

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Post-Conviction Relief

JUL 06 2015

S.C. SUPREME COURT

Edgar W. Dickson, Circuit Court Judge

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Appellate Case No.: 2014-001640

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Bobby Russell, Jr.,..... Petitioner,

vs.

State of South Carolina, .....Respondent.

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SUPPLEMENTAL APPENDIX

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result he is kind of in no-man's land, Your Honor.

THE COURT: Okay. He didn't plea under Alford?

MS. HARRIGAN: No, Your Honor.

MR. THOMAS: No, Your Honor.

MR. RUSSELL: That's what I was told it was going to be to start with. I was told that day in Court it was an Alford plea and then it changed. I'm sorry.

THE COURT: That's okay.

MR. RUSSELL: I was told it as an Alford plea and then the day I got into the court date they told me it was not an Alford at the last minute.

THE COURT: Well, if you get -- I understand.

MR. THOMAS: Thank Your Honor.

THE COURT: All right. Thank y'all. I'll get back to y'all soon.

MS. HARRIGAN: Thank Your Honor.

(This proceeding was concluded.)



Informant's Name:

Melissa Jordan

Relationship:

Mother

FI Bunch along with VA Ponder met with Melissa Jordan concerning her daughter, [redacted] ant. Ms. Jordan reported that [redacted] was sexually abused by a neighbor, Bobby Russell and he was arrested the night of the reported incident.

She reported that Bobby was found in her home after he broke in through a bedroom window. She reported that [redacted] told her about the incident after he was discover in the home and the police were called. She reported that [redacted] told Wes (her paramour) about the incident that occurred between her and Bobby. She reported that the police were notified and [redacted] was taken to the hospital. She reported that [redacted] was exam at the hospital.

FI completed a follow up interview with Ms. Jordan concerning some of [redacted] s statements in the interview. NM reported that Wes did not escort Bobby from the home with a gun at the back of head and that the Nanny Bunny was not involved in finding Bobby in the home. FI spoke with Ms. Jordan about discussing the case in the presence of her daughter. She reported that the adults did not talk with her or in her presence about the case.

*This is a summarized statement of Melissa Jordan's informant's interview on 11/04/08 at DCC.*

Alleged Offender Name:

Bobby Russell Jr.

Offender Address:

Relationship to Child:

None

Relationship to Caregiver:

None

Alleged Offender Name:

Offender Address:

Relationship to Child:

Relationship to Caregiver:

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**FORENSIC SUMMARY:**  
(Summary of Information Elicited from Child)

Disclosure;     Non-Disclosure;     Problematic Disclosure;     Problematic Non-Disclosure;  
 Not able to Complete Interview;     Recantation of Earlier Disclosure

provided a disclosure of sexual abuse by Bobby Russell.

presented as a happy and verbal child during her forensic interview. She was hyper during the forensic interview and would lose focus at times during the interview which is constant with her age and development. She mumbled during most of the interview causing extreme difficulty in understanding her statements. Therefore, Interviewer had to repeat almost all of [redacted] statements for clarity. [redacted] was consistent in correcting Interviewer when statements were repeated incorrectly. The RATAc protocol was used. [redacted] had a hard time understanding what the audio/video equipment was during the introduction of the interview but after explaining it several times she stated she understood. She was informed about the audio/video equipment being used during the interview. She demonstrated her understanding of the interview rules and was able to differentiate between the truth and a lie using the truth/lie book. [redacted] had difficulties throughout the interview completing representational shifts concerning her disclosures. She would point to the anatomical drawings or herself with talking about different disclosures.

[redacted] provided verifiable information about her living arrangements, her family and school. [redacted] was unable to spell her name correctly in the rapport building stage however; she was able to state with clarity her full name. She reported that her basic needs such as food, electricity and water are met by her mother. She reported that her grandmother takes her to the dentist. She reported that her Aunt Pat takes her to the doctor when needed. She reported that her Uncle Bubba cooks for her and fixes her favorite soup. She reported appropriate punishment for herself and siblings.

When FI asked [redacted] what her mother's name was during the family identification piece she said "Melissa but I have a secret about her name." She reported that her momma tells her to keep a secret from the police and to tell everyone that her name is Mary. She reported that her momma has someone else's driver license because she got caught a long time ago and cannot have her own driver's license. [redacted] reported that her mother took her from her Aunt Linda's house when she was 3 years old. She reported that DSS took her from her mom and she was arrested. When asked for more clarity on these statements concerning DSS and her mother being arrested. She stated "I don't know."

She reported no exposure to alcohol or domestic violence. She reported that drugs hurt your body. She reported that she has never seen anyone do drugs. She reported that Bobby had to do drugs. FI asked her why Bobby had to do drugs [redacted] responded with "don't know why."

She reported that she received hugs, kisses and tickles from the appropriate people in her family and in the appropriate places. She reported "only people she knows can kiss her." She completed the female and male anatomical drawings with the appropriate names for the body parts. She reported that she knew where it was okay and not okay places to be touched. She reported that it is not okay to touch a boy on the butt. She reported that it is not okay to touch a girl's eyes, boobies, coochie, and bottom. She reported no exposure to pornographic material.

[redacted] the middle of the conversation concerning appropriate punishments [redacted] stated "Bobby touched my private." She reported that Bobby is a big kid. She reported that he lives in the left part of the front of the house with his brothers, sisters, mom and dad. She reported that he put his mouth on her coochie. She reported that she had her clothes on. She reported that Bobby came through her window. She reported that her brother [redacted] was in his car bed and slept through the whole thing.

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reported that Bobby put his mouth on her coochie when he pulled her pants and panties off. However, a stated on several different occasions that her pants were on and then later stated her pants and panties were taken off by Bobby.

She reported that Bobby put her pants and panties on the floor. She reported that Bobby sniffed her coochie. FI asked what she meant by Bobby sniffing her coochie? She stated, "He put his nose in my coochie." reported that she felt the hair from his nose in her coochie. J reported that Bobby put his wiener in her coochie/private part. She reported that Bobby put his wiener in her private one time. could not provide further details about Bobby placing his wiener in her private part. She pointed to the anatomical drawing stating that Bobby put his wiener (penis) in her private part (vagina).

She reported that before Bobby touched her coochie he asked her to touch his private. She reported that this happen inside her house. She reported that she would not touch his private and she cried out for Wes. She reported that she told Wes that Bobby tried to make her touch him and then Bobby left her room. She reported "that everything happen the same night."

She reported that she went to bed wearing her long flower PJ pants, panties with birds on them and a Tinkerbelle Shirt. She reported that Bobby took off her PJ pants and panties. She reported that she put on shorts after Bobby left. a reported that she told Wes about Bobby breaking into her room. She reported that Wes found panties and PJ's on the floor. She reported that she started crying when Bobby was bothering her and she reported that she tried to kick him in the nose. She reported that Bobby told her not to tell mommy and Wes.

reported that she witnessed Wes have a gun behind Bobby's head. She reported that Wes got Bobby out of the house and Wes told him to "get the hell out." She reported that Bobby said he wanted to kill Wes and Nana Bunny. She reported that Bobby told her he was going to hurt her with his pocket knife. She reported that she did not see his pocket knife. She reported the knife had a John Deer on it.

She reported that Bobby got arrested. She reported that law enforcement has never come to her house before.

She reported that her nana saw Bobby coming down the hallway. She reported that Bobby wanted to touch her Grandma Adams in the hallway. She reported that Bobby came back in to her room again and Wes found him. She reported that Wes and Grandma made him leave and go to his house.

She reported that she had to go the hospital yesterday to get checked out. She said she had to go to the hospital to get "all the stuff out." FI asked what she meant by stuff. Leonora reported "hair and stuff." She reported that she talked to the doctor and the police officer about what happened.

She reported that no one else beside Bobby has tried to hurt her.

reports that she has overheard her mom and Wes talking about what had happen to her. She reported that she sleeps in her mom's room now because she is scared to sleep in her room.

Forensic Interviewer introduced the anatomical correct dolls to during the forensic interview. However, a had difficulty understanding the concept of the dolls and had difficulty with representation shift during this section of the interview. 's had a difficult time explaining her disclosures using the dolls therefore they were removed from the interview.

attempted to demonstrate the male anatomical doll licking the female anatomical doll's vaginal area however, her verbal description was that Bobby placed his nose in her coochie.

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turned the female anatomical doll upside placing her own finger in the dolls butt and said "Bobby put it in her butt." Forensic Interviewer attempted to get clarity of the description of the reported incident using the male anatomical doll but [redacted] could not make the shift from herself to the dolls.

[redacted] did not immediately grabbed the male doll to demonstrate how Bobby put his wiener in her private. Therefore the interviewer demonstrated different positions with the male doll and [redacted] grab the doll from the interviewer placing the doll on the back of the female doll. When asked what happened next? She stated that "he smelled her hair." When asked for other details she said "don't have a clue."

[redacted] began to play with the dolls and starting having fantasy play which caused the interviewer to remove the dolls from [redacted] and the end the section with the anatomical dolls. Forensic Interviewer discontinued the use of the dolls because it became apparent that [redacted] was getting frustrated with the interview and not concentrating on the questions concerning her disclosures. It also became apparent to the interviewer that based on the child's age and developmental level she was unable to make the representation shift with the dolls.

[redacted] stated that she left her home with Bobby to go to his house and then he returned her on the same night of the incident. [redacted] could not provide further details about how she left the home or details about Bobby's home. When asked for additional information she would say "I don't know" or ignored interviewer.

Forensic Interviewer ended the interview and thanked [redacted] for participating in the interview. She was escorted back to the waiting room.

*This is a summarized statement of*

*forensic interview on 11/04/08 at DCC.*

Blended family

**CONCERNS:**

- [redacted]'s statements and disclosures have been impacted by adult conversation in her presence.
- [redacted] mumbled during the interview causing extreme difficulty for the interviewer to understand her statements. Interviewer had to repeat most of [redacted]'s statements due to her mumbling and the disclosures not being clear.
- NM reported that [redacted] statements concerning leaving with Bobby or him returning to the home were not true. She also reported that Wes did not escort Bobby from the residence with a gun.
- [redacted] developmental level and in her inability to complete representational shift using the drawings and anatomical dolls.

**RECOMMENDATIONS:**

(Regarding safety for child/family and Treatment)

1. [redacted] to participate in a mental health assessment and follow all recommendations.
2. Melissa Jordan to allow no contact between [redacted] and Bobby Russell.
3. [redacted] to have no contact with Bobby Russell.

Interviewer's Signature: *Jennifer Bunch*

Date: 12/03/2008

Interviewer's Printed Name: Jennifer Bunch, MA