and told me that
22 Jackie wanted to talk to me.

23 **Q** Okay. So Caroline called you?

24 **A** Yes, ma'am.

25 **Q** And Jackie was supposedly there?

1 **A** Yes, ma'am.

2 **Q** And Jackie told you?

3 **A** Yes, ma'am.

4 **Q** This woman that you never met told you that --
5 told you what?

6 **A** She just said Sebastian had raped her daughter.

7 **Q** When was that?

8 **A** I don't remember exactly what day it was.

9 **Q** You said Sebastian told you about the
10 allegations?

11 **A** Yeah. He just said that Jackie had supposedly
12 accused him of raping his daughter.

13 **Q** Okay. When did he tell you about that?

14 **A** I don't remember what day he told me about it.

15 **Q** Do you remember month, time frame?

16 **A** Well, I know it was probably about the end of
17 February, somewhere in between there.

18 **Q** End of February of what year?

19 **A** 2007.

20 **Q** Okay. And, uh, you said something about a
21 cookout. What was that about?

22 **A** It was just a cookout that we was having.

23 **Q** You were having?

24 **A** No, the girl next door was having. It was the
25 next street over from Caroline house.

1 Q Okay. So it was Caroline's friend had a
2 barbecue?

3 A Yes, ma'am.

4 Q Where was that? What town?

5 A That's in Greer.

6 Q In Greer.

7 A Yes, ma'am.

8 Q So that has nothing to do with this?

9 A No.

10 Q Okay. And you said you took Sebastian to the
11 bus station one day?

12 A Yes, ma'am.

13 Q And that was March 8th?

14 A Yes, ma'am.

15 Q Was that in 2007?

16 A Yes, ma'am.

17 Q Where did you pick him up from?

18 A The motel.

19 Q What motel?

20 A It was called the Sunset. It's not too far
21 from here.

22 Q Okay. So Sunset Motel. You picked him up from
23 there?

24 A Yes, ma'am.

25 Q And y'all kept in touch a little bit?

1 **A** Yes, ma'am. Not much.

2 **Q** Okay. But you never been to Jackie's house?

3 **A** No, ma'am.

4 **Q** You never met Minor

5 **A** No, ma'am.

6 **Q** And you were definitely not at [REDACTED]

7 [REDACTED] on March 3rd?

8 **A** No, ma'am.

9 **MS. BENTLEY:** Okay. No further questions.

10 **MR. RAY:** Uh, Your Honor, I think my other
11 two witnesses can hold to tomorrow.

12 **THE COURT:** If you want them to hold, that's
13 fine. If not, you can call them today.

14 **MR. RAY:** It's getting a little late.

15 **THE COURT:** We can do it any way you want to
16 do it.

17 **MR. RAY:** Okay. Let me go talk to them a
18 second please.

19 **MS. BENTLEY:** May Ms. Murphy be excused?

20 **THE COURT:** Yeah, you want to step down, Ms.
21 Murphy?

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

23 **THE COURT:** You are released from your
24 subpoena.

25 **(WHEREUPON, there is a pause.)**

1 **MR. RAY:** Your Honor, they say they want to
2 go ahead and testify.. They both have to work
3 tomorrow.

4 **THE COURT:** Well, good. Let's get them out
5 the way.

6 **MR. RAY:** This is Thomas Taylor.

7 **THE COURT:** Come around, Mr. Taylor.

8 **THE CLERK:** Mr. Taylor, please come around to
9 be sworn in. Place your left hand on the Bible and
10 raise your right please.

11 **THOMAS TAYLOR**

12 having first been sworn, testifies as follows:

13 **THE CLERK:** Thank you. You may be seated.
14 Please state your name for the record.

15 **THE WITNESS:** Thomas Taylor.

16 **DIRECT EXAMINATION**

17 **BY MR. RAY:**

18 **Q** Thomas, how old are you?

19 **A** 40.

20 **Q** And where do you work?

21 **A** I work for AT&T.

22 **Q** And what do you do there?

23 **A** Sales.

24 **Q** And how long have you been working there?

25 **A** A year.

1 Q All right. Where did you work before that?

2 A I was with a company called Healthcare Services
3 Group.

4 Q Okay. How long have you known Sebastian?

5 A About 10 years.

6 Q Okay. And how did you get to know him?

7 A Through a mutual friend of Mr., uh, Vernard
8 Cromartie.

9 Q Okay. And he's sitting outside, right?

10 A Yes.

11 Q Okay. Are you related to Sebastian in any way?

12 A No, I'm not.

13 Q Are you married?

14 A No, I'm single.

15 Q All right. How did you first meet Sebastian?

16 A Well, through a mutual friend, like I said, Mr.
17 Vernard Cromartie through different social events.

18 Q Okay. And, uh, during the last 10 years, how
19 many times have you been with Sebastian?

20 A Uh, 10 or 15 times throughout the --

21 THE COURT: About once a year?

22 THE WITNESS: Yes, sir.

23 BY MR. RAY:

24 Q Okay. Do you know Jackie Baker?

25 A I know her through Mr. Sebastian Hepburn.

1 Q Do you know -- have you ever met her yourself?

2 A I met her at the Superbowl party I think they
3 had at their house.

4 Q What year was that?

5 A 2007, I guess.

6 Q Okay. That would be maybe the end of January
7 of 2007?

8 A Somewhere around that time.

9 Q Somewhere around in there. And did you have a
10 conversation with Jackie?

11 A At the Superbowl party?

12 Q Yes, sir.

13 A We talked. He introduced me to her. That was
14 it.

15 Q Okay. So you been inside the house on more
16 than one occasion where they were living? By them, I
17 mean Jackie and Sebastian.

18 A I would say twice, Superbowl.

19 Q Was there another time?

20 A Picking him up for going out to a club.

21 Q Do you know the date that you picked him up to
22 go out to the club?

23 A I remember it was probably like March the 3rd
24 of 2007.

25 Q All right. And tell me how, how did that date

1 get set up. Was that -- did you call him? He call you?
2 How did that come about?

3 A Uh, we conversated back and forth a few days
4 leading up to that specific date.

5 Q All right. So it was something that was
6 prearranged?

7 A Correct.

8 Q Okay. And so on that, March the 3rd, 2007, did
9 you go in the house that Jackie and Sebastian were living
10 in?

11 A I believe I did.

12 Q You know what time you went in there?

13 A From what I remember, I think I got there
14 between the hours of, you know, 9:00 and 10:00, somewhere
15 around in that time frame.

16 Q All right. And, uh, what did you see when you
17 got in the house? Do you remember?

18 A Uh, everything didn't look out of the normal or
19 anything like that. I walked in. We were beating for
20 time to get out to go to the club. So I didn't see
21 anything that was, you know, out of the norm I would say.

22 Q Did you talk to Jackie on that occasion?

23 A We may have spoke. I don't remember.

24 Q Did you see Minor her daughter?

25 A No, sir.

1 Q Did you notice any disturbance in the house at
2 that time?

3 A No, sir.

4 Q Did you pick Sebastian up?

5 A Yes.

6 Q Did y'all go to that club you were talking
7 about?

8 A Yes, sir.

9 Q Okay. And how long were you out that night?

10 A We probably stayed out until about 3:00 or 4:00
11 in the morning, somewhere around that time frame.
12 Probably 3:00 or 4:00.

13 Q Where did you take Sebastian after that?

14 A He came with me back to the house.

15 Q Did he stay with you that night?

16 A Yes, sir.

17 Q And did you finally take him back to the house
18 that he and Jackie were living in?

19 A The next following day.

20 Q What time was that?

21 A Probably about 1 p.m., somewhere around that
22 time. 1:00 or 2:00. We went to get an officer escort to
23 that residence.

24 Q Why did you do that?

25 A Cause he stated that his life was threatened.

1 We didn't want to have any altercations while we were
2 going there that day.

3 Q Why did he think his life was threatened? Do
4 you know?

5 A He told me about the incident on that Saturday,
6 I guess, going into that Sunday morning. He told me
7 about that, I guess, somebody said he had an altercation
8 at the house or something along those lines, but he
9 didn't really go into detail about it.

10 Q Was he upset about this?

11 A He seemed a little bit. But I couldn't really
12 tell if he was, you know, just upset to a degree that it
13 would show on his face or anything like that.

14 Q Okay. And so, did you get to the house
15 eventually there with the officer or...

16 A Yes, we did. We followed the officer back to
17 the house. His clothes were outside and Cloroxed. His
18 TV was bashed in and stuff like that.

19 Q Were his clothes in -- were they cut up or were
20 they just normal?

21 A They were cut up and Cloroxed.

22 Q Did you see Jackie at that time?

23 A No, sir.

24 Q Did you see Minor the daughter?

25 A No, sir.

1 Q Okay. And, uh, were you familiar with their
2 living arrangements over there? Did you know about that?

3 A I just know that he lived with her. That was
4 about it.

5 Q Okay. All right. Now, would you -- did you
6 also go to a dance around Valentine's Day or the day
7 after with Sebastian?

8 A I think we went to something called the Black
9 Party or something along those lines.

10 Q Is that a Valentine's dance?

11 A I think it was during that Valentine's week.

12 Q Okay. Did Sebastian take anybody with him, a
13 female?

14 A No, sir.

15 Q Okay. Do you know, uh, whether or not Jackie
16 wanted to go to that dance?

17 A I don't know.

18 Q Okay. And did you ever, uh, -- have you ever
19 encountered Jackie since that time period there?

20 A Did I encounter her?

21 Q Her.

22 A Anywhere else outside?

23 Q Yeah. Anywhere else.

24 A Well, uh, later through the years, I seen her,
25 you know, at the place that I used to work for.

1 Q And how did she act? Did she say anything to
2 you?

3 A No.

4 Q Okay. Did she say anything about Sebastian?

5 A No.

6 Q Okay. And, uh, did, uh, you ever learn about
7 what the altercation that happened on March the 3rd, the
8 night that, uh, when you picked him up to go out to the
9 club?

10 A I was emailed later after I had dropped
11 Sebastian off to the hotel on, uh, I guess that was
12 Sunday, March the 4th. That's when he kind of explained
13 that he was being accused of some type of altercation.

14 Q All right. Did he say anything else to you
15 about that?

16 A Not in detail.

17 Q Okay. Do you -- did he say anything about how
18 Jackie played into that altercation? Was that ever
19 brought up?

20 A No, sir.

21 Q Okay. Now, uh, were you aware that Sebastian
22 went to Florida?

23 A Yes.

24 Q Okay. And when was that?

25 A That had to be after March the 4th. I didn't

1 know exactly what day he left to go to Florida.

2 Q Okay. Have you kept in touch with him?

3 A Yeah. We would talk back and forth. He would
4 call me up, you know, and see how each other were doing.

5 Q Has he come back to Greenville since that
6 period of time?

7 A I believe he has come back to, uh, to, uh, you
8 know, hang out with his cousin or going to some type of
9 event that was here.

10 Q Okay. Was he -- was there anything -- when he
11 came back, was he open? Did he say the police were
12 looking for him or anything like that?

13 A Never once said that.

14 Q And did he ever act suspicious to you?

15 A No, sir.

16 Q And have you gotten to know Sebastian's
17 character fairly well over the years?

18 A Yeah. I would say he is a good guy.

19 MS. BENTLEY: Objection, Your Honor.

20 THE COURT: I'm going to let him.

21 MS. BENTLEY: Okay.

22 THE WITNESS: I'd say he's a good guy. You
23 know, I've been knowing him for a while and trusted
24 him with my life. I think he had good integrity.
25 Never once thought he could have had any malicious

1 intent or anything of that nature.

2 **MR. RAY:** All right. That's all I have, Your
3 Honor.

4 **MS. BENTLEY:** Briefly.

5 **CROSS-EXAMINATION**

6 **BY MS. BENTLEY:**

7 **Q** Mr. Taylor, do you have any children?

8 **A** Yes.

9 **Q** How old are your children?

10 **A** They are 14 and 15.

11 **Q** Are they girls, boys?

12 **A** They girls.

13 **Q** Do they live with you?

14 **A** Yes.

15 **Q** Uh, --

16 **A** They don't live with me now but we were living
17 together during that time frame.

18 **Q** Okay. Mr. Taylor, you seem to remember clearly
19 that it was March 3rd that you picked up Mr. Hepburn.

20 **A** Right.

21 **Q** Right. Uh, you think about 9:00, 10:00 p.m.
22 some time that night you picked him up?

23 **A** Yes, ma'am.

24 **Q** Is that correct?

25 **A** Yes, ma'am.

1 **Q** Uh, are you positive that you went inside the
2 house?

3 **A** Not positive but, you know, --

4 **Q** You may have?

5 **A** May have.

6 **Q** Okay. And you did not see Minor

7 **A** Yes, ma'am.

8 **Q** And then you went to the club, correct?

9 **A** Yes, ma'am.

10 **THE COURT:** I need the other attorneys.

11 **MS. BENTLEY:** I believe they are out there,
12 Your Honor.

13 **THE COURT:** They are out there.

14 **MS. BENTLEY:** You want me to get them?

15 **THE COURT:** No, if they're here, that's good.
16 Go ahead.

17 **BY MS. BENTLEY:**

18 **Q** Uh, and you stayed out at this club or party or
19 whatever until 3:00 or 4:00 a.m.?

20 **A** Yes, ma'am.

21 **Q** And then you took Mr. Hepburn back to your
22 house?

23 **A** Yes, ma'am.

24 **Q** And then next morning, your testimony is that
25 he told you to take him to the police department?

1 **A** Yeah, cause he had got some calls or something
2 during that time frame.

3 **Q** You don't know.

4 **A** I don't know exactly what it was.

5 **Q** But suddenly, the next morning, you wanted to
6 go to the police station?

7 **A** He was wanting to go to the police station.

8 **Q** And to get an escort.

9 **A** Correct.

10 **Q** And was that suspicious to you?

11 **A** It was.

12 **Q** Cause he hadn't been home since, right?

13 **A** Right.

14 **Q** And so he just wakes up the next morning and
15 wants a police escort?

16 **A** I think cause he said someone was threatening,
17 you know, to do harm to him.

18 **Q** Okay. And did you accompany him back to the
19 house, did you say?

20 **A** Yes, ma'am.

21 **Q** And what did you see when you got there?

22 **A** His clothes were outside.

23 **Q** All his stuff was outside too?

24 **A** Yes, ma'am.

25 **Q** Did he tell you why?

1 **A** He didn't tell me why. I just knew they were
2 outside.

3 **Q** Did you let him come back to your house and
4 stay?

5 **A** No, we took him to a hotel.

6 **Q** Why didn't you let him stay with you?

7 **A** Just -- you know, I've got family. I just
8 didn't want to do that.

9 **Q** You've got your two daughters?

10 **A** Correct.

11 **MS. BENTLEY:** Okay. No further questions.

12 **THE COURT:** All right. Thank you.

13 **MR. RAY:** I've got one more witness, Your
14 Honor.

15 **MS. BENTLEY:** And if we want to do that
16 tomorrow, Your Honor, that's --

17 **THE COURT:** No, we'll do the other -- his
18 witness tonight. Go back and get the jury for --
19 the attorneys for me. Have Mr. Anderson bring in
20 this jury.

21 Mr. Ray, you can talk to your witness.

22 **MR. RAY:** Thank you, Your Honor.

23 **(WHEREUPON, there is a recess.)**

24 **THE COURT:** All right. Mr. Ray, call your
25 witness.

1 **MR. RAY:** Yes, sir. I call Vernard Cromartie
2 please.

3 **THE CLERK:** Mr. Cromartie, if you would, come
4 forward to be sworn in please. Over here please.
5 Place your left hand on the Bible and raise your
6 right.

7 **VERNARD CROMARTIE**
8 having first been sworn, testifies as follows:

9 **THE CLERK:** Thank you. Please be seated.
10 Okay. Would you state your name and spell it for
11 the record please?

12 **THE WITNESS:** Vernard Cromartie.

13 **THE CLERK:** Thank you.

14 **MR. RAY:** And that's Vernard with a V.

15 **THE CLERK:** Okay.

16 **DIRECT EXAMINATION**

17 **BY MR. RAY:**

18 **Q** Okay. Vernard, uh, what's your age please?

19 **A** I'm 41.

20 **Q** And where do you work?

21 **A** At BMW.

22 **Q** And how long have you worked there?

23 **A** Uh, 12 years.

24 **Q** All right. Are you married?

25 **A** Uh, no.

1 Q Have you been married?

2 A Yes.

3 Q You have children?

4 A I have two daughters.

5 Q How old are they?

6 A My oldest is 16. My youngest is 6.

7 Q Okay. And how long have you known Sebastian?

8 A All my life.

9 Q Are you related to him?

10 A Yes.)

11 Q How are you related?

12 A Nephew.

13 Q Okay. Are y'all pretty good friends?

14 A Yes.

15 Q Okay. Uh, are you familiar with the
16 allegations against Sebastian that we are here about
17 today?

18 A Yes.

19 Q Do you remember the time period of February and
20 March of 2007?

21 A Yes, I remember.

22 Q Are you familiar with what is known as the
23 Black and White Valentine Dance?

24 A Yes.

25 Q And what is that?

1 **A** It's a party they have, uh, it's like once a
2 year. Normally, it's around either Valentine --
3 sometimes they'll have it around Thanksgiving or
4 Christmas. Normally, always on Friday.

5 **Q** And even though it says Black and White
6 Valentine Dance, they have it at Thanksgiving too?

7 **A** They have it -- it's really not for Valentine.
8 It's just something they have and they have it around
9 that time. Normally around holidays or stuff like that.

10 **Q** Do you remember in February or March or
11 February of 2007 about that dance at that time?

12 **A** Yes. I was supposed to go.

13 **Q** Okay. And did you go?

14 **A** No, I didn't go.

15 **Q** Why is that?

16 **A** My wife at the time, she was, uh, -- she didn't
17 want me to go. Me and her got into an argument or
18 whatever. So I told Thomas and Hepburn that I wouldn't
19 be able to go.

20 **Q** And Thomas, is that Thomas Taylor that was in
21 here?

22 **A** Yes.

23 **Q** And you told Sebastian that too?

24 **A** Yes.

25 **Q** Do you know if they went to the dance that

1 year?

2 **A** Yes.

3 **Q** And uh, do you know Jackie Baker?

4 **A** I don't know her well.

5 **Q** Okay. Have you ever talked to her?

6 **A** We had some, uh, -- we crossed each other
7 sometime.

8 **Q** So you talked to her, in other words?

9 **A** Yeah.

10 **Q** Do you know her daughter, Minor

11 **A** No.

12 **Q** All right. And, uh, since February, March
13 2007, have you had occasion to talk to Jackie since that
14 time?

15 **A** Repeat that?

16 **Q** Have you run into Jackie since February or
17 March of 2007?

18 **A** Yes.

19 **Q** And did you have a conversation with them?

20 **A** It wasn't really a conversation. I think I
21 seen her at -- I used to go out to the nightclub or
22 something like that, I'd run into her.

23 **Q** And so did you -- did she say anything to you?

24 **A** She always made remarks --

25 **MS. BENTLEY:** Objection. This sounds like

1 it's about to be hearsay, Your Honor.

2 **MR. RAY:** Your Honor, I think it's relevant
3 to --

4 **THE COURT:** Relevance has got nothing to do
5 with it. It's whether it's hearsay. If it's
6 something that Jackie said to him years ago, it's
7 hearsay.

8 **BY MR. RAY:**

9 **Q** All right. The contents of that conversation
10 that you had with Mrs. Baker, Jackie Baker, did it
11 involve Sebastian?

12 **A** Yes.

13 **Q** Okay. Was there any -- were there any implied
14 threats in that conversation?

15 **A** Yes.

16 **Q** And were they directed towards somebody?

17 **A** They were directed towards Sebastian Hepburn.

18 **Q** And without telling us what she said, was it
19 something that would harm him?

20 **A** Yes.

21 **Q** Did, uh, she imply that there were other people
22 involved in that threat?

23 **A** Yes.

24 **Q** Would that have been her uncle?

25 **A** Yes.

1 Q And this was directly told to you, is that
2 correct?

3 A Yes.

4 Q And you have seen Jackie at a club, is that
5 correct?

6 A Yes.

7 Q All right. All right. Do you personally know
8 about the relationship between Jackie and her daughter?

9 A No.

10 Q You know about the relationship between Jackie
11 and Sebastian?

12 A Yes.

13 Q Is this something you personally know that's
14 not hearsay?

15 A Well, it's, uh, something that, I guess, me and
16 him, it's probably hearsay cause we talk a lot.

17 Q Not anything that somebody said to you.

18 **THE COURT:** He says it's hearsay.

19 **MR. RAY:** And we can't get into that.

20 **THE COURT:** You asking him a legal opinion.

21 **BY MR. RAY:**

22 Q Do you understand what Sebastian is charged
23 with here today?

24 A Yes.

25 Q Does that surprise you knowing Sebastian?

1 **A** Yes.

2 **MR. RAY:** All right. That's all I have at
3 this time, Your Honor.

4 **CROSS-EXAMINATION**

5 **BY MS. BENTLEY:**

6 **Q** Mr. Cromartie, where were you on March 3rd,
7 2007?

8 **A** I was at home.

9 **Q** Where was Sebastian?

10 **A** He was at Jackie's house.

11 **Q** Do you have any idea what happened there? Were
12 you there?

13 **A** No, I wasn't there.

14 **Q** So you don't know?

15 **A** No.

16 **Q** All right. No further questions.

17 **THE COURT:** All right. Thank you. You may
18 step down. You are released from your subpoena.
19 Okay.

20 **MR. RAY:** That's all we have.

21 **THE COURT:** All right. We'll reconvene in
22 the morning at, uh, 9:30.

23 **MS. BENTLEY:** Your Honor, Mr. Hepburn is no
24 longer on his bond. We would ask that he be --

25 **THE COURT:** Oh, absolutely. He's a flight

1 risk. He's already left and gone to Miami.

2

3 (WHEREUPON, the Court recesses for the day at
4 approximately 7:35 p.m.)

5

P R O C E E D I N G S

(WHEREUPON, the Court resumes on the 8th day of November, 2012 at approximately 9:31 a.m.)

THE COURT: All right. Counsel, are we ready to go?

MS. BENTLEY: Yes, Your Honor.

THE COURT: All right. Let's, uh, -- I believe the State had another witness, is that correct?

MS. BENTLEY: Yes, sir. One more witness.

THE COURT: All right. Let's hear it.

MS. BENTLEY: The State calls Corporal Ashley Wright.

THE CLERK: Come forward to be sworn in please. Please place your left hand on the Bible and raise your right.

ASHLEY WRIGHT

having first been sworn, testifies as follows:

THE CLERK: Thank you. You may be seated. Could you please state your name for the record.

THE WITNESS: Ashley Ross Wright.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. BENTLEY:

Q Corporal Wright, what was your full name in

1 March of 2007?

2 A Ashley Ross.

3 Q So you would have signed documents A. Ross?

4 A Yes, ma'am.

5 Q How long have you been employed with the Greer
6 Police Department?

7 A Nine years.

8 Q What is your current position there?

9 A Corporal.

10 Q What was your position in March of 2007?

11 A Field training officer.

12 Q And were you working on March 3rd, 2007?

13 A Yes, ma'am.

14 Q What shift?

15 A I was working night shift.

16 Q Greer is comprised of two counties, is that
17 correct?

18 A Yes, ma'am.

19 Q Was there one particular county that you were
20 working that night?

21 A When I worked, I worked the whole county, but
22 we take calls in either side.

23 Q Okay. Did you take a call at [REDACTED]

24 [REDACTED] on March 3rd?

25 A Yes, ma'am.

1 Q What county is that located in?

2 A Greenville county.

3 Q What was the call that you responded to?

4 A It was a call for a sexual assault that had
5 already occurred.

6 Q What time did you arrive?

7 A 2300 hours.

8 Q Which is?

9 A 11 p.m.

10 Q Who was at the home when you arrived?

11 A Jacqueline Baker.

12 Q Was she the only one present?

13 A Yes, ma'am.

14 Q Tell me, uh, -- without telling me exactly what
15 Mrs. Baker said, did you speak to her about what had
16 occurred?

17 A Yes, ma'am.

18 Q Were you able to take a statement from her or
19 the victim that night?

20 A No, ma'am.

21 Q Did she identify the victim in the assault?

22 A She did.

23 Q Who was the victim?

24 A She said the victim was her daughter, Minor

25 Q Did she -- never mind. Scratch that. Describe

1 Jacqueline Baker's demeanor that evening.

2 **A** Mrs. Baker was angry and upset.

3 **Q** Did you ask her for a written statement at that
4 point?

5 **A** I did not.

6 **Q** What did you do?

7 **A** I asked her if she could bring the victim in
8 the case to the police department at the beginning of my
9 shift the next evening at 7 p.m. ---

10 **Q** Okay.

11 **A** --- so that I could speak to the victim and the
12 mother at that time.

13 **Q** Okay. Did she give you a reason why the victim
14 was not present?

15 **A** She said she had the victim leave the house for
16 her safety.

17 **Q** Did Mrs. Baker bring the victim to you the next
18 day?

19 **A** She did.

20 **Q** What time?

21 **A** It was a little after 1900 hours, I believe
22 1915.

23 **Q** Which would be around 7:15 p.m.?

24 **A** Yes, ma'am.

25 **Q** So the time you previously agreed upon?

1 **A** Yes, ma'am.

2 **Q** What did you do when they arrived at the police
3 station?

4 **A** I took them to a room that I could use for
5 speaking with them. I spoke with Mrs. Baker and asked
6 her consent to speak with her daughter alone. At that
7 point, I asked Mrs. Baker and her daughter to provide
8 written statements..

9 **Q** Did you observe Jacqueline Baker write her
10 statement?

11 **A** I did not.

12 **Q** Did observe Minor write her statement?

13 **A** I did.

14 **Q** Did she provide that statement after speaking
15 with you?

16 **A** We spoke briefly. I got information from her.
17 I asked her to provide a written statement. I sat back
18 while she wrote that.

19 **Q** Okay. Without telling me what she said, did
20 Minor disclose sexual abuse to you?

21 **A** Yes, ma'am.

22 **Q** Did she tell you the time it occurred?

23 **A** Yes, ma'am. She said --

24 **Q** Yeah.

25 **A** She said it occurred the previous evening.

1 Q Okay.

2 A I don't specifically remember exactly what
3 time. I'd have to look back at my notes.

4 Q Did she tell you the place or places where the
5 sexual assault occurred?

6 A Yes. She said it was at the house at [REDACTED]
7 [REDACTED] on the sofa.

8 Q Okay. Could you describe to me Minor
9 demeanor when you spoke to her? Did she seem mentally
10 alert?

11 A She did.

12 Q Did she seem to have any mental or emotional
13 defects?

14 A No, ma'am.

15 Q Did she have any trouble understanding the
16 questions you asked her?

17 A No, ma'am.

18 Q Did she indicate whether this was a consensual
19 act?

20 A She said it was not consensual.

21 Q Was she able to provide you contextual details
22 of the assault?

23 A Yes, ma'am.

24 Q Did Minor write her own statement?

25 A She did.

1 Q Did you refer Minor for a forensic interview
2 in this case?

3 A I did not.

4 Q Tell me why not.

5 A The forensic interviews are typically referred
6 for children 12 and under.

7 Q Okay.

8 A Did you review Jacqueline Baker and Minor
9 statements?

10 A Yes, ma'am.

11 Q Did you find them to be -- did you find any red
12 flags in them, any errors, anything like that that raised
13 your suspicions?

14 A No, ma'am.

15 Q I have no further questions. Please answer any
16 questions Mr. Ray may have.

17 **CROSS-EXAMINATION**

18 **BY MR. RAY:**

19 Q It's Officer Wright, is that correct?

20 A Yes, sir.

21 Q Okay. Tell me, Officer, how many people are in
22 the Greer Police Department.

23 A At the specific time, I don't know. I can give
24 you a range.

25 Q Back then.

1 A I don't know. Approximately 60.

2 Q 60?

3 A Yes, sir.

4 Q Did everybody know most everybody?

5 A Yes, sir.

6 Q Are you familiar with a CAD report that was
7 issued on, I think it was March the 6th, about someone
8 coming over to the Greer Police Department?

9 A No, sir.

10 Q Okay. Were you familiar with Officer Broom?

11 A Yes, sir.

12 Q Are you familiar with the fact that Officer
13 Broom accompanied someone out to this house a day or two
14 after, uh, March the 4th?

15 A No, sir.

16 Q Would it surprise you that he would have taken
17 the alleged defendant out to the house a couple of days
18 later?

19 A I can't say. I'm not familiar with him doing
20 that or not doing that either way.

21 Q Okay. Have you ever spoken to the alleged
22 defendant here, Mr. Hepburn?

23 A I don't believe so. No, sir.

24 Q Did you run his record?

25 A Yes, sir.

1 Q Did you find anything?

2 A I don't remember the record from that long ago..
3 I can look.

4 Q And you said when you got to the house the
5 first time, I guess it was March the 3rd?

6 A Yes, sir.

7 Q That Mrs. Baker was there by herself?

8 A Yes, sir.

9 Q And the alleged victim was not there?

10 A Yes, sir.

11 Q And, uh, you said that Mrs. Baker appeared to
12 be --

13 A Upset and angry.

14 Q Did she seem mad?

15 A Yes, sir.

16 Q What did she -- did she talk about Mr. Hepburn?

17 A Specifics, I don't recall.

18 Q Okay. Do you remember making notes over there?

19 A Yes, sir.

20 Q Have you read your notes lately?

21 A I've looked at them, yes, sir.

22 Q Okay. You remember what you wrote down about
23 what Ms. Minor was wearing that night?

24 A Mostly. I don't remember the colors exactly.

25 Q Well, tell me what you wrote down.

1 **A** I remember that she was wearing blue short type
2 underwear ---

3 **Q** Uh-huh.

4 **A** --- capri-pant type pajama pants and a shirt.

5 **Q** What is pink, W-H, and L-T-B-R-O-W-S-L-I-V -- I
6 can't read the rest of it.

7 **MS. BENTLEY:** Your Honor, I would ask that he
8 let the witness observe her notes if he wants her to
9 testify about them.

10 **MR. RAY:** Okay.

11 **THE COURT:** Please do, Mr. Ray.

12 **MR. RAY:** All right.

13 **THE WITNESS:** Okay. That's pink, white and
14 light brown shirt.

15 **BY MR. RAY:**

16 **Q** Is there anything else on there?

17 **A** Above -- the line above that says capris and
18 boy shorts.

19 **Q** What is that, B-R-O-W?

20 **A** That would be brown.

21 **Q** That's the brown.

22 **A** Yes, sir.

23 **Q** Okay. So that's what -- is that what Ms.
24 Jackie Baker told you she had on?

25 **A** No, ma'am. No, sir.

1 Q When did you take -- make these notes?

2 A Those would -- I took those notes when I spoke
3 with the victim on March the 4th at 7 p.m.

4 Q Okay. Do you have any training in this area?

5 A Yes, sir.

6 Q What kind of training do you have?

7 A I am a certified forensic interviewer.

8 Q Back then.

9 A Back then, uh, I don't recall what training I
10 had prior to that date and what happened after.

11 Q How long had you been working at the Greer
12 Police Department?

13 A I began in 2003.

14 Q Okay. So is it possible you didn't have any
15 training at that time?

16 A No, sir.

17 Q You don't recall what you had?

18 A No, sir.

19 Q But it's not possible you didn't have any
20 training?

21 A I don't know exactly when I had what specific
22 trainings.

23 Q You got more training now?

24 A Yes, sir.

25 Q Okay. Who made the call for you to come over

1 there on March the 3rd, do you know?

2 A Mrs. Baker.

3 Q And is, uh -- Allen Bennett Hospital is right
4 around the corner, is that right?

5 A It used to be.

6 Q Used to be. Back then, it was there?

7 A Yes, sir.

8 Q Did you find any physical evidence of anything
9 at the house when you got there?

10 A What type of physical evidence?

11 Q Of the crime.

12 A Of a sexual assault, no, sir.

13 Q Everything was what Jackie Baker told you?

14 A On the 3rd, yes, sir.

15 Q And on the 4th, what was the evidence?

16 A The victim's statement as well.

17 Q Did you have any physical evidence on the 4th?

18 A No, sir.

19 Q All right. Now, in the Greer Police
20 Department, do you record things in there?

21 A No, sir.

22 Q You don't ever record anything?

23 A Not in the old police department, no, sir.

24 Q Were you in the old police department?

25 A Yes, sir. We moved to the new police

1 department in 2008.

2 Q Do you record things in the new police
3 department?

4 A Yes, sir.

5 Q So who records what in the new police
6 department?

7 A It's up to the officer's discretion, but the
8 new police department is equipped with a video system.

9 Q Is that audio and video?

10 A Yes, sir.

11 Q You just do audio sometimes?

12 A No, sir. In the interview rooms, it's audio
13 and video. It's not either/or.

14 Q So in 2011, there was a video system in the
15 Greer Police Department?

16 A Yes, sir. It was able to be used at the
17 officer's discretion. Some officers do, some don't.

18 Q Did Jackie Baker make the statement?

19 A Yes, sir.

20 Q When was that?

21 A March the 4th.

22 Q When her daughter came in with her?

23 A Yes, sir.

24 MR. RAY: Okay. That's all I have, Your
25 Honor.

1 **MS. BENTLEY:** Brief redirect.

2 **THE COURT:** All right.

3 **REDIRECT EXAMINATION**

4 **BY MS. BENTLEY:**

5 **Q** Corporal Wright, would a medical exam show
6 whether oral sex had occurred?

7 **A** No, ma'am.

8 **Q** Would it show whether digital penetration had
9 occurred?

10 **A** It could. It's case-by-case basis.

11 **Q** Would there be semen anywhere based on the
12 allegations in this case?

13 **A** No, ma'am.

14 **MR. RAY:** Your Honor, I'm going to object to
15 the way she's asking the questions.

16 **THE COURT:** In what regard?

17 **MR. RAY:** Well, she's asking about a crime
18 and saying would that indicate if such and such
19 occurred. The officer testified there was no
20 physical evidence.

21 **THE COURT:** Well, I'm going to allow her to
22 ask the question. She's stated why there was none.

23 **MS. BENTLEY:** I have no other questions.

24 **THE COURT:** All right. Thank you.

25 **MS. BENTLEY:** May Ms. Wright be excused from

1 her subpoena?

2 **THE COURT:** Let's see if Mr. Ray wants to
3 redirect or recross.

4 **MR. RAY:** No, I don't have any.

5 **THE COURT:** All right. You may step down.
6 All right. Is that the State's case?

7 **MS. BENTLEY:** That's the State's case.

8 **THE COURT:** All right. Mr. Ray, the State is
9 resting. You have a motion to make?

10 **MR. RAY:** Yes, Your Honor. I do. Could you
11 give me just a minute, Your Honor, so I can talk to
12 my client? (Pause.)

13 Your Honor, I would renew my motions as to, uh,
14 Mr. Hepburn's statement. I believe that there is a
15 recent case which I can get Your Honor in just a few
16 minutes that just came out stating that wherein
17 there's no physical evidence of the crime, it would
18 be improper to allow the statement in -- the
19 defendant's statement in where there is no other
20 evidence of a crime.

21 **THE COURT:** I think you are probably
22 referring to the line of cases that involve the
23 issue of whether or not there was any extra
24 statement of the offense. It's sometimes referred
25 to as the, uh, -- excuse me. I'm at a lost for

1 words at the moment. I'm sorry. But I know what
2 you're talking about and I don't think it is
3 applicable here. And I'm not going to -- I guess
4 you are asking for dismissal.

5 **MR. RAY:** Yes, sir. That and to disclude the
6 statement and dismissal after that.

7 **THE COURT:** All right. Well, there is plenty
8 of other evidence such as the evidence of the
9 victim, the victim's testimony. I am going to deny
10 your motion.

11 **MR. RAY:** Okay. Also, Your Honor, Officer
12 Arterburn was never qualified as an expert in
13 forensic body reading, I guess. And I would ask to
14 have all that --

15 **THE COURT:** Why didn't you object to his
16 testimony then?

17 **MR. RAY:** I'm objecting now. Okay. But he
18 was never qualified as an expert in that field.

19 **THE COURT:** I'll give it the weight that I
20 think it deserves. I'm not concerned about that
21 testimony.

22 **MR. RAY:** All right. I'll call Sebastian
23 Hepburn to the stand, Your Honor.

24 **THE CLERK:** Please come forward to be sworn
25 in.

1 **SEBASTIAN HEPBURN**
2 having first been sworn, testifies as follows:
3 **THE CLERK:** Thank you. You may be seated.
4 **DIRECT EXAMINATION**
5 **BY MR. RAY:**
6 **Q** Okay. Sebastian, you been on the stand before.
7 State your name again please.
8 **A** Sebastian James Hepburn.
9 **Q** And how old are you?
10 **A** 41.
11 **Q** And where do you live now?
12 **A** 1650 Northwest 4th Avenue, Miami, Florida.
13 **Q** And how long have you been in Miami?
14 **A** Uh, five and a half years now.
15 **Q** Let's go back over your life for a minute.
16 Where were you born?
17 **A** Miami, Florida.
18 **Q** And how long did you live there?
19 **A** Through high school. I moved back there in
20 2007.
21 **Q** Okay. Did you ever leave Miami for any periods
22 of time?
23 **A** Yes. I had a son that's 21 years old now.
24 **Q** Uh-huh.
25 **A** I stayed up in Albany with him and his mom for

1 like a year and a half, two years.

2 Q Albany, New York?

3 A No, Albany, Georgia.

4 Q Georgia, okay.

5 A Uh-huh. And I was married and stayed in
6 Atlanta for like three years.

7 Q Okay.

8 A Then I moved to South Carolina and stayed here
9 for three years and moved from here in '07.

10 Q All right. You have family in this area?

11 A Yes.

12 Q Who is that?

13 A Vernard Cromartie.

14 Q And he is the one that testified last night?

15 A Yes.

16 Q Okay. And, uh, how long have you been working?

17 A Five and a half years.

18 Q Were you working before that time?

19 A Period?

20 Q I'm sorry.

21 A Period? Working like --

22 Q Yes.

23 A Over 12, 14 years.

24 Q Okay. You pretty much worked most of your,

25 uh, --

1 **A** Most of my life.

2 **Q** And you did go one year of college, is that

3 right?

4 **A** Well, not necessarily. It was just Job Corps.

5 **Q** Okay.

6 **A** If you want to consider that college, Job

7 Corps.

8 **Q** And do you work in the field of elder care now?

9 **A** Yes.

10 **Q** What do you call that?

11 **A** I work as a CNA in a nursing home in Miami.

12 **Q** Okay.

13 **A** From 7:00 to 3:00. Then I go to a group home

14 dealing with disabled kids from 4:00 to 11:00.

15 **Q** And how long have you been doing that?

16 **A** I been doing the CNA thing for years.

17 **Q** Four years?

18 **A** 12, 14 years doing the CNA thing.

19 **Q** All right.

20 **A** Then I been doing C.K. dealing with disabled

21 kids for like a month and a half, two months.

22 **Q** What does C.K. stand for?

23 **A** That's the name of the group.

24 **Q** Okay.

25 **A** The name of the home.

1 Q All right. Do you have to get bonded to do
2 that? Do you get bonded? Do you have to get a bond?

3 A What do you mean?

4 Q You get a bond with the State of Florida to do
5 that or any state?

6 A You have to go through classes and like get the
7 license for them.

8 Q Right.

9 A Yes.

10 Q Do you have a license in Florida?

11 A Yes.

12 Q Do you have one in South Carolina?

13 A Yes.

14 Q And when you were in South Carolina, who were
15 you working for here?

16 A Piedmont Nursing Home and Magnolia Care and
17 Carriage House.

18 Q Okay. Which one of those did you work at with
19 Jackie?

20 A Magnolia.

21 Q Let's back up. When did you come up to South
22 Carolina the first time before this incident?

23 A I want to say '04, '03, something like that.

24 Q And why did you come up here?

25 A Because I had lost my apartment in Atlanta.

1 Q Uh-huh.

2 A And my nephew Vernard said, okay, you can come
3 and move with me.

4 Q All right.

5 A You know, cause I was like paying probation off
6 and things like that.

7 Q Probation?

8 A Yeah, for some traffic tickets up there. I
9 lost my job and my apartment.

10 Q Okay. What kind of traffic tickets did you
11 have?

12 A Just minor traffic tickets. No proof of
13 insurance and stuff like that.

14 Q Were you having a rough financial situation?

15 A Yes.

16 Q So when you came to Greenville, that was in
17 '04?

18 A If I'm not mistaken, it was '04.

19 Q What was the first place where you worked at?

20 A Piedmont.

21 Q Okay. And, uh, what were you doing there?

22 A I was doing floor tech then. Working as a
23 janitor then.

24 Q Okay.

25 A And then, uh, I want to say like a year or two

1 years later, uh, the administrator there offered me to go
2 to class to get my CNA license, nursing assistant, cause
3 he was like you good with the residents. So they paid
4 for that.

5 Q Where did you get that?

6 A Here in South Carolina.

7 Q Did you go to a school?

8 A School.

9 Q What was the name of the school?

10 A All I know, it was in some other part of South
11 Carolina.

12 Q And how long did it take to go to school?

13 A Like 30 days.

14 Q They did a background check on you and all
15 that?

16 A Yes. Yes.

17 Q And then you got your license, your CNA
18 license?

19 A Yes.

20 Q And then you're working at Piedmont. So when
21 did you meet Jackie?

22 A When I started working at Magnolia. I'm not
23 sure what year that was. I'm not 100 percent sure.

24 Q Okay. And she was working there too?

25 A Yes.

1 Q And what were you doing at Magnolia?

2 A Nursing assistant.

3 Q And so you were working at Piedmont and
4 Magnolia. Were you working anywhere else?

5 A No. I was doing like a little part-time at
6 Carriage house.

7 Q Okay. What were you doing at Carriage House?

8 A Same thing. Nursing assistant.

9 Q So you had -- you were working as a nursing
10 assistant at three different places?

11 A Basically.

12 Q And, uh, so tell me about your relationship
13 with Jackie.

14 A She thought we was in a relationship, but we
15 weren't.

16 Q Tell me -- start back when you met her. Give
17 me the year and --

18 A I can't think of it. I can't remember the
19 year. But it was like between '06, '07, something like
20 that.

21 Q The alleged incident happened in '07.

22 A I understand.

23 Q Did you move to where she was living at 110
24 Memorial?

25 A Yes.

1 Q And when did you move there?

2 A Had to be middle of '06. Something like that.
3 Or a little bit before.

4 Q Before that time, before you moved to 110
5 Memorial, was she ever giving you money?

6 A Yes.

7 Q How often would she give you money?

8 A Like if I needed it. If I needed help with
9 something, she'll help me.

10 Q Okay. And you have any idea how much money she
11 gave you?

12 A Not necessarily.

13 Q Okay. And when you got to her house, what were
14 the living arrangements there?

15 A I mean, I was helping her pay her bills. I
16 mean, it was like -- I told her from the get-go. I'm
17 just here temporarily just til I get on my feet to get my
18 own place.

19 Q And where did you sleep in her house?

20 A I slept on the couch.

21 Q She testified yesterday that she slept on the
22 couch too?

23 A No, she did not.

24 Q Okay. How big is the couch?

25 A She did not sleep on the couch.

1 Q I'm wondering how big was that couch?

2 A It's not huge. It wasn't huge.

3 Q Where did she sleep?

4 A She had her own room.

5 Q All right.

6 A Cause I helped her move all her stuff from her
7 son's house to that house. That's how I know she had her
8 own bed.

9 Q Was she renting that house?

10 A Yes.

11 Q Okay. And, uh, so, uh, when she got her bed in
12 there and you were still sleeping on the sofa?

13 A Yes.

14 Q Okay. And how long did you sleep on the sofa?

15 A Basically months because, for one, we basically
16 was home together because of the way I was working and
17 the way she was working.

18 Q Uh-huh.

19 A And there were times when she would come home
20 and she would be like why are you sleeping on the couch,
21 why you on the couch, why you don't come in the bed. And
22 I was like it's not -- I'm comfortable on the couch. You
23 know, it's not that type of party.

24 Q Right. So are you saying did you see her a lot
25 at the house?

1 A Only like when I come home at night, she would
2 be leaving to go to work. Our schedule wasn't matching
3 up.

4 Q Right. Did you eventually move into the
5 bedroom?

6 A I feel -- I'm not going to say forcefully. But
7 I feel like all I kept hearing was if we don't do this,
8 we don't do that, you know, you got to get out my house.

9 Q Uh-huh.

10 A So I had nowhere else to go. My nephew had his
11 family. I had no other family. And I was just like,
12 okay, whatever.

13 Q And your nephew is Vernard Cromartie?

14 A Vernard. Uh-huh.

15 Q So you didn't have anywhere else to go. Okay.
16 How many hours a week are you working?

17 A I would work to Piedmont at 5:30 in the
18 morning. Get off there like 2:30, 3:00 o'clock.
19 Sometimes Mrs. Baker would take me to work. Sometimes
20 Vernard would take me to work. Sometimes I get a ride to
21 work to Magnolia Place and get a ride back. I don't get
22 back until 11:00, 12:00 at night.

23 Q Okay. So you were -- how many hours a day?

24 A Basically a whole day.

25 Q Did you have a car?

1 A No. I didn't have no license.

2 Q By the way, your mother lives in Miami, right?

3 A Yes.

4 Q Okay. Now, what -- you are living in Miami
5 right now?

6 A Yes.

7 Q And what are you doing down there?

8 A Nursing Assistant.

9 Q Who do you work for down there?

10 A South Pointe Plaza Nursing Home and also C.K.
11 Group Home.

12 Q Okay. Is the management or the ownership of
13 the group you work for down there, are they related in
14 any way to the group up here?

15 A No, I don't think so.

16 Q Okay.

17 A It's just all in the same field, nursing field.

18 Q Okay. And when you went -- eventually went
19 back to Miami, did you have to get a license down there?

20 A Yes, I had to transfer the license from up here
21 to down there.

22 Q Okay. So that's on public record and so forth?

23 A They do the same thing they do up here. They
24 got to the background check and all that also.

25 Q All right. And tell me a little bit about what

1 you're doing in Miami right now.

2 **A** Nursing assistant, uh, --

3 **Q** Describe what you're doing as a nursing
4 assistant.

5 **A** Take care of the elderly, bathe, wash, feed,
6 give them everyday living. And with the C.K. Group Home,
7 the same thing with the disabled kids, bathe them, feed
8 them, give them their medicine. Also, you know, I do a
9 little community work with my church.

10 **Q** What's the name of your church?

11 **A** Temple Church of God in Christ.

12 **Q** How often do you go to church?

13 **A** Every Sunday.

14 **Q** Your mother is very religious, isn't she?

15 **A** Yes.

16 **Q** Okay. You remember when Jackie talked about
17 you saying something about going to church the next day?

18 **A** I didn't have no church to go to up here.

19 **Q** Okay. Did you ever --

20 **A** No church.

21 **Q** Did you ever say that to her?

22 **A** No, I did not.

23 **Q** Okay. Do you have a driving license?

24 **A** I have one now.

25 **Q** Do you have a car?

1 A I have one now.

2 Q Where is the car?

3 A It's in Miami.

4 Q How many times in the last six years have you
5 come between Miami and Greenville?

6 A Every year. Every year after this -- even
7 after this happened, supposed to happen, every year, I
8 been up here.

9 Q Detective Arterburn insinuated that you were
10 hiding out.

11 A I been at the same job for five and a half
12 years. I been at the same addresses. They knew my mom
13 address. I had no reason to hide out. Like I said, I
14 was coming up here every single year after all these
15 years, even after these accusations, every single year.
16 I came up for Homecoming. I came up on my birthday cause
17 I always spent my birthday -- me and Vernard, cause we
18 the same age, we always did our birthdays the same time.

19 Q Okay. Detective Arterburn, did he ever tell
20 you -- the incident happened -- remember happened --
21 allegedly happened February or March of 2007. You
22 finally -- when they arrested you in Miami, that was
23 2011?

24 A Uh-huh.

25 Q Did you ever ask Detective Arterburn why this

1 took so long?

2 **A** I asked him why didn't y'all -- first of all,
3 he said he wanted to get me in '07 of that year.

4 **Q** Uh-huh.

5 **A** 2007, uh, March.

6 **Q** Uh-huh.

7 **A** So he said that the City of Greer said they
8 didn't have enough money to come get me. I said, why
9 didn't you just send me papers down there. I would have
10 came up myself because I been come up here every year.

11 **Q** Right.

12 **A** I have nothing to hide.

13 **Q** Right.

14 **A** He was like, well, basically like we got you
15 now.

16 **Q** Okay. And how long did you stay in jail in
17 Miami when they arrested you?

18 **A** Like 15 days.

19 **Q** And when they brought you up here, how did they
20 bring you up here?

21 **A** In a van, shackled down.

22 **Q** Okay. And when you got here, how long were you
23 in the jail in Greer?

24 **A** I want to say three or four days. Something
25 like that, somewhere around there.

1 Q And then you had the encounter with Detective
2 Arterburn?

3 A Uh-huh.

4 Q Then after that, how long were you in jail?

5 A I stayed in Greenville -- Greenville county, I
6 guess what they call this, a week, week and a half.
7 Something like that.

8 Q Okay.

9 A If I'm not mistaken.

10 Q All right. And then how did you get out?

11 A I bond out. My family.

12 Q Okay. All right. Have you ever had any
13 complaints filed against you in your field?

14 A No. No.

15 Q Have you ever won any awards for --

16 A I got Employee of the Month twice.

17 Q Uh, and recently, did you get a recommendation
18 for another job?

19 A Yes.

20 Q What was that?

21 A That's dealing with disabled kids also at
22 another group home.

23 Q Okay. All right. By the way, when you say you
24 with disabled kids, how many disabled kids do you take
25 care of?

1 **A** I deal with eight to ten.

2 **Q** Okay. Every day?

3 **A** Every day.

4 **Q** Okay. And right now, are you engaged?

5 **A** Yes.

6 **Q** Now, tell me about that a little bit.

7 **A** She's a schoolteacher and, I mean, wonderful.

8 Every Monday when I'm off, I go and talk to her class or
9 help out with her class and stuff like that.

10 **MS. BENTLEY:** Objection, Your Honor. I don't
11 know what his present engagement has to do with his
12 allegations from 2007.

13 **THE COURT:** How about it, Counsel?

14 **MR. RAY:** Your Honor, I'm just trying to find
15 out what he's doing presently.

16 **THE COURT:** All right.

17 **BY MR. RAY:**

18 **Q** Just one other question about the fiancé. What
19 kind of teacher is she?

20 **A** She's a kindergarten teacher.

21 **Q** Now, let's go back to Jackie Baker. You were
22 living in the house with Jackie, is that correct?

23 **A** Correct.

24 **Q** Do you remember that -- the incident date, do
25 you remember that?

1 **A** Correct.

2 **Q** Now, I need for you to tell me what you
3 remember about what happened on, I guess, March 3rd.

4 **A** They were correct. We went to the cookout at
5 her son's house.

6 **Q** Okay.

7 **A** Nice time. I'm not going to deny that. On the
8 way from the cookout, **Minor** wanted to stay at her
9 brother's house that night. Jackie didn't want her to
10 stay. We were arguing about this and that. No, we
11 wasn't arguing. I was going out that night. I had no
12 reason to argue with her.

13 **Q** You said we were arguing, is that **Minor** --

14 **A** No, I'm saying what Jackie was saying that me
15 and her was arguing. No, we wasn't arguing.

16 **Q** Okay.

17 **A** I had no reason to argue. Every time she tried
18 to argue with me, I ain't paid her no attention cause I'm
19 not no arguing type person.

20 **Q** Right.

21 **A** So **Minor** wanted to stay at her brother's
22 house. Jackie didn't want her to stay.

23 **Q** All right.

24 **A** So -- and I was not driving cause I didn't have
25 a license.

1 Q Right.

2 A So Jackie stopped by the store. Me and Minor
3 was in the car. Minor said why don't you ask my mom can
4 I stay at my brother's house. I said I'm not getting
5 into that. That's between you and your mom.

6 Q So if I got it right, Jackie went in the store?

7 A In the store.

8 Q And that left you and Minor in the car?

9 A Exactly.

10 Q Okay.

11 A I said I'm not getting into that. That's
12 between you and your mom.

13 Q Okay.

14 A So then Jackie came out and Minor was still
15 like she want to stay to her brother's house. They were
16 the two really arguing.

17 Q Okay.

18 A And like, we got back to the house. Jackie was
19 still mad with me for earlier that month really during
20 Valentine's Day because she wanted to go to this Silk
21 concert with her friends and their boyfriends and me and
22 her. I told her we not in no relationship like that.
23 You know, you just helping me out until I get on my feet,
24 til I get my place.

25 Q Right.

1 **A** And I told her that over and over and over
2 again.

3 **Q** Okay.

4 **A** She found out that me and Thomas Taylor was
5 going to the Black Party. She just got upset. Oh, y'all
6 gay and this and that. I'm like, Jackie, it's not that
7 type of party with me and you. I told you. So I was
8 like -- some friends of mine told me a while back don't
9 tell her you getting your own place cause she like you a
10 lot. I said no, she know we ain't in that type of
11 relationship.

12 **Q** Right.

13 **A** You know, so that whole day, she was basically
14 like you need to get out of my house. You need to get
15 out of my house. I'm going to get you some kind of way.
16 You need to get out of my house. I was like Jackie, you
17 know I don't got nowhere to go. You know what I'm
18 saying? I don't care where you go out. Just call your
19 cousin Big and this and that.

20 **Q** She was like what?

21 **A** Call your cousin Big.

22 **Q** Uh-huh.

23 **A** You know what I'm saying? We call him Big.

24 **Q** Right.

25 **A** So she was like call him. I don't care where

1 you go at. You getting out of my house. I was like
2 okay. So, we get back to the house. She's still
3 fussing. I goes in the room to start getting ready. Me
4 and Thomas had done called each other to let him know
5 what time we're going to go to the Black and White Party.

6 So she did leave the house. Jackie did leave
7 the house, but she wasn't gone for over five minutes.
8 I'm not even going to say five minutes. She was not gone
9 over five minutes. I finished getting ready. Minor was
10 on the couch. She was on the couch.

11 Q And where were you?

12 A I was in the back room getting ready.

13 Q Okay.

14 A Okay. Jackie came back in.

15 Q Uh-huh.

16 A She came back in. Minor walked in her room.
17 Thomas walked in a little bit after Jackie. Probably
18 like a minute after Jackie. I think he said --

19 Q Thomas ---

20 A Thomas Taylor.

21 Q --- Taylor that testified ---

22 A Said Sebastian, you ready.

23 Q --- testified yesterday?

24 A Yes. I said, yes, I'm ready. Okay. Jackie
25 started walking around the house, walking around the

1 house and everything. She walked in Minor room and all
2 that. You know what I'm saying? So she came back out
3 Minor room and all she kept saying was, uh, when you
4 come back, all your clothes are going to be out the
5 house. You don't need to come back. You need to just
6 leave and this and that. I said, Jackie, why is you
7 tripping, you know what I'm saying? It wasn't no
8 accusations brung up or nothing at that time.

9 Q All right.

10 A So then I told Thomas, okay, you ready, let's
11 go. So we got ready to walk out the door. I forgot my
12 hat.

13 Q Right.

14 A I walked back in. I said Thomas, I forgot my
15 hat. I walked back in. That's when I heard Minor in
16 the back room crying. Then her and Jackie -- I walked
17 back there and I was like, Minor what's the problem,
18 you know what I'm saying? What's going on? That's when
19 Jackie was like, you touched my daughter. I'm like are
20 you serious. Then her son had called me.

21 Q Yes.

22 A And --

23 Q On your cell phone?

24 A He called my cell phone. He was basically like
25 is my sister telling the truth. I said, Dewon, you know

1 me better than that. I done watched your sister several
2 days, plenty nights when your momma had worked all night
3 long and was gone all day. I watched her. I'm just -- I
4 said, Dewon, you know what? I'm going out. I don't want
5 to hear this.

6 I hung up the phone. That's when me and Thomas
7 left. I did not break nothing up. All this they saying
8 I broke this up, I broke that up, I didn't break nothing.
9 Why would I break something up when I'm leaving? There's
10 no reason for me to.

11 Q Okay. And did Thomas come back in the house
12 with you?

13 A No, Thomas didn't come back in the house. He
14 didn't come back in.

15 Q So the first time you thought that Minor was
16 saying something was when you went back in the house?

17 A Exactly.

18 Q Did you ever touch Minor

19 A No, I did not. No, I did not.

20 Q And have you ever been accused of something
21 like this before?

22 A No.

23 Q Not before this or after?

24 A Not before or after.

25 Q All right. I think during the Jackson v. Deno

1 hearing yesterday, you testified that in response to
2 Detective Arterburn's question to you about something,
3 you said you came back up here to prove you are not
4 guilty?

5 **A** I been cooperating with this ever since it came
6 out.

7 **Q** Have you ever tried to hide?

8 **A** I've never tried to hide.

9 **Q** All right.

10 **A** Never.

11 **Q** Now, so when did you and Thomas get back from
12 this party?

13 **A** We got back from the party about 2:30, 3:00
14 o'clock. And we passed by the house.

15 **Q** Yes.

16 **A** We did not stop. We passed by the house
17 because I was getting calls that, oh, your clothes is
18 outside and things like that.

19 **Q** Who was calling you?

20 **A** It was Mrs. Baker calling me saying your
21 clothes are outside. We passed by the house. Wasn't
22 nothing outside.

23 **Q** Okay.

24 **A** So I stayed at Thomas house that night.

25 **Q** Hang on a second. Was the yard lit up?

1 **A** I mean, a porch light was on. But the yard was
2 like --

3 **Q** Let me ask one other thing. She brought up
4 something about two locks on the door?

5 **A** I don't know nothing about no locks.

6 **Q** All right. Go ahead. I'm sorry. Then you
7 went by the house?

8 **A** We went by the house. It wasn't no clothes or
9 nothing out there.

10 **Q** All right.

11 **A** So me and Thomas went to Thomas house. I
12 stayed over there that night. I told him, I said, okay,
13 in the morning, you know, we're going to get up. We're
14 going to go to the police station.

15 **Q** Why was that?

16 **A** For one, I was getting calls all night, being
17 threatened all night and saying all these accusations.

18 **Q** Who was calling you?

19 **A** Mrs. Baker.

20 **Q** Anybody else?

21 **A** No, that was the only person.

22 **Q** All right. What was she saying to you?

23 **A** Just basically like my uncle, my brother -- not
24 my brother. My sons and them, they looking for you and
25 things like that. And we going to "F" you up and this

1 and that. I was like whatever.

2 Q What did you believe at that time was causing
3 her to act like this?

4 A The accusations.

5 Q I mean, was it the accusations of --Minor
6 accusations or was it because of this party that you
7 didn't take her too?

8 A I think it was more both to be honest with you.
9 I think it was more both. I feel like Mrs. Baker wanted
10 more from me and I wasn't willing to give more. And as
11 far as the Minor accusations, I really feel like, you
12 know, she made Minor say that. I honestly believe that.

13 Q Have you ever had any trouble with Minor

14 A I never had no problem with Minor Never. I
15 always looked at her like a daughter. Even Mrs. Baker, I
16 always looked at Mrs. Baker as a good friend. She always
17 been there.

18 Q Okay. And so you were in the car with Minor
19 when Mrs. Baker went in the store on the way back from
20 the cookout and she had asked you to intervene.

21 A To ask her mom can she stay over her brother
22 house.

23 Q You said I'm not getting into that.

24 A I'm not getting into that.

25 Q Okay. Did she ever ask you to do things like

1 that with her mom before?

2 **A** I mean, a couple of times when like her mom was
3 at work and she wanted to go to her friend down the
4 street house. She was like, call my mom and ask her can
5 I go there. I was like you know your momma said no, so
6 I'm going to leave it at that.

7 **Q** How often did she ask you to leave when she
8 wasn't supposed to?

9 **A** She asked me to leave her house?

10 **Q** No, how often did Minor ask you to -- if she
11 wasn't supposed to leave the house, how often would
12 she --

13 **A** I mean, it wasn't too often because she knew
14 her mom, how mad her mom would be if she was to do
15 something. She know how mad she would be.

16 **Q** And you always enforced what her mother said.
17 Is that what you're saying?

18 **A** I just tried not to get involved in it. That's
19 between her and her mom.

20 **Q** But you stood up to Minor if she wanted to do
21 something she wasn't supposed to do and her mother said
22 she couldn't do it. Is that right?

23 **A** I mean, basically, I just call her brother. I
24 just call her brother and tell him that, hey, she want to
25 go here. I can't stop her cause that's not my daughter.

- 1 Q How old was her brother at the time?
- 2 A I have the slightest idea.
- 3 Q Is he older?
- 4 A Yeah. He's older than her.
- 5 Q All right. And so we'll go back to -- did you
- 6 go after -- the next day, which would have been the 4th,
- 7 did you go back over to Jackie's house?
- 8 A Yes, with a police escort.
- 9 Q With a police escort.
- 10 A Yes.
- 11 Q So you went to the Greer Police Department?
- 12 A Police station first.
- 13 Q Is that -- that's a Sunday, is that right?
- 14 A Uh-huh.
- 15 Q And who is the officer that went with you over
- 16 there?
- 17 A I have the slightest idea. It's been so long.
- 18 All I know is she was like young looking.
- 19 Q Okay. So you don't know her name?
- 20 A I don't know her name.
- 21 Q Tell me about that incident. What happened?
- 22 A When we got over there --
- 23 Q When you say "we", was it just you and her?
- 24 A Me, her and Thomas.
- 25 Q Thomas, okay.

1 **A** We got over there. All I can do is just get
2 just a couple of my stuff that was spared.

3 **Q** What did you see in the yard when you got
4 there?

5 **A** My clothes bleached. Some torn --

6 **Q** Clothes what?

7 **A** Clothes bleached.

8 **Q** Bleached.

9 **A** Some torn up. Shoes ripped up. My -- I had a
10 60-inch TV. It was kicked in. I mean, almost everything
11 was just destroyed. But I was able to be blessed that
12 some of the stuff I was able to get.

13 **Q** Okay. And so did you pick up what you could
14 get?

15 **A** Yes.

16 **Q** And what did the officer say about all that?

17 **A** Uh, basically, they took pictures. Like I say,
18 it been so long, I don't know if they still got them. I
19 got a phone that I took pictures. Like I said, when I
20 went to Miami, I thought it was all over, you know, after
21 a while. So I don't have that phone anymore.

22 **Q** Did they give us any pictures of the clothes
23 and the yard in discovery?

24 **A** I have the slightest idea.

25 **Q** Okay. During the time that, uh, -- that night.

1 Let's go back to the 3rd one more time.

2 A Uh-huh.

3 Q When Jackie left and you were getting ready and
4 you were in the back, Minor was in the den you said?

5 A In the living room.

6 Q In the living room. I'm sorry. Were you even
7 in the room with Minor

8 A No, I was not.

9 Q Okay. All right. So after you went back over
10 there with the officer on Sunday, did you see Jackie over
11 there?

12 A No, I did not.

13 Q You see Minor over there?

14 A No, I did not.

15 Q Did you try to go in the house?

16 A No, I did not.

17 Q What happened after that?

18 A After that, uh, Thomas took me to a hotel room.

19 Q Uh-huh. How come you didn't go back to Thomas'
20 house?

21 A Cause Thomas had his family there. I don't
22 like to like push myself on people. You know what I'm
23 saying? I stayed there that night with him and his
24 family. I'm quite sure if I really had to, he would had
25 let me stayed there.

1 Q One other question. You talking about pushing
2 yourself on people. While you were staying with Jackie,
3 how much of the expenses were you paying for?

4 A We basically went half and half on everything.

5 Q How much does that equate to in money? Do you
6 know?

7 A I want to say roughly around \$500-600 each.
8 Something like that.

9 Q Per month?

10 A Per month.

11 Q Okay. All right. And so then you were at the
12 motel. That's the Sunset Inn, I think it was?

13 A Yes, sir.

14 Q And how long did you stay there?

15 A Until that Thursday -- yeah, until that
16 Thursday.

17 Q March the 8th?

18 A March the 7th.

19 Q All right.

20 A And then that Thursday night, I stayed over at
21 Mr. Caroline Wilson's house. I left from her house and
22 went to the bus station.

23 Q All right. Caroline Wilson. Who is that?

24 A That's a friend of ours.

25 Q Okay. And so who took you to the bus station?

1 **A** Brenda Murphy.

2 **Q** She testified last night?

3 **A** Yes.

4 **Q** Okay.

5 **A** She also took me to the police station the day
6 after me and Thomas went.

7 **Q** You went back over there again?

8 **A** I went back to the police station again.

9 **Q** Tell me about what happened that time.

10 **A** They said the same thing. I asked did I have a
11 warrant or anything on me because I don't want to be
12 going back to Miami with none of this on me. They was
13 like, no, we don't have nothing on you.

14 **Q** Okay.

15 **A** We was like okay. Then we left.

16 **Q** You have any idea what Jackie was accusing you
17 of?

18 **A** I had an idea. I had an idea. She called
19 almost everybody I know.

20 **Q** What did she say to you?

21 **A** She was like tell him -- like I said, tell him
22 my family is looking for him and this and that.

23 **Q** For doing what?

24 **A** Said he raped my daughter and stuff like that.
25 You know.

1 Q How did you feel about that?

2 A I didn't feel good. I didn't feel good.

3 Q Did that hurt your feelings?

4 A Yes, it did.

5 Q When Brenda took you to the bus station, were
6 you crying?

7 A Yes, I was.

8 Q Okay. Why were you crying?

9 A Cause I didn't believe Jackie and Minor would
10 do this to me.

11 Q Okay. Did you feel betrayed?

12 A I just couldn't believe they did this.

13 Q Did you feel you had done the best you could in
14 that relationship with Brenda? I'm sorry. With Jackie
15 and Minor

16 A I did. I feel I could have did more. But
17 that's not what I wanted. I was not -- I wasn't looking
18 for no relationship.

19 Q Okay. So then you went back to Miami. Tell me
20 about what happened when you got there?

21 A I stayed with my mom. Stayed with my mom for
22 about six months. Then I got my own place. Then, I --
23 my aunt got sick. That's who I'm staying with now. She
24 can barely get around.

25 Q Are you helping your aunt?

1 **A** I'm helping my aunt.

2 **Q** When did you start working when you got down
3 there?

4 **A** In May. May 7th, 2007. May 9th, 2007.

5 **Q** Why did it take you two months?

6 **A** I had to wait until my license get cleared and
7 all that could transfer down here.

8 **Q** They did a thorough check?

9 **A** Yes, exactly.

10 **Q** And so, uh, you told us about you were working
11 three jobs in Miami and so forth. Have you ever talked
12 to Jackie since?

13 **A** I haven't talked to her. Haven't seen her
14 until all this.

15 **Q** Has she ever called you since then?

16 **A** No, she haven't.

17 **Q** All right. And, uh, are you aware of the type
18 of charges against you relative to the job you have?

19 **A** I won't be able to work if this -- if this goes
20 through. However they say it. I don't know how they say
21 it.

22 **Q** Do you like the kind of work you do?

23 **A** Yes, I do.

24 **Q** Are you good at the work you do?

25 **A** Yes, I am.

1 **MS. BENTLEY:** Objection.

2 **THE COURT:** I'm going to allow it.

3 **BY MR. RAY:**

4 **Q** Let's go now to 2011. How did you get
5 arrested?

6 **A** They came to my mom's house.

7 **Q** Who is "they"?

8 **A** U.S. Marshall.

9 **Q** Yes.

10 **A** Like I said, we thought they was looking for my
11 brother cause he the one always in trouble. So they --
12 my mom have pictures of us all around. My mom was like,
13 who y'all want? Jeffery? They were like, nah, we want
14 him.

15 **Q** Were you there when they came?

16 **A** No, I was staying -- like I said, I was staying
17 with my aunt. You know. And my mom called me. The
18 officer said how long will take you to get there. I was
19 like give me one minute. We almost like next door.

20 **Q** Right.

21 **A** When I got there, they threw the handcuffs on
22 me. They said you stayed in Greer, South Carolina. I
23 was like, okay, I know what this for.

24 **Q** Why did you say that?

25 **A** I mean, cause that's the only thing that I

1 could have thought of when he said Greer, South Carolina
2 and stuff like that. That's the only thing I thought of.
3 I was like, okay, let's go.

4 Q Then you testified a minute ago you were in
5 jail 15 days and they shackled you back. You came back
6 up here?

7 A Yes.

8 Q Then you met with Detective Arterburn?

9 A Uh-huh.

10 Q Now, tell us about that. You were in the Greer
11 Police Department?

12 A Uh-huh.

13 Q What were you in? Just tell us about it.

14 A Like I say, just was basically like he wanted
15 to come get me in March of 2007. I was basically like,
16 okay, why didn't you just send me a paper down there or
17 something and I would have come up here. I come up here
18 every year.

19 Q Uh-huh.

20 A Then he started questioning me about
21 accusations. I kept telling him for the longest I did
22 not touch her, I did not touch her. He was like, well, I
23 can't go to the judge and, you know, say you didn't do
24 nothing. Your bond might be \$100,000 or something like
25 that. My first instinct is I don't have that type of

1 money. Then he was like just say she had her clothes on
2 and you touched her on the leg or something like that.
3 So I was like, okay. If this can get me out of here, you
4 know what I'm saying? He was like, it will help you to
5 get out and it will help your bond shrink and stuff like
6 that. So I was like okay, what do you want me to say.

7 Q You ever had an experience like this before?

8 A No, I haven't. No, I haven't.

9 Q Did you understand what he was telling you?

10 A Not necessarily. Not necessarily.

11 Q Did you tell him that?

12 A I mean, I basically was like, you know, how can
13 I get out of here and prove my innocence.

14 Q Did he offer you an attorney?

15 A No.

16 Q Did you know you could get an attorney?

17 A I -- honestly I didn't. I don't know nothing
18 about the system honestly.

19 Q All right. So I want you to tell me what words
20 he used. That's very important. Go back through this.
21 What did you say at first?

22 A I kept telling him I didn't touch her. I kept
23 telling him for the longest. Like he said, it was an
24 hour interview. For the first 30 minutes, I kept telling
25 him I did not touch her. He just kept coming at me, kept

1 coming at me, kept coming at me saying, well, you have to
2 say this or you have to say that. I was basically like
3 okay.

4 Q Why did he say you have to say this or say
5 that?

6 A I mean, basically to try to get what he want, I
7 guess.

8 Q All right.

9 A I mean, it's like he wasn't believing me. I
10 was basically like, okay. If you can't believe me, how
11 can you believe her? I mean, you weren't there. Wasn't
12 nobody there but me and her.

13 Q All right.

14 A I mean, so he was like I honestly don't believe
15 you. I don't believe you telling me the truth and this
16 and that. I'm like I did not touch her. I did not touch
17 her. I'm not no monster like that.

18 Q And so keep on telling me what happened. You
19 said the first 30 minutes, you're saying you didn't touch
20 her.

21 A So, I mean, like I said, he kept telling me to
22 say this and say that. Then the next thing, you know, I
23 was basically like, you know, what do you want me to say.
24 He said tell her you touched her on the leg or this and
25 that. I said, okay, if that can get me out of here to

1 prove my innocence, then I'll do that.

2 Q Did you touch her on the leg?

3 A No, I did not. I did not touch her period. I
4 was not even in the room with her.

5 Q Okay.

6 A I was getting ready. I was getting ready. As
7 a matter of fact, when we left the cookout, like I said,
8 me and Thomas was calling each other saying that he'll be
9 there at such and such time.

10 Q Right.

11 A I said, okay, I'm going to go home, take a
12 shower and I'm going to be starting getting ready. Like
13 Jackie said, when she came in, I was laying on the bed.
14 Why would I be laying on the bed when I'm already
15 dressed? To get wrinkled up? When Thomas came, it was
16 like, boom, we out the door.

17 Q Right. Was she -- during this whole time in
18 the house, how did Jackie act?

19 A Basically like you and Thomas must be gay. You
20 couldn't take me to the concert but you can go with him.
21 Your stuff going to be out the house. You need to get
22 out my house and this and that. Basically, I wasn't
23 paying him no attention to be honest with you.

24 Q The whole time you were living with her, did
25 she ever act like this before?

1 **A** Not too many times. Not too many times. I
2 mean, only when she didn't get what she want.

3 **Q** Then what did she do?

4 **A** You got to get out of my house.

5 **Q** Okay. So on this occasion, when did this anger
6 start on Jackie's part? Was it that day or was it
7 before?

8 **A** It was started like -- like I said, during
9 Valentine's Day, they had that Silk concert. She wanted
10 me to go with her because her friends were taking their
11 boyfriend and things. I told her I'm not going with you
12 cause we ain't in no relationship like that.

13 **Q** Okay.

14 **A** And every since then, it was like turmoil.

15 **Q** Also Jackie testified when she was on the stand
16 that she never went to any clubs?

17 **A** Wow.

18 **Q** Did she?

19 **A** Yes, she did.

20 **Q** How often?

21 **A** I want to say almost every other Saturday.
22 Almost every other Saturday. Club Bentley.

23 **Q** All right. So we're back in the room with
24 Officer Arterburn. He says you need to touch -- say you
25 touched her leg?

1 **A** Uh-huh.

2 **Q** Okay.

3 **A** And at first, I said okay. I'll say I touched
4 her -- I tapped her on the knee saying me and your momma
5 will be alright. But then he was like no. You can't say
6 that. You got to say you touched her between the thigh
7 and things like that.

8 **Q** Yeah.

9 **A** So he even told me. He said show me how you
10 will say you patted her on the thigh or on the knee.

11 **Q** Okay. So then what happened?

12 **A** He was basically like, okay, write it down
13 right there how you just show me and things like that.
14 Like I say, I basically was like I just want to get out
15 of here. If I knew that that statement would have me like
16 it is now, I would have never wrote it. That's why I
17 said when I wrote it, like a minute later, I tried to
18 catch him cause it dawned on me.

19 **Q** Well, you heard him testify that you were in a
20 -- that you were not in a room. You couldn't have
21 knocked on the door?

22 **A** I remember him saying that he did not leave me
23 in that room by myself.

24 **Q** Right.

25 **A** Yes, he did because the other officer that was

1 working that day came and got me out of that room. I
2 said, let me talk to him. She went and -- it's a black
3 lady. She went and basically was like let me go -- let
4 me go see can I get him. When she came back, she said he
5 was gone.

6 Q Why did you want him to come back?

7 A Like I said, it dawned on me to where just by
8 me saying I touched her just messed me up.

9 Q You didn't think you should have said that?

10 A Right now, I know I shouldn't have said it.

11 Q Okay. And then after he said you had to say
12 you touched her on her inner thigh, did he ask you to do
13 anything else after that?

14 A Just write it down and sign this and sign that.
15 Just -- he just left.

16 Q Did he say something about the judge?

17 A Yes, he did. He said that's what he was like.
18 I can't say you didn't touch her. I can't take this to
19 this judge to say you didn't touch her. Then your bond
20 might be \$100,000.

21 Q So in other words, if you said that, your bond
22 would go down?

23 A Exactly.

24 Q That's what he told you. And he never offered
25 you an attorney.

1 **A** No.

2 **Q** It's on the Miranda rights. You know that?

3 **A** I'm just reading. I'm just reading it now,
4 understanding it now.

5 **Q** All right. So after the statement was
6 completed, what happened after that?

7 **A** All he said was we came a long way and this and
8 that. He walked out the room and left.

9 **Q** Okay. How did you feel about the statement?

10 **A** Like I said, I wanted to catch him. I knew he
11 -- basically he lied to me.

12 **Q** Okay. And did he say anything about
13 videotaping or audiotaping?

14 **A** He said you are not being videoed, you are not
15 being audioed or nothing.

16 **Q** All right. And then how long were you in jail
17 after that?

18 **THE COURT:** Mr. Ray, we been over this a
19 dozen times.

20 **MR. RAY:** Yes, I'm trying to get to --

21 **THE COURT:** I know. He was in there three or
22 four days.

23 **MR. RAY:** Okay.

24 **THE COURT:** For the fifth time.

25 **BY MR. RAY:**

1 Q All right. Did you go to the preliminary
2 hearing in Greer?

3 A Yes.

4 Q And what happened then?

5 A Uh, Arterburn testified again calling me
6 Sebastian Baker said that Minor was in California.
7 Also --

8 MS. BENTLEY: Objection, Your Honor. What is
9 the relevance of the preliminary hearing?

10 THE COURT: What is it, Mr. Ray?

11 MR. RAY: Your Honor, I'm trying to just
12 bring out what happened here relative to Officer
13 Arterburn. The officer who just testified, Officer
14 Arterburn called him Sebastian Baker and, uh, --

15 THE COURT: What has that got to do with
16 anything?

17 MR. RAY: Well, what I -- okay. I'll leave
18 the preliminary hearing alone.

19 BY MR. RAY:

20 Q Did you eventually come over the Greenville?

21 A Yes.

22 Q Then you made bond?

23 A Yes.

24 Q Then what happened?

25 A I just kept getting court dates and things like

1 that. I kept coming back and forth up here for court.

2 Q Did you ever try to run during that time?

3 A Never did.

4 Q Was your job in jeopardy?

5 THE COURT: Mr. Ray, this has nothing to do
6 with the merits of this case.

7 MR. RAY: Okay. I'm trying to show he's not
8 a flight risk, Your Honor. I'm trying to --

9 THE COURT: This is not a bond hearing, Mr.
10 Ray.

11 MR. RAY: All right, Your Honor.

12 THE COURT: This is a trial.

13 MR. RAY: All right. That's all I have for
14 now.

15 MS. BENTLEY: If I may, Your Honor.

16 THE COURT: I've got a question from this
17 other jury. Let's bring the other attorneys in.

18 MS. BENTLEY: Sure.

19 (WHEREUPON, a recess is taken.)

20 THE COURT: We are ready.

21 MS. BENTLEY: May it please the Court.

22 CROSS-EXAMINATION

23 BY MS. BENTLEY:

24 Q Mr. Hepburn?

25 A Yes, ma'am.

1 Q I want to take you back to March 3rd.

2 A Yes, ma'am.

3 Q You said that you did, in fact, go to a cookout
4 with Minor and Jackie?

5 A Yes, ma'am.

6 Q And it was her brother's cookout?

7 A Yes, ma'am.

8 Q And y'all rode there together?

9 A Minor was already there. She was already
10 there. Me and Jackie rode together.

11 Q That's not what you just said.

12 A No, I said that we was there at the cookout
13 together. We rode back home together, all three of us.

14 Q Uh-huh.

15 A But going, Minor was already there.

16 Q Okay. And on the way back, you said a couple
17 of different things. You said that Jackie tried to fight
18 with you?

19 A No. I said she was arguing with her daughter.

20 Q Right. But then you also said that she was mad
21 that you were going out with Thomas Taylor that night,
22 calling you gay and stuff?

23 A She did not say that as we were coming back
24 from the cookout.

25 Q When did she say that?

1 **A** She said basically when we got back to the
2 house.

3 **Q** You got in an argument with Jackie or she tried
4 to get into an argument with you?

5 **A** Tried to.

6 **Q** Okay. And you ignored it?

7 **A** Exactly.

8 **Q** And Jackie was mad?

9 **A** Exactly. She been mad since February 15th.

10 **Q** And she went to the store?

11 **A** Uh-huh.

12 **Q** She did? She left?

13 **A** No, she didn't go to the store when we got
14 home.

15 **THE COURT:** Let me ask you. What was
16 February the 15th?

17 **THE WITNESS:** 15th was a Silk concert at Club
18 Bentley.

19 **THE COURT:** All right.

20 **BY MS. BENTLEY:**

21 **Q** Well, you said two different things. You said
22 you went to the store on the way back.

23 **A** Okay. We stopped by the store on the way back.

24 **Q** Uh-huh. And then you also told us that she got
25 back and she went to the store again, but she was only

1 gone like five minutes.

2 **A** I don't recall saying she went to the store. I
3 said she left. She left out for like five minutes.

4 **Q** So she left. She went somewhere?

5 **A** Exactly. But like I said, I don't even think
6 it was five minutes, ma'am.

7 **Q** So she just walked you the door and walked back
8 in?

9 **A** Walked out the door.

10 **Q** That makes sense, doesn't it?

11 **A** Yes.

12 **Q** But she did leave you alone?

13 **A** Yes.

14 **Q** With Minor

15 **A** Yes.

16 **Q** You were alone with Minor in the house?

17 **A** I was in the room. She was in the living room.

18 **Q** Okay. And her son Dewon called you that night?

19 **A** After the accusations.

20 **Q** After the accusations?

21 **A** Yes, he did.

22 **Q** And Minor was crying in her room that night?

23 **A** Yes, she was.

24 **Q** Let's go back briefly to your statement.

25 **A** Yes, ma'am.

1 Q Now, Detective Arterburn, when he first started
2 talking to you, did y'all talk about anything other than
3 these accusations?

4 A That's all I could recall.

5 Q He didn't talk to you about your relationship
6 with Jackie?

7 A Not necessarily.

8 Q You didn't tell him that y'all were just living
9 together for about a year and she was sort of your
10 girlfriend but you and other girls on the side, y'all
11 didn't talk about that?

12 A That's stuff he brung up about she's sort of my
13 girlfriend. I didn't say nothing to him about she was my
14 girlfriend.

15 Q So he knew about your relationship?

16 A I mean, he knew about it.

17 Q Did y'all talk about it?

18 A I want to say briefly. Briefly.

19 Q Okay. So y'all did talk about that?

20 A Briefly.

21 Q Did you tell him that y'all had an argument
22 because you were going out to the club with Thomas?

23 A Exactly.

24 Q And that was true?

25 A And he asked me -- he even asked me was me and

1 Thomas gay.

2 Q Okay. And I don't care if you are or you're
3 not.

4 A Yeah.

5 Q Then you also told him that you and Minor
6 that y'all got along good?

7 A Exactly.

8 Q Just like father and daughter?

9 A Yeah.

10 Q You never had problems with Minor

11 A Never had a problem with her.

12 Q She never lied on you?

13 A No.

14 Q Y'all were fine?

15 A Uh-huh.

16 Q And then you admitted yesterday, this is your
17 signature on this piece of paper, this waiver of rights
18 and you had no problem reading it?

19 A Honestly, ma'am, like I said, at that time, I
20 didn't really know what that was.

21 Q You read it to us last night.

22 A Yeah, I read it last night.

23 Q And you agree that this is all your
24 handwriting. You wrote this.

25 A Uh-huh.

1 **Q** You wrote, I, Sebastian Hepburn, rubbed on
2 **Minor** on her thighs in the middle of them?

3 **A** What Mr. Arterburn told me to write.

4 **Q** And you believed that if you admitted to
5 molesting a 14-year-old girl, that would help you out?

6 **A** I did not molest no 14-year-old girl.

7 **Q** You don't think that rubbing on somebody's
8 vagina is called molestation?

9 **A** Mom -- ma'am, I did not even touch her. Honest
10 to God.

11 **Q** Right. But you said that you did?

12 **A** I only said what he said in order for me to get
13 out to prove my innocence.

14 **Q** You wrote this down?

15 **A** Yes, I did.

16 **Q** And that's your signature?

17 **A** That's my signature.

18 **Q** And your initials are on here three times?

19 **A** Yes, ma'am.

20 **MS. BENTLEY:** No further questions.

21 **THE COURT:** Let me ask you this question.
22 You said that you and **Minor** and Jackie came home
23 from the party together, is that right?

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

25 **THE COURT:** And Jackie went in the store and

1 left you with Minor in the car?

2 THE WITNESS: Yes, sir.

3 THE COURT: As soon as y'all got back to the
4 house, Jackie left?

5 THE WITNESS: Not soon as we got back, but
6 like a little while.

7 THE COURT: How much longer?

8 THE WITNESS: I want to say like after she
9 finished trying to fuss with me still. Probably
10 like 30 minutes after.

11 THE COURT: Was her attention directed to you
12 during that period from the time you got to the
13 house and she left?

14 THE WITNESS: She basically was upset
15 because --

16 THE COURT: Was she in your face the whole
17 time?

18 THE WITNESS: Basically, she wasn't in my
19 face. But she was like, her and Minor walked in
20 her room and things like that. Then she came back.

21 THE COURT: When did Minor brother call
22 you about these allegations?

23 THE WITNESS: He called me right before I was
24 leaving out of the house.

25 THE COURT: When did Minor call him?

1 **THE WITNESS:** I have the slightest idea.

2 **THE COURT:** Was it after Jackie got back from
3 the Wal-Mart?

4 **THE WITNESS:** I'm -- I have the slightest
5 idea, sir.

6 **THE COURT:** Was it before? How does that
7 work? When was Minor supposed to have made that
8 phone call?

9 **THE WITNESS:** She had to make it like because
10 from me reading her statement, she said that, you
11 know, she was on the phone with Melanie. And Jackie
12 came in the house and all she said was, oh, tell
13 Melanie I said hi. Tell Melanie I said hi. Then
14 they walked out of the room. Then she got on me.

15 **THE COURT:** So Jackie was gone when Minor
16 called ---

17 **THE WITNESS:** Melanie.

18 **THE COURT:** --- Melanie.

19 **THE WITNESS:** I know Melanie. I don't know
20 when --

21 **THE COURT:** Listen to me.

22 **THE WITNESS:** Okay. I'm sorry.

23 **THE COURT:** When she called Melanie and asked
24 her brother or told her brother about what happened
25 and Melanie about what happened.

1 **THE WITNESS:** I think Jackie was right there.

2 **THE COURT:** You just said Jackie came home
3 and she was on the phone with them.

4 **THE WITNESS:** No, Jackie wasn't on the phone
5 with her brother.

6 **THE COURT:** No.

7 **THE WITNESS:** Her son. I was on the phone
8 with --

9 **THE COURT:** I'm talking about Minor

10 **THE WITNESS:** Minor was on the phone with
11 Melanie. That's the only time I know -- I think
12 Melanie told Dewon.

13 **THE COURT:** Well, Minor was telling them
14 about it before Jackie ever got back, wasn't she?

15 **THE WITNESS:** If I'm not mistaken.

16 **THE COURT:** Then how did Jackie put that in
17 her mind if she was gone?

18 **THE WITNESS:** Sir, for one, the accusations
19 did not even start at first when she was on -- when
20 she walked in Minor room first. She walked in
21 Minor room first.

22 **THE COURT:** You told me that Jackie came home
23 and Minor was already on the phone telling her
24 brother and this other lady about it. Isn't that
25 what you told me?

1 **THE WITNESS:** No, sir. Let me see. Let me
2 see. I'm going by what I read on their statement
3 and what I know. What I know is Jackie came --

4 **THE COURT:** I don't want to know what's on
5 your statement. I want to know what you just
6 testified to in court.

7 **THE WITNESS:** When Jackie came home, sir, I
8 was in the room finish getting ready. Minor had --
9 I guess she was on the phone with Melanie then. She
10 was in her room.

11 **THE COURT:** All right. And she was telling
12 Melanie and her brother about what happened?

13 **THE WITNESS:** She had to be telling her then.

14 **THE COURT:** Okay. Well, when was it that
15 Jackie was putting it in her mind if Jackie was just
16 getting home if she was already on the phone?

17 **THE WITNESS:** I have the slightest idea, sir.

18 **THE COURT:** All right. That's all I have.
19 Anything further?

20 **MS. BENTLEY:** Nothing from the State.

21 **THE COURT:** Anything further?

22 **MR. RAY:** Yes, sir. I've got a couple of
23 questions.

24 **REDIRECT EXAMINATION**

25 **BY MR. RAY:**

1 Q Mr. Hepburn, it is important for you to say
2 what you saw, not what was on their statements.

3 A What I saw is Jackie come home. She came in
4 the room where I was getting dressed. Next thing you
5 know, she walks out the room. She goes in there with
6 Minor I'm getting ready to go. I hear Minor in there
7 crying. I goes in there. Jackie and Minor in the room.
8 The next thing you know, these allegations go on.

9 I get a call from her brother. I told her
10 brother, Dewon, you know I'm not like that. All I know
11 is that I don't know if Minor was on the phone with her
12 brother before Jackie came in there or -- I don't know.
13 I don't know.

14 Q It was six years ago.

15 A I don't know.

16 Q Almost.

17 A But it wasn't no allegations told to me until I
18 walked in that room with Jackie and Minor

19 Q Is that when you came back in the house to get
20 your hat?

21 A That's when I came back to get my hat.

22 Q So when you left, how was everything? The
23 first time?

24 A She still was like just get out of my house.
25 Don't come back and this and that. And when you come

1 back, your clothes gonna be out.

2 Q What about Minor

3 A Minor was in the room. Then when I came back
4 to get my hat, Jackie was in Minor room. That's when I
5 heard Minor crying.

6 Q All right.

7 A That's when the allegations started.

8 Q That's the first time you heard Minor crying?

9 A That's the first time I heard her crying.

10 MR. RAY: Nothing further, Your Honor.

11 MS. BENTLEY: No redirect, Your Honor.

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

13 All right. Stand aside please. We have a
14 verdict in this other case.

15 (WHEREUPON, a recess is taken from approximately
16 11:05 a.m. to 11:18 a.m.)

17 (WHEREUPON, the following portions: Post-trial
18 Motions, Closing Arguments, Verdict and Sentencing of the
19 Court are unretrievable due to equipment malfunction that
20 occurred after the conclusion of the proceedings.)

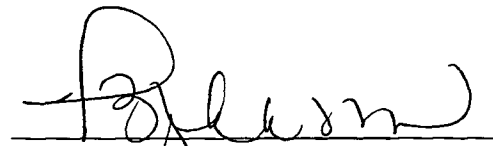
21 (WHEREUPON, the proceedings conclude at
22 approximately 11:37 a.m.)
23
24

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 23rd day of February, 2013.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

A handwritten signature in black ink, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	INDICTMENT 2011-GS-23-2699
COUNTY OF GREENVILLE	)	
	)	
V.	)	AFFIDAVIT OF ASSISTANT SOLICITOR
	)	LISA BENTLEY
SEBASTIAN HEPBURN,	)	
	)	
<u>DEFENDANT</u>	)	

The Affiant, having been sworn, testifies as follows:

1. I prosecuted Sebastian Hepburn in a bench trial on November 8-9, 2012.
2. I was the sole prosecutor at trial.
3. To the best of my recollection I did not make any post-trial motions on behalf of the State.
4. To the best of my recollection there were no objections to my closing argument by Mr. Ray.
5. To the best of my recollection I did not make any objections to the closing argument of Mr. Ray.
6. To the best of my recollection, all previously made defense objections were properly renewed at the conclusion of trial. I recall that Mr. Ray did move for a directed verdict.
7. I recall that the pronouncement of the sentence immediately followed the verdict.
8. I recall that the State did not have any objection to sentencing. I do not recall Mr. Ray having an objection to the sentence, but would defer to his recollection on this issue.

Lisa Bentley

Lisa Bentley
Assistant Solicitor
SC BAR # 77787

Sworn to me by:

Karen Williams

Notary Public for South Carolina

On Nov 14, 2014

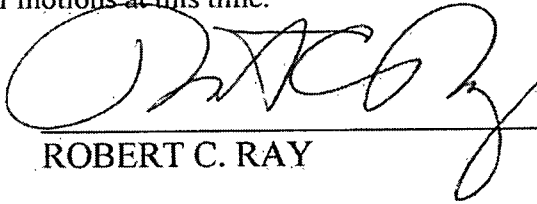
My Commission Expires:

8/19/2024

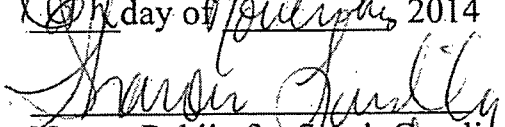
STATE OF SOUTH CAROLINA	)	APPELLATE CASE NO.
COUNTY OF GREENVILLE	)	2012-213403
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	AFFIDAVIT
	)	
v.	)	
	)	
Sebastian James Hepburn	)	
	)	
Defendant.	)	

PERSONALLY APPEARED BEFORE ME, the undersigned Affiant who, first being duly sworn affirms and states as follows:

1. My name is Robert C. Ray. I was the attorney for Sebastian Hepburn in a General Sessions bench trial before Judge Hyman on November 8, 2014. Lisa Bentley represented the State.
2. My recollection is that I objected to Mr. Hepburn's statement to the police. Judge Hyman overruled my objection and allowed the statement into evidence after a Jackson v. Denno hearing was held by Judge Hyman.
3. As I remember the case, the statements by Mr. Hepburn to the police are what got him convicted.
4. In a post trial motion, I renewed my objection as to Mr. Hepburn's statements being admissible. I also moved for a directed verdict in another post-trial motion.
5. I don't remember any other motions at this time.


 ROBERT C. RAY

SWORN to before me this
 10th day of November, 2014


 Notary Public for South Carolina

My Commission Expires: July 28/2018

The South Carolina Court of Appeals

The State, Respondent,

v.

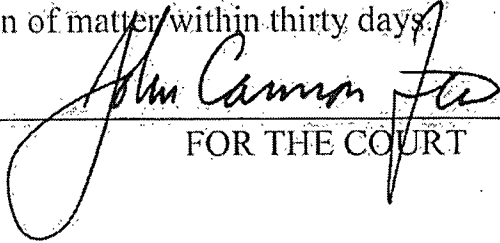
Sebastian James Hepburn, Appellant.

Appellate Case No. 2012-213403

ORDER

This appeal was remanded to the circuit court to reconstruct the missing portions of the trial transcript. Appellant's counsel has notified this court that the parties agreed to submit affidavits in lieu of a reconstruction hearing because it appears that no objections were made during the portions of trial that the transcript is missing. Judge Hyman has approved the proposed procedure.

We accept the affidavits, and proceed with this appeal. Appellant shall serve and file his initial brief and designation of matter within thirty days.


FOR THE COURT

Columbia, South Carolina

cc:

Salley W. Elliott, Esquire

Alan McCrory Wilson, Esquire

Kathrine Haggard Hudgins, Esquire

FILED

1/15/15

JAN 15 2015

RECEIVED
CLERK OF COURT
JAN 15 2015

WITNESSES

Dale A. Arterburn

Greer Police Department

2/28/2011

[Handwritten signature]

ARREST WARRANT NUMBER
1578409

ACTION OF GRAND JURY

TRUE BILL

[Handwritten signature]
Foreperson of Grand Jury

VERDICT

GUILTY By Court
[Handwritten signature]

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-23-^{BSD} 002699

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS ²⁰¹¹

July

TERM

THE STATE

vs.

SEBASTIAN JAMES HEPBURN

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION §16-03-0655(B)(1)

RECEIVED

APR 15 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
(11-14)

At a Court of General Sessions, convened on JUL 19 2011

the Grand Jurors of Greenville

County present upon their oath:

That SEBASTIAN JAMES HEPBURN did in Greenville County, on or about the 3rd day of March 2007, commit a sexual battery on K.B., who was fourteen years of age or less but who was at least eleven years of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Bryna S. Seay
SOLICITOR

246

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Sebastian James Hepburn

AKA:

Race: BLACK Sex: M Age: 41DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Simpsonville, SC 29681DL#: [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: Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive - Second deg.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2302699A/W#: 1578409Date of Offense: 3/3/2007S.C. Code § : 16-03-0655(B)CDR Code #: 0396

SENTENCE SHEET

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ARREST:

Lisa Bentley77787

Bentley, Lisa

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 6 yearsand/or to pay a fine of \$ 6; provided that upon the service of 6 days/months/years and/or paymentof \$ 5; 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.☐ The Defendant is to be placed on the 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

PTUP days/hours Public Service EmploymentObtain 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 FundOther:
☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Johnson

SCCA/217 (03/2011)

Presiding Judge LawrenceJudge Code: 2152Sentence Date: 11-8-12

On report prob begins upon comp of any early rel prog

GREER POLICE DEPARTMENT
ADVISEMENT OF RIGHTS FORM

YOUR MIRANDA RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Selection Neplem 2/28/11
Signature Date

Witness

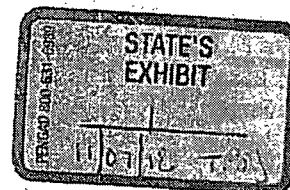
Witness

6207-004158

Case #(s)

0918

Time of interview



Date

2/28/11

Page No.

STATEMENT OF:

X SEBASTIAN HEPBURN

MIAMI FLA 33136

I Sebastian Hepburn rubbed on Kiceea on her thighs in the middle of them with her clothes on she also was rubbing me on my chest. The mom walked in and she went in the room. As I was leaving to go out Jekia and Kiceea was in her room with her crying. When I walked in I guess Kiceea told her mom what happen but not the truth because I didn't penetrate with my finger or my private part or no oral sex.

X Sebastian Hepburn

This statement was given
freely and voluntarily without
coercion

END OF STATEMENT

WITNESSED BY DET. D.A. [Signature]
Greer Police Dept. 2/28/11



STATE OF SOUTH CAROLINA

IN THE General Session COURT

COUNTY OF GREENVILLE

CASE NO(s). 11-3885, -3886

EXHIBITS RECEIPT

PLAINTIFF	<u>State</u>	PLAINTIFF'S ATTORNEY	
DEFENDANT	<u>Sherlock H. H. H.</u>	DEFENDANT'S ATTORNEY	
JUDGE	<u>Hyma</u>	DATE OF HEARING	<u>11/08/12</u>

The following exhibits were received by me from Teresa B. Johnson, Court Reporter for the Thirteenth Judicial Circuit, on the 8th day of NOVEMBER, 2012.

They are, as follows:

Plaintiff / Petitioner / State Exhibits	Defendant / Respondent Exhibits	Court Exhibits
1 <u>Miranda Rights</u> ID / EV	1 ID / EV	1
2 <u>Statement</u> ID / EV	2 ID / EV	2
3 ID / EV	3 ID / EV	3
4 ID / EV	4 ID / EV	4
5 ID / EV	5 ID / EV	5
6 ID / EV	6 ID / EV	6
7 ID / EV	7 ID / EV	7
8 ID / EV	8 ID / EV	8
9 ID / EV	9 ID / EV	9
10 ID / EV	10 ID / EV	10
11 ID / EV	11 ID / EV	
12 ID / EV	12 ID / EV	
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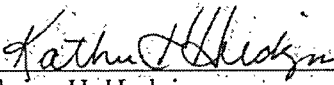
Paul B. Johnson
Clerk of Court

11-8-2012
Date Received

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

February 17, 2015


Kathrine H. Hudgins
Appellate Defender

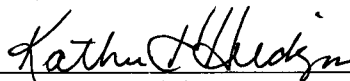
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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February 17, 2015



Kathrine H. Hudgins
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

2
ORIGINAL
STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

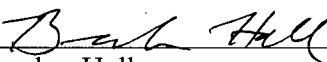
SEBASTIAN JAMES HEPBURN,

APPELLANT

APPELLATE CASE NO. 2012-213403

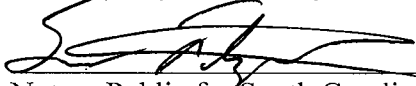
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 17th day of February, 2015.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of February, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

RECEIVED

FEB 17 2015

SC Court of Appeals