

VOL I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

G. Thomas Cooper, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

JEREMIAH TURNER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000127

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) COURT OF GENERAL SESSIONS
) 09-GS-10-2423, 2424,
) 2428, 2432, 2435

ORIGINAL

STATE OF SOUTH CAROLINA
PLAINTIFF
vs.

JEREMIAH TURNER,
DEFENDANT

TRANSCRIPT OF RECORD

APRIL 5TH - 8TH, 2010
CHARLESTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J.C. NICHOLSON, JR.

A P P E A R A N C E S:

DEBBIE HERRING-LASH, ESQUIRE
G. RUTLEDGE DURANT, ESQUIRE
ASSISTANT SOLICITORS

ANDREW D. GRIMES, ESQUIRE
MEGAN EHRLICH, ESQUIRE
ASSISTANT PUBLIC DEFENDERS

VIVIAN CROSS,
SHARON D. JONES,
OFFICIAL COURT REPORTERS

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STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

P R O C E E D I N G S

(CASE NO.: 09-GS-10-2423, 2424, 2428, 2432, 2435)

(APRIL 5, 2010 - 11:45 A.M.)

(NOTE: PRIOR TO THE CALL OF THE CASE, STATE EXHIBITS
ONE THROUGH FOUR WERE MARKED FOR IDENTIFICATION.)

BAILIFF: ALL RISE.

THE COURT: BE SEATED. IS THE STATE READY TO BRING THE
PANEL?

MS. HERRING-LASH: YES, SIR.

THE COURT: IS THE DEFENDANT READY TO BRING THE PANEL?

MR. GRIMES: YES, SIR.

THE COURT: OKAY; GOOD MORNING.

MS. HERRING-LASH: MAY MS. EHRLICH AND I APPROACH THE
BENCH FOR A MOMENT?

THE COURT: YES, MA'AM.

(WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
CONFERENCE, OFF THE RECORD.)

(WHEREUPON, COURT RESUMED.)

(WHEREUPON, JURY PANEL ENTERED THE COURTROOM AT
11:50 A.M.)

THE COURT: ALL RIGHT, SOLICITOR, IF YOU WANT TO CALL
YOUR CASE PLEASE, MA'AM?

MS. HERRING-LASH: YES, YOUR HONOR. THE STATE WOULD
CALL THE STATE VERSUS JEREMIAH TURNER.

DO YOU WANT ME TO CALL OUT THE INDICTMENT NUMBERS ALSO,

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 YOUR HONOR?

2 THE COURT: IF YOU WOULD PLEASE.

3 MS. HERRING-LASH: GS-9-2000 (SIC) -- I MEAN, GS-2009-
4 2423 (SIC), 2424, 2428, 2432, AND 2435.

5 THE FIRST FOUR ARE CRIMINAL SEXUAL CONDUCT WITH A MINOR
6 IN THE FIRST DEGREE, AND THE 2435 IS LEWD ACT UPON A MINOR.

7 THE COURT: OKAY; THANK YOU VERY MUCH. IS THE STATE
8 READY TO PROCEED?

9 MS. HERRING-LASH: YES, YOUR HONOR.

10 THE COURT: IS THE DEFENSE READY TO PROCEED?

11 MR. GRIMES: YES, SIR.

12 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

13 LADIES AND GENTLEMEN OF THE JURY PANEL, WE'RE GETTING
14 READY TO DRAW THE JURY ON THIS -- THE CASES THAT THE STATE
15 JUST CALLED FOR TRIAL.

16 AND I'M JUDGE NICHOLSON. I'M GONNA BE HOLDING, UH,
17 GENERAL SESSIONS OF CRIMINAL COURT THIS WEEK HERE IN
18 CHARLESTON.

19 AND I BELIEVE WE ALSO HAVE A TERM OF CIVIL COURT GOING
20 ON? IS THAT CORRECT?

21 THE CLERK: YES, SIR.

22 THE COURT: UH -- FIRST OF ALL, I WANT TO TELL YOU THAT
23 THE FACT THAT THE DEFENDANT HAS BEEN INDICTED IS NOT ANY
24 EVIDENCE ONE WAY OR THE OTHER AS TO WHETHER THE DEFENDANT'S
25 INNOCENT OR GUILT (SIC) OF THOSE CHARGES.

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 THE INDICTMENT IS MERELY THE MEANS BY WHICH THE
2 DEFENDANT ADMINISTRATIVELY IS BROUGHT BEFORE THE COURT FOR
3 TRIAL.

4 AND THE STATE -- THE STATE IS RESPONSIBLE FOR PREPARING
5 THE IN- -- INDICTMENT AND PRESENTING AND BRINGING THE
6 INDICTMENT INTO COURT WITH THE DEFENDANT FOR TRIAL.

7 BUT, IT'S NOT EVIDENCE AND IT'S NOT AN INDICATION OF THE
8 DEFENDANT'S INNOCENCE OR GUILT. AS I SAID EARLIER, IT'S
9 MERELY JUST THE, UH, MECHANISM BY WHICH THE DEFENDANT'S
10 BROUGHT INTO COURT.

11 NOW, THE FIRST THING I'M GOING TO DO IS CALL OUT A LIST
12 OF NAMES. AND I'M GONNA BASICALLY ASK YOU THE SAME QUESTION
13 ABOUT EACH NAME.

14 I'M GONNA ASK YOU, DO YOU KNOW THE INDIVIDUALS?

15 ARE YOU RELATED BY BLOOD OR MARRIAGE?

16 OR, DO YOU -- HAVE YOU HAD ANY TYPE OF CONTACT WITH THE
17 INDIVIDUAL?

18 IF YOU HAVE, UH, WHEN I CALL THE NAME OUT, PLEASE STAND.

19 AND IF THE INDIVIDUAL IS IN THE COURTROOM WHOSE NAME I
20 CALL, PLEASE STAND WHEN I CALL THE NAME OUT.

21 THE FIRST NAME IS Minor . IS ANYBODY RELATED BY
22 BLOOD OR MARRIAGE OR DOES ANYBODY KNOW Minor ? IF
23 SO, PLEASE STAND.

24 (NO RESPONSE FROM THE JURY PANEL.)

25 THE COURT: THE NEXT NAME IS DEBBERA DAVISON. DOES

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 ANYBODY KNOW DEBBERA DAVISON? IS THERE ANYBODY RELATED BY
2 BLOOD OR MARRIAGE? IF SO, PLEASE STAND.

3 (NO RESPONSE FROM THE JURY PANEL.)

4 THE COURT: THE NEXT NAME IS DELILAH CLOVERDALE (SIC).
5 IS ANYBODY RELATED BY BLOOD OR MARRIAGE TO MS. CLOVERDALE
6 (SIC)? IS ANYBODY RELATED BY BLOOD OR MARRIAGE OR
7 DOES ANYBODY KNOW MS. COVERDALE -- IT'S COVERDALE,
8 EXCUSE ME. C-O-V-E-R-D-A-L-E, COVERDALE. DOES ANYBODY KNOW
9 MS. COVERDALE; IS ANYBODY RELATED? AND IF SO, PLEASE STAND.

10 (NO RESPONSE FROM THE JURY PANEL.)

11 THE COURT: THE NEXT NAME IS WILLIAM -- IS IT HEIS OR
12 HEES (PHONETIC/SIC)?

13 MS. HERRING-LASH: HEIS, YOUR HONOR.

14 THE COURT: WILLIAM HEIS WHO WORKS FOR NORTH CHARLESTON
15 POLICE DEPARTMENT. ANYBODY KNOW WILLIAM HEIS; IS ANYBODY
16 RELATED BY BLOOD OR MARRIAGE? IF SO, PLEASE STAND.

17 (NO RESPONSE FROM THE JURY PANEL.)

18 THE COURT: THE NEXT NAME IS DETECTIVE KELLY MCCOY
19 BURNEM, NORTH CHARLESTON POLICE DEPARTMENT. DOES ANYBODY
20 KNOW KELLY BURNEM? IS ANYBODY RELATED BY BLOOD OR MARRIAGE?
21 IF SO, PLEASE STAND.

22 (NO RESPONSE FROM THE JURY PANEL.)

23 THE COURT: THE NEXT NAME IS OFFICER TIMMY RAMSEY OF
24 NORTH CHARLESTON POLICE DEPARTMENT. IS ANYBODY RELATED BY
25 BLOOD OR MARRIAGE? DOES ANYBODY KNOW TIMMY RAMSEY? IF SO,

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 PLEASE STAND.

2 (NO RESPONSE FROM THE JURY PANEL.)

3 THE COURT: THE NEXT NAME IS DOCTOR ANNE ABLE, MEDICAL
4 UNIVERSITY OF SOUTH CAROLINA. DOES ANYBODY KNOW DOCTOR ANNE
5 ABLE? IS ANYBODY RELATED BY BLOOD OR MARRIAGE OR BEEN
6 TREATED BY DOCTOR ABLE? IF SO, PLEASE STAND.

7 (NO RESPONSE FROM THE JURY PANEL.)

8 THE COURT: THE NEXT NAME IS JACKIE SANDEFER-GONSEN.
9 IS ANYBODY RELATED BY BLOOD OR MARRIAGE TO JACKIE
10 SANDEFER-GONSEN? DOES ANYBODY KNOW JACKIE SANDEFER-GODSEN
11 (SIC)? IF SO, PLEASE STAND. GONSEN.

12 (NO RESPONSE FROM THE JURY PANEL.)

13 THE COURT: THE NEXT NAME IS JEREMIAH TURNER.
14 MR. TURNER, IF YOU WOULD PLEASE STAND?

15 (WHEREUPON, JEREMIAH TURNER STOOD AND PRESENTED HIMSELF
16 TO THE JURY PANEL.)

17 THE COURT: THANK YOU. JUST TURN AND FACE THE JURY
18 PLEASE.

19 THANK YOU, MR. TURNER, YOU MAY HAVE A SEAT.

20 IS ANYBODY RELATED BY BLOOD OR MARRIAGE TO JEREMIAH
21 TURNER OR DOES ANYBODY KNOW MR. TURNER? IF SO, PLEASE STAND.

22 (NO RESPONSE FROM THE JURY PANEL.)

23 THE COURT: THE NEXT NAME IS DOCTOR BETSY GIBBS. IS
24 ANYBODY RELATED BY BLOOD OR MARRIAGE OR DOES ANYBODY KNOW
25 DOCTOR BETSY GIBBS OR BEEN TREATED BY BETSY GIBBS? IF SO,

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 PLEASE STAND.

2 (NO RESPONSE FROM THE JURY PANEL.)

3 THE COURT: THE NEXT NAME IS CHARLENE PENDERGAST. DOES
4 ANYBODY KNOW CHARLENE PENDERGAST OR IS ANYBODY RELATED BY
5 BLOOD OR MARRIAGE TO CHARLENE PENDERGAST? IF SO, PLEASE
6 STAND.

7 (NO RESPONSE FROM THE JURY PANEL.)

8 THE COURT: (AFTER PAUSE) IS ANY MEMBER OF THE JURY
9 PANEL, A MEMBER OF YOUR FAMILY, OR A PERSONAL FRIEND BEEN A
10 VICTIM OF OR A WITNESS TO A SEXUAL ASSAULT? IF SO, PLEASE
11 STAND.

12 YES, SIR; YOUR NAME?

13 MR. DARIEN: MY NAME IS BRIAN DARIEN.

14 THE COURT: YOU KNOW YOUR NUMBER?

15 MR. DARIEN: I'M FIFTY-SIX, I BELIEVE. UM -- MY -- MY
16 GIRLFRIEND IS IN TREATMENT RIGHT NOW FOR, UM, SEXUAL ASSAULT
17 THAT SHE RECEIVED WHEN SHE WAS YOUNGER. SO SHE'S ONGOING
18 TREATMENT.

19 THE COURT: OKAY; YOU WANT TO COME AROUND MR. DARIEN?

20 MR. DARIEN: YES, SIR.

21 THE COURT: WOULD THE LAWYERS JOIN ME UP HERE?

22 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
23 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
24 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
25 PRESENT AT THE BENCH.)

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 (WHEREUPON, BRIAN J. DARIEN, JUROR NUMBER 56, CAME
2 FORWARD.)

3 THE COURT: STAND -- IF YOU WOULD, STAND RIGHT IN FRONT
4 OF THE COURT REPORTER---

5 MR. DARIEN: YES, SIR.

6 THE COURT: ---SO SHE CAN HEAR YOU.

7 MR. DARIEN: YES, SIR.

8 THE COURT: AND THE LAWYERS CAN COME UP HERE AND JOIN
9 ME. UH -- HOW LONG---

10 MR. DARIEN: SHE WAS---

11 THE COURT: ---HAS SHE BEEN UNDER TREATMENT?

12 MR. DARIEN: ---SHE WAS -- SHE WAS RAPED IN, UM,
13 COLUMBIA A FEW YEARS BACK. AND SO SHE JUST -- SHE---

14 THE COURT: CAN YOU ALL HEAR?

15 MS. HERRING-LASH/MR. DURANT: (NOD.)

16 MR. GRIMES/MS. EHRLICH: (NOD.)

17 MR. DARIEN: ---SHE -- SHE UNDERGOES COUNSELING FOR
18 THAT---

19 THE COURT: OKAY.

20 MR. DARIEN: ---STILL. I KNOW SHE---

21 THE COURT: HOW LONG AGO WAS THE RAPE?

22 MR. DARIEN: IT'S BEEN ABOUT SEVEN YEARS.

23 THE COURT: SEVEN YEARS?

24 MR. DARIEN: YES, SIR; YES, SIR. AND IT'S SOMETHING
25 THAT, YOU KNOW, I HAVE TO DEAL WITH THE -- FOR THE

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 REPERCUSSIONS OF THAT. AND I DON'T REALLY FEAR (SIC) THAT --
2 FELL THAT I COULD BE IMPARTIAL IN A -- IN A PROCEEDING THAT
3 HAS TO DO WITH---

4 THE COURT: SO YOU THINK YOU COULD BE -- YOU COULD NOT
5 BE FAIR?

6 MR. DARIEN: I DON'T THINK SO; NO, SIR.

7 THE COURT: OKAY; ALL RIGHT, I'LL EXCUSE YOU---

8 MR. DARIEN: THANK YOU VERY MUCH.

9 THE COURT: ---FROM THE TRIAL ON THIS PARTICULAR JURY.
10 JUST GO HAVE A SEAT IN THE JURY ROOM (SIC).

11 MR. DARIEN: OKAY; JUST SIT DOWN?

12 THE COURT: JUST GO SIT DOWN.

13 MR. DARIEN: OKAY; THANK YOU, SIR.

14 THE COURT: OKAY.

15 (WHEREUPON, BRIAN J. DARIEN, JUROR NUMBER 56, WAS
16 EXCUSED FROM JURY SERVICE ON THIS CASE.)

17 (WHEREUPON, BRIAN J. DARIEN, JUROR NUMBER 56, RETURNED
18 TO HIS SEAT.)

19 THE COURT: WHAT?

20 MR. GRIMES: THERE'S A JUROR UP.

21 THE COURT: HUH?

22 MR. GRIMES: THERE WAS ANOTHER JUROR; DID YOU WANT TO
23 CALL HER UP?

24 THE COURT: I DON'T KNOW; LET ME HEAR WHAT SHE HAS TO
25 SAY FIRST. I -- I -- I DON'T ACTUALLY -- I DON'T CALL 'EM

1 ALL UP.

2 MR. GRIMES: OKAY.

3 THE COURT: BUT IF I -- LIKE THIS GUY, THERE'S NO
4 TELLING WHAT THIS GUY WAS GONNA SAY SO I BRING HIM UP HERE
5 JUST TO TRY TO KEEP HIM FROM BLURTING TOO MUCH OUT TO THE
6 JURY.

7 MR. GRIMES: OH, THAT'S FINE.

8 THE COURT: WHICH THEY'LL TELL YOU MORE UP HERE IN
9 PRIVATE.

10 MR. GRIMES: WHAT, SIR?

11 THE COURT: THEY'LL TELL YOU MORE---

12 MS. HERRING-LASH: RIGHT.

13 THE COURT: ---UP HERE IN PRIVATE SO I'LL -- I'LL BRING
14 A LOT OF 'EM UP.

15 MR. GRIMES: OKAY.

16 THE COURT: BUT I DON'T AUTOMATICALLY. I JUST WANT TO
17 SEE WHAT THEY SAY BEFORE I DECIDE TO BRING 'EM.

18 IF YOU WANT TO BRING 'EM UP INDIVIDUALLY, I WILL.
19 ESPECIALLY ON THIS QUESTION.

20 MS. HERRING-LASH: THAT MAY BE MORE COMFORTABLE FOR
21 THEM.

22 THE COURT: YEAH, THEY MAY BE MORE COMFORTABLE WITH IT.

23 MR. GRIMES: I WOULD PREFER IT, 'CAUSE THEY MIGHT --
24 THEY MIGHT SAY SOMETHING THAT---

25 THE COURT: YOU-ALL THINK YOU MIGHT PREFER THAT? I

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MEAN, THAT'S FINE. IT DOESN'T MATTER TO ME, IT JUST TAKES
2 LONGER. SO -- BUT I DON'T MIND DOING IT.

3 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

4 THE COURT: YES, MA'AM; WOULD YOU COME AROUND PLEASE
5 MA'AM?

6 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
7 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
8 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
9 PRESENT AT THE BENCH.)

10 THE COURT: AND LET ME SAY THIS TO BOTH OF YOU. IF ON
11 ONE OF THE -- ANY OF THE QUESTIONS, IF I DON'T BRING 'EM UP
12 AND YOU-ALL WANT ME TO BRING 'EM UP, JUST STAND UP. JUST
13 STAND UP AND I'LL BRING 'EM UP, OKAY?

14 (WHEREUPON, MELINDA PITTS, JUROR NUMBER 269, CAME
15 FORWARD.)

16 THE COURT: YES, MA'AM; COME AROUND RIGHT UP HERE IF YOU
17 WOULD PLEASE.

18 WHAT'S YOUR NAME?

19 MS. PITTS: MELINDA PITTS.

20 THE COURT: MELINDA WHAT?

21 MS. PITTS: PITTS.

22 THE COURT: PITTS? DO YOU KNOW YOUR NUMBER, MS. PITTS?

23 MS. PITTS: I DON'T; I'M SORRY.

24 THE COURT: YOU DON'T? THEY DIDN'T DRILL THAT NUMBER
25 INTO YOU DOWNSTAIRS, HUH?

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 MS. PITTS: NO; I THINK IT'S TWO-SEVENTY MAYBE?

2 THE COURT: I'LL FIND IT; HANG ON JUST A SECOND.

3 MR. GRIMES: TWO-SEVENTY WOULD BE ON THE TRANSFER LIST.

4 THE COURT: SHE'S ON THE TRANSFER SHEET I GUESS.

5 MS. PITTS: YES.

6 COURT REPORTER: TWO-SIXTY-NINE, YOUR HONOR.

7 THE COURT: TWO-SIXTY-NINE?

8 COURT REPORTER: YES, SIR.

9 THE COURT: OKAY. MELINDA PITTS, TWO-SIXTY-NINE. YES,
10 MA'AM; TELL ME WHAT ABOUT THE SEXUAL ASSAULT. WAS IT YOU OR
11 SOMEBODY YOU KNOW OR?

12 MS. PITTS: MY SISTER, AS A CHILD.

13 THE COURT: YOUR SISTER AS A CHILD?

14 MS. PITTS: UH-HUH.

15 THE COURT: DID YOU OBSERVE IT OR -- OR---

16 MS. PITTS: NO, IT WAS SOMETHING---

17 THE COURT: ---DID YOU JUST KNOW ABOUT IT?

18 MS. PITTS: ---RIGHT.

19 THE COURT: HOW DO -- HOW DO YOU KNOW ABOUT IT?

20 MS. PITTS: UM -- SHE HAD TOLD US. IT WAS A FAMILY
21 FRIEND---

22 THE COURT: UH-HUH?

23 MS. PITTS: ---WHO HAD DONE IT TO, UH, MY PARENTS'
24 FRIENDS' KIDS AND HER AS WELL.

25 THE COURT: AND HER?

1 MS. PITTS: YEAH.

2 THE COURT: WAS -- WAS IT -- WAS IT BROUGHT TO THE
3 ATTENTION OF THE AUTHORITIES? WAS ANYBODY PROS- -- WAS HE
4 EVER PROSECUTED---

5 MS. PITTS: UH-HUH.

6 THE COURT: ---OR SERVED TIME?

7 MS. PITTS: YEAH.

8 THE COURT: WERE YOU INVOLVED IN THAT PROS- -- PROCESS?

9 MS. PITTS: NO, I WAS YOUNG.

10 THE COURT: ARE YOU YOUNGER THAN YOUR SISTER?

11 MS. PITTS: ABOUT A YEAR.

12 THE COURT: ABOUT A YEAR; SO YOU-ALL ARE CLOSE TO THE
13 SAME AGE?

14 MS. PITTS: UH-HUH.

15 THE COURT: DID HE EVER BOTHER YOU?

16 MS. PITTS: (NOD.)

17 THE COURT: NO?

18 MS. PITTS: (NOD.)

19 THE COURT: HOW LONG AGO WAS THIS?

20 MS. PITTS: A LONG TIME AGO.

21 THE COURT: TEN, FIFTEEN?

22 MS. PITTS: PROBABLY ABOUT MAYBE FIFTEEN YEARS AGO.

23 THE COURT: FIFTEEN YEARS AGO? OKAY; HOW'S YOUR SISTER
24 DOING NOW?

25 MS. PITTS: SHE'S DOING FINE I GUESS, YEAH.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: DOING OKAY?

2 MS. PITTS: UH-HUH.

3 THE COURT: HAVEN'T HAD ANY BAD RESULTS -- PROBLEMS
4 BECAUSE OF IT?

5 MS. PITTS: YEAH, I GUESS PERSONAL PROBLEMS, YEAH.

6 THE COURT: OKAY; WELL LET ME ASK YOU THIS, UH,
7 MS. PITTS.

8 HOW WOULD THAT AFFECT YOU SITTING ON THIS JURY WHEN THIS
9 INDIVIDUAL IS ALSO CHARGED WITH SEXUAL ASSAULT -- HAVING
10 SEXUAL RELATIONS WITH A MINOR?

11 MS. PITTS: WELL, UM, I'M DEFINITELY AGAINST THAT AND I
12 PROBABLY WOULD MAYBE SWAY MY JUDGMENT A LITTLE BIT.

13 THE COURT: IT WHAT?

14 MS. PITTS: SWAY MY JUDGMENT A LITTLE BIT.

15 THE COURT: WELL NOW, UH, WE ALL HAVE OUR PREJUDICE AND
16 OUR LIKES AND OUR DISLIKES AND THAT'S JUST HUMAN NATURE.

17 MS. PITTS: RIGHT.

18 THE COURT: OKAY; HOW -- HOW DO YOU THINK IT WOULD CLOUD
19 YOUR JUDGMENT?

20 MS. PITTS: UM---

21 THE COURT: AGAINST THE DEFENDANT?

22 MS. PITTS: ---YEAH.

23 THE COURT: DO YOU THINK YOU COULD BE FAIR?

24 MS. PITTS: I COULD TRY.

25 THE COURT: WE ALL WOULD LIKE TO TRY.

1 MS. PITTS: YEAH.

2 THE COURT: I MEAN, WE ALL THINK WE'RE FAIR BUT WE
3 AREN'T ALL THE TIME---

4 MS. PITTS: RIGHT.

5 THE COURT: ---BECAUSE OF OUR EXPERIENCES THAT HAPPEN
6 TO US.

7 MS. PITTS: RIGHT.

8 THE COURT: LIKE I'M A CAROLINA FAN; I DON'T LIKE
9 CLEMSON. SO IT'S HARD FOR ME TO PULL FOR CLEMSON.

10 MS. PITTS: RIGHT.

11 THE COURT: BUT I TRY---

12 MS. PITTS: RIGHT.

13 THE COURT: ---YOU KNOW, I TRY. UH -- DO YOU THINK YOU
14 CAN? OR YOU'D RATHER NOT SERVE.

15 MS. PITTS: I -- I COULD, YEAH.

16 THE COURT: YOU COULD WHAT?

17 MS. PITTS: I COULD SERVE.

18 THE COURT: OKAY; ANY QUESTIONS FROM THE STATE?

19 MS. HERRING-LASH: NO.

20 THE COURT: OKAY; ANY FROM THE DEFENDANT?

21 MR. GRIMES: DO YOU KNOW IF PROSECUTION OF THAT WAS IN
22 CHARLESTON COUNTY?

23 THE COURT: PARDON?

24 MR. GRIMES: THE PROSECUTION, WAS IT IN CHARLESTON
25 COUNTY OR?

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 THE COURT: I DIDN'T ASK HER, BUT ASK HER WHATEVER YOU
2 WANT TO ASK HER.

3 MR. GRIMES: WHERE WAS -- WAS -- WHERE WAS IT
4 PROSECUTED? WAS IT CHARLESTON COUNTY OR SOMEWHERE ELSE?

5 MS. PITTS: IT WAS IN NEW JERSEY.

6 MR. GRIMES: OKAY.

7 THE COURT: I MEAN, ANYTHING YOU WANT TO ASK HER, ASK
8 HER. I'M GIVING YOU THE OPPORTUNITY NOW.

9 MR. GRIMES: THANK YOU, YOUR HONOR. UH -- IF MY CLIENT
10 IS ACCUSED, BASICALLY BEING A FAMILY FRIEND OF THE MOTHER AND
11 TAKING INAPPROPRIATE ACTIONS WITH A SIX-YEAR-OLD, WOULD THAT
12 AFFECT YOUR ABILITY TO BE FAIR?

13 MS. PITTS: I COULD BE FAIR, YES.

14 MR. GRIMES: THANK YOU.

15 THE COURT: PARDON?

16 MR. GRIMES: THAT'S IS.

17 THE COURT: OKAY. ALL RIGHT, DOES THE STATE HAVE ANY
18 QUESTIONS?

19 MS. HERRING-LASH: NO, YOUR HONOR.

20 THE COURT: YOU MAY GO HAVE A SEAT. THANK YOU SO VERY
21 MUCH, MS. PITTS.

22 MS. PITTS: THANK YOU.

23 (WHEREUPON, MELINDA PITTS, JUROR NUMBER 269, RETURNED TO
24 HER SEAT.)

25 THE COURT: ALL RIGHT, ANY MOTIONS?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MR. GRIMES: YES, UH, WE'D MOVE TO STRIKE HER FOR CAUSE.
2 I MEAN -- I KNOW SHE SAID SHE COULD BE FAIR BUT SHE KIND-A
3 WAIVERED BACK AND FORTH A GOOD BIT.

4 AND GIVEN HER PERSONAL EXPERIENCES AND THE ACTUAL
5 SCENARIO, IT SOUNDS FAIRLY SIMILAR. UH -- WE WOULD YOU --
6 HER TO BE STRUCK FOR CAUSE. (SIC)

7 THE COURT: WHAT'S THE STATE'S POSITION?

8 MS. HERRING-LASH: UH -- WELL, IN THE BEGINNING I -- YOU
9 KNOW, I THINK SHE SAID THAT SHE COULD BE SWAYED. BUT I THINK
10 SHE DID COME AROUND TO SAYING SHE COULD BE FAIR.

11 SO I DON'T THINK IT'S A STRIKE FOR CAUSE. SHE WENT
12 THROUGH ALL THE QUESTIONS AND SAID SHE COULD.

13 THE COURT: I'M -- I'M GONNA DENY THE SOLICITOR (SIC).
14 THEY -- SHE SAID IT COULD POSSIBLY AFFECT HER, BUT SHE FELT
15 LIKE SHE COULD BE FAIR. AND AFTER SHE THOUGHT ABOUT IT FOR A
16 WHILE SHE SAID SHE WOULD TRY AND SHE THOUGHT SHE COULD BE
17 FAIR. SO I THINK SHE COULD BE SEATED. I'M NOT GOING TO
18 EXCUSE HER FOR CAUSE SO YOUR MOTION'S DENIED.

19 MR. GRIMES: THANK YOU.

20 THE COURT: OKAY?

21 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

22 THE COURT: YES, SIR; COME AROUND PLEASE SIR.

23 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
24 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
25 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO

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1 PRESENT AT THE BENCH.)

2 (WHEREUPON, PAUL LINKER, JUROR NUMBER 266, CAME
3 FORWARD.)

4 THE COURT: HOW YOU DOING? WHAT'S YOUR NAME?

5 MR. LINKER: I'M PAUL LINKER. I DON'T KNOW -- I THINK
6 I'M TWO-SIXTY-EIGHT?

7 THE COURT: TWO-SIXTY-EIGHT?

8 MR. LINKER: TWO-SIXTY-EIGHT. I'M NOT SURE I HEARD THE
9 EXACT QUESTION. BUT...

10 THE COURT: WELL, THIS COMPUTER PRINTOUT SOMETIMES IS
11 HARD---

12 MR. GRIMES: TWO-SIXTY-EIGHT WOULD BE ON THE TRANSFER
13 LIST.

14 COURT REPORTER: TWO-SIXTY-SIX, YOUR HONOR; TRANSFER
15 LIST.

16 THE COURT: TWO-FIFTY-SIX?

17 COURT REPORTER: TWO-SIXTY-SIX.

18 THE COURT: OKAY.

19 COURT REPORTER: THE TRANSFER LIST.

20 THE COURT: I GUESS I NEED TO GET THE WATER OUT OF MY
21 EARS.

22 COURT REPORTER: I NEED TO SPEAK UP.

23 THE COURT: ALL RIGHT, MR. LINKER, DID YOU UNDERSTAND
24 THE QUESTION?

25 MR. LINKER: I -- I -- I -- I DON'T KNOW. CAN YOU

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 REPEAT IT? 'CAUSE I THINK IT'S -- I'M A PEDIATRICIAN. SO I
2 DIDN'T KNOW IF IT WAS DIRECT RELATIVES.

3 THE COURT: IT -- WELL, THE QUESTION WAS, YOU, A
4 PERSONAL FRIEND OR MEMBER OF YOUR FAMILY.

5 MR. LINKER: OKAY; THEN NO.

6 THE COURT: IN OTHER WORDS, THE QUESTION WAS HAVE YOU,
7 ANY MEMBER OF YOUR FAMILY OR A PERSONAL FRIEND BEEN A VICTIM
8 OF OR A WITNESS TO A SEXUAL ASSAULT?

9 MR. LINKER: UNDER THAT -- UNDER THOSE CRITERIA, NO. I
10 JUST---

11 THE COURT: I'M SORRY?

12 MR. LINKER: ---UNDER THOSE CRITERIA, NO. BUT---

13 THE COURT: OKAY; BUT YOU'VE HAD PATIENTS?

14 MR. LINKER: OH YEAH.

15 THE COURT: OKAY. WELL, LET ME ASK YOU ABOUT YOUR
16 PATIENTS.

17 HOW MANY PATIENTS HAVE YOU HAD THAT WERE VICTIMS OF
18 SEXUAL ASSAULT IN THE LAST YEAR? JUST AN APPROXIMATION.

19 MR. LINKER: PROBABLY FIVE.

20 THE COURT: COULD YOU GET -- WERE THEY REPORTED TO THE
21 AUTHORITIES?

22 MR. LINKER: TWO WOULD BE INVOLVED WITH CHILD PROTECTIVE
23 SERVICES.

24 THE COURT: OKAY; WERE YOU INVOLVED IN THE PROSECUTION
25 OR ANY ASPECT OF THE A- -- AUTHORITIES ON THE TWO AS A

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1 WITNESS OR ANY OTHER CAPACITY?

2 MR. LINKER: NOT IN -- NOT IN TERMS OF PARTICIPATING IN
3 THE TRIAL OR ANYTHING. BUT IN TERMS OF CONTACTING CHARLESTON
4 S-C-P-S AND GETTING THEM INVOLVED AND SORT OF INITIATING.

5 THE COURT: OKAY; SO YOU SORT OF INITIATED THE -- THE
6 PROCESS?

7 MR. LINKER: GENERALLY MY ELEMENT, IF I GET A SUSPICION,
8 IS TO INITIATE THE PROCESS OR IF THERE'S CONCERN I---

9 THE COURT: YOU LET THEM DO THE INVESTIGATION?

10 MR. LINKER: USING S-C- -- I'M NOT SURE IF DOCTOR ABLE
11 IS ONE OF THE DOCTORS DOWN THERE. I DON'T RECALL THE NAME.
12 BUT DOCTOR ABLE'S ONE OF THE DOCTORS YOU MENTIONED EARLIER.
13 I DON'T KNOW IF I -- SHE'S ONE OF THE PHYSICIANS DOWN AT
14 M-U-S-C.

15 THE COURT: SHE'S AT M-U-S-C---

16 MS. HERRING-LASH: SHE IS.

17 THE COURT: ---WHAT'S HER SPECIALTY?

18 MS. HERRING-LASH: UH -- UH -- CHILD -- UM -- I THINK
19 SHE'S---

20 THE COURT: DO YOU KNOW HER?

21 MR. LINKER: I ASSUMED---

22 THE COURT: OR JUST KNOW OF HER?

23 MR. LINKER: ---SHE WAS WITH THAT FACILITY 'CAUSE THAT'S
24 THE FACILITY WE USE.

25 THE COURT: JUST KNOW OF HER?

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1 MR. LINKER: I -- I THOUGHT I RECOGNIZED THE NAME
2 BEFORE, BUT, I DON'T HAVE THAT MUCH VOLUME GOING THAT WAY.

3 THE COURT: WELL, LET ME ASK YOU THIS. UH -- HAVING
4 THE -- AS A PHYSICIAN AND HAVING EXPERIENCE WITH VICTIMS --
5 THE CHILDREN VICTIMS THAT YOU -- AS A PEDIATRICIAN, HOW DO
6 YOU THINK THAT WOULD AFFECT YOU SITTING ON THIS JURY?

7 MR. LINKER: VISCERALLY IT, UH -- I DEAL WITH THE---

8 THE COURT: PARDON?

9 MR. LINKER: ---VISCERALLY, IT'D BE -- IT WOULD BE HARD
10 BECAUSE I DEAL WITH SORT OF THE AFTERMATH AND THE CONSULTING
11 WITH THE PSYCHIATRICS---

12 THE COURT: YOU SORT OF PICK UP THE DAMAGE?

13 MR. LINDER: ---I -- I -- I -- I SEE THE AFTERMATH.

14 THE COURT: ALL RIGHT; SO HOW WOULD THAT AFFECT YOU
15 SITTING ON THE JURY?

16 MR. LINDER: I THINK IT WOULD. I GUESS IT'D BE VERY
17 DIFFICULT TO BE OBJECTIVE. BECAUSE I GUESS -- LIKE, MY -- MY
18 WORRY WOULD BE IF SOMEONE WASN'T PROVEN BY THE RULES OF THE
19 LAW AS GUILTY BUT I -- I -- I'VE SEEN SITUATIONS THAT SORT OF
20 NOT BECOME TO A FINALITY FROM THE JUDICIAL STANDPOINT BUT I
21 STILL SEE THE AFTERMATH. (SIC)

22 THE COURT: ALL RIGHT; I UNDERSTAND. SO YOU -- YOU
23 THINK YOU'D HAVE DIFFICULTY BEING FAIR TO THE DEFENDANT?

24 MR. LINDER: I THINK IT'D BE REAL HARD FOR A
25 PEDIATRICIAN TO SIT THERE AND -- AND---

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1 THE COURT: WELL, YOU GOT TO BE HONEST. I UNDERSTAND
2 HOW YOU FEEL NOW.

3 MR. LINDER: YEAH.

4 THE COURT: BECAUSE WE'RE ALL NORMAL AND WE ALL HAVE OUR
5 LIKES AND OUR DISLIKES AND OUR PREJUDICE JUST BECAUSE OF LIFE
6 EXPERIENCES. SO, I MEAN IT'S NOTHING AGAINST YOU PERSONALLY,
7 BUT YOU THINK YOU'D HAVE A LOT OF TROUBLE BEING FAIR?

8 MR. LINDER: NOT BEING FAIR. I JUST THINK IT'S -- I'M
9 INHERENTLY SORT OF BIASED TOWARD THE VICTIM.

10 THE COURT: TOWARDS THE -- TOWARDS THE VICTIM?

11 MR. LINDER: YEAH.

12 THE COURT: OKAY; AND THAT WOULD MAKE YOU BIASED AGAINST
13 THE DEFENDANT?

14 MR. LINDER: THAT WOULD BE THE CASE I GUESS.

15 THE COURT: OKAY; ANY QUESTIONS FROM THE STATE?

16 MS. HERRING-LASH: NONE, YOUR HONOR.

17 THE COURT: ANY FROM THE DEFENDANT?

18 MR. GRIMES: NO, SIR.

19 THE COURT: ALL RIGHT, DOCTOR, YOU MAY GO HAVE A SEAT.
20 THANK YOU VERY MUCH DOCTOR LINKER.

21 (WHEREUPON, PAUL LINKER JUROR NUMBER 266, RETURNED TO
22 HIS SEAT.)

23 THE COURT: ANY MOTIONS?

24 MR. GRIMES: YES, SIR; WE'D MOVE TO HAVE HIM EXCUSED FOR
25 CAUSE.

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1 THE COURT: WHAT'S THE STATE'S POSITION?

2 MS. HERRING-LASH: I -- I AGREE.

3 THE COURT: . OKAY; ALL RIGHT. TWO-SIXTY-SIX IS
4 EXCUSED -- TWO-SIXTY-SIX.

5 (WHEREUPON, PAUL LINKER, JUROR NUMBER 266, WAS EXCUSED
6 FROM JURY SERVICE ON THIS CASE.)

7 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

8 THE COURT: ALL RIGHT, WHO ELSE? WE GOT SOME MORE?

9 BAILIFF: NUMBER FOURTEEN.

10 THE COURT: NUMBER WHAT?

11 BAILIFF: FOURTEEN.

12 THE COURT: THANK YOU.

13 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
14 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
15 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
16 PRESENT AT THE BENCH.)

17 (WHEREUPON, WILLIAM B. BLACKBURN, III, JUROR NUMBER 14,
18 CAME FORWARD.)

19 THE COURT: MR. BLACKBURN, HOW YOU DOING, SIR?

20 MR. BLACKBURN: FINE, SIR; HOW ARE YOU?

21 THE COURT: FINE. UH -- WHO WAS THE---

22 MR. BLACKBURN: MY WIFE WAS SEXUALLY ABUSED BY HER
23 FATHER AND I HAVE LIVED WITH IT.

24 AND I AM JUST GONNA GO AHEAD AND TELL YOU, PUT ME
25 SOMEPLACE ELSE.

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1 THE COURT: DO WHAT NOW?

2 MR. BLACKBURN: PUT ME SOMEPLACE ELSE. CAN I SERVE IN
3 THE OTHER PLACE? I JUST DON'T THINK I CAN BE FAIR HERE.

4 THE COURT: YOU DON'T THINK YOU CAN BE FAIR 'CAUSE YOUR
5 WIFE WAS---

6 MR. BLACKBURN: I -- I SEEN IT AND MY WIFE GOES IN AND
7 OUT OF THERAPY. IT'S -- IT'S NOT GONNA BE FOR ME.

8 THE COURT: OKAY; I UNDERSTAND.

9 MR. BLACKBURN: I -- I CAN'T TELL YOU ANY CLEARER.

10 THE COURT: OKAY; I UNDERSTAND. COULD YOU-ALL HEAR WHAT
11 SHE (SIC) SAID -- DID YOU-ALL HEAR WHAT HE SAID?

12 MS. HERRING-LASH: I KNOW.

13 THE COURT: OKAY; DO YOU-ALL HAVE ANY QUESTIONS?

14 MS. HERRING-LASH: NO, YOUR HONOR.

15 THE COURT: ALL RIGHT; YOU CAN GO HAVE A SEAT. THANK
16 YOU SO VERY MUCH.

17 (WHEREUPON, WILLIAM B. BLACKBURN, III, JUROR NUMBER 14,
18 RETURNED TO HIS SEAT.)

19 THE COURT: WHAT WAS -- WHAT WAS HIS NUMBER?

20 MR. GRIMES: FOURTEEN.

21 COURT REPORTER: FOURTEEN.

22 THE COURT: NUMBER -- BLACK- -- WILLIAM B. BLACKBURN.
23 ANY MOTIONS FROM EITHER PARTY?

24 MR. GRIMES: I MOVE TO HAVE HIM EXCUSED FOR CAUSE.

25 THE COURT: ANYTHING FROM THE STATE?

1 MS. HERRING-LASH: I AGREE.

2 THE COURT: ALL RIGHT; I'M GONNA EXCUSE FOURTEEN.

3 (WHEREUPON, WILLIAM B. BLACKBURN, III, JUROR NUMBER 14,
4 WAS EXCUSED FROM JURY SERVICE ON THIS CASE.)

5 THE COURT: IS THAT ALL THAT STOOD?

6 MS. HERRING-LASH: (NO RESPONSE.)

7 MR. GRIMES: (NO RESPONSE.)

8 THE COURT: OKAY; THANK YOU-ALL.

9 MR. GRIMES: THANK YOU, YOUR HONOR.

10 THE COURT: OKAY.

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
13 HEARING OF THE JURY PANEL, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 (WHEREUPON, ATTORNEYS RETURNED TO THEIR SEATS.)

16 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

17 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL OR A
18 MEMBER OF YOUR FAMILY OR A PERSONAL FRIEND BEEN ACCUSED OF A
19 SEXUAL ASSAULT? IF SO, PLEASE STAND.

20 (NO RESPONSE FROM THE JURY PANEL.)

21 THE COURT: HAS IT -- HAVE YOU OR ANY MEMBER OF YOUR
22 FAMILY OR A PERSONAL FRIEND BEEN A VICTIM OF ANY VIOLENT
23 CRIME? IF SO, PLEASE STAND.

24 YES, SIR; YOUR NAME?

25 MR. SPARKS: EARL SPARKS.

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1 THE COURT: DO YOU KNOW YOUR NUMBER?

2 MR. SPARKS: TWO-NINETEEN.

3 THE COURT: TWO-NINETEEN?

4 MR. SPARKS: RIGHT.

5 THE COURT: OKAY. (AFTER PAUSE) EARL SPARKS, IS THAT
6 RIGHT?

7 MR. SPARKS: (NOD.)

8 THE COURT: ALL RIGHT, MR. SPARKS, YOU WERE A VICTIM OF
9 A CRIME, IS THAT CORRECT?

10 MR. SPARKS: NOT ME.

11 THE COURT: NOT YOU? WHO?

12 MR. SPARKS: A FAMILY MEMBER, JUDGE.

13 THE COURT: OKAY; WHO WAS THE FAMILY MEMBER?

14 MR. SPARKS: MY BROTHER.

15 THE COURT: YOUR DAUGHTER?

16 MR. SPARKS: MY BROTHER.

17 THE COURT: BROTHER, OKAY. HOW LONG AGO WAS IT?

18 MR. SPARKS: ABOUT SEVEN OR---

19 THE COURT: OKAY, WHAT WAS---

20 MR. SPARKS: ---SEVEN OR EIGHT YEARS.

21 THE COURT: OKAY.

22 MR. SPARKS: YOU SAID PHYSICAL -- PHYSICAL VIOLENCE?
23 THAT'S WHAT---

24 THE COURT: RIGHT.

25 MR. SPARKS: ---YOU'RE SAYING?

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1 THE COURT: RIGHT.

2 MR. SPARKS: OKAY, IT IS---

3 THE COURT: ALL RIGHT, DO YOU WANT TO TALK ABOUT IT IN
4 FRONT OF THE GROUP OR DO YOU WANT TO COME UP HERE AND TALK TO
5 ME ABOUT IT?

6 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
7 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
8 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
9 PRESENT AT THE BENCH.)

10 (WHEREUPON, EARL SPARKS, JUROR NUMBER 219, CAME
11 FORWARD.)

12 MR. SPARKS: IT WAS ABOUT -- IT WAS ABOUT -- I THINK
13 ABOUT EIGHT OR NINE---

14 THE COURT: OKAY, HANG ON JUST A SECOND. WAIT UNTIL THE
15 LAWYERS GET UP HERE IF YOU WOULD MR. SPARKS, OKAY?

16 (AFTER ATTORNEYS' ARRIVAL) TELL ME -- TELL ME WHAT
17 HAPPENED.

18 MR. SPARKS: OH, I, UM -- I THINK HE GOT IN A FIGHT AND
19 HE HAS -- I MEAN, HE HAD CUT A GUY A GOOD WHILE AGO.

20 THE COURT: OKAY, HE CUT THE GUY---

21 MR. SPARKS: YEAH.

22 THE COURT: ---BUT WHAT DID THE GUY DO TO HIM?

23 MR. SPARKS: OH, HE AIN'T DID NOTHING. THEY HAD A
24 FIGHT.

25 THE COURT: THEY JUST HAD A FIGHT---

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1 MR. SPARKS: YEAH.

2 THE COURT: ---OKAY. WERE EITHER ONE OF THEM CHARGED
3 WITH A CRIME?

4 MR. SPARKS: MY BROTHER BEEN CHARGED WITH THE---

5 THE COURT: YOUR BROTHER WAS CHARGED---

6 MR. SPARKS: ---WITH THE ASSAULT CHARGE.

7 THE COURT: ---WITH THE CRIME, OKAY.

8 MR. SPARKS: YEAH.

9 THE COURT: YEAH, BUT DID HE, UH -- DID HE HAVE A TRIAL,
10 OR DID HE PLEAD GUILTY, OR DO YOU KNOW?

11 MR. SPARKS: I KNOW HE WENT TO JAIL.

12 THE COURT: HE WENT TO JAIL? HOW LONG DID HE GO TO JAIL
13 FOR, DO YOU KNOW?

14 MR. SPARKS: I THINK ABOUT FIVE YEARS OR SOMETHING LIKE
15 THAT.

16 THE COURT: FIVE YEARS?

17 MR. SPARKS: YES.

18 THE COURT: OKAY; UH, HOW WOULD THAT -- YOUR BROTHER
19 GOING TO JAIL -- AFFECT YOU SITTING ON THIS JURY?

20 MR. SPARKS: I DON'T THINK I GOING TO JAIL NOBODY
21 BECAUSE THAT AIN'T, YOU KNOW. (SIC) I'M -- I DON'T KNOW,
22 I -- I DON'T WANT TO---

23 THE COURT: YOU DON'T WANT TO DO WHAT?

24 MR. SPARKS: I DON'T WANT TO -- I THINK THAT, UH -- I
25 DON'T WANT TO SEND NOBODY AWAY.

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1 THE COURT: YOU DON'T WANT TO JUDGE ANYBODY?

2 MR. SPARKS: YEAH.

3 THE COURT: WHY NOT?

4 MR. SPARKS: I JUST DON'T WANT TO DO IT.

5 THE COURT: WELL TELL -- GIVE ME A REASON WHY YOU DON'T
6 WANT TO JUDGE ANYBODY. IS THAT A RELIGIOUS BELIEF OR YOU
7 JUST DON'T WANT TO BE BOTHERED?

8 MR. SPARKS: I JUST DON'T WANT TO BE BOTHERED.

9 THE COURT: PARDON? YOU JUST DON'T WANT TO BE BOTHERED?

10 MR. SPARKS: THAT'S IT.

11 THE COURT: OKAY. WHY DON'T YOU WANT TO STAND JUDGMENT
12 ON SOMEONE?

13 MR. SPARKS: BECAUSE I JUST -- THAT AIN'T -- REALLY, I
14 DON'T -- I JUST DON'T WANT TO DO IT.

15 THE COURT: ALL RIGHT; ANY QUESTIONS FROM THE STATE?

16 MS. HERRING-LASH: WAS YOU BROTHER PROSECUTED IN
17 CHARLESTON?

18 MR. SPARKS: YEAH.

19 MS. HERRING-LASH: AND YOU SAID YOU DID NOT WANT TO SEND
20 ANYBODY AWAY. WHAT DID YOU MEAN BY THAT?

21 MR. SPARKS: YOU KNOW, I DON'T -- I DON'T KNOW WHAT WAS
22 ON A PERSON'S MIND. I DON'T KNOW WHAT MAKE 'EM TRIGGER OFF.
23 AND...

24 MS. HERRING-LASH: DOES THAT MEAN YOU CANNOT FIND
25 SOMEBODY GUILTY?

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1 MR. SPARKS: I DON'T THINK SO.

2 THE COURT: OKAY; ANY MORE QUESTIONS?

3 MS. HERRING-LASH: NO, SIR.

4 THE COURT: ANY FROM THE DEFENSE?

5 MR. GRIMES: IF THE JUDGE TELLS YOU YOU NEED TO PUT ALL
6 YOUR PERSONAL FEELINGS ASIDE AND TRY THE CASE BY THE EVIDENCE
7 THAT IS PRESENTED TO YOU, UH, WOULD YOU BE ABLE TO FOLLOW THE
8 JUDGE'S INSTRUCTIONS?

9 MR. SPARKS: I GUESS SO IF I HAVE TO, BUT I DON'T KNOW.

10 MR. GRIMES: I MEAN, IF YOU NEED -- IF THE SENTENCING IS
11 UP TO THE JUDGE NOT TO THE JURY, WOULD THAT MAKE A DIFFERENCE
12 IN YOUR, UM, STATEMENT ABOUT NOT SENDING ANYONE AWAY?

13 MR. SPARKS: SAY THAT AGAIN?

14 MR. GRIMES: IF THE SENTENCING IS UP TO THE JUDGE AND
15 NOT TO THE JURY, WOULD THAT MAKE A DIFFERENCE IN YOUR BELIEF
16 ABOUT NOT SENDING ANYBODY AWAY?

17 MR. SPARKS: IT'S UP TO THE JUDGE TO DO THAT, BUT I
18 DON'T -- I DON'T WANT TO BE IN A -- WANT TO IN A -- IN CHARGE
19 OF SENDING NOBODY -- NOBODY AWAY, JUST LIKE I SAID.

20 MR. GRIMES: OKAY; NO FURTHER QUESTIONS.

21 THE COURT: ALL RIGHT, YOU MAY GO HAVE A SEAT.

22 MR. SPARKS: THANK YOU, SIR.

23 (WHEREUPON, EARL SPARKS, JUROR NUMBER 219, RETURNED TO
24 HIS SEAT.)

25 THE COURT: ANY MOTIONS FROM THE -- EITHER PARTY?

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1 MS. HERRING-LASH: I'D MAKE A MOTION TO STRIKE HIM FOR
2 CAUSE.

3 THE COURT: WHAT'S -- WHAT'S YOUR POSITION ON THAT?

4 MR. GRIMES: (AFTER PAUSE) I THINK I WOULD AGREE.

5 THE COURT: PARDON?

6 MR. GRIMES: I THINK I WOULD AGREE ON THIS ONE.

7 THE COURT: I THINK YOU WOULD TOO 'CAUSE I'M GONNA GRANT
8 HER MOTION, OKAY? TWO-NINETEEN.

9 (WHEREUPON, EARL SPARKS, JUROR NUMBER 219, WAS EXCUSED
10 FROM JURY SERVICE ON THIS CASE.)

11 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

12 THE COURT: YES, SIR; COME ON AROUND. WHAT'S HIS
13 NUMBER?

14 BAILIFF: NUMBER NINETY-EIGHT.

15 THE COURT: THANK YOU-ALL.

16 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
17 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
18 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
19 PRESENT AT THE BENCH.)

20 (WHEREUPON, JAMES D. HAWKINS, JR., JUROR NUMBER 98, CAME
21 FORWARD.)

22 MR. HAWKINS: NINETY-EIGHT, JAMES HAWKINS.

23 THE COURT: MR. HAWKINS, HOW YOU DOING?

24 MR. HAWKINS: FINE, SIR; HOW ABOUT YOU?

25 THE COURT: OKAY. WHO WAS INVOLVED IN---

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1 MR. HAWKINS: MY COUSIN WAS SHOT, UH---

2 THE COURT: YOUR COUSIN WAS SHOT?

3 MR. HAWKINS: ---DURING A CAR JACKING IN COLUMBIA.

4 THE COURT: HOW LONG AGO?

5 MR. HAWKINS: ABOUT FIVE YEARS AGO.

6 THE COURT: FIVE YEARS? WERE YOU INVOLVED IN -- IN ALL
7 OF IT OR JUST KNOW ABOUT IT?

8 MR. HAWKINS: NO.

9 THE COURT: WAS HE KILLED OR INJURED?

10 MR. HAWKINS: NO, SIR; HE WASN'T.

11 THE COURT: HE WAS JUST INJURED?

12 MR. HAWKINS: YES, SIR.

13 THE COURT: WAS THERE ANYBODY EVER ARRESTED?

14 MR. HAWKINS: NO, SIR.

15 THE COURT: UH -- WAS IT INVESTIGATED?

16 MR. HAWKINS: YES, SIR.

17 THE COURT: DO YOU HAVE ANY BIAS OR PREJUDICE TOWARDS
18 THE AUTHORITIES SINCE NO ONE WAS EVER ARRESTED?

19 MR. HAWKINS: NO, SIR.

20 THE COURT: HOW WOULD THAT AFFECT YOU SITTING ON THIS
21 JURY?

22 MR. HAWKINS: I DON'T THINK IT WOULD.

23 THE COURT: WHY NOT?

24 MR. HAWKINS: I -- I KNOW IT WAS A MIRACLE HE LIVED AND
25 WAS FINE. AND GRANTED THEY DIDN'T CATCH THE PERSON, BUT THAT

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1 TO ME DOESN'T REALLY AFFECT MY DECISION TO SIT ON THE TRIAL.

2 THE COURT: ALL RIGHT, DO YOU THINK YOU CAN BE FAIR TO
3 BOTH PARTIES IN THIS CASE?

4 MR. HAWKINS: YES, I DO.

5 THE COURT: CAN YOU BASE YOUR DECISION ON THE TESTIMONY
6 YOU HEAR FROM THE WITNESS STAND?

7 MR. HAWKINS: YES, SIR.

8 THE COURT: ANY QUESTIONS FROM THE STATE?

9 MS. HERRING-LASH: NO, YOUR HONOR.

10 THE COURT: ANY FROM THE DEFENSE?

11 MR. GRIMES: NO, SIR.

12 THE COURT: OKAY, MR. HAWKINS, YOU MAY GO HAVE A SEAT.
13 THANK YOU VERY MUCH.

14 (WHEREUPON, JAMES D. HAWKINS, JR., JUROR NUMBER 98,
15 RETURNED TO HIS SEAT.)

16 THE COURT: IS ANYBODY ELSE OUT THERE ON THIS? THANK
17 YOU, THAT'S IT.

18 MR. GRIMES: YES, SIR.

19 THE COURT: LET'S JUST SEE WHAT HAPPENS ON THE NEXT --
20 WHAT'S YOUR NEXT QUESTION? YOU'RE ASKING ALL THESE
21 INFLAMMATORY QUESTIONS.

22 ALL RIGHT; WELL, LET'S JUST SEE HOW IT GOES, OKAY?

23 MR. GRIMES: NO PROBLEM.

24 (WHEREUPON, THE ATTORNEYS RETURNED TO THEIR SEATS.)

25 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

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1 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL, ANY
2 MEMBER OF YOUR FAMILY OR A PERSONAL FRIEND BEEN ACCUSED OF A
3 VIOLENT CRIME? OR, HAS ANYBODY EVER BEEN ACCUSED OF A
4 VIOLENT CRIME? ON THE JURY, YOUR MEMBER (SIC) OR A PERSONAL
5 FRIEND? IF SO, PLEASE STAND.

6 YES, SIR; YOUR NAME?

7 MR. FISHER: TIMOTHY FISHER.

8 THE COURT: YOU KNOW YOUR NUMBER?

9 MR. FISHER: SEVENTY-ONE.

10 THE COURT: YES, SIR, MR. FISHER, WHO WAS -- WHO WAS
11 ACCUSED?

12 MR. FISHER: UH -- MY BROTHER-IN-LAW.

13 THE COURT: YOUR BROTHER-IN-LAW? WHAT WAS HE ACCUSED
14 OF?

15 MR. FISHER: UH -- A MURDER CHARGE.

16 THE COURT: A MURDER CHARGE?

17 MR. FISHER: YES.

18 THE COURT: UH -- WAS HE -- WAS THERE A TRIAL?

19 MR. FISHER: YES, SIR.

20 THE COURT: WELL, DID YOU PARTICIPATE IN IT?

21 MR. FISHER: UH -- NO.

22 THE COURT: PARDON?

23 MR. FISHER: NO.

24 THE COURT: DID YOU -- WERE YOU INVOLVED IN IT AT ALL?

25 MR. FISHER: NO.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: WHAT WERE THE RESULTS OF THE TRIAL, OR DO
2 YOU KNOW?

3 MR. FISHER: HE GOT THIRTY YEARS TO LIFE.

4 THE COURT: OKAY; WERE YOU CLOSE TO YOUR BROTHER-IN-LAW?

5 MR. FISHER: YES, I WAS.

6 THE COURT: OKAY; WOULD THAT CAUSE YOU ANY DIFFICULTY IN
7 SITTING ON THIS JURY?

8 MR. FISHER: YES.

9 THE COURT: IT WOULD? ALL RIGHT, WELL COME ON AROUND
10 AND LET ME HEAR -- TALK TO YOU.

11 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
12 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
13 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
14 PRESENT AT THE BENCH.)

15 (WHEREUPON, TIMOTHY M. FISHER, JUROR NUMBER 71, CAME
16 FORWARD.)

17 THE COURT: COME RIGHT OVER HERE BY... WHAT -- HOW
18 WOULD IT AFFECT YOU SITTING ON THIS JURY?

19 MR. FISHER: UH -- MAYBE BEING KIND-A INDIFFERENT TO --
20 TOWARD THE -- I WOULDN'T WANT TO BE TOO PARTIAL TO THE
21 DEFENDANT, BUT I DON'T WANT TO BE UNPARTIAL (SIC) TO THE
22 VICTIM I GUESS. DO YOU SEE WHAT I MEAN?

23 THE COURT: DO YOU THINK YOU WOULD BE MORE PARTIAL TO
24 THE DEFENDANT THAN THE STATE?

25 MR. FISHER: YEAH.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: IS THAT WHAT YOU'RE TELLING ME?

2 MR. FISHER: RIGHT.

3 THE COURT: WHY IS THAT?

4 MR. FISHER: MAYBE DUE -- LIKE I -- SEEING MY BROTHER-
5 IN-LAW LOCKED UP, YOU KNOW, AT THE -- AT THE FACILITIES. YOU
6 KNOW.

7 THE COURT: UH-HUH. WELL, DO YOU THINK HE SHOULD HAVE
8 BEEN LOCKED UP OR HE SHOULDN'T BE LOCKED UP?

9 MR. FISHER: I THINK HE SHOULDN'T HAVE BEEN LOCKED UP.

10 THE COURT: DON'T THINK HE SHOULD HAVE BEEN LOCKED UP?

11 MR. FISHER: THAT'S CORRECT.

12 THE COURT: OKAY, YOU THINK IT WAS A MISJUSTICE (SIC)?

13 MR. FISHER: THAT'S RIGHT.

14 THE COURT: AND BECAUSE OF THAT YOU THINK YOU'D HAVE
15 TROUBLE---

16 MR. FISHER: RIGHT; WELL---

17 THE COURT: ---FINDING ANYBODY GUILTY?

18 MR. FISHER: ---YEAH.

19 THE COURT: IS IT JUST -- JUST THIS TYPE OF CRIME OR
20 JUST ANYBODY?

21 MR. FISHER: JUST ANYBODY.

22 THE COURT: WHY DO YOU FEEL THAT WAY?

23 MR. FISHER: I GUESS, IF ALL THE EVIDENCE WAS -- OR, YOU
24 KNOW, I MEAN ALL THE FACTS, THAT WOULD BE KIND-A THE CONCEPT.

25 BUT IF, YOU KNOW, IN MY BROTHER-IN-LAW'S CASE ALL THE

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 FACTS WASN'T STATED.

2 THE COURT: UH-HUH; OKAY. UH -- ANY QUESTIONS FROM THE
3 STATE?

4 MS. HERRING-LASH: YOU SAID YOU WOULD THINK YOU WOULD
5 HAVE DIFFICULTY FINDING SOMEBODY GUILTY?

6 MR. FISHER: UH-HUH.

7 MS. HERRING-LASH: WOULD YOU BE ABLE TO LISTEN TO THE
8 EVIDENCE FROM THE STATE AND FIND SOMEBODY GUILTY JUST BASED
9 ON THAT EVIDENCE PRESENTED BY THE STATE?

10 MR. FISHER: YEAH.

11 MS. HERRING-LASH: SO YOU COULD FIND SOMEBODY GUILTY?

12 MR. FISHER: IF YOU GOT ALL THE -- IF THERE'S NO
13 HANG-UPS IN IT. YOU KNOW WHAT I'M -- YOU UNDERSTAND WHAT I'M
14 SAYING?

15 MS. HERRING-LASH: (NO RESPONSE.)

16 MR. FISHER: IN MY BROTHER-IN-LAW'S CASE, THERE WAS A
17 LOT OF HANG-UPS WITH THE OFFICERS, THE WHOLE -- THEY DIDN'T
18 EVEN HAVE THE -- THE TRIAL WAS NOT EVEN IN THE COUNTY WHERE
19 THE CRIME WAS ATTEMPTED.

20 MS. HERRING-LASH: DO YOU THINK YOU WOULD SHOW
21 PARTIALITY TOWARD THE DEFENDANT?

22 MR. FISHER: PROBABLY SO.

23 MS. HERRING-LASH: THOSE ARE ALL THE QUESTIONS.

24 THE COURT: OKAY; ANY QUESTIONS FROM THE DEFENDANT?

25 MR. GRIMES: THERE'S JUST -- YOU PAUSED A LITTLE BIT.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 IF, YOU KNOW, YOU HEARD FROM BOTH SIDES, UH, AND YOU SAW THE
2 EVIDENCE FROM THE STATE AND FROM THE DEFENDANT, AND THE JUDGE
3 TOLD YOU, YOU KNOW, WHAT THE RULES OF LAW ARE, DO YOU THINK
4 YOU COULD FOLLOW THE JUDGE'S INSTRUCTIONS AND ALSO DELIBERATE
5 WITH THE JURORS AND COME TO -- IF YOU THOUGHT HE WAS GUILTY,
6 TO FIND HIM GUILTY?

7 MR. FISHER: YEAH, I COULD IF EVERYTHING WAS LINED UP.

8 MR. GRIMES: BASICALLY IF THE STATE PROVED THE CASE
9 BEYOND A REASONABLE DOUBT---

10 MR. FISHER: RIGHT.

11 MR. GRIMES: ---AND YOU -- YOU BASICALLY BELIEVE
12 SOMEONE'S PRESUMED INNOCENT?

13 MR. FISHER: RIGHT.

14 MR. GRIMES: AND IF THE STATE DOESN'T PROVE THEIR CASE
15 BEYOND A REASONABLE DOUBT WILL YOU SEE HIM NOT GUILTY?

16 MR. FISHER: THAT'S CORRECT.

17 MR. GRIMES: SO, BEYOND A REASONABLE DOUBT YOU WOULD
18 FIND HIM GUILTY?

19 MR. FISHER: RIGHT.

20 MR. GRIMES: OKAY; NO FURTHER QUESTIONS, YOUR HONOR.

21 THE COURT: OKAY; UH, YOU MAY GO HAVE A SEAT
22 MR. HAWKINS (SIC).

23 MR. FISHER: ALL RIGHT; THANK YOU.

24 (WHEREUPON, TIMOTHY M. FISHER, JUROR NUMBER 71, RETURNED
25 TO HIS SEAT.)

STATE VERSUS JEREMIAH TURNER

VOIR DIRE/JURY SELECTION

1 THE COURT: ANY MOTIONS?

2 MS. HERRING-LASH: I DO HAVE A MOTION, YOUR HONOR.

3 THE COURT: I'D BE GLAD TO HEAR YOU.

4 MS. HERRING-LASH: HE -- THAT HE WOULD BE PARTIAL TOWARD
5 THE DEFENDANT, WHICH IS THE SAME AS SAYING HE COULD NOT BE
6 FAIR AND IMPARTIAL.

7 THE COURT: WHAT'S YOUR ARGUMENT?

8 MR. GRIMES: HE ALSO SAID HE COULD FOLLOW -- HE SAYS HE
9 COULD FIND A PERSON GUILTY.

10 THE COURT: IF EVERYTHING WAS LINED UP. I DIDN'T -- I
11 DIDN'T WANT TO GET INTO WHAT HE MEANT BY THAT BECAUSE WE'D
12 BEEN SITTING HERE TALKING FOR A LONG TIME.

13 HE SAID, IF EVERYTHING IS LINED UP.

14 MR. GRIMES: I THINK HE---

15 THE COURT: I DON'T KNOW WHAT HE MEANT BY THAT AND I
16 DIDN'T ASK HIM ON PURPOSE. WE'D BE SITTING TALKING ABOUT
17 THAT FOREVER, AND I DIDN'T WANT TO GET INTO IT.

18 BUT, I DON'T THINK -- WHEN HE FIRST CAME UP HE SAID THAT
19 HE HAD A PROBLEM AND HE WOULDN'T -- WOULDN'T FIND ANYBODY --
20 HE COULDN'T SEND ANYBODY AWAY.

21 AND THEN, TO THE SOLICITOR'S QUESTION HE SAID, YEAH,
22 HE'D BE PARTIAL TO THE DEFENDANT.

23 SO I'M GONNA STRIKE HIM FOR CAUSE. NUMBER NINETY-EIGHT,
24 OKAY? HE -- THAT WAS NINETY-EIGHT, RIGHT? JAMES HAWKINS?

25 MR. GRIMES: SEVENTY-ONE.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. HERRING-LASH: SEVENTY-ONE.

2 THE COURT: OH, SEVENTY-ONE? TIMOTHY FISHER, SEVENTY-
3 ONE.

4 THE CLERK: YES, SIR.

5 (WHEREUPON, TIMOTHY M. FISHER, JUROR NUMBER 71, WAS
6 EXCUSED FROM JURY SERVICE ON THIS CASE.)

7 MR. GRIMES: MY ONLY POSITION WOULD BE IT'S KIND-A
8 SIMILAR TO JUROR TWO-SIXTY-NINE WHERE HER SISTER WAS---

9 THE COURT: WHICH ONE NOW?

10 MR. GRIMES: I THINK HIS ANSWERS ARE -- ARE SIMILAR TO
11 JUROR TWO-SIXTY-NINE.

12 THE COURT: WELL, YOU WANT TO REVISIT TWO-SIXTY-NINE? I
13 DON'T REMEMBER WHAT SHE SAID, BUT I'LL REVISIT IF YOU WANT ME
14 TO BRING HER BACK UP HERE.

15 MR. GRIMES: OKAY.

16 THE COURT: AND HAND ME THAT SHEET TOO. NO, THAT OTHER
17 ONE -- THE JURY LIST.

18 MS. HERRING-LASH: I CAN JUST CON- -- I CAN CONSENT TO
19 STRIKING HER.

20 THE COURT: I -- I DON'T REMEMBER EXACTLY WHAT --
21 MS. PITTS? LET ME SEE, SHE WAS THE ONE THAT HER SISTER---

22 MR. GRIMES: HER SISTER HAD---

23 THE COURT: ---HAD THE, UH -- FIFTEEN YEARS AGO.

24 MR. GRIMES: YEAH; WELL, IF THE STATE CONSENTS TO
25 STRIKE---

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. HERRING-LASH: I CAN CONSENT TO HER STRIKE.

2 THE COURT: OKAY, I -- I THINK YOU'RE RIGHT---

3 MS. HERRING-LASH: JUST FOR ABUNDANCE OF CAUTION.

4 THE COURT: ---YOU MIGHT AS WELL BE CONSISTENT.
5 PROBABLY IF I'M GONNA STRIKE THIS ONE I NEED TO STRIKE
6 MELINDA.

7 MR. GRIMES: ALL RIGHT; THANK YOU, YOUR HONOR.

8 THE COURT: OKAY. ALL RIGHT, WE'LL DO THAT.

9 (WHEREUPON, MELINDA PITTS, JUROR NUMBER 269, WAS EXCUSED
10 FROM JURY SERVICE ON THIS CASE.)

11 THE COURT: HOW MANY HAVE WE GOT LEFT?

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
13 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
14 HEARING OF THE JURY PANEL, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

17 THE COURT: IS ANY MEMBER OF THE JURY PANEL A PERSONAL
18 FRIEND OR A MEMBER OF YOUR FAMILY BEEN INVOLVED WITH LAW
19 ENFORCEMENT OR THE LEGAL SYSTEM IN ANY CASE OF SEXUAL
20 ASSAULT? IF SO, PLEASE STAND.

21 (NO RESPONSE FROM THE JURY PANEL.)

22 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL
23 PREVIOUSLY BEEN A WITNESS IN A CIVIL OR CRIMINAL CASE IN ANY
24 COURT IN CHARLESTON OR BERKELEY COUNTY? IF SO, PLEASE STAND.

25 (NO RESPONSE FROM THE JURY PANEL.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: HAS ANY MEMBER OF THE JURY PANEL OR A MEMBER
2 OF YOUR FAMILY EVER HAD ANY CRIMINAL CHARGES THAT WERE
3 HANDLED BY THE CHARLESTON COUNTY SOLICITOR'S OFFICE, OR HAVE
4 ANY CURRENT CHARGES PENDING BEFORE THE CHARLESTON COUNTY
5 SOLICITOR'S OFFICE?

6 IN OTHER WORDS, ANY MEMBER OF THE FAMILY OR ANY OF YOU
7 HAVE ANY CRIMINAL CHARGES PENDING OR ANY CRIMINAL CHARGES IN
8 THE PAST HANDLED BY THE SOLICITOR'S OFFICE? IF SO, PLEASE
9 STAND.

10 (NO RESPONSE FROM THE JURY PANEL.)

11 THE COURT: IS ANY MEMBER OF THE JURY PANEL OR MEMBER OF
12 YOUR FAMILY EVER BEEN REPRESENTED BY THE PUBLIC DEFENDER'S
13 OFFICE? IF SO, PLEASE STAND.

14 MS. BAILEY: ZERO-ZERO-SEVEN.

15 THE COURT: WHAT NUMBER?

16 MS. BAILEY: ZERO-ZERO-SEVEN.

17 THE COURT: MS. BAILEY, IS THAT CORRECT?

18 MS. BAILEY: YES.

19 THE COURT: ARABELLE. WHO IN -- WAS IT YOU OR THE
20 FAMILY MEMBERS THAT---

21 MS. BAILEY: SON.

22 THE COURT: YOUR SON? OKAY; YOU WANT TO COME AROUND
23 PLEASE?

24 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
25 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
 2 PRESENT AT THE BENCH.)

3 (WHEREUPON, ARABELLE BAILEY, JUROR NUMBER 7, CAME
 4 FORWARD.)

5 THE COURT: MS. BAILEY, HOW ARE YOU DOING TODAY?

6 MS. BAILEY: I'M FINE.

7 THE COURT: YOUR SON WAS REPRESENTED BY THE PUBLIC
 8 DEFENDER?

9 MS. BAILEY: YES.

10 THE COURT: HOW LONG AGO?

11 MS. BAILEY: TWO YEARS AGO.

12 THE COURT: TWO YEARS AGO? WHAT WAS -- WHAT WAS HE
 13 CHARGED WITH?

14 MS. BAILEY: POSSESSION OF DRUGS.

15 THE COURT: POSSESSION OF DRUGS? WAS -- DID HE WANT --
 16 DID HE HAVE A TRIAL?

17 MS. BAILEY: NO.

18 THE COURT: WAS IT A GUILTY PLEA?

19 MS. BAILEY: YES.

20 THE COURT: UH -- WERE YOU INVOLVED IN THAT PROCESS?

21 MS. BAILEY: NO.

22 THE COURT: HOW OLD'S YOUR SON?

23 MS. BAILEY: HE'S TWENTY-SIX.

24 THE COURT: TWENTY-SIX? DID YOU TALK TO ANYBODY IN THE
 25 PUBLIC DEFENDER'S OFFICE ABOUT THE CASE OR ANYTHING?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. BAILEY: WE TALKED ABOUT IT, YES.

2 THE COURT: YOU DID TALK TO 'EM?

3 MS. BAILEY: YEAH.

4 THE COURT: ALL RIGHT; DO YOU HAVE ANY BIAS OR PREJUDICE
5 FOR OR AGAINST THE PUBLIC DEFENDER'S OFFICE BECAUSE---

6 MS. BAILEY: NO.

7 THE COURT: ---THEY HANDLED YOUR SON'S CASE?

8 MS. BAILEY: NO.

9 THE COURT: YOU DON'T THINK THEY MESSED UP THE CASE OR
10 ANYTHING?

11 MS. BAILEY: NO.

12 THE COURT: YOU FEEL COMFORTABLE WITH THE PUBLIC
13 DEFENDER'S OFFICE?

14 MS. BAILEY: YES.

15 THE COURT: ALL RIGHT; DO YOU HAVE ANY BIAS OR PREJUDICE
16 AGAINST THE STATE BECAUSE THEY PROSECUTED YOUR SON?

17 MS. BAILEY: NO.

18 THE COURT: DO YOU REMEMBER WHAT PROSECUTOR HANDLED THE
19 CASE?

20 MS. BAILEY: NO, SIR; I DON'T.

21 THE COURT: YOU DON'T REMEMBER?

22 MS. BAILEY: (NOD.)

23 THE COURT: WERE YOU PRESENT WHEN YOUR SON PLEAD GUILTY?

24 MS. BAILEY: YES, SIR.

25 THE COURT: OKAY; DO YOU HAVE ANY BIAS OR PREJUDICE

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 TOWARDS THE SYSTEM BECAUSE YOUR SON WAS CHARGED WITH THE
2 CRIME?

3 MS. BAILEY: NO.

4 THE COURT: HOW MUCH TIME DID HE RECEIVE?

5 MS. BAILEY: FIVE YEARS.

6 THE COURT: FIVE YEARS? OKAY. ANY QUESTIONS FROM --
7 LET ME ASK YOU THIS. CAN YOU BE FAIR IN THIS CASE?

8 MS. BAILEY: I'LL DO MY BEST.

9 THE COURT: CAN YOU BE FAIR TO THE STATE AND THE
10 DEFENDANT?

11 MS. BAILEY: YES.

12 THE COURT: CAN YOU BASE YOUR DECISION ON THE TESTIMONY
13 HERE IN THE COURTROOM?

14 MS. BAILEY: YES.

15 THE COURT: CAN YOU SET THIS -- YOUR SON'S CONVICTION
16 ASIDE?

17 MS. BAILEY: YES.

18 THE COURT: OKAY; ALL RIGHT, ANY QUESTIONS FROM THE
19 STATE?

20 MS. HERRING-LASH: NO, YOUR HONOR.

21 THE COURT: ANY FROM THE DEFENDANT?

22 MR. GRIMES: DO YOU HAVE ANY IDEA WHO HIS PUBLIC
23 DEFENDER WAS?

24 MS. BAILEY: I DON'T. HE WAS SOFT SPOKEN AND HE WAS A
25 STOUT SORT OF HEAVY-SET FELLA.

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 THE COURT: OKAY; THANK YOU, MS. BAILEY.

2 MS. BAILEY: OKAY.

3 THE COURT: YOU CAN GO HAVE A SEAT.

4 (WHEREUPON, ARABELLE BAILEY, JUROR NUMBER 7, RETURNED TO
5 HER SEAT.)

6 THE COURT: ANY MOTIONS?

7 MS. HERRING-LASH: (NO RESPONSE.)

8 MR. GRIMES: (NO RESPONSE.)

9 THE COURT: ANY MOTIONS?

10 MR. GRIMES: NO, SIR.

11 MS. HERRING-LASH: NO, YOUR HONOR.

12 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

13 THE COURT: OKAY. YES, MA'AM?

14 BAILIFF: TWO-SIXTY-FIVE.

15 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
16 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
17 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
18 PRESENT AT THE BENCH.)

19 (WHEREUPON, CARLETTA LIDDELI, JUROR NUMBER 265, CAME
20 FORWARD.)

21 THE COURT: THANK YOU. LIDDELI? IS THAT THE---

22 MS. LIDDELI: LIDDELI.

23 THE COURT: ---PARDON ME?

24 MS. LIDDELI: LIDDELI.

25 THE COURT: LIDDELI?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. LIDDELI: UH-HUH.

2 THE COURT: ALL RIGHT; WHO BROUGHT THE -- WHO IN THE
3 PUBLIC DEFENDER'S OFFICE REPRESENTED YOU OR A FRIEND OR---

4 MS. LIDDELI: MY SON.

5 THE COURT: YOUR SON?

6 MS. LIDDELI: UH-HUH.

7 THE COURT: WHAT WAS HE CHARGED WITH?

8 MS. LIDDELI: ONE WAS CHARGED WITH CRIMINAL DOMESTIC
9 VIOLENCE.

10 THE COURT: HOW LONG AGO WAS THIS?

11 MS. LIDDELI: HE HAVE TO COME HERE---

12 THE COURT: HOLD -- HOLD ON JUST A SECOND. SPEAK UP SO
13 SHE CAN HEAR YOU, OKAY?

14 COURT REPORTER: JUST MOVE UP IS FINE.

15 THE COURT: SPEAK UP A LITTLE LOUDER SO SHE CAN HEAR
16 YOU.

17 MS. LIDDELI: OKAY, OKAY. UM -- TWO SONS; ONE IS FOR
18 CRIMINAL DOMESTIC VIOLENCE, AND THE OTHER ONE IS FOR DRUGS I
19 BELIEVE.

20 THE COURT: HOW LONG AGO WAS IT?

21 MS. LIDDELI: STILL PENDING; WE STILL HAVE TO COME.

22 THE COURT: THEY'RE STILL PENDING?

23 MS. LIDDELI: UH-HUH.

24 THE COURT: HAVE YOU BEEN -- HOW OLD'S YOUR SON?

25 MS. LIDDELI: TWENTY-FIVE, TWENTY-FOUR.

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 THE COURT: BOTH OF THEM -- HAVE YOU BEEN PARTICIPATING
2 IN THEIR DEFENSE?

3 MS. LIDDELI: NOPE.

4 THE COURT: HAVE YOU TALKED TO ANYBODY IN THE PUBLIC
5 DEFENDER'S OFFICE?

6 MS. LIDDELI: NO.

7 THE COURT: UH -- ARE YOU SATISFIED WITH THE PUBLIC
8 DEFENDER'S SERVICE THAT THEY'RE GIVING TO YOUR SONS?

9 MS. LIDDELI: (AFTER PAUSE) YES.

10 THE COURT: YOU ARE?

11 MS. LIDDELI: UH-HUH.

12 THE COURT: I MEAN, YOU DON'T HAVE ANY BIAS OR PREJUDICE
13 AGAINST THE PUBLIC DEFENDER?

14 MS. LIDDELI: NOPE, HUH-UH.

15 THE COURT: YOU'RE COMFORTABLE WITH THEM?

16 MS. LIDDELI: YEP.

17 THE COURT: OKAY. HAVE ANY BIAS OR PREJUDICE TOWARD THE
18 STATE BECAUSE THEY'RE PROSECUTING---

19 MS. LIDDELI: NO.

20 THE COURT: ---YOUR SONS?

21 MS. LIDDELI: NO, HUH-UH. THEY DID THE CRIME.

22 THE COURT: YOU THINK YOU CAN BE FAIR IN THIS CASE?

23 MS. LIDDELI: YEP.

24 THE COURT: CAN YOU BASE YOUR DECISION ON TESTIMONY YOU
25 HEAR IN THE COURTROOM?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. LIDDELI: (NOD.)

2 THE COURT: DO YOU HAVE A PROBLEM WITH YOUR -- YOUR SONS
3 BEING CHARGED WITH THE CRIMES THEY'RE CHARGED WITH?

4 MS. LIDDELI: NO.

5 THE COURT: ANY QUESTIONS FROM THE STATE?

6 MS. HERRING-LASH: NO, YOUR HONOR.

7 THE COURT: ANY FROM THE DEFENDANT?

8 MR. GRIMES: I MEAN, BY CHANCE, DO YOU KNOW WHO THE --
9 WHO YOUR CHILDREN'S ATTORNEYS ARE?

10 MS. LIDDELI: NO.

11 THE COURT: OKAY. DO YOU KNOW, BY NAME, WHO IN THE
12 PUBLIC DEFENDER'S OFFICE REPRESENTS THEM?

13 MS. LIDDELI: NO -- NO, HUH-UH.

14 MR. GRIMES: DO YOU KNOW IF -- ARE THEY ON BOND OR ARE
15 THEY?

16 MS. LIDDELI: P-R.

17 MR. GRIMES: BOTH HAVE P-R BONDS?

18 MS. LIDDELI: UH-HUH.

19 THE COURT: ANYTHING ELSE?

20 MR. GRIMES: NO, THAT'S IT.

21 THE COURT: DO YOU WANT TO FIND OUT WHO'S DOING IT? I
22 MEAN, I DON'T -- SHE DOESN'T KNOW.

23 MS. HERRING-LASH: MAYBE JUST THE NAMES, JUST IN CASE
24 IT'S NOT MR. GRIMES.

25 THE COURT: PARDON?

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 MR. GRIMES: IF WE COULD -- IF I COULD---

2 THE COURT: I DIDN'T HEAR YOU.

3 MS. HERRING-LASH: ---IF WE COULD GET THE NAMES OF HER
4 SONS JUST TO MAKE SURE THAT IT'S NOT MR. GRIMES OR
5 MS. EHRLICH THAT'S ACTUALLY---

6 THE COURT: DO YOU HAVE ANY IDEA THE NAME OF THE PUBLIC
7 DEFENDER?

8 MS. LIDDELI: I HAVE NO IDEA.

9 MR. GRIMES: WHAT ARE YOUR CHILDREN'S NAMES?

10 MS. LIDDELI: MARVIN---

11 THE COURT: THEY CAN LOOK AND SEE WHO IS---

12 MS. LIDDELI: OKAY.

13 THE COURT: GIVE 'EM THE NAME OF YOUR TWO SONS AND
14 THEY'LL SEE WHO THE PUBLIC DEFENDER IS.

15 MS. LIDDELI: ALL RIGHT.

16 THE COURT: THEY CAN DETERMINE THAT.

17 MS. GRIMES: MARVIN.

18 MS. LIDDELI: AND ROMONDEA, R-O-M-O-N-D-E-A LIDDELI,
19 L-I-D-D-E-L-I.

20 MR. GRIMES: L-I?

21 MS. LIDDELI: D-D-E-L-I.

22 MR. GRIMES: ALL RIGHT.

23 THE COURT: OKAY; THANK YOU MS. LIDDELI.

24 MS. LIDDELI: THANK YOU TOO.

25 (WHEREUPON, CARLETTA LIDDELI, JUROR NUMBER 265 RETURNED

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 TO HER SEAT.)

2 THE COURT: ANY MOTIONS?

3 MS. HERRING-LASH: I DON'T HAVE ONE UNLESS WE FIND OUT
4 HE -- THEY -- THAT ANDREW OR MEGAN ACTUALLY IS REPRESENTING
5 HER SONS.

6 THE COURT: YEAH. CAN YOU-ALL FIND OUT WHO IN THE
7 OFFICE IS REPRESENTING THEM? IF IT'S ONE OF YOU-ALL, WE GOT
8 A PROBLEM, OKAY?

9 MS. EHRLICH: OKAY. I DON'T RECOGNIZE THE NAMES, BUT
10 THAT DOESN'T MEAN---

11 THE COURT: I MEAN, I UNDERSTAND THAT YOU MAY NOT KNOW
12 WHO IT IS, BUT IF IT'S ONE OF YOU-ALL I'M GONNA EXCUSE HER,
13 OKAY?

14 MR. GRIMES: I UNDERSTAND THAT.

15 THE COURT: SHE MAY GO HOME AND TALK TO 'EM AND FIND OUT
16 ABOUT IT, OKAY?

17 MR. GRIMES: ALL RIGHT.

18 MS. HERRING-LASH: I DO HAVE ONE -- UM, I WAS WAITING TO
19 SEE IF THIS PERSON WOULD RESPOND, BUT I THINK THAT THIS
20 PERSON IS ON THE PANEL. HE WAS NOT CONVICTED BUT HE WAS
21 CHARGED WITH CRIMINAL SEXUAL CONDUCT WITH A MINOR.

22 THE COURT: I'LL DEAL -- I'LL DEAL WITH THAT AT THE
23 END---

24 MS. HERRING-LASH: OKAY.

25 THE COURT: ---OKAY?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
2 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
3 HEARING OF THE JURY PANEL, OFF THE RECORD.)

4 (WHEREUPON, COURT RESUMED.)

5 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

6 THE COURT: DOES ANY MEMBER OF THE JURY PANEL HAVE ANY
7 PERSONAL, POLITICAL, OR RELIGIOUS BELIEFS OR CONVICTIONS THAT
8 WOULD MAKE IT DIFFICULT FOR YOU TO SIT IN JUDGMENT OF ANOTHER
9 PERSON? IF SO, PLEASE STAND.

10 YES, MA'AM (SIC), YOUR NAME?

11 MR. KORNICKEY: KEVIN KORNICKEY.

12 THE COURT: WHAT -- YOU KNOW YOUR NUMBER?

13 MR. KORNICKEY: TWO-SIXTY-FOUR.

14 THE COURT: TWO-SIXTY-FOUR. (AFTER PAUSE) WHAT'S YOUR
15 REASON WHY YOU CAN'T STAND IN JUDGMENT -- OR, SIT IN
16 JUDGMENT?

17 MR. KORNICKEY: CAN I APPROACH?

18 THE COURT: PARDON?

19 MR. KORNICKEY: CAN I APPROACH THE BENCH?

20 THE COURT: YEAH, IF YOU'D RATHER TALK ABOUT IT UP HERE
21 I'LL BE HAPPY TO TALK TO YOU UP FRONT.

22 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
23 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
24 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
25 PRESENT AT THE BENCH.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, KEVIN KORNICKEY, JUROR NUMBER 264, CAME
2 FORWARD.)

3 THE COURT: YOUR NAME IS KORNICKEY?

4 MR. KORNICKEY: YES, SIR.

5 THE COURT: OKAY, MR. KORNICKEY.

6 MR. KORNICKEY: OKAY; WELL, UH, TWO FACTORS. ONE, IT
7 DEFINITELY -- IT'S AGAINST MY RELIGION TO JUDGE.

8 THE COURT: SPEAK UP LOUDER, SLOW DOWN SO SHE CAN HEAR
9 YOU AND TAKE IT DOWN, OKAY? WHAT NOW?

10 MR. KORNICKEY: IT'S AGAINST MY RELIGION TO STAND IN
11 JUDGMENT OF ANOTHER PERSON.

12 THE COURT: WHY NOT?

13 MR. KORNICKEY: IT'S SIMPLY THE LAW.

14 THE COURT: PARDON?

15 MR. KORNICKEY: IT'S THE LAW OF MY RELIGION.

16 THE COURT: IT'S WHAT?

17 MR. KORNICKEY: SIMPLY THE LAW OF MY RELIGION.

18 THE COURT: ALL RIGHT, AND WHAT'S YOUR RELIGION?

19 MR. KORNICKEY: RASTAFARI.

20 THE COURT: WHAT'S YOUR RELIGION?

21 MR. KORNICKEY: RASTAFARI.

22 THE COURT: OKAY.

23 COURT REPORTER: WHAT? I DIDN'T UNDERSTAND.

24 MR. KORNICKEY: RASTAFARI.

25 MS. HERRING-LASH: RASTAFARI.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: ALL RIGHT, THAT'S THE FIRST REASON, YOUR
2 RELIGION?

3 MR. KORNICKEY: SECOND OF ALL, I WAS -- I WAS ACCUSED OF
4 A SIMILAR CRIME BACK IN 1999. IT NEVER WENT TO TRIAL.

5 OF COURSE, I WAS COMPLETELY INNOCENT, BUT I FEEL LIKE
6 THAT WOULD ALSO, UM, PUT ME IN THE POSITION WHERE I FEEL LIKE
7 MAYBE I WOULD FEEL SYMPATHY FOR A VICTIM OR MAYBE EVEN
8 PERHAPS THE DEFENDANT.

9 THE COURT: OKAY.

10 MR. KORNICKEY: I WAS WRONGFULLY ACCUSED OF THE SAME
11 CRIME.

12 THE COURT: SO YOU FEEL LIKE YOU WERE WRONGFULLY
13 ACCUSED, THEREFORE YOU DON'T THINK YOU COULD BE FAIR IN THIS
14 CASE?

15 MR. KORNICKEY: RIGHT; I DON'T WANT TO SAY YES AND THEN
16 NOT BE FAIR.

17 THE COURT: OKAY; ALL RIGHT, I UNDERSTAND.

18 MR. KORNICKEY: I'D JUST RATHER NOT.

19 THE COURT: ALL RIGHT, GO HAVE A SEAT ON THE FRONT ROW
20 OUT THERE, OKAY?

21 (WHEREUPON, KEVIN KORNICKEY, JUROR NUMBER 264, RETURNED
22 TO HIS SEAT.)

23 THE COURT: WHAT -- I DIDN'T HEAR HIS RELIGION.

24 MS. HERRING-LASH: HIS IS THAT RAP SHEET. RASTAFARIAN.

25 THE COURT: HUH?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. HERRING-LASH: RASTAFARIAN.
2 THE COURT: RASTAFARIAN?
3 MS. HERRING-LASH: UH-HUH.
4 THE COURT: WHAT IS THAT?
5 MR. DURANT: THAT'S BOB MARLEY.
6 THE COURT: HUH?
7 MR. GRIMES: WHOSE IS IT?
8 MR. DURANT: IT'S A JAMAICAN RELIGION THAT BOB MARLEY
9 PRACTICED.
10 THE COURT: A JAMAICAN RELIGION?
11 MR. DURANT: I DON'T KNOW REALLY.
12 THE COURT: DO YOU KNOW?
13 MR. GRIMES: I'VE HEARD OF IT, UM, I DON'T KNOW MUCH
14 ABOUT IT.
15 THE COURT: I MEAN, IF HE CAN'T SIT IN JUDGMENT BECAUSE
16 OF HIS BELIEFS, I'M NOT GONNA MAKE HIM SERVE, I'M GONNA
17 EXCUSE HIM. I'M NOT GONNA GET INTO RELIGION.
18 MS. HERRING-LASH: HE IS THIS PERSON.
19 THE COURT: DOES HE GOT A CRIMINAL RECORD?
20 MS. HERRING-LASH: NO, BUT HE DIDN'T RESPOND WHEN YOU
21 ASKED IF HE'D BEEN ACCUSED.
22 THE COURT: OKAY; I'M -- I'M GONNA EXCUSE HIM. BUT, I
23 AM GONNA MAKE HIM PROBABLY SIT IN THE COURTROOM AND WATCH THE
24 TRIAL. THAT'S WHAT I NORMALLY DO WITH THESE RELIGIOUS
25 FREAKS, LET HIM SIT AND WATCH THE COURT. WE'LL LET HIM WATCH

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE TRIAL.

2 MR. GRIMES: YEAH, I DON'T THINK, BECAUSE OF---

3 THE COURT: I -- I'M NOT GONNA MAKE HIM IF IT'S HIS
4 RELIGIOUS BELIEFS, BUT I AM GOING TO MAKE HIM SIT IN THE
5 COURTROOM AND WATCH IT.

6 MS. HERRING-LASH: AND I'LL PUT THIS BACK WITH---

7 THE COURT: OKAY; ALL RIGHT, HIS NUMBER WAS?

8 MR. GRIMES: TWO-SIXTY-FOUR.

9 MR. DURANT: TWO-SIXTY-FOUR.

10 THE COURT: TWO-SIXTY-FOUR. REMIND ME TO HAVE HIM SIT
11 ON THE FRONT ROW.

12 (WHEREUPON, KEVIN KORNICKEY, JUROR NUMBER 264, WAS
13 EXCUSED FROM JURY SERVICE ON THIS CASE.)

14 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

15 THE COURT: LADIES AND GENTLEMEN, YOUR DUTY, IF SELECTED
16 AS A JUROR IS TO JUDGE THE INNOCENCE OR GUILT BASED ON THE
17 EVIDENCE, AND MY DUTY AS THE JUDGE IS TO DETERMINE THE
18 PUNISHMENT IF YOU FIND THE DEFENDANT GUILTY.

19 IS THERE ANYBODY THAT COULD NOT OPERATE UNDER THAT, UH,
20 SCENARIO OR THAT -- THOSE FACTS? IF SO, PLEASE STAND.

21 (NO RESPONSE FROM THE JURY PANEL.)

22 THE COURT: IN OTHER WORDS, IS THERE ANY MEMBER OF THE
23 JURY HAVE A PROBLEM IF A DEFENDANT'S FOUND GUILTY BY THE
24 JURY, NOT (SIC) -- THE JURY DOES NOT IMPOSE PUNISHMENT.
25 ANYBODY THAT HAS A PROBLEM WITH THAT, PLEASE STAND.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (NO RESPONSE FROM THE JURY PANEL.)

2 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL THAT'S
3 PREVIOUSLY SAT ON A JURY? IF SO, PLEASE STAND.

4 UNIDENTIFIED JUROR: SAY IT AGAIN?

5 THE CLERK: CAN YOU REPEAT IT JUDGE? THEY CAN'T HEAR
6 YOU.

7 THE COURT: HAS ANY MEMBER OF THE JURY PANEL EVER SAT ON
8 A JURY ON ANOTHER COURT?

9 YES, SIR; YOUR NAME?

10 MR. CROCKER: ALPHONZO CROCKER.

11 THE COURT: YOU KNOW YOUR NUMBER?

12 MR. CROCKER: FORTY-EIGHT.

13 THE COURT: WHERE DID YOU SIT?

14 MR. CROCKER: UH -- IT WAS IN CHARLESTON COUNTY. UH --
15 IT WAS A -- I THINK IT WAS A CIVIL CASE.

16 THE COURT: IN CHARLESTON COUNTY?

17 MR. CROCKER: YES.

18 THE COURT: HOW LONG AGO?

19 MR. CROCKER: UH -- PROBABLY ABOUT THREE OR FOUR YEARS
20 AGO.

21 THE COURT: ALL RIGHT; HAVE ANY BIAS OR PREJUDICE AS A
22 RESULT OF THAT?

23 MR. CROCKER: NO, HUH-UH.

24 THE COURT: OKAY; THANK YOU SO VERY MUCH. YES, SIR;
25 YOUR NAME?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MR. TAYLOR: MARK TAYLOR.

2 THE COURT: YOU KNOW YOUR NUMBER?

3 MR. TAYLOR: TWO-TWENTY-SEVEN.

4 THE COURT: TWO-TWENTY-SEVEN?

5 MR. TAYLOR: I WAS ON A CIVIL HEARING.

6 THE COURT: WHAT COURT?

7 MR. TAYLOR: IN CHARLESTON COUNTY, A CIVIL CASE.

8 THE COURT: WHEREABOUTS?

9 MR. TAYLOR: IN---

10 THE COURT: WHAT COURTROOM?

11 MR. TAYLOR: ---IT WAS IN NORTH CHARLESTON.

12 THE COURT: WAS IT IN THE OLD COURTHOUSE IN NORTH
13 CHARLESTON OR WAS IT MAGISTRATE'S COURT?

14 MR. TAYLOR: IT WAS -- I'M TRYING TO THINK. IT WAS, UM,
15 1995.

16 THE COURT: OKAY, SO THAT WOULD HAVE BEEN OUT AT THE OLD
17 COURTHOUSE IN NORTH CHARLESTON. DO YOU REMEMBER IF IT'S
18 CRIMINAL OR CIVIL?

19 MR. TAYLOR: IT WAS CIVIL.

20 THE COURT: CIVIL? YOU SAT ONE TIME?

21 MR. TAYLOR: YES.

22 THE COURT: OKAY; DO YOU HAVE ANY BIA OR PREJUDICE AS A
23 RESULT OF THAT?

24 MR. TAYLOR: NO.

25 THE COURT: THANK YOU VERY MUCH. YES, SIR; YOUR NAME?

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VOIR DIRE/JURY SELECTION

1 MR. HAWKINS: JAMES HAWKINS, NINETY-EIGHT IS MY NUMBER,
2 AND I SAT IN MOUNT PLEASANT MUNICIPAL COURT.

3 THE COURT: IN THE CITY -- CITY COURT OR MAGISTRATE'S
4 COURT?

5 MR. HAWKINS: CITY COURT.

6 THE COURT: IN CIVIL OR CRIMINAL?

7 MR. HAWKINS: CRIMINAL.

8 THE COURT: HAVE ANY BIA OR PREJUDICE AS A RESULT?

9 MR. HAWKINS: NONE AT ALL.

10 THE COURT: OKAY, THANK YOU VERY MUCH. YES, MA'AM; THE
11 LADY ON THE FRONT ROW, YOUR NAME?

12 MS. CONNOLLY: DIANE CONNOLLY, SIXTY -- NO, FORTY-FOUR.

13 THE COURT: FORTY-FOUR.

14 MS. CONNOLLY: UM -- CIVIL COURT, CHARLESTON COUNTY,
15 PROBABLY TWENTY YEARS AGO.

16 THE COURT: IN CIVIL -- IN, UH, CIRCUIT COURT, OR
17 MAGISTRATE'S COURT OR CITY COURT?

18 MS. CONNOLLY: UM -- CIRCUIT COURT.

19 THE COURT: CIRCUIT COURT, TWENTY YEARS AGO?

20 MS. CONNOLLY: UH-HUH.

21 THE COURT: OKAY; HAVE ANY BIA OR PREJUDICE AS A RESULT
22 OF THAT?

23 MS. CONNOLLY: NO.

24 THE COURT: OKAY; THANK YOU VERY MUCH. YES, MA'AM?

25 MS. GLENN: UM---

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1 THE COURT: YOUR NAME?

2 MS. GLENN: JESTINE GLENN.

3 THE COURT: YOU KNOW YOUR NUMBER?

4 MS. GLENN: UH -- SEVENTY-NINE.

5 THE COURT: YES, MA'AM, MS. GLENN?

6 MS. GLENN: I DID BACK IN THE 80'S IN BERKELEY COUNTY,
7 ON CRIMINAL COURT.

8 THE COURT: ON CRIMINAL COURT. IN MAGISTRATE'S COURT,
9 OR CITY COURT, OR BIG COURT?

10 MS. GLENN: I DON'T QUITE REMEMBER, IT WAS A LONG TIME
11 AGO.

12 THE COURT: YOU DON'T REMEMBER?

13 MS. GLENN: NO.

14 THE COURT: HAVE ANY BIAS OR PREJUDICE AS A RESULT OF
15 THAT EXPERIENCE?

16 MS. GLENN: NONE WHATSOEVER.

17 THE COURT: THANK YOU VERY MUCH. YES, MA'AM?

18 MS. MCCARTHY: CHERYL MCCARTHY, ONE-THIRTY-THREE. UM --
19 THE OLD COURTHOUSE IN NORTH CHARLESTON.

20 THE COURT: OKAY; HAVE ANY BIAS OR PREJUDICE AS A RESULT
21 OF THAT?

22 MS. MCCARTHY: NO.

23 (NO FURTHER RESPONSE FROM THE JURY PANEL.)

24 THE COURT: ALL RIGHT, OUT OF THE PEOPLE THAT STOOD UP,
25 HAVE -- THAT HAVE SAT ON JURIES PREVIOUSLY, WAS THAT JURY

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VOIR DIRE/JURY SELECTION

1 UNABLE TO RENDER A VERDICT OR DID YOU AND THE JURORS RENDER A
2 VERDICT?

3 IF YOU WERE UNABLE TO RENDER A VERDICT WHEN YOU SERVED
4 ON THE JURY, PLEASE STAND.

5 MR. CROCKER: MINE HAD SETTLED BEFORE WE GOT TO A
6 VERDICT.

7 THE COURT: YOURS SETTLED, OKAY. YOU DIDN'T GET AN
8 OPPORTUNITY TO RENDER A VERDICT?

9 MR. CROCKER: NO, I DIDN'T -- NO.

10 THE COURT: OKAY; ANYBODY ELSE?

11 COURT REPORTER: HIS -- HIS NUMBER AGAIN, YOUR HONOR?

12 THE COURT: PARDON?

13 COURT REPORTER: THE GENTLEMAN---

14 THE CLERK: FORTY-EIGHT.

15 COURT REPORTER: FORTY-EIGHT. THANK YOU.

16 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
17 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
18 HEARING OF THE JURY PANEL, OFF THE RECORD.)

19 (WHEREUPON, COURT RESUMED.)

20 THE COURT: (AFTER PAUSE) IS THERE ANY MEMBER OF THE
21 JURY PANEL THAT HAS DAUGHTERS OR GRANDDAUGHTERS WHO ARE UNDER
22 THE -- UNDER THE AGE OF SIXTEEN? IF SO, PLEASE STAND.

23 ALL RIGHT, I'M GONNA ASK THIS QUESTION TO THE GROUP, AND
24 I'M GONNA HAVE EACH ONE OF YOU TO PLEASE IDENTIFY YOURSELF
25 WITH YOUR NUMBER.

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VOIR DIRE/JURY SELECTION

1 SINCE ALL OF YOU HAVE DAUGHTERS OR GRANDDAUGHTERS UNDER
2 THE AGE OF SIXTEEN, WOULD THAT FACT AFFECT YOUR ABILITY TO
3 GIVE THE DEFENDANT, MR. TURNER, AND THE PROSECUTION A FAIR
4 AND IMPARTIAL TRIAL WHEN THE PROSECUTION HAS ACCUSED
5 MR. TURNER OF HAVING SEX WITH A SIX-YEAR-OLD GIRL?

6 IF ANY OF YOU FEEL YOU CANNOT BE FAIR AND IMPARTIAL
7 BECAUSE OF YOUR CHILD OR YOUR GRANDCHILDREN, PLEASE RAISE
8 YOUR RIGHT HAND -- FROM THE PEOPLE THAT ARE STANDING.

9 (TO UNIDENTIFIED JUROR) YES, SIR; THANK YOU VERY MUCH,
10 YOU CAN HAVE A SEAT. ANYONE ELSE?

11 DID THE GENTLEMAN IN THE WHITE -- IN THE WHITE SHIRT ON
12 THE FRONT ROW RAISE YOUR HAND?

13 EVERYBODY STAND UP; DON'T SIT DOWN.

14 ALL RIGHT, THE LADY OVER HERE IS RAISING HER LEFT HAND.
15 ANYONE ELSE? OTHER THAN TWO PEOPLE THAT RAISED THEIR RIGHT
16 HAND?

17 THE CLERK: ONE IN THE BACK, YOUR HONOR.

18 THE COURT: ALL RIGHT, THE PEOPLE THAT RAISED YOUR RIGHT
19 HAND, PLEASE COME FORWARD. THE REST OF YOU KEEP STANDING.

20 (WHEREUPON, LINDA B. DISCHE, JUROR NUMBER 62; AND
21 ARABELLE BAILEY, JUROR NUMBER 7, CAME FORWARD.)

22 THE COURT: ALL RIGHT, YOU-ALL JUST STAND RIGHT THERE
23 FOR A SECOND, PLEASE.

24 THERE'S THREE -- WHO'S THE THIRD ONE?

25 (WHEREUPON, JENNIFER CROMWELL, JUROR NUMBER 50, CAME

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1 FORWARD.)

2 ALL RIGHT, THE THREE PEOPLE JUST STAND RIGHT THERE. THE
3 REST OF YOU...

4 ALL RIGHT, STARTING ON MY LEFT, I WANT YOU TO GIVE ME
5 YOUR NAME AND JUROR NUMBER PLEASE SIR.

6 MR. CROCKER: MY NAME IS ALPHONZO CROCKER, MY JUROR
7 NUMBER IS FORTY-EIGHT.

8 THE COURT: OKAY; SIR?

9 MR. FRANKLIN: MY NAME IS PAUL FRANKLIN, AND MY JUROR
10 NUMBER IS SEVENTY-THREE..

11 THE COURT: YES, MA'AM?

12 MS. JOHNSON: CAROL JOHNSON, JUROR NUMBER ONE-ELEVEN.

13 THE COURT: ALL RIGHT, GOING TO THE SECOND ROW ON MY
14 LEFT.

15 MR. BOHANNA: WILLIAM BOHANNA, JUROR NUMBER SIXTEEN.

16 THE COURT: YES, SIR?

17 MR. BEASENBURG: ANTHONY BEASENBURG, JUROR NUMBER NINE.

18 THE COURT: YES, MA'AM?

19 MS. PITTS: MELINDA PITTS, TWO-SIXTY-NINE.

20 COURT REPORTER: I CAN'T HEAR HER, YOUR HONOR.

21 THE COURT: ALL RIGHT, GOING ON THE BACK ROW.

22 MR. BLAKE: JERRY BLAKE, NUMBER, UH, FIFTEEN.

23 THE COURT: ALL RIGHT, OUT OF THE PEOPLE THAT JUST
24 IDENTIFIED BY NAME AND JUROR (SIC), CAN ALL OF YOU GIVE A
25 FAIR AND IMPARTIAL TRIAL TO BOTH THE STATE AND THE DEFENDANT,

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VOIR DIRE/JURY SELECTION

1 KNOWING THE FACT THAT YOU HAVE A CHILD UNDER THE AGE OF
2 SIX -- SIXTEEN?

3 IN UNISON: VARIOUS AFFIRMATIVE ANSWERS.

4 THE COURT: ALL RIGHT, EVERYBODY'S INDICATED YES. CAN
5 YOU MAKE YOUR DECISION BASED ON THE TESTIMONY YOU HEAR IN THE
6 COURTROOM, AND NOT BASED UPON THE RELATIONSHIP YOU HAVE WITH
7 YOUR DAUGHTER OR YOUR GRANDDAUGHTER?

8 IN UNISON: VARIOUS AFFIRMATIVE ANSWERS.

9 THE COURT: ALL RIGHT, EVERYBODY INDICATED YES. ALL
10 RIGHT, GOING TO MY RIGHT ON THE FRONT ROW, WHAT'S YOUR NAME,
11 SIR?

12 MR. DISPENZA: CALEB DISPENZA, I'M JUROR NUMBER
13 SIXTY-THREE.

14 THE COURT: SIXTY-THREE?

15 MR. DISPENZA: YES, SIR.

16 THE COURT: YES, MA'AM?

17 MS. CONNOLLY: DIANE CONNOLLY, JUROR FORTY-FOUR.

18 THE COURT: ALL RIGHT, GOING TO THE SECOND ROW, THE LADY
19 IN THE BLACK SWEATER?

20 MS. BOYD: CAROLINE BOYD, JUROR NUMBER TWO-FIFTY-TWO.

21 THE COURT: YES, MA'AM?

22 MS. LIDDELI: CARLETTA LIDDELI, JUROR NUMBER
23 TWO-SIXTY-FIVE.

24 THE COURT: ON THE BACK ROW?

25 MS. QUEEN: LURIA QUEEN, JUROR ONE-EIGHT-ONE.

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1 MR. WRIGHT: JOHN WRIGHT, JUROR NUMBER TWO-SEVENTY-
2 EIGHT.

3 THE COURT: ALL RIGHT, EVERYBODY HEAR THE NAMES AND THE
4 NUMBERS?

5 MS. HERRING-LASH: YES, YOUR HONOR.

6 MR. GRIMES: YES, YOUR HONOR.

7 THE COURT: OKAY. ALL RIGHT, THE -- THE JURORS OF --
8 SIX JURORS STANDING TO MY RIGHT, BECAUSE OF THE AGE OF THE
9 VICTIM IN THIS CASE AND THE AGE OF YOUR CHILDREN OR
10 GRANDCHILDREN, CAN YOU GIVE THE STATE A -- AND THE DEFENDANT
11 A FAIR AND IMPARTIAL TRIAL? IF YOU CANNOT, PLEASE RAISE YOUR
12 RIGHT HAND.

13 (NO RESPONSE FROM THE JURY PANEL.)

14 THE COURT: CAN YOU BASE YOUR DECISION ON THE TESTIMONY
15 YOU'VE HEARD -- THAT YOU HEAR IN THE COURTROOM, NOT BASED
16 UPON THE AGE OF THE CHILD, BUT ON THE TESTIMONY YOU HEAR? IF
17 YOU CANNOT DO THAT, RAISE YOUR RIGHT HAND.

18 (NO RESPONSE FROM THE JURY PANEL.)

19 THE COURT: ALL RIGHT, LET THE RECORD REFLECT THAT THE
20 SIX JURORS STANDING TO MY RIGHT DID NOT RAISE THEIR RIGHT
21 HAND.

22 ALL RIGHT, EVERYBODY ELSE CAN HAVE A SEAT. WHO'S THE
23 FIRST JUROR?

24 BAILIFF: SIXTY-TWO.

25 THE COURT: SIXTY-SIX?

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1 BAILIFF: TWO.

2 THE COURT: THANK YOU.

3 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
4 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
5 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
6 PRESENT AT THE BENCH.)

7 (WHEREUPON, LINDA B. DISCHE, JUROR NUMBER 62, CAME
8 FORWARD.)

9 THE COURT: IS IT DICE, DISCHE?

10 MS. DISCHE: DISCHE.

11 THE COURT: DISCHE -- MS. DISCHE, YOU SAID YOU COULDN'T
12 BE FAIR BECAUSE OF THE AGE OF YOUR GRANDCHILD?

13 MS. DISCHE: I -- I HAVE A THIRTEEN AND A SIX-YEAR-OLD
14 GRANDCHILD, AND I DON'T KNOW IF I COULD BE FAIR ABOUT
15 SOMETHING LIKE THAT.

16 THE COURT: YOU JUST DON'T THINK YOU COULD BE FAIR?

17 MS. DISCHE: I DON'T -- I -- I REALLY, HONESTLY DON'T
18 KNOW.

19 THE COURT: WELL, I NEED TO KNOW. SEE, ONLY BODY (SIC)
20 KNOWS -- NOBODY KNOWS THAT BUT YOU.

21 WHAT WE'RE TRYING TO DO IS DRAW A FAIR JURY -- FAIR
22 JURORS THAT COULD BE FAIR TO BOTH SIDES.

23 AND IT'S NORMAL FOR PEOPLE TO HAVE PREJUDICE AND BIASES.
24 IF YOU HAVE BIAS OR PREJUDICE, THAT'S WHAT WE'RE TRYING TO
25 FIND OUT. AND IT'S NOTHING REFLECTIVE AGAINST YOU

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1 PERSONALLY.

(2 MS. DISCHE: I -- I WOULD SAY NO.

3 THE COURT: PARDON?

4 MS. DISCHE: I WOULD SAY NO.

5 THE COURT: YOU WOULD SAY NO WHAT?

6 MS. DISCHE: THAT I PROBABLY COULD NOT BE FAIR.

7 THE COURT: YOU COULD NOT BE FAIR?

8 MS. DISCHE: NO.

9 THE COURT: OKAY; ALL RIGHT. I APPRECIATE YOUR
10 SINCERITY AND YOUR HONESTY, OKAY?

11 MS. DISCHE: THANK YOU.

12 THE COURT: THANK YOU VERY MUCH.

13 (WHEREUPON, LINDA B. DISCHE, JUROR NUMBER 62, RETURNED
14 TO HER SEAT.)

15 THE COURT: NUMBER SIXTY-TWO.

16 (WHEREUPON, LINDA B. DISCHE, JUROR NUMBER 62, WAS
17 EXCUSED FROM JURY SERVICE ON THIS CASE.)

18 THE COURT: WHAT ARE WE DOWN TO? WE GOT TO GET SOME
19 MORE NUMBERS?

20 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
21 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
22 HEARING OF THE JURY PANEL, OFF THE RECORD.)

23 (WHEREUPON, COURT RESUMED.)

24 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

25 THE COURT: OKAY; YES, MA'AM?

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1 BAILIFF: JUROR NUMBER SEVEN.

2 THE COURT: NUMBER WHAT?

3 BAILIFF: SEVEN -- ZERO, ZERO, SEVEN.

4 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
5 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
6 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
7 PRESENT AT THE BENCH.)

8 (WHEREUPON, ARABELLE BAILEY, JUROR NUMBER 7, CAME
9 FORWARD.)

10 THE COURT: ALL RIGHT, MS. BAILEY?

11 MS. BAILEY: YOUR HONOR, MY BROTHER-IN-LAW WAS CONVICTED
12 OF A SEX---

13 THE COURT: PARDON?

14 MS. BAILEY: ---BY BROTHER-IN-LAW IS CONVICTED OF SEXUAL
15 CRIMINAL ON A YOUNGER RETARDED CHILD---

16 THE COURT: UH-HUH?

17 MS. BAILEY: ---AND I DON'T FEEL THAT WAS RIGHT, EVEN
18 THOUGH THE CHILD WAS RETARDED, FOR ANYONE SHOULD ABUSE A
19 YOUNGER CHILD. (SIC)

20 THE COURT: YOU THINK THAT HE WAS WRONGLY CONVICTED?

21 MS. BAILEY: NO, HE WASN'T.

22 THE COURT: HE WAS NOT? HE SHOULD HAVE BEEN CONVICTED?

23 MS. BAILEY: YES.

24 THE COURT: WHAT HAPPENED? WAS HE CHARGED?

25 MS. BAILEY: YES.

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1 THE COURT: AND THEY DROPPED THE CHARGES?

2 MS. BAILEY: NO, HE'S SPENT -- I THINK IT WAS EIGHT
3 YEARS.

4 THE COURT: SO THE JURY FOUND HIM NOT (SIC) GUILTY?

5 MS. BAILEY: YES.

6 THE COURT: AND YOU THINK THAT WAS WRONG?

7 MS. BAILED: NO, THAT WASN'T WRONG.

8 THE COURT: YOU THINK IT WAS RIGHT?

9 MS. BAILEY: YES.

10 THE COURT: ALL RIGHT; AND HOW'S THAT GONNA AFFECT YOU
11 SITTING ON THIS JURY?

12 MS. BAILEY: IT WAS VERY -- I'LL BE PROBABLY SAYING LIKE
13 THAT COULD HAVE BEEN MY CHILD -- MY GRANDCHILD.

14 THE COURT: RIGHT; IT COULD HAVE BEEN YOUR GRANDCHILD---

15 MS. BAILEY: NO---

16 THE COURT: ---BUT IN THIS CASE IT'S NOT YOUR
17 GRANDCHILD---

18 MS. BAILEY: ---RIGHT, I JUST HAVE EMOTION---

19 THE COURT: ---SO HOW'S IT GONNA AFFECT YOU IN THIS
20 HEARING?

21 MS. BAILEY: ---I JUST HAVE EMOTIONAL DECISION ABOUT
22 THAT. BUT, YOU KNOW, I CAN GIVE IT A TRY, YOU KNOW.

23 THE COURT: WELL I KNOW -- BUT I KNOW -- I DON'T WANT
24 YOU TO GIVE IT A TRY, I JUST NEED TO KNOW HOW'S THAT GONNA
25 AFFECT YOU SITTING ON THIS JURY?

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1 MS. BAILEY: I'M -- I---

2 THE COURT: DO YOU FEEL SO STRONGLY ABOUT THIS TYPE OF
3 CRIME AGAINST CHILDREN THAT YOU CAN'T BE FAIR? THAT'S WHAT I
4 NEED TO KNOW.

5 MS. BAILEY: I DON'T THINK I CAN BE FAIR ON THAT ONE.

6 THE COURT: PARDON?

7 MS. BAILEY: I DON'T THINK I CAN BE FAIR JUDGING HIM ON
8 THAT. I REALLY DON'T.

9 THE COURT: 'CAUSE WE HAD YOU UP HERE A WHILE AGO AND
10 YOU SAID YOU COULD.

11 MS. BAILEY: I KNOW. I THOUGHT I MIGHT---

12 THE COURT: WHAT MADE YOU CHANGE YOUR MIND?

13 MS. BAILEY: ---THIS -- 'CAUSE THIS IS SEX ON A LITTLE
14 CHILD.

15 THE COURT: RIGHT.

16 MS. BAILEY: THIS IS A MINOR CHILD---

17 THE COURT: RIGHT -- RIGHT.

18 MS. BAILEY: ---THAT'S BEEN -- HAS BEEN MOLESTED.
19 THAT'S -- I DON'T KNOW HIM AND I DON'T KNOW THE SITUATION,
20 BUT THAT'S THE FEELING I HAVE TOWARD ANY MAN WHO SEXUALLY
21 ABUSE A YOUNGER CHILD.

22 THE COURT: OKAY; ANY QUESTIONS FROM THE STATE?

23 MS. HERRING-LASH: HUH-UH.

24 THE COURT: FROM THE DEFENDANT?

25 MR. GRIMES: NO, SIR.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: GO HAVE -- YOU MAY GO HAVE A SEAT; THANK YOU
2 VERY MUCH.

3 (WHEREUPON, ARABELLE BAILEY, JUROR NUMBER 7, RETURNED TO
4 HER SEAT.)

5 THE COURT: WHAT'S HER NUMBER? NUMBER SEVEN?

6 MS. HERRING-LASH: NUMBER SEVEN.

7 THE COURT: OKAY; ARABELLE BAILEY. ANY MOTIONS?

8 MR. GRIMES: I MOVE TO HAVE HER EXCUSED FOR CAUSE.

9 THE COURT: PARDON?

10 MR. GRIMES: I MOVE TO HAVE HER EXCUSED FOR CAUSE.

11 THE COURT: I'M NOT SURE WHICH WAY SHE WAS SAYING---

12 MS. HERRING-LASH: I KNOW.

13 THE COURT: ---SHE---

14 MS. HERRING-LASH: I THINK SHE SAID SHE COULDN'T -- SHE
15 WOULD BE THINKING OF HER OWN GRANDDAUGHTER AND COULDN'T BE
16 FAIR TO THE DEFENDANT.

17 THE COURT: YEAH; I'M NOT SURE WHETHER SHE SAID SHE
18 COULDN'T BE FAIR TO THE STATE OR THE DEFENDANT TO BE HONEST
19 WITH YOU.

20 MR. GRIMES: TO BEGIN WITH, I DIDN'T REALLY CATCH
21 EVERYTHING SHE SAID.

22 SOMETHING ABOUT HER BROTHER-IN-LAW WAS CONVICTED AND SHE
23 THOUGHT IT WAS RIGHT.

24 THE COURT: RIGHT; WELL, I'M GONNA EXCUSE HER FOR
25 CAUSE -- NUMBER SEVEN.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, ARABELLE BAILEY, JUROR NUMBER 7, WAS EXCUSED
2 FROM JURY SERVICE ON THIS CASE.)

3 THE COURT: HOW MANY WE GOT LEFT?

4 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
5 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
6 HEARING OF THE JURY PANEL, OFF THE RECORD.)

7 (WHEREUPON, COURT RESUMED.)

8 THE COURT: WE MIGHT NOT HAVE ANY ALTERNATES.

9 MR. GRIMES: YOU DID EXCUSE SIXTY-TWO?

10 THE COURT: OH YEAH, I'M GONNA EXCUSE SEVEN.

11 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

12 BAILIFF: NUMBER FIFTY.

13 THE COURT: COME ON AROUND.

14 (WHEREUPON, THE FOLLOWING JUROR/JURORS APPROACHED THE
15 BENCH AND CONVERSED IN THE PRESENCE OF THE JURY PANEL BUT
16 OUTSIDE THE HEARING OF THE JURY PANEL. COUNSEL WAS ALSO
17 PRESENT AT THE BENCH.)

18 (WHEREUPON, JENNIFER CROMWELL, JUROR NUMBER 50, CAME
19 FORWARD.)

20 THE COURT: GOOD AFTERNOON, MS. CROMWELL.

21 MS. CROMWELL: AND HOW ARE YOU? (HEAVY SIGH) REALLY, I
22 HAVE A NINE-YEAR-OLD DAUGHTER AND I'M VERY EMOTIONAL ABOUT
23 THINGS LIKE THAT.

24 THE COURT: YOU GOT A DAUGHTER?

25 MS. CROMWELL: YES, SIR.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: HOW OLD'S YOUR DAUGHTER?

2 MS. CROMWELL: SHE'S NINE.

3 THE COURT: SHE'S NINE?

4 MS. CROMWELL: YES.

5 THE COURT: OKAY; HAVE YOU EVER HAD ANYBODY IN THE
6 FAMILY ACCUSED OF SEXUAL---

7 MS. CROMWELL: NO, SIR.

8 THE COURT: HAVE YOU EVER HAD ANYBODY IN THE FAMILY THAT
9 WAS THE VICTIM OF SEXUAL ASSAULT?

10 MS. CROMWELL: NO, SIR.

11 THE COURT: ALL RIGHT; HOW'S THAT GONNA AFFECT YOU
12 SITTING ON THIS JURY?

13 MS. CROMWELL: WELL, IT WOULD AFFECT ME---

14 THE COURT: HAVING A DAUGHTER OF NINE?

15 MS. CROMWELL: ---I -- AS I ALWAYS WOULD BE THINKING
16 ABOUT HER.

17 THE COURT: PARDON?

18 MS. CROMWELL: I'LL BE THINKING ABOUT HER AS I'M DOING
19 THAT AND WILL---

20 THE COURT: I UNDERSTAND; BUT, CAN YOU SET THAT ASIDE
21 AND LISTEN TO THE TESTIMONY?

22 MS. CROMWELL: UM -- NOT REALLY, SIR.

23 THE COURT: WHY NOT?

24 MS. CROMWELL: (AFTER PAUSE) JUST THAT -- IT WILL JUST
25 BE TOO EMOTIONAL TO ME TO LISTEN TO THAT. THE VICTIM---

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: PARDON?

2 MS. CROMWELL: ---I -- IT WILL BE TOO EMOTIONAL FOR ME
3 TO LISTEN TO THAT.

4 THE COURT: YOU DON'T THINK -- YOU'LL BE WORRIED ABOUT
5 YOUR DAUGHTER?

6 MS. CROMWELL: YES, SIR; I WOULD.

7 THE COURT: ANY QUESTIONS FROM THE STATE?

8 MS. HERRING-LASH: (NOD.)

9 MR. GRIMES: NO, SIR.

10 THE COURT: YOUR DAUGHTER DOESN'T HAVE ANYTHING TO DO
11 WITH THIS.

12 MS. CROMWELL: I UNDERSTAND, SIR.

13 THE COURT: YOU UNDERSTAND THAT?

14 MS. CROMWELL: UH-HUH.

15 THE COURT: AND THE ODDS ARE -- WELL, AND I'M NOT SURE I
16 UNDERSTAND WHY YOU THINK YOU CANNOT BE FAIR BECAUSE JUST
17 SIMPLY THE FACT THAT YOUR DAUGHTER'S NINE-YEARS-OLD AND IN
18 THE BACK OF YOUR MIND.

19 MS. CROMWELL: UH-HUH.

20 THE COURT: AND YOU COULDN'T BE FAIR? I DON'T -- I'M
21 NOT SURE I UNDERSTAND THAT.

22 MS. CROMWELL: SOMEBODY -- IT'S VERY DIFFICULT FOR ME---

23 THE COURT: PARDON?

24 MS. CROMWELL: ---IT'S VERY DIFFICULT FOR ME.

25 THE COURT: WHY? IT'S DIFFICULT -- IT'S GONNA BE

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 DIFFICULT FOR EVERY JUROR OUT THERE.

2 MS. CROMWELL: I UNDERSTAND; YES, SIR.

3 THE COURT: IT'S A DIFFICULT CRIME, IT'S A (SIC)
4 DIFFICULT FOR THE STATE---

5 MS. CROMWELL: I UNDERSTAND.

6 THE COURT: ---IT'S DIFFICULT FOR THE DEFENDANT.

7 MS. CROMWELL: I BELIEVE IN CAPITAL PUNISHMENT. YOU
8 KNOW, THEY DESERVE TO GET WHAT THEY -- THEY GET. BUT THIS IS
9 MY FIRST TIME, I'M SORT OF NERVOUS AND I DON'T---

10 THE COURT: I UNDERSTAND.

11 MS. CROMWELL: UH-HUH. SO...

12 THE COURT: AND YOU JUST DON'T THINK YOU COULD BE FAIR?

13 MS. CROMWELL: YES, I COULD; BUT...

14 THE COURT: PARDON?

15 MS. CROMWELL: I COULD.

16 THE COURT: WELL NOW WHY YOU CHANGE YOUR MIND? 'CAUSE
17 I'M NOT -- I DON'T WANT---

18 MS. CROMWELL: I -- I KNOW---

19 THE COURT: ---TO TALK YOU INTO IT.

20 MS. CROMWELL: ---I KNOW THAT.

21 THE COURT: IF YOU CAN -- EITHER YOU CAN BE FAIR OR YOU
22 CAN'T -- CAN'T BE FAIR.

23 YOU CAN SET ASIDE THE FACT THAT YOUR DAUGHTER'S NINE-
24 YEARS-OLD AND BE FAIR AND BASE YOUR TES- -- YOUR DECISION ON
25 THE TESTIMONY OR YOU CAN'T BE.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 AND THAT'S WHAT I'M TRYING TO FIND OUT; IF YOU CAN OR IF
2 YOU CAN'T.

3 MS. CROMWELL: WELL, I DON'T THINK I CAN. I JUST---

4 THE COURT: YOU DON'T THINK YOU CAN?

5 MS. CROMWELL: NO, SIR; I JUST CAN'T GET UP THE NERVE.

6 THE COURT: YOU'D WANT TO PROSECUTE HIM 'CAUSE OF YOUR
7 DAUGHTER? YOU'D WANT HIM FOUND --- FOUND GUILTY BECAUSE OF
8 YOUR DAUGHTER, IS THAT WHAT YOU'RE TELLING ME?

9 MS. CROMWELL: YES -- YES, SIR.

10 THE COURT: AND YOU COULDN'T CONSIDER LOOKING AT THE
11 TESTIMONY?

12 MS. CROMWELL: NO.

13 THE COURT: OKAY; GO HAVE A SEAT.

14 MS. CROMWELL: THANK YOU, SIR.

15 (WHEREUPON, JENNIFER CROMWELL, JUROR NUMBER 50, RETURNED
16 TO HER SEAT.)

17 THE COURT: ANY MOTIONS?

18 MR. GRIMES: I MOVE THE JUROR BE EXCUSED FOR CAUSE.

19 THE COURT: PARDON?

20 MR. GRIMES: I MOVE---

21 MS. HERRING-LASH: I -- I AGREE.

22 THE COURT: NUMBER SEVEN.

23 COURT REPORTER: THAT WAS FIFTY---

24 MS. HERRING-LASH: FIFTY.

25 COURT REPORTER: ---YOUR HONOR.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: NUMBER WHAT?

2 MS. HERRING-LASH: FIFTY.

3 THE COURT: FIFTY -- NUMBER FIFTY.

4 (WHEREUPON, JENNIFER CROMWELL, JUROR NUMBER 50, WAS
5 EXCUSED FROM JURY SERVICE ON THIS CASE.)

6 THE COURT: YOU'VE GOT -- HOW MANY JURORS HAVE WE GOT?
7 (AFTER PAUSE) LET ME SEE HOW MANY WE GOT TO HAVE; I HAVEN'T
8 EVEN ADDED IT UP YET.

9 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
10 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
11 HEARING OF THE JURY PANEL, OFF THE RECORD.)

12 (WHEREUPON, COURT RESUMED.)

13 THE COURT: ALL RIGHT, LET'S SEE WHAT HAPPENS.

14 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

15 THE COURT: HAS ANY MEMBER OF THE JURY PANEL OR MEMBER
16 OF YOUR FAMILY WORKED IN LAW ENFORCEMENT? IF SO, PLEASE
17 STAND.

18 YES, SIR; YOUR NAME?

19 MR. HOLSCRAW: ROBERT HOLSCRAW, JUROR NUMBER ONE-O-FIVE.

20 THE COURT: ONE-O-FIVE, MR. HOLSCRAW; LET ME FIND YOU ON
21 THE LIST. YES, SIR, MR. HOLSCRAW, WHO WORKED IN LAW
22 ENFORCEMENT?

23 MR. HOLSCRAW: MY STEPFATHER WAS A CHARLESTON COUNTY
24 DETECTIVE; AND HE WAS ALSO A DEPUTY U.S. MARSHALL. I BELIEVE
25 HE'S RETIRED NOW.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: AND HE'S RELATED TO YOU HOW?

2 MR. HOLSCLOW: HE'S MY STEPFATHER.

3 THE COURT: YOUR STEPFATHER? OKAY; WOULD THAT AFFECT
4 YOU SITTING ON THIS JURY?

5 MR. HOLSCLOW: NO, SIR.

6 THE COURT: HAVE YOU EVER HAD ANY CONVERSATION WITH HIM
7 ABOUT HIS VIEWPOINTS IN LAW ENFORCEMENT?

8 MR. HOLSCLOW: NO, SIR.

9 THE COURT: HAS HE EVER DISCUSSED HIS JOB WITH YOU?

10 MR. HOLSCLOW: NO, SIR.

11 THE COURT: ALL RIGHT; DO YOU THINK YOU CAN YOU BE FAIR
12 TO BOTH THE STATE AND DEFENDANT?

13 MR. HOLSCLOW: YES, SIR.

14 THE COURT: CAN YOU BASE YOUR DECISION ON THE TESTIMONY
15 YOU HEAR IN THE COURTROOM?

16 MR. HOLSCLOW: YES, SIR.

17 THE COURT: OKAY; THANK YOU, MR. HOLSCLOW. ANY FURTHER
18 QUESTIONS FROM STATE OR DEFENDANT OF THIS JUROR?

19 MS. HERRING-LASH: NO, YOUR HONOR.

20 THE COURT: OKAY.

21 MR. GRIMES: NO, SIR.

22 THE COURT: YES, SIR; YOUR NAME?

23 MR. SEEL: HARRY SEEL, TWO-SEVENTY-ONE.

24 THE COURT: YES, SIR, MR. SEEL.

25 MR. SEEL: YES, SIR; I WAS A LAW ENFORCEMENT OFFICER FOR

STATE VERSUS JEREMIAH TURNER

VOIR DIRE/JURY SELECTION

1 THE STATE OF SOUTH CAROLINA SIX YEARS.

2 THE COURT: YOU WERE?

3 MR. SEEL: YES, SIR.

4 THE COURT: WHAT -- WHO DID YOU WORK FOR?

5 MR. SEEL: UH -- D-HEC; SOUTH CAROLINA DEPARTMENT OF
6 HEALTH.

7 THE COURT: WHAT'D YOU DO AT D-HEC? THE ENFORCEMENT
8 OFFICER?

9 MR. SEEL: YES, SIR; REGIONAL MANAGER OF THE TRI-COUNTY
10 AREA.

11 THE COURT: HOW LONG DID YOU WORK FOR D-HEC?

12 MR. SEEL: SIX YEARS AS A LAW ENFORCEMENT OFFICER.

13 THE COURT: PARDON?

14 MR. SEEL: SIX YEARS IN LAW ENFORCEMENT.

15 THE COURT: SIX YEARS IN LAW ENFORCEMENT, OKAY. AND
16 WITH D-HEC IN LAW---

17 MR. SEEL: YES, SIR.

18 THE COURT: ---YOU'RE CLASSIFYING THE D-HEC ENFORCEMENT
19 AS LAW ENFORCEMENT, RIGHT?

20 MR. SEEL: YES, SIR.

21 THE COURT: I'M NOT SAYING IT'S NOT, I'M JUST TRYING TO
22 GET---

23 MR. SEEL: I UNDERSTAND.

24 THE COURT: ---CLEAR IN MY MIND WHAT YOU DID; OKAY?

25 MR. SEEL: YES, SIR.

STATE VERSUS JEREMIAH TURNERVOIR DIRE/JURY SELECTION

1 THE COURT: UH -- WOULD THAT CAUSE YOU ANY DIFFICULTY IN
2 SITTING ON THIS JURY?

3 MR. SEEL: NO, SIR; IT WOULDN'T.

4 THE COURT: CAN YOU BE FAIR TO BOTH THE STATE AND
5 DEFENDANT?

6 MR. SEEL: YES, SIR.

7 THE COURT: CAN YOU BASE YOUR DECISION ON TESTIMONY YOU
8 HEAR IN THE COURTROOM?

9 MR. SEEL: YES, SIR.

10 THE COURT: ANY FURTHER QUESTIONS FROM THE STATE?

11 MS. HERRING-LASH: NO, YOUR HONOR.

12 THE COURT: ANY FROM THE DEFENDANT?

13 MR. GRIMES: (AFTER PAUSE) NO, SIR.

14 THE COURT: THANK YOU, MR. SEEL.

15 (TO UNIDENTIFIED JUROR) YES, MA'AM; YOU CAN HAVE A SEAT.

16 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL OR A
17 MEMBER OF YOUR IMMEDIATE FAMILY AFFILIATED WITH THE GROUP
18 THAT SUPPORTS PRIMARILY LAW ENFORCEMENT; SUCH AS MADD,
19 MOTHERS AGAINST DRUNK DRIVING; PAR, WHICH IS PEOPLE AGAINST
20 RAPE; SADD, WHICH IS STUDENTS AGAINST DRUNK DRIVING; CAV,
21 WHICH IS CITIZENS AGAINST VIOLENCE; AND A MEMBER OF THE
22 TROOPERS' ASSOCIATION OR SHERIFFS' ASSOCIATION OR THE
23 NATIONAL RIFLES (SIC) ASSOCIATION?

24 ANYBODY THAT'S A MEMBER OF THOSE ORGANIZATIONS,
25 CONTRIBUTED MONEY TO THOSE ORGANIZATION, PLEASE STAND.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 YES, SIR; YOUR NAME?

2 MR. GRIFFEN: WILLIAM GRIFFEN.

3 THE COURT: YOU KNOW YOUR NUMBER?

4 MR. GRIFFEN: EIGHTY-FIVE.

5 THE COURT: (AFTER PAUSE) WHICH -- WHICH ORGANIZATION,
6 MR. GRIFFEN?

7 MR. GRIFFEN: MY WIFE'S A MEMBER OF THE NATIONAL RIFLE
8 ASSOCIATION.

9 THE COURT: OKAY; WOULD THAT CAUSE YOU ANY DIFFICULTY IN
10 SITTING ON THIS JURY?

11 MR. GRIFFEN: NO, YOUR HONOR, IT WOULD NOT.

12 THE COURT: CAN YOU BE FAIR TO BOTH THE STATE AND THE
13 DEFENDANT?

14 MR. GRIFFEN: YES, YOUR HONOR.

15 THE COURT: CAN YOU BASE YOUR DECISION ON THE TESTIMONY
16 YOU HEAR IN THE COURTROOM?

17 MR. GRIFFEN: YES, YOUR HONOR.

18 THE COURT: AND -- THANK YOU SO VERY MUCH, MR. GRIFFEN.

19 IS ANY MEMBER OF THE JURY PANEL OR MEMBER OF YOUR FAMILY
20 BE EMPLOYED -- BEEN EMPLOYED WITH THE MEDICAL UNIVERSITY OF
21 SOUTH CAROLINA -- M-U-S-C? IF SO, PLEASE STAND.

22 YES, SIR?

23 MR. HOLSCLAW: UH -- ROBERT HOLSCLAW, ONE-O-FIVE. MY
24 MOTHER'S PAST AWAY AND SHE WAS.

25 THE COURT: SHE WAS WHAT?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MR. HOLSCLOW: MY MOTHER'S PAST AWAY, BUT SHE WAS
2 EMPLOYED BY M-U-S-C.

3 THE COURT: OKAY; ALL RIGHT, THANK YOU VERY MUCH. YES,
4 SIR?

5 MR. TAYLOR: MARK TAYLOR, TWO-TWENTY-SEVEN. I WAS
6 EMPLOYED AT M-U-S-C TWENTY-PLUS YEARS AGO.

7 THE COURT: ALL RIGHT, UH, YOU AND MR. HOLSCLOW, LET ME
8 ASK YOU THIS QUESTION.

9 UH -- THERE'S ONE WITNESS, APPARENTLY, THAT'S EMPLOYED
10 WITH M-U-S-C. WOULD THAT CAUSE YOU ANY DIFFICULTY SITTING
11 ON THIS JURY SINCE THE PERSON'S EMPLOYED WITH M-U-S-C?

12 MR. HOLSCLOW: NO, SIR.

13 MR. TAYLOR: (NOD).

14 THE COURT: ALL RIGHT; THANK YOU SO VERY MUCH. YES,
15 SIR, DOCTOR?

16 MR. LINKER: I WAS---

17 THE COURT: THANK YOU, YOU CAN HAVE A SEAT. YES, MA'AM?

18 MS. WERN: I WORK THERE NOW (BALANCE INAUDIBLE).

19 THE COURT: WHAT DO YOU -- WHAT'S YOUR NAME?

20 COURT REPORTER: I CAN'T HEAR HER, YOUR HONOR.

21 MS. WERN: MICHELLE WERN; I'M TWO-SEVEN-SEVEN.

22 THE COURT: TWO-SEVENTY-SEVEN? (AFTER PAUSE) AND WHAT
23 DO YOU DO THERE, MS. WERN?

24 MS. WERN: I'M A NURSE.

25 THE COURT: YOU'RE A NURSE? IN WHAT DEPARTMENT?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. WERN: IN SURGICAL TRAUMA UNIT.

2 THE COURT: DO YOU KNOW DOCTOR ANNE ABLE?

3 MS. WERN: NOT THAT I RECALL.

4 THE COURT: WOULD IT CAUSE YOU DIFFICULTY SITTING ON
5 THIS JURY, ASSUMING SHE TESTIFIES ON THIS CASE?

6 MS. WERN: NO.

7 THE COURT: CAN YOU BE FAIR TO BOTH THE STATE AND THE
8 DEFENDANT?

9 MS. WERN: YES.

10 THE COURT: HOW LONG HAVE YOU BEEN IN THE TRAUMA
11 SECTION?

12 MS. WERN: A YEAR.

13 THE COURT: A YEAR?

14 MS. WERN: TWO YEARS ACTUALLY.

15 THE COURT: TWO YEARS? HOW LONG HAVE YOU BEEN A NURSE?

16 MS. WERN: TWO YEARS.

17 THE COURT: TWO YEARS? OKAY; THANK YOU SO VERY MUCH

18 MS. -- IS IT WEER (PHONETIC/SIC)? WHAT--

19 MS. WERN: WERN.

20 THE COURT: WERN? MS. WERN, THANK YOU VERY MUCH.
21 YES, SIR?

22 MR. DENMARK: UH -- NUMBER FIFTY-NINE, EDDIE DENMARK.
23 MY WIFE WORKED AT MEDICAL UNIVERSITY FOR, UH, ABOUT TWENTY
24 YEARS AS A MEDICAL TECHNICIAN. BUT, SHE'S RETIRED.

25 THE COURT: WOULD IT CAUSE YOU ANY PROBLEM, ASSUMING

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 SOMEONE IN THIS CASE WAS FROM -- WILL TESTIFY FROM U- --
2 M-U-S-C?

3 MR. DENMARK: NO, SIR.

4 THE COURT: ALL RIGHT; THANK YOU, MR. DENMARK.
5 YES, MA'AM?

6 MS. NEAL: NUMBER ONE-SIXTY, SHERYL NEAL.

7 THE COURT: ONE-SIXTY?

8 MS. NEAL: YES, SIR.

9 THE COURT: YES, SIR (SIC), MS. NEAL.

10 MS. NEAL: I'M A REGISTERED NURSE AT M-U-S-C. I'VE BEEN
11 THERE FOR TWENTY-SEVEN YEARS.

12 THE COURT: AND WHERE -- WHERE DO YOU WORK NOW?

13 MS. NEAL: IN UTILIZATION MANAGEMENT DIVISION.

14 THE COURT: DO YOU KNOW DOCTOR ANNE ABLE?

15 MS. NEAL: NO, SIR.

16 THE COURT: WOULD IT CAUSE YOU ANY DIFFICULTY, ASSUMING
17 SHE WILL TESTIFY IN THIS CASE?

18 MS. NEAL: NO, SIR.

19 THE COURT: CAN YOU BE FAIR TO BOTH THE STATE AND THE
20 DEFENDANT?

21 MS. NEAL: YES, SIR.

22 THE COURT: BASE YOUR DECISION ON TESTIMONY YOU HEAR IN
23 THE COURTROOM?

24 MS. NEAL: YES, SIR.

25 THE COURT: ALL RIGHT; THANK YOU, MS. NEAL.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (AFTER EXTENDED PAUSE) IS THERE ANY MEMBER OF THE JURY
2 PANEL, MEMBER OF THEIR FAMILY, BEEN EMPLOYED BY A AGENCY SUCH
3 AS DEPARTMENT OF SOCIAL SERVICES OR ANY OTHER EMPLOYER THAT
4 INVESTIGATES CASES OF SEXUAL ABUSE? IF SO, PLEASE STAND.

5 (NO RESPONSE FROM THE JURY PANEL.)

6 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL WORK
7 AT A MEDICAL FACILITY THAT CONDUCTS PHYSICAL EXAMINATIONS OF
8 CHILDREN YOUNGER THAN THE AGE OF YEARS -- ELEVEN YEARS OF
9 AGE? IS SO, PLEASE STAND.

10 (TO UNIDENTIFIED JUROR) YES, SIR; YOU CAN HAVE A SEAT.
11 YES, MA'AM?

12 MS. NEAL: M-U-S-C.

13 THE COURT: PARDON?

14 MS. NEAL: WOULD YOU -- I'M SORRY, I -- I MAY HAVE
15 MISUNDERSTOOD YOUR QUESTION.

16 THE COURT: IN OTHER WORDS, HAVE YOU WORKED AT A MEDICAL
17 FACILITY THAT CONDUCTS PHYSICAL EXAMINATION OF CHILDREN
18 YOUNGER THAN ELEVEN YEARS OF AGE?

19 OBVIOUSLY, M-U-S-C DOES.

20 MS. NEAL: YES, SIR.

21 THE COURT: WHAT DEPARTMENTS HAVE YOU WORKED AT AT (SIC)
22 YOUR TWENTY-SEVEN YEARS?

23 MS. NEAL: UM -- DERMATOLOGY, OPHTHALMOLOGY---

24 THE COURT: PROBABLY SO NUMEROUS YOU CAN'T REMEMBER THEM
25 ALL?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MS. NEAL: YES.

2 THE COURT: OKAY.

3 MS. NEAL: WE HAVE AN ENDOWMENT---

4 THE COURT: HAVE YOU BEEN INVOLVED IN ANY EXAMINATION OF
5 JUVENILES OR CHILDREN WITH SEXUAL ABUSE AT M-U-S-C?

6 MS. NEAL: NO, SIR.

7 THE COURT: OKAY; THANK YOU SO VERY MUCH.

8 IS THERE ANY MEMBER OF THE JURY PANEL, A MEMBER OF YOUR
9 FAMILY EVER REPORTED A CASE OF SUSPECTED SEXUAL ABUSE TO ANY
10 LAW ENFORCEMENT AGENCIES? IF SO, PLEASE STAND.

11 (NO RESPONSE FROM THE JURY PANEL.)

12 THE COURT: (AFTER PAUSE) LET ME SEE THE ATTORNEYS UP
13 HERE JUST A SECOND.

14 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
15 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
16 HEARING OF THE JURY PANEL, OFF THE RECORD.)

17 (WHEREUPON, COURT RESUMED.)

18 THE COURT: ALL RIGHT, IS THERE ANY MEMBER OF THE JURY
19 PANEL CONTRIBUTED TO THE CAMPAIGN TO THE PRESENT SOLICITOR
20 HERE IN CHARLESTON -- THE NINTH CIRCUIT, UH, SCARLETT WILSON?
21 HAS ANYBODY CONTRIBUTED TO THE PRESENT SOLICITOR'S CAMPAIGN
22 WHEN SHE WAS RUNNING FOR OFFICE? DID YOU GIVE MONEY TO HELP
23 THE SOLICITOR GET ELECTED? IF SO, PLEASE STAND.

24 (NO RESPONSE FROM THE JURY PANEL.)

25 THE COURT: ALL RIGHT, MS. HERRING-LASH; YOU MAY STAND

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 AND INTRODUCE YOURSELF, PLEASE, MA'AM.

2 (WHEREUPON, DEBBIE HERRING-LASH AND RUTLEDGE DURANT
3 STOOD AND PRESENTED THEMSELVES TO THE JURY.)

4 MS. HERRING-LASH: YES; MY NAME IS DEBBIE HERRING-LASH
5 AND I WILL BE PROSECUTING THE CASE.

6 AND, UH, WITH ME IS ASSISTANT SOLICITOR, RUTLEDGE
7 DURANT.

8 THE COURT: ALL RIGHT, IS THERE ANY MEMBER OF THE JURY
9 PANEL HAVE ANY CLOSE PERSONAL FRIENDS OR -- THAT WORKS IN THE
10 SOLICITOR'S OFFICE? OR, ARE YOU CLOSE PERSONAL FRIENDS WITH
11 DEBBIE HERRING-LASH OR RUTLEDGE DURANT WHO JUST STOOD UP IN
12 FRONT OF YOU? IF SO, PLEASE STAND.

13 (NO RESPONSE FROM THE JURY PANEL.)

14 THE COURT: ALL RIGHT, MR. GRIMES, YOU MAY STAND AND
15 INTRODUCE YOURSELF, PLEASE SIR?

16 (WHEREUPON, ANDREW GRIMES AND MEGAN EHRLICH STOOD AND
17 PRESENTED THEMSELVES TO THE JURY.)

18 MR. GRIMES: THANK YOU, YOUR HONOR. GOOD MORNING. MY
19 NAME IS -- MY NAME IS ANDREW GRIMES, ASSISTANT PUBLIC
20 DEFENDER FROM CHARLESTON COUNTY PUBLIC DEFENDER'S OFFICE.

21 ASSISTING ME IN THE CASE TODAY IS MEGAN EHRLICH.

22 THE COURT: ALL RIGHT, IS THERE ANY MEMBER OF THE JURY
23 PANEL HAVE A CLOSE PERSONAL FRIENDS OR ANYONE IN THE PUBLIC
24 DEFENDER'S OFFICE OR A CLOSE PERSONAL FRIEND WITH MR. GRIMES
25 AND MS. EHRLICH? IF SO, PLEASE STAND.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (NO RESPONSE FROM THE JURY PANEL.)

2 THE COURT: HAS ANY MEMBER OF THE JURY PANEL FORMED OR
3 EXPRESSED AN OPINION ABOUT ANY ISSUE OR MATTER INVOLVED IN
4 THIS CASE? IF SO, PLEASE STAND.

5 (NO RESPONSE FROM THE JURY PANEL.)

6 THE COURT: HAS ANYBODY HEARD ANYTHING ABOUT THIS CASE
7 OTHER THAN WHAT'S BEEN TOLD TO YOU IN THE COURTROOM HERE
8 TODAY? EITHER BY T-V, NEWSPAPER, OR WORD OF MOUTH, OR ANYONE
9 TALKING? HAVE YOU HEARD ANYTHING ABOUT THE CASE? IF SO,
10 PLEASE STAND.

11 (NO RESPONSE FROM THE JURY PANEL.)

12 THE COURT: IS ANY MEMBER OF THE JURY PANEL AWARE OF ANY
13 BIAS OR PREJUDICE TOWARDS EITHER THE STATE OR THE DEFENDANT
14 IN THIS CASE THAT THEY PERSONALLY HAVE? IF SO, PLEASE STAND.

15 (NO RESPONSE FROM THE JURY PANEL.)

16 THE COURT: DOES ANY MEMBER OF THE JURY PANEL KNOW OF
17 ANY REASON WHY HE OR SHE SHOULD NOT SERVE AS A JUROR IN THIS
18 CASE? IF SO, PLEASE STAND.

19 (NO RESPONSE FROM THE JURY PANEL.)

20 THE COURT: IS THERE ANY MEMBER OF THE JURY PANEL THAT
21 HAS ANY RELATIVES THAT ARE SERVING TIME IN PRISON? IF SO,
22 PLEASE STAND.

23 (AS TO MR. FISHER) YES, SIR; WE ALREADY -- I -- WE
24 ALREADY KNOW ABOUT YOUR DAUGHTER-IN-LAW (SIC). ANYONE ELSE?

25 (NO FURTHER RESPONSE FROM THE JURY PANEL.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: DOES ANY MEMBER OF THE JURY PANEL KNOW OF
2 ANY REASON WHY THEY COULD NOT GIVE BOTH THE STATE AND
3 DEFENDANT A FAIR AND IMPARTIAL TRIAL? IF SO, PLEASE STAND.

4 (NO RESPONSE FROM THE JURY PANEL.)

5 THE COURT: IS THERE ANY MEMBER OF THE JURY -- YEAH,
6 EXCUSE ME, ANY FURTHER QUESTIONS FROM THE STATE?

7 MS. HERRING-LASH: NO, YOUR HONOR.

8 THE COURT: ANY FROM THE DEFENDANT?

9 MR. GRIMES: NO, SIR.

10 THE COURT: ALL RIGHT. THE ONLY QUESTION I WANT TO ASK
11 YOU -- AND I GUESS I'VE ASKED A LOT OF JURORS THIS -- BUT,
12 UH, ANY MEMBER OF THE JURY PANEL RELATED TO EACH OTHER?
13 ANYBODY RELATED?

14 DOCTOR, YOU STARTED TO RAISE YOUR HAND.

15 MR. LINKER: COUSINS -- EX- ---

16 THE COURT: WHICH ONE'S YOUR COUSIN?

17 (UNIDENTIFIED JUROR): EX-COUSIN -- EX-COUSIN.

18 (ROOM LAUGHTER.)

19 THE COURT: EX-COUSINS BY MARRIAGE?

20 MR. LINKER: YES, SIR.

21 THE COURT: OKAY; ANYBODY ELSE?

22 (NO FURTHER RESPONSE FROM THE JURY PANEL.)

23 THE COURT: THE REASON I ASK THAT QUESTION IS IN
24 LANCASTER, SOUTH CAROLINA, A FEW YEARS AGO, I WAS TRYING A
25 CASE AND WE'D BEEN TRYING IT I GUESS ABOUT THREE-AND-A-

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 HALF/FOUR DAYS.

2 AND THE BAILIFF SAID JUDGE, THIS JUROR'S GOT TO TALK TO
3 YOU. SO I SAID, WELL, BRING THE JUROR OUT.

4 SHE CAME OUT AND SHE SAID, JUDGE, I'VE BEEN SITTING IN
5 THAT JURY ROOM OFF AND ON FOR THREE-AND-A-HALF DAYS NOW WITH
6 MY OLDER SISTER. AND SHE'S TOLD ME WHAT TO DO ALL MY LIFE
7 AND I CAN'T SIT IN THERE WITH HER ANYMORE.

8 (ROOM LAUGHTER.)

9 THE COURT: SO I WOUND UP EXCUSING THAT JUROR AND
10 PUTTING THE ALTERNATE ON, SO I'VE BEEN ASKING JURORS ARE THEY
11 RELATED TO EACH OTHER. I'VE BEEN SURPRISED HOW MANY JURY
12 PANELS WHERE THEY'RE RELATED.

13 BUT, SO FAR THEY ALL HAVE TOLD ME THEY CAN GET ALONG.
14 CAN YOU TWO COUSINS GET ALONG?

15 MR. LINKER: YES, SIR.

16 UNIDENTIFIED JUROR: YES, SIR.

17 THE COURT: SO FAR THEY'VE ALL SAID HEY, WE CAN GET
18 ALONG.

19 SO, IS THE STATE READY TO STRIKE?

20 MS. HERRING-LASH: YES, YOUR HONOR.

21 THE COURT: DEFENSE READY TO STRIKE?

22 MR. GRIMES: YES, SIR.

23 THE COURT: WOULD YOU-ALL COME -- HAS ANYBODY BEEN
24 KEEPING TRACK OF THE JURORS THAT HAVE BEEN STRICKEN? YOU-ALL
25 WANT TO COME FORWARD AND MAKE SURE WE GOT 'EM ALL OUT?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 'CAUSE THERE'S BEEN QUITE A FEW; I WANT TO MAKE SURE THAT
2 NUMBER IS CORRECT.

3 MR. GRIMES: WE'LL TRY.

4 THE COURT: OKAY; IF ANYBODY WROTE THE NUMBERS DOWN -- I
5 THINK MY LAW CLERK DID; AND I KNOW THE CLERK DID. CONFER
6 WITH THE CLERK; MAKE SURE WE'VE GOT EVERYBODY OUT THAT'S
7 SUPPOSED TO BE OUT.

8 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
9 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
10 HEARING OF THE JURY PANEL, OFF THE RECORD.)

11 (WHEREUPON, THE FOLLOWING TOOK PLACE IN THE PRESENCE OF
12 THE JURY PANEL BUT OUTSIDE THE HEARING OF THE JURY PANEL.)

13 THE COURT: DOES EVERYBODY CONCUR WITH THAT? YOU-ALL
14 AGREE WITH THAT?

15 THE CLERK: YOUR HONOR, WE WERE GONNA CHECK ON
16 TWO-SIXTY-FIVE.

17 THE COURT: TWO-FIFTY-FIVE?

18 THE CLERK: TWO-SIXTY-FIVE.

19 THE COURT: YOU-ALL GO CHECK ON TWO-FIFTY-FIVE (SIC), ON
20 WHO REPRESENTS 'EM?

21 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
22 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
23 HEARING OF THE JURY PANEL, OFF THE RECORD.)

24 (WHEREUPON, COURT RESUMED.)

25 MR. DURANT: WANT TO, UH, STIPULATE THAT SHE'S NOT GONNA

STATE VERSUS JEREMIAH TURNER
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1 BE PART OF THIS JURY POOL? WE DON'T KNOW AS FOR A DEFENSE
2 COUNSEL.

3 MR. GRIMES: WE'RE FINE WITH THAT, YOUR HONOR.

4 THE COURT: YOU-ALL FINE WITH THAT? ALL RIGHT, PULL OUT
5 TWO-SIXTY-FIVE. BY AGREEMENT OF THE PARTIES, THEY AGREE TO
6 STRIKE JUROR TWO-SIXTY-FIVE WHO HAD TWO SONS REPRESENTED BY
7 THE PUBLIC DEFENDER. THE PARTIES AGREE TO THAT.

8 (WHEREUPON, CARLETTA LIDDELI, JUROR NUMBER 265, WAS
9 EXCUSED FROM JURY SERVICE ON THIS CASE.)

10 THE COURT: IS IT TWO-SIXTY-FIVE?

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
13 HEARING OF THE JURY PANEL, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 (WHEREUPON, AUDIO TO ENTIRE JURY PANEL RESUMED.)

16 THE COURT: ALL RIGHT, DO WE HAVE EVERYBODY OR DO WE
17 KNOW? NO? OKAY.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
19 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
20 HEARING OF THE JURY PANEL, OFF THE RECORD.)

21 (WHEREUPON, COURT RESUMED.)

22 THE COURT: OKAY; STATE READY TO STRIKE?

23 MS. HERRING-LASH: YES, YOUR HONOR.

24 THE COURT: DEFENSE READY TO STRIKE?

25 MR. GRIMES: YES, SIR.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE COURT: IF YOU'D GIVE US A JURY, PLEASE SIR.

2 THE CLERK: READY, YOUR HONOR.

3 LADIES AND GENTLEMEN OF THE JURY, AS I CALL YOUR NAME
4 AND JURY NUMBER, PLEASE GATHER YOUR PERSONAL BELONGINGS, COME
5 FORWARD, STAND IN FRONT OF THIS PODIUM, TURN AND FACE YOUR
6 PEERS PLEASE.

7 JUROR NUMBER ONE-O-THREE, CAROLYN HOLLOWELL.

8 (WHEREUPON, CAROLYN B. HOLLOWELL, JUROR NUMBER 103, CAME
9 FORWARD.)

10 THE CLERK: STAND RIGHT THERE PLEASE. WHAT SAY YOU FOR
11 THE STATE?

12 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
13 JUROR.

14 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

15 MR. GRIMES: PLEASE EXCUSE THE JUROR.

16 THE CLERK: MA'AM, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
17 THIS CASE; IF YOU WOULD, PLEASE HAVE A SEAT BACK IN THE
18 AUDIENCE.

19 (WHEREUPON, CAROLYN B. HOLLOWELL, JUROR NUMBER 103,
20 RETURNED TO HER SEAT.)

21 THE CLERK: JUROR NUMBER TWO-SIXTY-THREE, TARA KIST.

22 (WHEREUPON, TARA KIST, JUROR NUMBER 263, CAME FORWARD.)

23 THE CLERK: WHAT SAY YOU FOR THE STATE?

24 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
25 JUROR.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

2 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
3 JUROR.

4 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
5 THIS CASE. IF YOU WOULD, PLEASE HAVE A SEAT IN THE JURY BOX.

6 (WHEREUPON, TARA KIST, JUROR NUMBER 263, WAS SEATED IN
7 THE JURY BOX.)

8 THE CLERK: JUROR NUMBER ONE-EIGHTY-ONE, LURIA QUEEN.

9 (WHEREUPON, LURIA S. QUEEN, JUROR NUMBER 181, CAME
10 FORWARD.)

11 THE CLERK: WHAT SAY YOU FOR THE STATE?

12 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
13 JUROR.

14 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

15 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

16 THE CLERK: MA'AM, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
17 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

18 (WHEREUPON, LURIA S. QUEEN, JUROR NUMBER 181, RETURNED
19 TO HER SEAT.)

20 THE CLERK: JUROR NUMBER FORTY-EIGHT, ALPHONZO CROOK
21 (SIC).

22 MR. CROCKER: CROCKER.

23 THE CLERK: CROCKER.

24 (WHEREUPON, ALPHONZO H. CROCKER, JUROR NUMBER 48, CAME
25 FORWARD.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: WHAT SAY YOU FOR THE STATE?

2 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
3 JUROR.

4 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

5 MR. GRIMES: (AFTER CONFERENCE) PLEASE SEAT THE JUROR.

6 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
7 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

8 (WHEREUPON, ALPHONZO H. CROCKER, JUROR NUMBER 48, WAS
9 SEATED IN THE JURY BOX.)

10 THE CLERK: JUROR NUMBER ONE-THIRTY-THREE, CHERYL
11 MCCARTHY.

12 (WHEREUPON, CHERYL G. MCCARTHY, JUROR NUMBER 133, CAME
13 FORWARD.)

14 THE CLERK: WHAT SAY YOU FOR THE STATE?

15 MS. HERRING-LASH: PLEASE PRESENT THE JUROR.

16 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

17 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

18 THE CLERK: MA'AM, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
19 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

20 (WHEREUPON, CHERYL G. MCCARTHY, JUROR NUMBER 133,
21 RETURNED TO HER SEAT.)

22 THE CLERK: JUROR NUMBER TWO-SEVENTY-SEVEN, MICHELLE
23 WERN.

24 (WHEREUPON, MICHELLE WERN, JUROR NUMBER 277, CAME
25 FORWARD.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: WHAT SAY YOU FOR THE STATE?

2 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
3 JUROR.

4 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

5 MR. GRIMES: (AFTER CONFERENCE) PLEASE SEAT THE JUROR.

6 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
7 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

8 (WHEREUPON, MICHELLE WERN, JUROR NUMBER 277, WAS SEATED
9 IN THE JURY BOX.)

10 THE CLERK: JUROR NUMBER EIGHTY-SEVEN, MELVIN HAGOOD.

11 (WHEREUPON, MELVIN HAGOOD, JUROR NUMBER 87, CAME
12 FORWARD.)

13 THE CLERK: WHAT SAY YOU FOR THE STATE?

14 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
15 JUROR.

16 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

17 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

18 THE CLERK: SIR, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
19 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

20 (WHEREUPON, MELVIN HAGOOD, JUROR NUMBER 87, RETURNED TO
21 HIS SEAT.)

22 THE CLERK: JUROR NUMBER TWO-SEVENTY-THREE, JAMES
23 SOUTHARD.

24 (WHEREUPON, JAMES SOUTHARD, JUROR NUMBER 273, CAME
25 FORWARD.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: WHAT SAY YOU FOR THE STATE?

2 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
3 JUROR.

4 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

5 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
6 JUROR.

7 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
8 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

9 (WHEREUPON, JAMES SOUTHARD, JUROR NUMBER 273, WAS SEATED
10 IN THE JURY BOX.)

11 THE CLERK: JUROR NUMBER TWO-FIFTY-TWO, CAROLYN BOYD.

12 (WHEREUPON, CAROLYN BOYD, JUROR NUMBER 252, CAME
13 FORWARD.)

14 THE CLERK: WHAT SAY YOU FOR THE STATE?

15 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
16 JUROR.

17 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

18 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
19 JUROR.

20 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
21 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

22 (WHEREUPON, CAROLYN BOYD, JUROR NUMBER 252, WAS SEATED
23 IN THE JURY BOX.)

24 THE CLERK: JUROR NUMBER ONE-O-FIVE, ROBERT HOLSCRAW.

25 (WHEREUPON, ROBERT W. HOLSCRAW, JUROR NUMBER 105, CAME

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VOIR DIRE/JURY SELECTION

1 FORWARD.)

2 THE CLERK: WHAT SAY YOU FOR THE STATE?

3 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
4 JUROR.

5 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

6 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
7 JUROR.

8 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
9 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

10 (WHEREUPON, ROBERT W. HOLSCRAW, JUROR NUMBER 105, WAS
11 SEATED IN THE JURY BOX.)

12 THE CLERK: JUROR NUMBER SEVENTY-NINE, JESTINE GLENN.

13 (WHEREUPON, JESTINE GLENN, JUROR NUMBER 79, CAME
14 FORWARD.)

15 THE CLERK: WHAT SAY YOU FOR THE STATE?

16 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
17 JUROR.

18 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

19 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
20 JUROR.

21 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
22 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

23 (WHEREUPON, JESTINE GLENN, JUROR NUMBER 79, WAS SEATED
24 IN THE JURY BOX.)

25 THE CLERK: JUROR NUMBER TWO-SEVENTY-TWO, PETER SOLOMON.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, PETER SOLOMON, JUROR NUMBER 272, CAME
2 FORWARD.)

3 THE CLERK: WHAT SAY YOU FOR THE STATE?

4 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
5 JUROR.

6 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

7 MR. GRIMES: (AFTER CONFERENCE) PLEASE STRIKE THE JUROR.

8 THE CLERK: SIR, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
9 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

10 (WHEREUPON, PETER SOLOMON, JUROR NUMBER 272, RETURNED TO
11 HIS SEAT.)

12 THE CLERK: JUROR NUMBER EIGHTY-FIVE, WILLIAM GRIFFEN.

13 (WHEREUPON, WILLIAM W. GRIFFEN, JR., JUROR NUMBER 85,
14 CAME FORWARD.)

15 THE CLERK: WHAT SAY YOU FOR THE STATE?

16 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
17 JUROR.

18 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

19 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

20 THE CLERK: SIR, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
21 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

22 (WHEREUPON, WILLIAM W. GRIFFEN, JR., JUROR NUMBER 85,
23 RETURNED TO HIS SEAT.)

24 THE CLERK: JUROR NUMBER TWO-FIFTY-SIX, MCKENZIE ESTES.

25 (WHEREUPON, MCKENZIE ESTES, JUROR NUMBER 256, CAME

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 FORWARD.)

2 THE CLERK: WHAT SAY YOU FOR THE STATE?

3 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
4 JUROR.

5 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

6 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
7 JUROR.

8 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
9 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

10 (WHEREUPON, MCKENZIE ESTES, JUROR NUMBER 256, WAS SEATED
11 IN THE JURY BOX.)

12 THE CLERK: JUROR NUMBER SEVENTY-THREE, PAUL FRANKLIN.

13 (WHEREUPON, PAUL E. FRANKLIN, JUROR NUMBER 73, CAME
14 FORWARD.)

15 THE CLERK: WHAT SAY YOU FOR THE STATE?

16 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
17 JUROR.

18 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

19 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

20 THE CLERK: SIR, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
21 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

22 (WHEREUPON, PAUL E. FRANKLIN, JUROR NUMBER 73, RETURNED
23 TO HIS SEAT.)

24 THE CLERK: JUROR NUMBER SIXTY-THREE, CALEB DISPENZA.

25 (WHEREUPON, CALEB J. DISPENZA, JUROR NUMBER 63, CAME

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VOIR DIRE/JURY SELECTION

1 FORWARD.)

2 THE CLERK: WHAT SAY YOU FOR THE STATE?

3 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
4 JUROR.

5 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

6 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
7 JUROR.

8 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
9 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

10 (WHEREUPON, CALEB J. DISPENZA, JUROR NUMBER 63, WAS
11 SEATED IN THE JURY BOX.)

12 THE CLERK: JUROR NUMBER FORTY-FOUR, DIANE CONNOLLY.

13 (WHEREUPON, DIANE B. CONNOLLY, JUROR NUMBER 44, CAME
14 FORWARD.)

15 THE CLERK: WHAT SAY YOU FOR THE STATE?

16 MS. HERRING-LASH: PLEASE PRESENT THE JUROR.

17 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

18 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

19 THE CLERK: MA'AM, YOU'VE BEEN EXCUSED FROM THE TRIAL OF
20 THIS CASE. PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

21 (WHEREUPON, DIANE B. CONNOLLY, JUROR NUMBER 44, RETURNED
22 TO HER SEAT.)

23 THE CLERK: JUROR NUMBER ONE-ELEVEN, CAROLYN JOHNSON.

24 (WHEREUPON, CAROLYN J. JOHNSON, JUROR NUMBER 111, CAME
25 FORWARD.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: WHAT SAY YOU FOR THE STATE?

2 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
3 JUROR.

4 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

5 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
6 JUROR.

7 THE CLERK: MA'AM, YOU'VE BEEN SELECTED FOR THE TRIAL OF
8 THIS CASE. IF YOU WOULD, PLEASE HAVE A SEAT IN THE JURY BOX.

9 (WHEREUPON, CAROLYN J. JOHNSON, JUROR NUMBER 111, WAS
10 SEATED IN THE JURY BOX.)

11 THE CLERK: JUROR NUMBER NINETY-EIGHT, JAMES HAWKINS.

12 (WHEREUPON, JAMES D. HAWKINS, JR., JUROR NUMBER 98, CAME
13 FORWARD.)

14 THE CLERK: WHAT SAY YOU FOR THE STATE?

15 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
16 JUROR.

17 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

18 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
19 JUROR.

20 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
21 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

22 (WHEREUPON, JAMES D. HAWKINS, JR., JUROR NUMBER 98, WAS
23 SEATED IN THE JURY BOX.)

24 THE CLERK: JUROR NUMBER SIXTEEN, WILLIAM BOHANNEN
25 (PHONETIC/SIC).

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 MR. BOHANNA: BOHANNA.

2 (WHEREUPON, WILLIAM N. BOHANNA, JR., JUROR NUMBER 16,
3 CAME FORWARD.)

4 THE CLERK: WHAT SAY YOU FOR THE STATE?

5 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
6 JUROR.

7 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

8 MR. GRIMES: (AFTER CONFERENCE) PLEASE EXCUSE THE JUROR.

9 THE CLERK: SIR, YOU'VE BEEN EXCUSED TO TRY THIS CASE.
10 PLEASE HAVE A SEAT BACK IN THE AUDIENCE.

11 (WHEREUPON, WILLIAM N. BOHANNA, JR., JUROR NUMBER 16,
12 RETURNED TO HIS SEAT.)

13 THE CLERK: THE DEFENDANT HAS ONE STRIKE REMAINING.

14 JUROR NUMBER TWO-TWENTY-SEVEN, MARK TAYLOR.

15 (WHEREUPON, MARK L. TAYLOR, JUROR NUMBER 227, CAME
16 FORWARD.)

17 THE CLERK: WHAT SAY YOU FOR THE STATE?

18 MS. HERRING-LASH: (AFTER CONFERENCE) PLEASE PRESENT THE
19 JUROR.

20 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

21 MR. GRIMES: (AFTER CONFERENCE) PLEASE SEAT THE JUROR.

22 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
23 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

24 (WHEREUPON, MARK L. TAYLOR, JUROR NUMBER 227, WAS SEATED
25 IN THE JURY BOX.)

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 THE CLERK: YOUR HONOR, THOSE ARE OUR TWELVE JURORS.

2 THE COURT: OKAY, WE'LL TRY TWO ALTERNATES.

3 THE CLERK: THE TWO ALTERNATE STRIKES ARE TWO AND ONE.

4 JUROR NUMBER FIFTEEN, JERRY BLAKE.

5 (WHEREUPON, JERRY N. BLAKE, JUROR NUMBER 15, CAME
6 FORWARD.)

7 THE CLERK: WHAT SAY YOU FOR THE STATE?

8 MS. HERRING-LASH: PLEASE PRESENT THE JUROR.

9 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

10 MR. GRIMES: (AFTER CONFERENCE) PLEASE PRESENT THE
11 JUROR.

12 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
13 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

14 (WHEREUPON, JERRY N. BLAKE, JUROR NUMBER 15, WAS SEATED
15 IN THE JURY BOX.)

16 THE CLERK: JUROR NUMBER TWO-SIXTEEN, JAMIE SMOAK.

17 (WHEREUPON, JAMIE R. SMOAK, JUROR NUMBER 216, CAME
18 FORWARD.)

19 MS. HERRING-LASH: PLEASE PRESENT---

20 THE CLERK: WHAT SAY YOU FOR THE STATE?

21 MS. HERRING-LASH: ---PLEASE PRESENT THE JUROR.

22 THE CLERK: WHAT SAY YOU FOR THE DEFENDANT?

23 MR. GRIMES: PLEASE PRESENT -- PLEASE PRESENT THE JUROR.

24 THE CLERK: SIR, YOU'VE BEEN SELECTED FOR THE TRIAL OF
25 THIS CASE. PLEASE HAVE A SEAT IN THE JURY BOX.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, JAMIE R. SMOAK, JUROR NUMBER 216, WAS SEATED
2 IN THE JURY BOX.)

3 THE CLERK: YOUR HONOR, OUR JURY HAS BEEN SELECTED.

4 THE COURT: OKAY; THANK YOU VERY MUCH.

5 ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY, WHAT I'M
6 GOING TO ASK YOU TO DO IS GO TO THE JURY ROOM AND ELECT A
7 FOREMAN OR A FORELADY. YOU MAY ELECT ANYBODY EXCEPT ONE OF
8 THE ALTERNATES, MR. BLAKE OR MR. SMOAK.

9 ALL RIGHT, AFTER YOU'VE DONE THAT, LET THE BAILIFF KNOW.
10 WRITE THE NAME DOWN AND I'LL GET YOU BACK IN THE COURTROOM
11 JUST AS SOON AS YOU-ALL HAVE MADE A DECISION ON YOUR ELECTION
12 OF A FORELADY OR A FOREPERSON.

13 PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES. IF
14 YOU'LL FOLLOW THE BAILIFFS, THEY'LL SHOW YOU WHERE TO GO.

15 (WHEREUPON, JURY LEFT THE COURTROOM AT 1:42 P.M.)

16 THE COURT: ALL RIGHT, OTHER THAN THE OBJECTIONS THAT
17 HAVE ALREADY BEEN MADE ON THE STRIKING THE JURORS FOR CAUSE,
18 ARE THERE ANY FURTHER---

19 MS. HERRING-LASH: NO, YOUR HONOR.

20 THE COURT: ---MOTIONS ON STRIKING -- ON DRAWING THE
21 JURY FROM THE STATE?

22 MS. HERRING-LASH: NO, YOUR HONOR.

23 THE COURT: ANY FROM THE DEFENDANT?

24 MR. GRIMES: NO, SIR.

25 THE COURT: OKAY; THANK YOU VERY MUCH.

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
2 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
3 HEARING OF THE JURY PANEL, OFF THE RECORD.)

4 (WHEREUPON, COURT RESUMED.)

5 THE COURT: ALL RIGHT, THE REMAINING MEMBERS OF THE JURY
6 PANEL, UH, (AFTER PAUSE) CALL IN TONIGHT AFTER SIX O'CLOCK.
7 YOU'VE GOT A PHONE -- WHAT IS IT, ON A CARD?

8 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
9 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
10 HEARING OF THE JURY PANEL, OFF THE RECORD.)

11 (WHEREUPON, COURT RESUMED.)

12 THE COURT: A JURY CARD WITH A PHONE NUMBER. CALL IN;
13 THERE'LL BE A MESSAGE FOR THE JURY PANEL.

14 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
15 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
16 HEARING OF THE JURY PANEL, OFF THE RECORD.)

17 (WHEREUPON, COURT RESUMED.)

18 THE COURT: IS THERE ANYBODY THAT DOES NOT HAVE THE
19 PHONE NUMBER?

20 (NO RESPONSE FROM THE JURY PANEL.)

21 THE COURT: IF YOU DON'T HAVE THE PHONE NUMBER, RAISE
22 YOUR RIGHT HAND.

23 (NO RESPONSE FROM THE JURY PANEL.)

24 UNIDENTIFIED JUROR: I DON'T HAVE IT.

25 THE COURT: PARDON?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 UNIDENTIFIED JUROR: I DON'T HAVE IT.

2 THE COURT: YOU DO NOT HAVE IT?

3 UNIDENTIFIED JUROR: I DIDN'T GET ONE.

4 THE COURT: ALL RIGHT; DO YOU HAVE SOMETHING TO WRITE
5 WITH? THE BAILIFF -- THE BAILIFF WILL GIVE IT TO YOU -- WILL
6 GIVE IT TO YOU.

7 IS THERE ANYBODY ELSE WHO DOES NOT HAVE THE NUMBER TO
8 CALL TONIGHT AFTER SIX O'CLOCK? THERE'LL BE A MESSAGE FOR
9 THE JURY PANEL; FOLLOW THOSE INSTRUCTIONS.

10 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
11 CONFERENCE IN THE PRESENCE OF THE JURY PANEL BUT OUTSIDE THE
12 HEARING OF THE JURY PANEL, OFF THE RECORD.)

13 (WHEREUPON, COURT RESUMED.)

14 THE COURT: ANYBODY ELSE NEED THE PHONE NUMBER?

15 (NO FURTHER RESPONSE FROM THE JURY PANEL.)

16 THE COURT: ALL RIGHT, CALL IN AFTER SIX O'CLOCK.
17 FOLLOW THOSE INSTRUCTIONS.

18 MR. KORNICKEY, IF YOU'D JUST KEEP YOUR SEAT, PLEASE SIR,
19 THE OTHER MEMBERS OF THE JURY PANEL WILL BE EXCUSED.

20 (WHEREUPON, JURY PANEL WAS EXCUSED AND LEFT THE
21 COURTROOM AT 1:43 P.M.)

22 THE COURT: MR. KORNICKEY, I WANT YOU BACK TO THE
23 COURTROOM HERE AT THREE O'CLOCK, OKAY?

24 MR. KORNICKEY: THREE O'CLOCK?

25 THE COURT: AT THREE O'CLOCK, BACK IN THIS COURTROOM,

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 OKAY? YOU'RE GONNA SIT AND WATCH A LITTLE BIT OF THE TRIAL.
2 SEE YOU AT THREE O'CLOCK.

3 (WHEREUPON, KEVIN KORNICKEY, JUROR NUMBER 264, LEFT THE
4 COURTROOM AT 1:45 P.M.)

5 THE COURT: WELL, IF IT'S TAKING THE -- TAKING THIS LONG
6 TO ELECT A FORELADY WE MIGHT NEVER GET THE VERDICT.

7 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
8 CONFERENCE, OFF THE RECORD.)

9 (WHEREUPON, COURT RESUMED.)

10 THE COURT: OH, OKAY; ALL RIGHT. BRING -- BRING THE
11 JURY IN IF YOU WOULD.

12 WHAT TIME DO YOU-ALL WANT TO START BACK? THREE O'CLOCK
13 OKAY? THAT'S AN HOUR-AND-FIFTEEN-MINUTES.

14 MS. HERRING-LASH: YES, YOUR HONOR.

15 THE COURT: THAT GIVE YOU ENOUGH TIME?

16 MR. GRIMES: YES, SIR.

17 THE COURT: OKAY.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
19 CONFERENCE, OFF THE RECORD.)

20 (WHEREUPON, COURT RESUMED.)

21 THE COURT: MICHELLE WERN IS THE ELECTED FORELADY; SHE'S
22 JUROR NUMBER TWO-SEVENTY-SEVEN. I BELIEVE SHE WAS THE NURSE
23 AT M-U-S-C.

24 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
25 CONFERENCE, OFF THE RECORD.)

1 (WHEREUPON, COURT RESUMED.)

2 (WHEREUPON, JURY ENTERED THE COURTROOM AT 1:47 P.M.)

3 BAILIFF: THE JURORS ARE ALL PRESENT, YOUR HONOR.

4 THE COURT: THANK YOU VERY MUCH. ALL RIGHT MADAME
5 FORELADY AND MEMBERS OF THE JURY, WE'RE GOING TO START THE
6 TESTIMONY THIS AFTERNOON.

7 AND BEFORE WE START THE TESTIMONY THERE'LL BE OPENING
8 STATEMENTS BY THE ATTORNEYS THEN WE'LL START THE TESTIMONY
9 THIS AFTERNOON.

10 HOWEVER, UH, IT IS NOW QUARTER-TO-TWO. IF YOU'LL BE
11 BACK IN THE JURY ROOM AT THREE-FIFTEEN, WE'LL GET STARTED.

12 THAT GIVES YOU AND HOUR-AND-A-HALF FOR LUNCH. 'CAUSE I
13 KNOW YOU GOT TO WALK A WAYS TO GET TO YOUR CAR OR WALK TO
14 WHATEVER -- WHEREVER YOU'RE GOING TO EAT.

15 BUT, BE BACK IN THE JURY ROOM AT THREE-FIFTEEN.

16 LET ME SEE THE ATTORNEYS UP HERE JUST A SECOND PLEASE.
17 HOLD ON JUST A SECOND, I MAY -- I MAY CHANGE THAT TIME. HOLD
18 ON JUST A SECOND.

19 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
20 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
21 HEARING OF THE JURY, OFF THE RECORD.)

22 (WHEREUPON, COURT RESUMED.)

23 THE COURT: ALL RIGHT. ALL RIGHT MADAME FORELADY AND
24 MEMBERS OF THE JURY, BE BACK IN THE JURY ROOM AT, UH -- WHY
25 DON'T WE JUST SAY THREE-THIRTY, OKAY?

STATE VERSUS JEREMIAH TURNER
VOIR DIRE/JURY SELECTION

1 I HAVE TO TAKE UP SOME MOTIONS AND I HAVE TO, UH -- AND
2 I DON'T WANT YOU TO SIT BACK IN THE ROOM WAITING ON US WHILE
3 WE'RE IN HERE HEARING MOTIONS ANY LONGER THAN NECESSARY.

4 SO BE BACK IN THE JURY ROOM AT THREE-THIRTY. AND, UH,
5 IF YOU'LL GO WITH THE BAILIFFS, THEY'LL SHOW YOU WHERE TO
6 COME TO AFTER LUNCH.

7 FOLLOW THE BAILIFFS; DON'T DISCUSS THE CASE AMONGST
8 YOURSELVES OR WITH ANYONE ELSE.

9 (WHEREUPON, JURY LEFT THE COURTROOM AT 1:51 P.M.)

10 THE COURT: SOLICITOR, WHAT I'M GONNA DO, IT'S QUARTER-
11 TO-TWO. JUST BE BACK IN THE COURTROOM AT QUARTER-TO-THREE.
12 THAT'S FORTY-FIVE MINUTES 'TIL THEY COME BACK AND WE'LL START
13 THE MOTIONS AT THAT TIME.

14 MS. HERRING-LASH: YES, YOUR HONOR.

15 THE COURT: THAT'S A HOUR FROM NOW, OKAY?

16 MR. GRIMES: MS. EHRLICH HAD THE PLEA ON THE ARMED
17 ROBBERY CASE? SO ARE WE DOING THAT BEFORE?

18 THE COURT: I'M GONNA DO THAT WHEN WE FINISH ALL THE
19 TESTIMONY THIS AFTERNOON, OKAY?

20 WHENEVER WE FINISH ALL THE TESTIMONY I'LL DO YOUR PLEA.

21 MS. EHRLICH: OKAY.

22 THE COURT: OKAY, I'LL SEE YOU-ALL AT QUARTER-TO-THREE.

23 MR. GRIMES: THANK YOU, YOUR HONOR.

24 (WHEREUPON, COURT RECESSED AT 1:53 A.M.)

25 (WHEREUPON, COURT RESUMED AT 3:06 P.M.)

DET. RAMSEY -- DIRECT BY MR. DURANT

112

1 THE COURT: PLEASE BE SEATED.. I UNDERSTAND WE NEED
2 TO DO A JACKSON V. DENNO HEARING, IS THAT CORRECT?

3 MR. DURANT: YES, SIR, YOUR HONOR.

4 THE COURT: IS THE STATE READY TO PROCEED?

5 MR. DURANT: THAT'S CORRECT.

6 THE COURT: CALL YOUR FIRST WITNESS.

7 MR. DURANT: THE STATE CALLS OFFICER TIMOTHY RAMSEY
8 OF THE NORTH CHARLESTON POLICE DEPARTMENT.

9 (WITNESS FORWARD.)

10 (WHEREUPON, THE FOLLOWING TESTIMONY WAS TAKEN
11 OUTSIDE THE PRESENCE OF THE JURY.)

12 TIMOTHY RAMSEY,
13 HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

14 THE CLERK: FOR THE RECORD, PLEASE STATE YOUR FULL
15 NAME AND SPELL IT AS WELL.

16 THE WITNESS: TIMOTHY RAMSEY. R-A-M-S-E-Y.

17 DIRECT EXAMINATION BY MR. DURANT:

18 Q DETECTIVE RAMSEY, WHERE ARE YOU EMPLOYED?

19 A THE CITY OF NORTH CHARLESTON POLICE DEPARTMENT.

20 Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

21 A A LITTLE OVER NINE YEARS, ALMOST NINE AND A HALF
22 YEARS.

23 Q WHAT IS YOUR CURRENT POSITION?

24 A CURRENT POSITION AS OF RIGHT NOW IS A PATROL
25 FIELD TRAINING OFFICER.

DET. RAMSEY -- DIRECT BY MR. DURANT

113

1 Q WAS THAT YOUR POSITION IN SEPTEMBER OF 2008?

2 A NO. NO, IT WAS NOT.

3 Q WHAT WAS YOUR POSITION THEN?

4 A AT THAT TIME, I WAS A JUVENILE DETECTIVE WITH
5 THE DETECTIVE BUREAU.

6 Q WHAT WERE YOUR DUTIES AND RESPONSIBILITIES IN
7 THAT CAPACITY?

8 A DUTIES AS A JUVENILE DETECTIVE IS WE DEAL WITH
9 ANY AND ALL CASES INVOLVING JUVENILES, BOTH JUVENILES AS
10 VICTIMS AND SUSPECTS. AND ANY VULNERABLE ELDERLY PERSONS,
11 IT'S -- IT'S BASICALLY A SPECIAL VICTIMS UNIT.

12 Q IN THAT CAPACITY, DID YOU HAVE THE OCCASION TO
13 BECOME INVOLVED IN THE INVESTIGATION OF JEREMIAH TURNER ON
14 SEPTEMBER 8, 2008?

15 A I DID.

16 Q HOW WERE YOU BROUGHT INTO THE CASE?

17 A IT INITIALLY STARTED ABOUT A WEEK BEFORE WHEN I
18 HAD FIRST MET MR. TURNER, HE HAD GONE TO THE CATHEDRAL OF
19 PRAISE WITH A FAMILY FRIEND. AND --

20 Q WELL, ACTUALLY, I'M GOING TO JUMP A LITTLE BIT
21 FORWARD. WE WANT TO GET TO THE PART WHERE YOU SPOKE WITH
22 THE DEFENDANT.

23 A OH, OKAY.

24 Q DID YOU SPEAK WITH THE DEFENDANT IN THIS CASE?

25 A YES, I DID.

DET. RAMSEY -- DIRECT BY MR. DURANT

114

1 Q ON SEPTEMBER 8TH, WHERE DID YOU FIRST MAKE
2 CONTACT WITH HIM THAT DAY?

3 A IT WAS AT , LOT NO. .

4 Q OKAY. AND WHAT KIND OF HOME IS THIS?

5 A IT IS A MOBILE HOME.

6 Q OKAY. WHO -- WHO WAS THERE WHEN YOU GOT THERE?

7 A WHEN I GOT THERE, DETECTIVE BURNEM WAS ON SCENE.
8 SHE WAS THERE WITH A REPRESENTATIVE FROM DSS. THE
9 VICTIM'S MOTHER WAS THERE, DEBBERA DAVISON, AS WELL AS MR.
10 TURNER.

11 Q NOW, WERE YOU CALLED TO THAT ADDRESS?

12 A I WAS BY DETECTIVE BURNEM.

13 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU
14 RESPONDED THERE?

15 A IT WOULD HAVE BEEN IN THE 3:00 RANGE, SOMEWHERE
16 IN THERE -- POSSIBLY -- MAYBE A LITTLE BIT SOONER --
17 BEFORE THAT, 2:30 TO 3:00.

18 Q WHEN YOU ARRIVED AT THAT HOUSE, WHAT KIND OF
19 THINGS DID YOU KNOW CONCERNING ALLEGATIONS AGAINST MR.
20 TURNER?

21 A THE MOST I HAD BEEN MADE AWARE OF FROM DETECTIVE
22 BURNEM WHEN SHE REQUESTED THAT I GO TO THE HOUSE, WAS THAT
23 THERE WAS AN ALLEGATION OF A SEXUAL ASSAULT. AND THAT SHE
24 NEEDED ME TO GET TO THAT HOUSE ASAP. AND SHE WAS ON HER
25 WAY WITH DSS AS WELL. AND THAT WAS PRETTY MUCH ALL I KNEW

DET. RAMSEY -- DIRECT BY MR. DURANT

115

1 COMING ON SCENE. AND THE -- THE ALLEGED OFFENDER OF THE
2 INCIDENT WAS ON SCENE.

3 Q DID YOU KNOW WHAT HIS RELATIONSHIP WAS TO THE
4 ALLEGED VICTIM?

5 A NOT AT THE TIME, NO.

6 Q DID YOU KNOW ANYTHING ABOUT THE ALLEGED SEXUAL
7 ASSAULT ALLEGATION?

8 A NO.

9 Q WHAT WAS YOUR ROLE AT THAT TIME?

10 A INITIALLY IT WAS GOING TO BE ASSISTANT.
11 DETECTIVE BURNEM WAS THE CASE AGENT. I COULDN'T TELL YOU
12 WHAT HER INTENTIONS WERE. SHE JUST REQUESTED THAT WE BE
13 THERE. PROBABLY AS A BACK-UP, AS A SAFEGUARD.

14 Q WAS DETECTIVE BURNEM ALSO IN THE JUVENILE CRIME
15 DIVISION?

16 A YES.

17 Q AT THE TIME -- AND YOU WORKED WITH HER CLOSELY?

18 A YES.

19 Q AND SO AT THE SCENE, WHAT DID YOU DO?

20 A INITIALLY WHEN WE GOT OUT OF THE VEHICLES, MS.
21 DAVISON, THE MOTHER, WAS OBVIOUSLY UPSET. AND THE FIRST
22 THING I NOTICED SHE -- SHE LOOKED AT MR. TURNER AND SAID,
23 YOU KNOW, IF YOU'VE TOUCHED ONE OF MY KIDS TYPE THING --
24 SHE WAS DEFINITELY ANGRY.

25 SO, INITIALLY, IT WAS KIND OF -- WE HANDLED IT

DET. RAMSEY -- DIRECT BY MR. DURANT

116

1 ALMOST LIKE PATROL OFFICERS, LIKE IT WAS A DOMESTIC. WE
2 SEPARATED THE TWO. EXCUSE ME. AND I BROUGHT MR. TURNER
3 OVER TOWARDS ME AND MY VEHICLE, AND SHE CONTINUED TO SPEAK
4 WITH MS. DAVISON AND DSS.

5 Q DID YOU TALK TO MR. TURNER AT THAT TIME?

6 A YES, I DID. I KIND OF PULLED HIM TO THE SIDE.
7 AND, YOU KNOW, KIND OF ASKED WHAT WAS GOING ON. YOU KNOW,
8 "WHAT'S GOING ON HERE". AT THAT POINT, HE MADE MENTION
9 THAT HE RECOGNIZED ME FROM A -- ABOUT A WEEK BEFORE.

10 Q DID YOU RECOGNIZE HIM?

11 A ONCE -- ONCE HE BROUGHT IT TO MY ATTENTION,
12 YEAH, IT -- IT DID DAWN ON ME WHO HE WAS.

13 Q AND WHAT DID YOU RECOGNIZE?

14 A THAT HE WAS A SUBJECT THAT I HAD DEALT WITH
15 APPROXIMATELY A WEEK BEFORE AT A LOCAL CHURCH IN REFERENCE
16 TO HIM WANTING INFORMATION ON HOW TO HANDLE POSSIBLE
17 NEGLECT OR ABUSE FROM THE MOTHER.

18 Q SO, -- SO ABOUT A WEEK BEFORE, HE REPORTED SOME
19 ABUSE TO YOU?

20 A CORRECT. HE REPORTED IT TO A PASTOR AT A
21 CHURCH, AND THEY WERE REQUIRED TO REPORT IT TO US.

22 Q SO, HE WAS THE COMPLAINANT ABOUT A WEEK
23 PREVIOUS?

24 A YES, SIR.

25 Q AND HE RECOGNIZED YOU?

DET. RAMSEY -- DIRECT BY MR. DURANT

117

1 A YES.

2 Q OKAY. WHAT, IF ANYTHING, DID YOU DO WITH HIM AT
3 THAT TIME?

4 A AT THAT POINT, IT WAS KIND OF A -- HE WAS ASKING
5 ME, YOU KNOW, WHAT -- WHAT IS SHE TALKING ABOUT, WHAT'S
6 GOING ON. YOU KNOW, I LET HIM KNOW, HONESTLY, I DON'T
7 REALLY KNOW MYSELF. AND I ASKED HIM, DO YOU WANT TO COME
8 BACK TO THE STATION WITH ME AND TALK ABOUT IT. AND HE
9 SAID YEAH.

10 Q AND SO WHAT HAPPENED, DID YOU LEAVE?

11 A YEAH. WITH -- WITH MR. TURNER.

12 Q WAS HE IN HANDCUFFS?

13 A NO.

14 Q WAS HE ARRESTED AT THAT TIME?

15 A NO.

16 Q ABOUT HOW LONG WERE YOU AT THE SCENE WITH HIM?

17 A MAYBE TEN MINUTES, MAYBE. IT WAS NOT LONG AT
18 ALL.

19 Q AND WHERE DID YOU GO?

20 A WE WENT TO THE CITY OF NORTH CHARLESTON POLICE
21 HEADQUARTERS, WHICH AT THE TIME WAS ON LACROSS -- LACROSS
22 BOULEVARD.

23 Q ABOUT HOW LONG DID IT TAKE YOU TO GET THERE?

24 A FIVE MINUTES FROM PARK CIRCLE TO MALL DRIVE,
25 MAYBE FIVE MINUTES OF TRAFFIC.

DET. RAMSEY -- DIRECT BY MR. DURANT

118

1 Q BUT IT'S A PRETTY CLOSE PROXIMITY --

2 A VERY CLOSE, YEAH.

3 Q WAS HE -- WHAT ABOUT HIS DEMEANOR AT THE TIME,
4 DID HE APPEAR UPSET?

5 A NOT OVERLY -- NO -- NO, NOT LIKE UPSET OR ANGRY
6 OR ANYTHING, YOU KNOW.

7 Q DID HE APPEAR TO BE CONFUSED IN ANY WAY?

8 A WELL, I MEAN, HE ASKED YOUR GENERAL, "WHAT'S
9 GOING ON" CONFUSION AND THAT'S ABOUT IT. I ONLY MADE
10 SMALL TALK WITH HIM IN THE CAR. THERE WAS NOTHING ABOUT
11 THE CASE. I JUST --

12 Q I NEED YOU TO SPEAK UP SO THE COURT REPORTER CAN
13 WRITE ALL THIS DOWN.

14 A OH, OKAY.

15 Q SO -- BUT NOTHING SEEMED OUT OF THE ORDINARY IN
16 YOUR INTERACTION WITH HIM AT THAT TIME?

17 A NO.

18 Q HE NEVER TOLD YOU HE WAS CONFUSED IN ANY WAY?

19 A NO.

20 Q DID HE APPEAR TO BE UNDER THE INFLUENCE OF DRUGS
21 OR ALCOHOL?

22 A NO. AS A MATTER OF FACT, I DISCUSSED THAT WITH
23 HIM IN THE CAR?

24 Q AND DID HE SAY HE WAS?

25 A HE SAID HE WAS NOT.

DET. RAMSEY -- DIRECT BY MR. DURANT

119

1 Q HE SAID HE WAS NOT. YOU SAID YOU WENT TO THE
2 NORTH CHARLESTON POLICE DEPARTMENT?

3 A CORRECT.

4 Q AND WHERE DID YOU GO THERE?

5 A WE WENT UP TO THE THIRD FLOOR, WHICH IS OUR
6 DETECTIVE BUREAU, WHERE WE HAD THE TWO INTERVIEW ROOMS.

7 Q OKAY. DID YOU GO TO AN INTERVIEW ROOM?

8 A CORRECT. I -- WE WALKED IN TOGETHER. I WENT IN
9 AND, YOU KNOW, SHOWED HIM WHERE TO SIT. I SAID, "JUST
10 HAVE A SEAT AND I'LL BE WITH YOU IN A MINUTE, AND TALK TO
11 YOU".

12 Q AND WHAT'S THIS INTERVIEW ROOM LIKE? CAN YOU
13 DESCRIBE IT FOR THE JUDGE?

14 A THE INTERVIEW ROOM IS APPROXIMATELY -- I WOULD
15 SAY -- MAYBE FIVE FEET BY FIVE FEET. THERE IS A SMALL
16 TABLE INSIDE WITH TWO CHAIRS. AND ON ONE WALL IS A
17 MIRROR, WHICH IS ACTUALLY A TWO WAY MIRROR. AND INBETWEEN
18 THE TWO INTERVIEW ROOMS, IS ANOTHER ROOM WHERE PEOPLE CAN
19 WITNESS THE INTERVIEW.

20 Q WHO ALL WAS THERE WITH YOU?

21 A JUST MYSELF AND MR. TURNER.

22 Q YOU GOT INTO THAT ROOM?

23 A UH-HUH. YES.

24 Q ALL RIGHT. NOW, DID YOU STAY IN THAT ROOM WHEN
25 YOU PUT MR. TURNER IN THERE?

DET. RAMSEY -- DIRECT BY MR. DURANT

120

1 A NOT INITIALLY. I SAT MR. TURNER DOWN AND I
2 ASKED HIM IF HE NEEDED ANYTHING OR WANTED ANYTHING TO
3 DRINK. HE SAID HE DIDN'T. I SAID, GIVE ME A MINUTE,
4 I'LL -- I'LL BE RIGHT BACK.

5 Q DID HE WANT ANYTHING TO DRINK?

6 A NO, HE DID NOT.

7 Q DID HE WANT ANYTHING TO EAT?

8 A NO, HE DID NOT.

9 Q DID HE INDICATE TO YOU THAT HE WAS UNCOMFORTABLE
10 IN ANY WAY?

11 A NO.

12 Q AND WHERE DID YOU GO?

13 A I WENT TO GET ME A CUP OF COFFEE, WHICH IS RIGHT
14 AROUND THE -- IT'S -- IT'S -- THERE'S A ROOM RIGHT
15 ADJACENT TO THE INTERVIEW ROOM AND WE HAVE A COFFEE POT
16 AND STUFF LIKE THAT. AND I WENT IN THERE AND GOT ME A CUP
17 OF COFFEE.

18 Q AND YOU LEFT MR. TURNER IN THE INTERVIEW ROOM?

19 A CORRECT.

20 Q WAS HE BY HIMSELF OR WAS HE WITH ANYBODY?

21 A HE WAS BY HIMSELF.

22 Q HOW LONG DID YOU STAY GONE FROM THE INTERVIEW
23 ROOM AT THAT POINT?

24 A A MINUTE. LONG ENOUGH TO POUR A CUP OF COFFEE
25 AND PUT SOME CREAM AND SUGAR IN IT.

DET. RAMSEY -- DIRECT BY MR. DURANT

121

1 Q WOULD YOU LIKE SOME WATER?

2 A I WOULD.

3 Q ALL RIGHT. YOU'VE GOT SOME MORE WATER RIGHT
4 HERE.

5 A OKAY.

6 Q SO, YOU WENT BACK IN THE INTERVIEW ROOM?

7 A YES.

8 Q AND WHY DID YOU DO THAT?

9 A TO SPEAK WITH MR. TURNER ABOUT THE ALLEGED --
10 THE ALLEGATIONS AGAINST HIM.

11 Q AND WHAT WERE THE ALLEGATIONS AGAINST HIM AT
12 THAT POINT?

13 A AT THAT POINT, ALL I KNEW WAS A SEXUAL ASSAULT
14 ON A JUVENILE, A YOUNG GIRL.

15 Q AND YOU DIDN'T KNOW ANYTHING MORE THAN THAT?

16 A I KNEW NOTHING.

17 Q DID YOU ADVISE HIM OF HIS RIGHTS?

18 A I DID.

19 Q HOW DID YOU DO THAT?

20 A I PROVIDED HIM WITH THE STANDARD ADVISEMENT OF
21 RIGHTS FORM THAT AT THE TIME THE CITY OF NORTH CHARLESTON
22 HAD. AND I SAT DOWN WITH HIM. AND I TOLD HIM I -- YOU
23 KNOW, WANTED TO TALK TO HIM ABOUT THE ALLEGATION. BUT
24 PRIOR TO TALKING TO HIM, WE HAD -- I HAD TO ADVISE HIM OF
25 HIS RIGHTS. AND I JUST BASICALLY USED THE STANDARDIZED

DET. RAMSEY -- DIRECT BY MR. DURANT.

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1 FORM TO ADVISE HIM OF THOSE RIGHTS.

2 Q DID HE INDICATE TO YOU THAT HE UNDERSTOOD HIS
3 RIGHTS?

4 A YES. AT THE COMPLETION OF THE FORM, HE STATED
5 HE UNDERSTOOD THEM.

6 Q ALL RIGHT. DID YOU BRING WITH YOU THE ADVICE TO
7 RIGHTS FORM?

8 A I DID.

9 Q LET ME HAVE THAT. I'M GOING TO SHOW THAT TO YOU
10 -- I'M GOING TO MARK THIS AS STATE'S 1 FOR THE PURPOSE OF
11 THIS HEARING.

12 (STATE'S EXHIBIT NO. 1 AND 2 MARKED FOR
13 IDENTIFICATION.)

14 BY MR. DURANT:

15 Q OKAY. I'M SHOWING YOU WHAT THE STATE HAS
16 LABELED STATE'S 1 FOR THE PURPOSE OF THIS HEARING AND ASK
17 YOU TO TAKE A LOOK AT IT. DO YOU RECOGNIZE IT?

18 A I DO.

19 Q HOW DO YOU RECOGNIZE IT?

20 A THIS IS THE STANDARDIZED ADVICE OF
21 CONSTITUTIONAL RIGHTS FORM THAT I, ALONG WITH MR. TURNER,
22 WENT OVER PRIOR TO THE INTERVIEW.

23 Q IS IT IN SUBSTANTIALLY THE SAME CONDITION AS
24 WHEN YOU ADVISED MR. TURNER OF HIS RIGHTS?

25 A IT IS.

DET. RAMSEY -- DIRECT BY MR. DURANT

123

1 Q AND IS THIS THE FORM YOU USED TO ADVISE MR.
2 TURNER OF HIS RIGHTS?

3 A IT IS.

4 Q HOW DID YOU BEGIN TO ADVISE HIM OF HIS RIGHTS
5 USING THIS FORM?

6 A INITIALLY, THE TOP PART IS MY HANDWRITING. I
7 ASKED HIM HIS FULL NAME, DATE OF BIRTH, HIS AGE. THE
8 GRADE -- THE HIGHEST GRADE HE COMPLETED IN SCHOOL. AND
9 THEN IT SAYS, "I" -- AND I FILL IN HIS NAME -- AGAIN,
10 "BEING ADVISED BY" -- AND I WRITE MY NAME, "OF THE NORTH
11 CHARLESTON POLICE DEPARTMENT" -- AND THEN FROM THERE, IT
12 GOES INTO THE -- THE RIGHTS.

13 Q OKAY.

14 A WHAT I HAVE HIM DO -- KEEP GOING?

15 Q WELL, LET ME ASK YOU JUST A COUPLE OF QUESTIONS.
16 YOU ASKED HIM HIS NAME AND HE TOLD YOU HIS NAME?

17 A YES.

18 Q AND WHAT DID HE SAY HIS NAME WAS?

19 A JEREMIAH TURNER.

20 Q AND YOU ASKED HIM HIS DATE OF BIRTH?

21 A YES.

22 Q AND HE TOLD YOU WHAT IT WAS?

23 A YES.

24 Q AND WHAT DID HE TELL YOU?

25 A

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 Q AND YOU ASKED HIM HIS AGE?

2 A YES.

3 Q AND WHAT DID HE TELL YOU?

4 A TWENTY-THREE.

5 Q DID THAT CORRESPOND WITH WHAT HE HAD TOLD YOU
6 ABOUT 11/10/1984?

7 A YES.

8 Q AND YOU ASKED HIM ABOUT HOW FAR HE WENT IN
9 SCHOOL?

10 A YES.

11 Q AND WHAT DID HE TELL YOU?

12 A TWELFTH GRADE.

13 Q AND YOU TOLD HIM WHO YOU WERE?

14 A I DID.

15 Q OKAY. AND THEN AT THAT POINT, AFTER YOU FILLED
16 OUT THE TOP, THAT'S -- THAT'S ALL THE INFORMATION YOU
17 FILLED OUT AT THE TOP OF THAT FORM, IS THAT RIGHT?

18 A CORRECT.

19 Q OKAY. AND AFTER YOU FILLED OUT THE TOP PORTION,
20 WHAT DID YOU DO NEXT?

21 A AT THAT POINT, I UNDERLINED ON THE FIRST ADVICE
22 OF RIGHTS, I UNDERLINED THE FIRST FIVE WORDS; TURNED THE
23 FORM AROUND FACING HIM AND ASKED HIM TO READ ALOUD TO ME
24 THOSE FIRST FIVE WORDS.

25 Q AND WHAT ARE THE FIRST FIVE WORDS THAT HE READ

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 ALoud TO YOU?

2 A "I HAVE THE ABSOLUTE RIGHT".

3 Q AND HE READ THAT OUT LOUD TO YOU?

4 A CORRECT.

5 Q DID HE HAVE ANY PROBLEM READING THOSE WORDS?

6 A NO, HE DID NOT.

7 Q AND AFTER HE READ THOSE FIVE WORDS, HOW DID YOU
8 PROCEED?

9 A AT THAT POINT -- ONCE I DETERMINED IN -- THAT HE
10 WAS LITERATE AND ABLE TO READ, I PLACED AN UNDERLINE NEXT
11 TO EACH NUMBER OF THE FIVE ADVISEMENTS OF RIGHTS. I ASKED
12 HIM TO READ EACH RIGHT. AND AFTER READING THEM, IF HE
13 UNDERSTOOD IT, AND DIDN'T HAVE ANY QUESTIONS FOR ME, TO
14 PLACE HIS INITIALS ON THE LINE TO THE LEFT OF THAT
15 PARTICULAR RIGHT THAT HE WAS READING.

16 Q WITH REGARD TO HIS FIRST RIGHT.

17 A YEAH.

18 Q WHAT WAS THE FIRST RIGHT LISTED ON THAT FORM?

19 A "I HAVE THE ABSOLUTE RIGHT TO REMAIN SILENT AND
20 DO NOT HAVE TO ANSWER ANY QUESTIONS OR GIVE A STATEMENT,
21 AND THIS FACT CANNOT BE USED AGAINST ME."

22 Q WAS MR. TURNER INFORMED OF THAT RIGHT?

23 A YES.

24 Q DID HE INDICATE THAT HE UNDERSTOOD THAT RIGHT TO
25 YOU?

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1 A YES.

2 Q AND HOW DID HE DO THAT?

3 A AT THE END OF READING IT, HE DOES -- HE DOES
4 WHAT TYPICALLY WHAT 90% OF PEOPLE WHO READ THEIR RIGHTS
5 DO. THEY'LL GO OVER TO THE LINE, AND THEY'LL ASK YOU,
6 "INITIAL RIGHT HERE"? AND UPON ASKING THAT, I SAID, "DO
7 YOU UNDERSTAND EVERYTHING"? HE SAID "YES". I SAID, "YES.
8 YOU CAN JUST PUT YOUR INITIALS THERE AND THEN GO ON TO THE
9 NEXT ONE".

10 Q SO, HE INITIALED BESIDE THAT FIRST RIGHT OF FIVE
11 THAT HE UNDERSTOOD IT?

12 A YES.

13 Q NOW, DID HE READ THAT WHOLE RIGHT OUT LOUD OR TO
14 HIMSELF?

15 A NO. IT WAS TO HIMSELF -- I MEAN, IT WAS A --
16 LIKE A -- A MUTTERING. ALOUD BUT NOT LIKE I -- I READ IT
17 ALOUD TO YOU TYPE THING.

18 Q BUT YOU DIDN'T READ IT ALOUD TO HIM?

19 A NO, I DID NOT.

20 Q WAS HE CONFUSED BY THAT RIGHT AT ALL?

21 A NO. HE NEVER INDICATED TO ME THAT.

22 Q DID HE HAVE ANY QUESTIONS ABOUT THAT RIGHT?

23 A NO QUESTIONS.

24 Q AND YOU SAID HE INITIALED BESIDE EACH OF THE
25 FIVE RIGHTS?

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1 A CORRECT.

2 Q AND HE DID INITIAL ALL AT ONCE OR DID HE READ
3 THEM TO HIMSELF AND THEN INITIAL?

4 A NO. HE WOULD READ EACH ONE AND THEN INITIAL,
5 AND MOVE ON TO THE NEXT ONE. HE WOULD READ THAT AND THEN
6 INITIAL, AND SO FORTH, UNTIL ALL FIVE RIGHTS HAVE BEEN
7 READ.

8 Q AND HOW DO YOU KNOW HE DID IT LIKE THAT?

9 A THAT'S HOW I RECALL FROM THE -- I WAS SITTING
10 THERE WITH HIM.

11 Q YOU WATCHED HIM DO IT?

12 A YES.

13 Q SO, IT WASN'T ALL HIS -- HIS INITIALS --

14 A NO. NO. IT WASN'T -- IT WASN'T ALL -- IT
15 WASN'T LIKE HE READ ALL FIVE AND THEN WENT BACK AND
16 INITIALED BAM, BAM, BAM. IT WAS AS HE READ EACH ONE.

17 Q OKAY. AND YOU SAID THERE WERE FIVE RIGHTS ON
18 THERE?

19 A CORRECT.

20 Q AND HE INITIALED BESIDE EACH ONE OF THEM?

21 A CORRECT.

22 Q WILL YOU READ RIGHTS NUMBER TWO THROUGH FIVE?

23 A RIGHTS NUMBER TWO STATES, "IF I DO ANSWER
24 QUESTIONS OR GIVE A STATEMENT, ANYTHING I SAY CAN AND WILL
25 BE USED AGAINST ME IN A COURT OF LAW".

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1 RIGHT NUMBER THREE STATES, "I HAVE THE RIGHT TO
2 CONSULT WITH A LAWYER OF MY CHOICE BEFORE I ANSWER
3 QUESTIONS OR GIVE A STATEMENT AND ALSO HAVE HIM PRESENT
4 WHILE I'M BEING QUESTIONED".

5 RIGHT NUMBER FOUR, "IF I WISH TO TALK TO A LAWYER
6 OR HAVE HIM PRESENT, BUT I AM UNABLE TO AFFORD TO HIRE A
7 LAWYER, ONE WILL BE APPOINTED TO REPRESENT ME FREE OF
8 CHARGE".

9 THE FIFTH RIGHT, "IF I DECIDE TO ANSWER QUESTIONS
10 OR GIVE A STATEMENT WITHOUT HAVING A LAWYER PRESENT
11 REPRESENTING ME, I HAVE THE ABSOLUTE RIGHT DURING THIS
12 INTERVIEW TO STOP ANSWERING QUESTIONS AND REMAIN SILENT."

13 Q AND BESIDE EACH OF THOSE RIGHTS WERE HIS
14 INITIALS?

15 A YES.

16 Q HOW MANY TIMES DID HIS INITIALS APPEAR ON THAT
17 FORM BESIDE THOSE FIVE RIGHTS?

18 A ONCE NEXT TO EACH PARTICULAR RIGHT, SO FIVE
19 TIMES HE INITIALED.

20 Q AND, AGAIN, AFTER HAVING ALL -- ALL FIVE OF
21 THESE RIGHTS -- BEING INFORMED OF ALL FIVE OF THESE
22 RIGHTS, DID HE AGAIN INDICATE THAT HE UNDERSTOOD ALL OF
23 THEM?

24 A YES. ACTUALLY PRIOR TO SIGNING, THERE IS A LINE
25 THAT SAYS "I FULLY UNDERSTAND EACH OF THESE RIGHTS

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1 EXPLAINED TO ME".

2 Q AND THAT'S WHAT'S ON THE FORM?

3 A YES.

4 Q NOW, WAS THAT SPOKEN OUT LOUD OR WAS HE JUST
5 ALLOWED TO READ THAT?

6 A NO. THAT ONE ACTUALLY -- WHEN IT CAME TIME TO
7 SIGN, I ALWAYS ASK HIM, DO YOU UNDERSTAND EVERYTHING YOU
8 JUST READ. HE INDICATED YES, HE DID. DO YOU HAVE ANY
9 QUESTIONS FOR ME? HE INDICATED HE DID NOT --

10 Q AND HOW DID HE INDICATE IT?

11 A HE SAID "YES, I" -- HE SAID, "YES, I DO".

12 Q DID HE INDICATE IT BY SIGNING THAT HE UNDERSTOOD
13 HIS RIGHTS?

14 A PRIOR TO SIGNING, I ASKED HIM THAT, "DO YOU
15 UNDERSTAND EVERYTHING YOU JUST READ AND DO YOU HAVE ANY
16 QUESTIONS FOR ME". HE SAID HE DID UNDERSTAND AND HE HAD
17 NO QUESTIONS. AND I SAID, "JUST SIGN RIGHT HERE" AND HE
18 DID.

19 Q AND HE DID. NOW, DID HE -- WAS HE JUST
20 INITIALING AT THAT TIME OR DID HE ACTUALLY SIGN HIS FULL
21 NAME?

22 A THAT WAS THE SIGNATURE OF HIS FULL NAME.

23 Q NOW, AFTER YOU ADVISED HIM OF ALL HIS RIGHTS,
24 DID HE INDICATE THAT HE WISHED TO WAIVE THOSE RIGHTS AND
25 SPEAK TO YOU?

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1 A YES, HE DID.

2 Q AND DID YOU TELL HIM WHAT YOU WANTED TO SPEAK TO
3 HIM ABOUT?

4 A YES, I DID.

5 Q WHAT DID YOU TELL HIM YOU WANTED TO TALK TO HIM
6 ABOUT?

7 A I ACTUALLY TOLD HIM AT THE BOTTOM HALF OF THE
8 STATEMENT SHOWS THAT HAVING THOSE RIGHTS IN MIND, DO YOU
9 WISH TO TALK TO ME ABOUT THE CHARGES ALLEGED AGAINST YOU,
10 BEING CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST
11 DEGREE. ON THE ACTUAL STATEMENT FORM, IT SAID CSC WITH A
12 MINOR. HOWEVER, I USED THE FULL TERM -- THE FULL PHRASE,
13 CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE.

14 Q YOU WROTE THAT FULL PHRASE ON THAT FORM?

15 A NO. ONLY CSC WITH A MINOR FIRST IS WRITTEN ON
16 THE FORM. AND IT'S JUST A -- THAT'S A SPACE ISSUE.

17 Q OKAY.

18 A BUT I SAY -- I TELL HIM THE FULL CHARGE,
19 CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE.

20 Q AND IT'S ESSENTIALLY ON THE FORM?

21 A YES.

22 Q CSC WITH A MINOR FIRST --

23 A YEAH. IT'S WRITTEN CSC WITH A MINOR FIRST.

24 Q AND DID HE INDICATE TO YOU THAT HE WISHED TO
25 WAIVE HIS RIGHTS AND TALK TO YOU ABOUT THE CHARGE OF CSC

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1 FIRST DEGREE WITH A MINOR?

2 A YES, HE DID. AND THEN SIGNED BELOW THAT AS
3 WELL.

4 Q AND DID HE SIGN TO WAIVE THOSE RIGHTS?

5 A YES, HE DID.

6 Q DO ANY OTHER SIGNATURES APPEAR ON THAT FORM?

7 A MY SIGNATURE.

8 Q AND WHY DID YOU SIGN?

9 A AS A WITNESS THAT I OBSERVED HIM BEING GIVEN HIS
10 RIGHTS, I OBSERVED HIM INITIALING AND SIGNING.

11 Q AND AGAIN, WHEN HE WAIVED THOSE RIGHTS, DID HE
12 APPEAR CONFUSED IN ANY WAY?

13 A NO.

14 Q HE STILL APPEARED THAT HE WASN'T UNDER THE
15 INFLUENCE OF DRUGS OR ALCOHOL?

16 A NO.

17 Q WHAT HAPPENED AT THIS POINT?

18 A AT THAT POINT, I BASICALLY WENT INTO THE
19 INTERVIEW, FAIRLY BLIND MYSELF.

20 Q WHAT -- LET ME -- WHAT TIME DID YOU ADVISE HIM
21 OF HIS RIGHTS?

22 A THE ADVICE OF RIGHTS WAS GIVEN TO HIM AT 3:45.

23 THE COURT: THAT'S P.M.?

24 THE WITNESS: YES.

25 THE COURT: 15:45.

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 THE WITNESS: YES, YOUR HONOR. 15:45 HOURS.

2 BY MR. DURANT:

3 Q AND YOU SAID THAT YOU HAD INITIALLY MADE CONTACT
4 AND RESPONDED TO WHERE HE WAS AT 3:00, IS THAT RIGHT?

5 A YEAH, ROUGHLY 3:00, YES.

6 Q NOW, AT THIS TIME, HAS HE INDICATED TO YOU THAT
7 HE WANTED TO SPEAK WITH A LAWYER?

8 A NO.

9 Q DID HE EVER SAY THAT HE DIDN'T WANT TO TALK TO
10 YOU?

11 A NO.

12 Q HOW DID YOUR INTERVIEW PROCEED?

13 A IT STARTS OFF IT'S A VERY CASUAL KIND OF "WHAT'S
14 GOING ON" KIND OF INTERVIEW. AS A MATTER, THAT'S HOW I
15 INITIALLY OPENED UP. I SAID, "MR. TURNER, WHAT IS GOING
16 ON?" AND AT WHICH POINT HE STARTED TO TALK ABOUT HE
17 WASN'T REAL SURE. HE KNOWS THAT SOMEBODY SAID THAT HE
18 TOUCHED THEM -- YOU KNOW, Minor SAID THAT HE TOUCHED THEM
19 IN A -- THE WRONG WAY. I SAID, "DID YOU"? HE SAID -- HE
20 INITIALLY DENIED IT AND SAID, "NO, I COULDN'T SEE MYSELF
21 DOING THAT BECAUSE I KNOW THE LAW".

22 Q WILL YOU -- WILL YOU SAY THAT A LITTLE BIT
23 LOUDER? WHAT DID HE SAY?

24 A HE SAID, "NO, I COULDN'T SEE MYSELF DOING THAT
25 BECAUSE I KNOW THE LAW".

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1 Q HOW DID THE INTERVIEW PROCEED AT THAT POINT?

2 A IT CONTINUED JUST TO BE A VERY CASUAL, ALMOST
3 CONVERSATION TYPE INTERVIEW. I ASKED HIM, YOU KNOW, "WELL
4 MR. TURNER, WHAT MAKES YOU THINK -- YOU KNOW, WHAT DO YOU
5 THINK WOULD MAKE Minor SAY SOMETHING LIKE THIS"? AND
6 JUST PROCEEDED FROM THERE WITH JUST TALKING TO HIM ABOUT
7 IT. INITIALLY, IT WAS -- HE CONTINUED TO JUST KIND OF
8 DENY IT. DIDN'T HAVE ANY IDEA WHERE IT WOULD COME FROM,
9 THAT TYPE OF THING.

10 AND THEN I EXPLAINED TO HIM ABOUT THE FACT THAT DUE
11 TO Minor AGE, CHILDREN DON'T EXPRESS SOMETHING AND
12 DON'T TELL STORIES ABOUT THINGS THAT THEY HAVEN'T SOMEHOW
13 EXPERIENCED IN THEIR LIFE. AND FOR HER TO BE SAYING THESE
14 THINGS, SHE'S HAD TO HAVE EXPERIENCED THEM.

15 AND I USED THE EXAMPLE OF CALCULUS. YOU KNOW, "MR.
16 TURNER, IF I ASKED YOU TO GO TO A BLACKBOARD AND SHOW ME
17 CALCULUS, AND EXPLAIN TO ME A CALCULUS EQUATION, YOU CAN'T
18 DO IT BECAUSE YOU'VE NEVER EXPERIENCED IT. YOU'VE NEVER
19 GONE THROUGH THE COURSE". THE SAME CONCEPT WITH CHILDREN,
20 THEY CAN'T TELL YOU ABOUT SEXUAL INSTANCES UNLESS THEY'VE
21 EXPERIENCED IT OR SEEN IT.

22 Q DID MR. TURNER EVENTUALLY PROVIDE YOU WITH A
23 WRITTEN STATEMENT?

24 A YES, HE DID.

25 Q ABOUT HOW SOON AFTER YOU BEGAN TALKING WITH HIM

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 -- AFTER THE POINT THAT YOU ADVISED HIM OF HIS RIGHTS AND
2 HE WAIVED THEM, DID HE PROVIDE YOU WITH THIS WRITTEN
3 STATEMENT?

4 A YOU'RE ASKING ABOUT HOW LONG?

5 Q ABOUT HOW LONG?

6 A THIRTY MINUTES ROUGHLY.

7 Q SO, YOU DISCUSSED IT WITH HIM FOR ABOUT 30
8 MINUTES?

9 A YES, SIR.

10 Q BEFORE HIS STATEMENT WAS REDUCED TO WRITING?

11 A YES.

12 Q NOW, WAS ANY OTHER POLICE OFFICER OR ANYBODY
13 PRESENT WHILE YOU TALKED WITH MR. TURNER?

14 A NOT DURING -- NOT DURING ANY OF THE TIME THAT I
15 WAS SPEAKING WITH HIM, NO. I --

16 Q DID HE -- DID HE ULTIMATELY CONFESS TO HIS ROLE
17 IN THESE ALLEGATIONS?

18 A YES, HE DID.

19 Q AND THAT WAS REDUCED TO WRITING?

20 A THEN HE REDUCED IT TO WRITING.

21 Q NOW, HOW DID IT GET TO THE POINT WHERE IT WAS
22 REDUCED TO WRITING?

23 A DURING THE COURSE OF THE INTERVIEW, I HAD ALMOST
24 DEVELOPED A BUDDY TYPE RELATIONSHIP WITH MR. TURNER. HE
25 WAS TALKING TO ME VERY -- VERY OPENLY, VERY CASUALLY. AND

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1 I JUST TOLD -- I TOLD HIM WHEN IT WAS OVER, THAT I KNEW HE
2 FELT GOOD FOR GETTING THIS OFF HIS CHEST. AND THAT HE
3 KNEW HE HAD DONE THE RIGHT THING BY TALKING TO ME. AND I
4 JUST NEEDED HIM TO PUT IT ON PAPER.

5 Q AND YOU TOLD HIM THAT AFTER HE HAD ALREADY TOLD
6 YOU ABOUT WHAT HE HAD DONE?

7 A YES.

8 Q ORALLY?

9 A YES.

10 Q AND YOU WANTED HIM TO PUT IT ON PAPER?

11 A YES.

12 Q DID YOU PROVIDE HIM WITH THE PAPER?

13 A YES, I DID. THE ADVICE TO RIGHTS FORM IS IN
14 THIS ONE.

15 Q THANK YOU, SIR. NOW, I'M GOING TO PUT STATE'S 1
16 BACK IN FRONT OF YOU FOR A MINUTE.

17 A OKAY.

18 Q WHEN HE SIGNED THAT HE WAIVED HIS RIGHTS, WAS IT
19 -- WAS ANYTHING WRITTEN ON HERE THAT WAS READ TO HIM OR
20 THAT HE READ?

21 A ON THE -- ON THE SECONDARY, WHERE HE SIGNED IN
22 THE SECOND PLACE --

23 Q YES.

24 A -- AFTER I TOLD HIM WHAT HE WAS BEING QUESTIONED
25 ABOUT?

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 Q THAT'S RIGHT.

2 A YES. IT SAYS, "HAVING THESE RIGHTS IN MIND I --

3 COURT REPORTER: SLOW DOWN PLEASE.

4 THE WITNESS: "HAVING THESE RIGHTS IN MIND, I WISH
5 TO WAIVE THESE RIGHTS AND ANSWER QUESTIONS CONCERNING THE
6 CHARGE OF CSC WITH A MINOR IN THE FIRST DEGREE. NO
7 THREATS, FORCE OR PROMISES OF ANY KIND HAVE BEEN MADE TO
8 ME BY ANYONE TO CAUSE ME TO WAIVE THESE RIGHTS AND/OR
9 ANSWER QUESTIONS".

10 BY MR. DURANT:

11 Q AND HE SIGNED HIS NAME TO THAT?

12 A AND HE SIGNED HIS NAME.

13 Q AND HE DATED IT?

14 A YES.

15 Q AND THE TIME LISTED ON THERE?

16 A 15:45 HOURS. 3:45 P.M.

17 Q OKAY. NOW, I'M SHOWING YOU WHAT THE STATE HAS
18 LABELED STATE'S 2 FOR PURPOSES OF THIS HEARING. AND I ASK
19 YOU TO TAKE A LOOK AT IT; DO YOU RECOGNIZE IT?

20 A I DO.

21 Q HOW DO YOU RECOGNIZE IT?

22 A THIS IS THE HANDWRITTEN STATEMENT THE DEFENDANT
23 PROVIDED TO ME AFTER SPEAKING WITH ME.

24 Q HOW DID YOU ADMINISTER THIS STATEMENT?

25 A I FILLED OUT THE TOP PART.

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1 Q AND WHAT IS -- WHAT DO YOU MEAN BY THAT? WHAT
2 DID YOU FILL OUT?

3 A WHERE IT JUST SAYS "THE STATEMENT OF" -- AND
4 THEN I WROTE HIS NAME, HIS HOME ADDRESS, EMPLOYER,
5 OCCUPATION. AND THEN THIS STATEMENT IS GIVEN -- AND I
6 INDICATED THE DATE. I WROTE THE DATE, THE TIME AND AT
7 WHAT LOCATION.

8 Q AND HOW DID -- WHAT DID HE SAY WAS HIS
9 OCCUPATION?

10 A THAT HE WAS A GRAPHIC DESIGNER.

11 Q AND YOU TOLD HIM THAT -- YOU WERE TALKING TO HIM
12 ABOUT ALLEGATIONS THAT OCCURRED AT WHAT ADDRESS?

13 A LOT . NOW, THAT'S NOT WHERE I
14 --

15 Q THAT'S WHERE YOU PICKED HIM UP?

16 A THAT'S WHAT HIS HOME ADDRESS IS AND THAT'S ALL
17 THAT IS ASKED FOR HERE.

18 Q AND AFTER YOU FILLED OUT THIS TOP PORTION, WHAT
19 HAPPENED?

20 A AFTER I FILLED OUT THE TOP PORTION, I HANDED HIM
21 THE FORM, ALONG WITH A COUPLE OF PAGES OF WHAT WE CALL
22 SUPPLEMENTARY FORMS. IT'S JUST LIKE THE SECOND AND THIRD
23 PAGE, THINGS -- IF THEY NEED TO CONTINUE WRITING PAST THE
24 FIRST PAGE. AND I -- AND HE STARTED WRITING.

25 Q WHAT TIME DID YOU DO THIS?

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1 A. I'VE GOT INDICATED ON HERE THAT AT 4:15 IN THE
2 AFTERNOON -- 16:15 HOURS IS WHEN THE WRITTEN STATEMENT
3 BEGAN.

4 Q NOW, WHO WROTE THIS STATEMENT, DID MR. TURNER OR
5 DID YOU?

6 A HE WROTE IT IN HIS OWN HANDWRITING.

7 Q DID YOU STAY IN THE ROOM WITH HIM WHILE HE WROTE
8 IT?

9 A YES, I DID. I LEFT BRIEFLY TO GRAB ME ANOTHER
10 CUP OF COFFEE. I ASKED HIM IF HE WANTED ANYTHING TO
11 DRINK. HE INDICATED "NO". AND THEN I POPPED MY HEAD IN
12 EVERY NOW AND THEN, "ARE YOU DOING ALL RIGHT"? HE'D SAY
13 "YEAH". "CAN I GET YOU ANYTHING?" "NO".

14 Q AND YOU WERE COMFORTABLE WITH HIS HANDWRITING?

15 A YES, I WAS. I WATCHED THE FIRST PART OF HIS
16 WRITING AND REALIZED THAT HIS HANDWRITING WAS PRETTY GOOD.

17 Q IT WAS LEGIBLE?

18 A YEAH.

19 Q AND SO YOU LEFT HIM IN THE ROOM BY HIMSELF TO
20 WRITE THAT?

21 A CORRECT.

22 Q WAS ANYBODY ELSE IN THE ROOM?

23 A WITH HIM, NO. HE WAS ALONE.

24 Q SO, HE WAS WRITING THIS BY HIMSELF?

25 A CORRECT.

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1 Q NOW, YOU MENTIONED THAT THERE WAS A MIRROR?

2 A CORRECT.

3 Q COULD -- COULD ANYBODY HAVE SEEN HIM FROM THE
4 MIRROR?

5 A YES.

6 Q ARE YOU AWARE OF WHETHER ANYBODY DID SEE HIM?

7 A FROM THE TIME -- ONCE -- I DIDN'T LEAVE THE ROOM
8 ONCE I STARTED THE INTERVIEW UNTIL IT CAME TIME FOR HIM TO
9 START WRITING. I STEPPED OUTSIDE. BY THAT TIME,
10 DETECTIVE BURNEM HAD ARRIVED AT THE NORTH BUREAU, THE
11 HEADQUARTERS. I DISCUSSED OUTSIDE BRIEFLY WITH HER WHAT I
12 HAD OBTAINED AT THAT POINT. AND THEN BOTH OF US, OFF AND
13 ON WERE INSIDE THE LITTLE ROOM WITH A TWO-WAY MIRROR
14 WATCHING HIM WRITE.

15 Q SO, THE LITTLE ROOM WITH THE TWO WAY MIRROR IS
16 NOT THE ROOM THAT THE DEFENDANT WAS WRITING HIS STATEMENT
17 IN?

18 A NO.

19 Q IT'S AN ADJOINING ROOM?

20 A IT'S AN ADJOINING ROOM.

21 Q ABOUT HOW LONG DID IT TAKE MR. TURNER TO WRITE
22 HIS STATEMENT?

23 A NOT -- NOT VERY LONG. IT FLOWED PRETTY --
24 PRETTY QUICK. MAYBE 15 MINUTES MAYBE.

25 Q AND HE INDICATED THAT HE WAS FINISHED WRITING

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1 HIS STATEMENT AT THAT POINT?

2 A UH-HUH. AS -- AS I WAS WATCHING THROUGH THE TWO
3 WAY MIRROR, AND YOU KNOW POPPING MY HEAD IN EVERY NOW AND
4 THEN, ASKING HOW HE WAS DOING -- YOU WANT TO MAKE SURE,
5 YOU KNOW, THAT THE PEN DIDN'T QUIT WORKING OR DID HE NEED
6 MORE PAPER. HE SAID HE WAS DONE.

7 Q NOW, AT THAT POINT, DID THE STATEMENT END?

8 A NO, IT DIDN'T. I ENTERED THE ROOM. I READ HIS
9 STATEMENT. AND I BEGAN WHAT'S CALLED A QUESTION AND
10 ANSWER PHASE OF THE INTERVIEW.

11 Q NOW, EXPLAIN TO THE JUDGE HOW YOU BEGAN THAT.

12 A AFTER I READ THE STATEMENT, AT THAT POINT I TELL
13 HIM, I SAY, "ALL RIGHT. I JUST HAVE A FEW QUESTIONS THAT
14 I'M GOING TO WRITE DOWN, THAT I'M GOING TO ASK, AND YOU
15 JUST ANSWER THEM FOR ME". AND THEN I BEGAN TO WRITE ON
16 THE ACTUAL STATEMENT FORM THE QUESTION I'M ASKING HIM.
17 AND THEN I WRITE HIS ANSWER VERBATIM AS HE ANSWERS IT.

18 Q SO, HE WROTE HIS STATEMENT AND THEN YOU FOLLOWED
19 UP WITH A QUESTION AND ANSWER. AND YOU PUT THAT IN YOUR
20 HANDWRITING?

21 A CORRECT. I'M ACTUALLY WRITING THAT.

22 Q OKAY. AND AFTER THE QUESTION AND ANSWER, DID
23 THE STATEMENT END AT THAT POINT?

24 A AT THAT POINT, I HANDED -- THAT WAS THE END OF
25 THE WRITTEN PORTION OF IT. I HANDED IT BACK TO HIM. I

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1 HAD HIM READ IT OVER. I MADE SURE EVERYTHING WAS CORRECT.

2 Q HOW MANY PAGES WAS IT AT THAT POINT?

3 A INCLUDING Q AND A -- QUESTION AND ANSWER, IT WAS
4 THREE PAGES.

5 Q THREE PAGES. AND YOU WENT OVER HIS WHOLE
6 STATEMENT AFTER HE WAS FINISHED WITH THE QUESTIONS AND
7 ANSWERS?

8 A CORRECT.

9 Q WAS HE GIVEN AN OPPORTUNITY TO MAKE ANY
10 CORRECTIONS?

11 A HE WAS. I ASKED HIM -- I ALWAYS HAND IT BACK TO
12 HIM. I SAID, "NOW JUST DO ME A FAVOR, JUST LOOK
13 EVERYTHING OVER AND MAKE SURE EVERYTHING IS THE WAY THAT
14 YOU WROTE IT AND THAT I ASKED IT". I ESPECIALLY HAD HIM
15 FOCUS ON THE QUESTION AND ANSWER PART SINCE THAT'S THE
16 PART THAT I'M WRITING. AND I INITIALED ABOVE A
17 HANDWRITING ERROR I HAD MADE. AND I SHOWED HIM THAT I HAD
18 SCRIBBLED THAT OUT AND INITIALED ABOVE IT.

19 Q NOW, WHEN WAS THAT? WAS THAT AS YOU'RE TAKING
20 THE STATEMENT OR IS THAT WHEN YOU'RE REVIEWING THE
21 STATEMENT?

22 A THAT -- AS I WAS TAKING IT, IS WHERE I MADE THE
23 MISTAKE IN THE HANDWRITING. I INITIALED IT. AND THEN
24 WHEN I WENT OVER IT WITH HIM, IS WHEN I SHOWED IT TO HIM
25 WHAT IT WAS. I SHOWED HIM -- "NOW, IF YOU LOOK -- NOTICE

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1 HERE, I MADE A MISTAKE ON THE SPELLING, AND I INITIALED
2 RIGHT THERE".

3 I CONTINUED TO ALLOW HIM TO GO OVER THE STATEMENT.
4 AND ONCE HE INDICATED TO ME THAT HE HAD READ IT
5 THOROUGHLY, I SAID "IS EVERYTHING ON THERE ACCURATE AND
6 CORRECT", AND HE SAID "YES".

7 Q DID HE CHANGE ANYTHING WHEN YOU WENT OVER THIS
8 STATEMENT WITH HIM?

9 A NO, HE DID NOT.

10 Q DID HE INDICATE TO YOU THAT THIS WAS HIS
11 STATEMENT THAT HE WAS GIVING YOU?

12 A YES, HE DID.

13 Q AND HOW DID HE INDICATE THAT?

14 A UPON HANDING IT BACK TO ME INDICATING THAT IT
15 WAS COMPLETE AS TO WHAT HE WROTE, AS WELL AS WHAT I WROTE
16 AND ASKED HIM, I HAD HIM TAKE A LINE THROUGH THE LAST
17 PORTION OF HIS STATEMENT AND PLACE HIS INITIALS ON IT. I
18 THEN EXPLAINED TO HIM THAT'S SO I CANNOT ADD ANYTHING
19 AFTERWARDS. AND IF EVERYTHING IS CORRECT, HE WOULD JUST
20 SIGN AT THE BOTTOM OF EACH PAGE.

21 Q AND DID HE SIGN AT THE BOTTOM OF EACH PAGE?

22 A YES, HE DID.

23 Q HOW MANY TIMES DID HE SIGN THAT STATEMENT?

24 A HE SIGNED ON EACH PAGE, THEREFORE MAKING IT
25 THREE -- THREE SEPARATE TIMES, ALONG WITH ONE INITIAL.

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1 Q DID ANYONE ELSE SIGN HIS STATEMENT?

2 A YES.

3 Q WHO?

4 A UPON ENTERING THE ROOM AFTER -- AFTER WE -- HE
5 WAS -- I WAS DONE WITH THE Q AND A, AND HE WAS READING
6 OVER THE STATEMENT, DETECTIVE BURNEM HAD COME IN, AND SHE
7 HAD SOME STATEMENT FORMS OF HER OWN. AND SHE WATCHED THE
8 FINAL PORTION OF HIM PROOFREADING THE STATEMENT AND HIM
9 SIGNING IT. AND THEN SHE SIGNED -- AS A WITNESS, SHE
10 SIGNED IT.

11 Q NOW, HER ROLE AS A WITNESS, IT -- IT DIDN'T
12 EXTEND TO TAKING THE STATEMENT FROM THE DEFENDANT, DID IT?

13 A NO.

14 Q WAS SHE -- WAS SHE THERE WHEN YOU ADVISED HIM OF
15 HIS RIGHTS?

16 A NOT IN THE ROOM. AND I DON'T KNOW IF SHE -- I
17 CAN'T HONESTLY SAY THAT SHE WAS STANDING BEHIND THE TWO
18 WAY MIRROR. YOU CAN HEAR THE DOOR OPEN AND I HEARD THE
19 DOOR OPEN A COUPLE OF TIMES. SO --

20 Q ARE YOU SAYING SHE WAS AROUND?

21 A YES.

22 Q DID SHE HAVE AN ACTIVE ROLE IN ADVISING HIM OF
23 HIS RIGHTS?

24 A NO.

25 Q DID SHE HAVE AN ACTIVE ROLE IN OBTAINING HIS

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1 STATEMENT FROM HIM?

2 A NO.

3 Q DID YOU, YOURSELF, SIGN IT?

4 A YES.

5 Q WHEN DID YOU SIGN?

6 A I ACTUALLY SIGNED BEFORE DETECTIVE BURNEM
7 SIGNED. ONCE HE SIGNED ALL THREE PAGES, I SIGNED AS A
8 WITNESS TO THAT SIGNATURE.

9 Q AT THE SAME TIME THAT HE SIGNED?

10 A NO. HE COMPLETED -- HE HAD SIGNED EACH PAGE,
11 HANDED IT BACK TO ME, AND I SIGNED EACH PAGE. AND
12 DETECTIVE BURNEM WAS ALREADY IN THERE. AND THEN I TURNED
13 THE STATEMENT AT AN ANGLE WHERE SHE COULD WRITE AND SHE
14 SIGNED IT.

15 Q DID YOU THREATEN HIM IN ANY WAY TO PROVIDE YOU
16 WITH THIS STATEMENT?

17 A NO, I DID NOT.

18 Q DID YOU THREATEN ANY MEMBER OF HIS FAMILY IN ANY
19 WAY?

20 A NO, I DID NOT.

21 Q ARE YOU AWARE OF WHETHER ANYONE ELSE THREATENED
22 HIM OR A MEMBER OF HIS FAMILY IN ANY WAY?

23 A NOT THAT I'M AWARE OF. THERE WAS NOBODY ELSE
24 THAT HAD ACCESS TO HIM.

25 Q DID YOU OFFER HIM ANY HOPE OF A REWARD IN ORDER

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 FOR HIM TO GIVE YOU THIS STATEMENT?

2 A NO.

3 Q DID YOU PROMISE HIM ANYTHING IN ORDER FOR HIM TO
4 GIVE YOU THIS STATEMENT?

5 A NO, I DID NOT.

6 Q ARE YOU AWARE OF WHETHER ANYONE ELSE DID?

7 A AGAIN, I'M NOT AWARE OF ANY. BUT THERE WAS
8 NOBODY THAT HAD ACCESS TO -- TO HIM DURING THE INTERVIEW.

9 Q WAS HE PROVIDED WITH A COPY OF HIS STATEMENT?

10 A YES, HE WAS.

11 Q DID YOU PROVIDE HIM WITH THAT COPY?

12 A YES, I DID.

13 Q DID YOU OFFER HIM ANY LENIENCY IF HE CONFESSED?

14 A NO, I DID NOT.

15 Q ARE YOU AWARE OF WHETHER ANYONE ELSE DID?

16 A AGAIN, NOT AWARE OF IT. NOT LIKELY. HIGHLY
17 IMPROBABLE.

18 Q IS IT YOUR OPINION THAT HE OFFERED AND GAVE YOU
19 THIS STATEMENT FREELY AND VOLUNTARILY?

20 A VERY MUCH SO.

21 MR. DURANT: YOUR HONOR, AT THIS TIME FOR THE
22 PURPOSE OF THIS HEARING, THE STATE MOVES IN STATE'S 1 AND
23 2.

24 THE COURT: MAKE IT -- MARK IT AS COURT'S EXHIBITS
25 1 AND 2. YOU CAN TAKE IT -- FOR NOW, JUST TAKE IT AS --

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 MARK IT --

2 MR. DURANT: THEY'VE BEEN MARKED AS ONE AND TWO.
3 ALREADY.

4 THE COURT: OKAY. THAT'S FINE. ALL RIGHT.

5 (STATE'S EXHIBITS 1 AND 2 RECEIVED INTO EVIDENCE.)

6 MR. DURANT: AND, YOUR HONOR, DEFENSE COUNSEL HAS
7 ALREADY SEEN THAT.

8 THE COURT: I'VE GOT A COPY OF IT.

9 BY MR. DURANT:

10 Q IF YOU WOULD, WOULD YOU PLEASE READ THE
11 DEFENDANT'S STATEMENT AS --

12 THE COURT: I'VE -- I'VE READ THE STATEMENT. I
13 DON'T NEED TO LISTEN TO THAT. OKAY.

14 MR. DURANT: OKAY.

15 THE COURT: I MEAN, I'VE READ IT. HE DOESN'T NEED
16 TO READ IT TO ME. I CAN READ.

17 MR. DURANT: I HAVE NO FURTHER QUESTIONS AT THIS
18 TIME. THANK YOU, SIR.

19 THE COURT: CROSS EXAMINATION.

20 MR. GRIMES: THANK YOU, YOUR HONOR. MAY IT PLEASE
21 THE COURT.

22 THE COURT: YES, SIR.

23 CROSS EXAMINATION BY MR. GRIMES:

24 Q GOOD AFTERNOON, DETECTIVE RAMSEY.

25 A GOOD AFTERNOON.

DET. RAMSEY -- DIRECT BY MR. DURANT

147

1 Q HOW ARE YOU DOING TODAY?

2 A I'M DOING ALL RIGHT.

3 Q THERE'S A FEW QUESTIONS I WANT TO ASK YOU ABOUT
4 THIS INTERVIEW. FIRST I WANT TO ASK YOU -- I'M GOING TO
5 JUMP AROUND A LITTLE BIT -- FIRST, I'M GOING TO ASK YOU
6 ABOUT THE TIMING OF THIS INTERVIEW. IN YOUR TESTIMONY,
7 YOU SAID IT TOOK ABOUT 15 MINUTES FOR YOU TO ADVISE HIM OF
8 HIS MIRANDA RIGHTS?

9 A ROUGHLY, I MEAN IT --

10 Q WELL --

11 A 3:45 IS THE TIME I'VE GOT ON THERE.

12 Q SO, YOU ADVISED HIM OF HIS MIRANDA ABOUT 3:45?

13 A IN THE AFTERNOON, CORRECT.

14 Q AND THEN DID HE START HIS STATEMENT AT 4:15 OR
15 IS THAT WHEN HE FINISHED HIS STATEMENT?

16 A THAT WOULD BE THE TIME -- THE 4:15 MARKED ON THE
17 STATEMENT FORM WOULD BE WHEN HE BEGAN TO WRITE. SO,
18 THAT'S WHAT TIME HE STARTED ACTUALLY WRITING THE WRITTEN
19 PORTION OF THE STATEMENT.

20 Q NOW, FROM YOUR DIRECT TESTIMONY, IT SOUNDED LIKE
21 HE FINISHED WRITING HIS PORTION OF THE STATEMENT, IT TOOK
22 A HALF AN HOUR, OR WAS THAT A HALF HOUR FOR EVERYTHING?

23 A NO. IT WAS ABOUT A HALF HOUR THAT I SPOKE WITH
24 HIM.

25 Q BETWEEN 3:45 AND 4:15?

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 A CORRECT, IS WHEN I WAS JUST VERBALLY SPEAKING
2 WITH HIM.

3 Q WELL, I THOUGHT YOU SAID ON YOUR DIRECT
4 TESTIMONY THAT IT TOOK YOU -- THAT HE FINISHED HIS
5 STATEMENT PRETTY QUICK, ABOUT 30 MINUTES?

6 A TO WRITE IT. ABOUT 15 --

7 Q ABOUT 15 MINUTES?

8 A ABOUT 15 TO 20 MINUTES, SOMEWHERE IN THERE. IT
9 DIDN'T TAKE HIM LONG TO WRITE IT OUT.

10 Q OKAY. SO, MAYBE ABOUT 4:30 HE FINISHED THE
11 STATEMENT?

12 A ROUGHLY, SOMEWHERE IN THERE -- POSSIBLY -- I
13 MEAN, I COULDN'T GIVE YOU AN EXACT --

14 Q I KNOW. AND THEN YOU DID THE QUESTION AND
15 ANSWER WITH HIM?

16 A YES. AFTER HE WROTE, YES.

17 Q HOW LONG DID THAT TAKE?

18 A HMMM, I COULDN'T GIVE YOU AN EXACT TIME ON THAT.
19 MAYBE -- I MEAN, I ONLY ASKED SEVEN QUESTIONS, MAYBE
20 ANOTHER 15 MINUTES.

21 Q AND THEN YOU LET HIM READ HIS STATEMENT AGAIN TO
22 MAKE ANY CORRECTIONS?

23 A CORRECT.

24 Q AND HOW LONG DID THAT TAKE, FIVE OR TEN MINUTES?

25 A BETWEEN THERE. BETWEEN FIVE AND TEN MINUTES FOR

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 HIM TO READ AND ALL THE SIGNINGS.

2 Q NOW, WHEN -- DID YOU PREPARE AN INCIDENT REPORT
3 IN THIS CASE?

4 A I DID -- NO, I DID NOT.

5 Q YOU DIDN'T?

6 A I DID NOT, NO.

7 Q DID YOU PREPARE A SUPPLEMENTAL REPORT?

8 A I DID A SUPPLEMENT AFTER THE INTERVIEW, CORRECT.

9 Q OKAY. AND YOU DID YOUR SUPPLEMENT THE NEXT
10 MORNING?

11 A CORRECT.

12 Q AND AT THAT TIME, YOU HAD PLENTY OF OPPORTUNITY
13 TO GO AHEAD AND WRITE DOWN WHAT HAPPENED IN THIS CASE, IN
14 YOUR INTERVIEW PROCESS?

15 A I'M NOT SURE I UNDERSTAND THE QUESTION.

16 Q I MEAN, WHEN YOU'RE -- DOING YOUR SUPPLEMENTAL
17 REPORT, WERE YOU IN A RUSH TO DO IT, WERE YOU GETTING A
18 LOT OF CALLS, OR WERE YOU ABLE TO SIT DOWN AND LOOK AT
19 YOUR NOTES, TAKE YOUR TIME AND WRITE A COMPLETE REPORT?

20 A IT WAS THE NEXT DAY, SO YEAH, I MEAN, I DID IT
21 THE FIRST THING IN THE MORNING, SO I HAD TIME. THERE WAS
22 NO RUSH.

23 Q AND YOU UNDERSTAND THAT WRITING INCIDENT REPORTS
24 IS A PRETTY IMPORTANT PART OF YOUR JOB?

25 A IT'S A VERY IMPORTANT PART OF MY JOB.

DET. RAMSEY -- CROSS BY MR. GRIMES

150

1 Q BECAUSE YOU MAY RELY UPON IT FOR TESTIMONY?

2 A CORRECT.

3 Q AND THINGS LIKE THIS COULD BE A YEAR AND A HALF
4 LATER BEFORE IT COMES TO COURT?

5 A CORRECT.

6 Q AND YOU'VE PUT SOME PRETTY DETAILED ALLEGATIONS
7 IN YOUR INCIDENT REPORT, DIDN'T YOU?

8 A IN MY SUPPLEMENT?

9 Q I'M SORRY. I KEEP SAYING INCIDENT. IN YOUR
10 SUPPLEMENTAL REPORT?

11 A A BASIC BREAKDOWN OF IT, YES.

12 Q AND IF THERE'S ANYTHING IMPORTANT, YOU WOULD
13 WANT TO PUT THAT IN YOUR REPORT, CORRECT, OR INCIDENT --
14 OR SUPPLEMENTAL REPORT?

15 A IF -- YES, IF IT'S PERTINENT.

16 Q FOR EXAMPLE, THAT'S WHY YOU SAID IN YOUR
17 SUPPLEMENTAL REPORT, YOU ALLEGEDLY SAID -- MR. TURNER SAID
18 "I COULDN'T SEE MYSELF" --

19 COURT REPORTER: I'M SORRY. WHAT WAS THAT?

20 BY MR. GRIMES:

21 Q "I COULDN'T SEE MYSELF DOING THAT BECAUSE I KNOW
22 THE LAW"?

23 A YES, THAT IS MENTIONED IN MY SUPPLEMENT.

24 Q AND YOU HAVE THAT IN QUOTATIONS?

25 A CORRECT.

DET. RAMSEY -- CROSS BY MR. GRIMES

151

1 Q AND YOU TALK ABOUT UNDERLINING THE FIRST FIVE
2 WORDS OF HIS FIRST RIGHT ABOUT REMAINING SILENT?

3 A CORRECT.

4 Q NOW, YOUR -- YOUR STATEMENT -- I MEAN, YOUR
5 SUPPLEMENTAL REPORT, YOU DON'T HAVE ANYTHING ABOUT YOU
6 DRAWING A LINE AND MR. TURNER INITIALING IT, DO IT?

7 A UM --

8 THE COURT: THE LINE IS ON THE STATEMENT.

9 MR. GRIMES: YES, SIR.

10 THE COURT: OKAY.

11 THE WITNESS: NO. I JUST MENTION THAT I REQUESTED
12 HIM TO READ THE FIRST FIVE WORDS.

13 BY MR. GRIMES:

14 Q YOU DON'T HAVE ANYTHING IN YOUR INCIDENT REPORT
15 ABOUT HIM MUTTERING OR READING ALOUD HIS RIGHTS, DO YOU?

16 A NO, I DO NOT.

17 Q SO, YOU DON'T KNOW IF YOU -- YOU CAN'T SAY FOR
18 SURE WHETHER HE ACTUALLY READ HIS RIGHTS OR NOT, CAN YOU?

19 A YES, I ACTUALLY CAN.

20 Q OKAY. DID YOU HEAR HIM READ HIS RIGHTS?

21 A TO THE EXTENT WHICH I SAID PRIOR, READING LIKE
22 -- LIKE YOU WOULD READ DIRECTIONS OF SOMETHING ON A BOX TO
23 YOURSELF, BUT OUT LOUD, I GUESS. I'M TRYING TO THINK OF A
24 WAY TO EXPLAIN IT.

25 Q OKAY. WELL, COULD YOU TRY TO SHOW THE COURT,

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 KIND OF, HOW HE READ IT?

2 A AH, YEAH, I DON'T KNOW IF SHE'LL BE ABLE TO PICK
3 UP ON IT. OKAY. LIKE ON THE FIRST ONE WHERE IT SAYS "I
4 HAVE THE ABSOLUTE RIGHT", HE WOULD GO (WITNESS MUMBLING)
5 -- DID YOU GET THAT?

6 Q NO.

7 A I MEAN, I DON'T KNOW. I MEAN, THAT'S THE BEST
8 -- I DON'T KNOW HOW ELSE YOU WANT ME --

9 Q WELL, MAYBE -- SO, DID YOU ACTUALLY HEAR HIM
10 SAY, "I HAVE -- I DO NOT HAVE TO ANSWER ANY QUESTIONS"?

11 A OTHER THAN WHAT I JUST INDICATED TO YOU HE WAS
12 READING LIKE, NO.

13 Q OKAY. BUT IT'S YOUR TESTIMONY TODAY IS YOU
14 HEARD HIM READ HIS RIGHTS?

15 A TO THE EXTENT WHICH I KEEP REFERRING BACK. I
16 CAN'T EXPLAIN IT ANY BETTER. IT -- IT WASN'T READING OUT
17 LOUD. IT WASN'T TO HIMSELF, IT WAS IN A WHISPERING
18 MUMBLE.

19 Q MAYBE BECAUSE HE HAD TROUBLE READING HIS RIGHTS?

20 A I DON'T BELIEVE SO --

21 Q IS THAT A POSSIBILITY?

22 A NO, NOT WITH THE FIRST -- THE FIRST FIVE WORDS
23 OF THAT ARE VERY IMPORTANT BECAUSE THEY -- WHAT I HAVE
24 FOUND IS PEOPLE WHO HAVE PROBLEMS WITH LITERACY, STRUGGLE
25 WITH THE WORD "ABSOLUTE".

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 Q OKAY.

2 A HE READ THAT VERY, VERY LITERATE.

3 Q YOU DON'T THINK THEY COULD HAVE PICKED UP
4 "ABSOLUTE" FROM CERTAIN ALCOHOLIC BEVERAGES?

5 A I COULDN'T TELL YOU WHERE HE WOULD PICK UP A
6 WORD.

7 Q OKAY. IN YOUR INCIDENT REPORT, YOU SAID THIS
8 STATEMENT TOOK TWO HOURS, APPROXIMATELY TWO HOURS TO
9 COMPLETE, DIDN'T YOU?

10 A FROM THE TIME I HAD INITIAL CONTACT WITH HIM TO
11 THE TIME THAT, I GUESS, THE ENTIRE PROCESS WAS OVER,
12 PROBABLY IN THAT -- AN HOUR AND A HALF.

13 Q IF YOU LOOK AT THE -- YOUR SUPPLEMENTAL REPORT,
14 DOESN'T IT SAY "THE INTERVIEW AND THE TIME THE SUSPECT
15 TOOK TO WRITE HIS STATEMENT WAS APPROXIMATELY TWO HOURS"?

16 A YEAH -- OH, I SEE WHAT YOU'RE SAYING NOW. "THE
17 INTERVIEW AND THE TIME THE SUSPECT TOOK TO WRITE HIS
18 STATEMENT WAS APPROXIMATELY TWO HOURS." THAT'S PROBABLY
19 WHAT IT WAS.

20 Q IN YOUR INCIDENT REPORT, IT DOESN'T SAY ANYTHING
21 ABOUT THIS CALCULUS EXAMPLE, DOES IT?

22 A THIS WHAT?

23 Q THIS EXAMPLE THAT YOU TESTIFIED TODAY ABOUT
24 CALCULUS -- CALCULUS, IT DOESN'T SAY ANYTHING IN THERE
25 ABOUT IT, DOES IT?

DET. RAMSEY -- CROSS BY MR. GRIMES

154

1 A NO, IT DOES NOT.

2 Q IT DOESN'T SAY ANYTHING ABOUT YOU TALKING ABOUT
3 THAT CHILDREN JUST DON'T MAKE THIS UP, DOES IT?

4 A NO, I DIDN'T.

5 Q NOW, WE'LL GO BACK TO I GUESS -- INITIALLY, TO
6 BEGIN THE INTERVIEW -- INITIALLY, IT'S YOUR TESTIMONY THAT
7 MR. TURNER DENIED THESE ALLEGATIONS?

8 A CORRECT.

9 Q DO YOU KNOW WHAT CAUSED HIM TO CHANGE HIS MIND,
10 TO COME AROUND TO YOUR SIDE OF THINKING?

11 A JUST OUR CONVERSATION.

12 Q WELL, WHAT -- YOU SAY YOUR CONVERSATION WAS KIND
13 OF A BUDDY-BUDDY TYPE OF CONVERSATION.

14 A HE -- HE SEEMED COMFORTABLE WITH ME FROM WHEN HE
15 FIRST SAW ME EVEN OUT AT THE ADDRESS, POSSIBLY
16 BECAUSE I HAD DEALT WITH HIM THE WEEK BEFORE.

17 Q OKAY. AND YOU SAID SOMETHING ABOUT HE MADE AN
18 ORAL CONFESSION BEFORE HE WROTE -- MADE A WRITTEN
19 STATEMENT?

20 A CORRECT.

21 Q AND YOU TOLD HIM, WELL, YOU'VE DONE THE RIGHT
22 THING, DID YOU SAY THAT?

23 A ALONG -- I'M -- I'M SURE I DID, YES.

24 Q BUT YOU IMPLIED THAT IF HE HADN'T CONFESSED, HE
25 WOULD HAVE DONE THE -- THE WRONG THING?

DET. RAMSEY -- CROSS BY MR. GRIMES

155

1 A I DIDN'T IMPLY THAT.

2 Q IF YOU DO THE RIGHT THING BY CONFESSING, THEN
3 YOU WOULD BE DOING THE WRONG THING BY NOT CONFESSING,
4 CORRECT?

5 A IF THAT'S HOW HE TOOK IT, I DON'T KNOW.

6 Q DID YOU MENTION ANYTHING ABOUT WHAT KIND OF
7 PENALTIES HE MIGHT BE FACING --

8 A NO --

9 Q -- IF HE'S CONVICTED OF THIS CHARGE?

10 A -- NO, I DID NOT.

11 Q DID YOU SAY ANYTHING ABOUT WHAT KIND OF BOND HE
12 MIGHT BE LOOKING AT?

13 A NO, I DID NOT.

14 Q DID YOU TELL HIM THAT WHEN PEOPLE PLEAD GUILTY
15 AND THEY TAKE RESPONSIBILITY, THAT SOMETIMES COURTS GO
16 EASY ON THEM?

17 A NO, I DID NOT.

18 Q AND THIS BUDDY-BUDDY CONVERSATION YOU HAD WITH
19 HIM, DID YOU TELL HIM ANYTHING ABOUT HOW HE COULD HELP
20 HIMSELF?

21 A NO, I DID NOT.

22 Q SO, HE JUST WENT FROM SAYING, NO, IT DIDN'T
23 HAPPEN, TO YES, IT DID HAPPEN --

24 A WELL, I MEAN --

25 Q -- WITHOUT ANYTHING -- ANYTHING THAT YOU DID?

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 A NO, NOT -- I MEAN, HE DIDN'T JUST -- LIKE A
2 LIGHT SWITCH, UP AND TURN THE OTHER WAY AROUND. HE DIDN'T
3 DO LIKE THAT. I MEAN, I HAD TO TALK TO HIM.

4 Q WELL, HOW DID YOU TALK TO HIM TO GET HIM TO
5 SWITCH?

6 A I CREATED A VERY RELAXED ENVIRONMENT. I
7 LOOSENEED MY TIE. I LEAN BACK IN THE CHAIR. I GOT A CUP
8 OF COFFEE. I ASKED HIM -- LIKE I SAID -- THE INITIAL
9 THING IS WHAT IS GOING ON. AND HE -- LIKE I SAID BEFORE,
10 HE SAID, "I DON'T KNOW. I COULDN'T" -- AND THAT'S WHERE
11 THE WHOLE "I COULDN'T SEE MYSELF DOING THAT, I KNOW THE
12 LAW". I DID THE WHOLE CALCULUS THING THAT YOU BROUGHT
13 UP, USING THAT AS AN EXAMPLE --

14 Q WELL, LET'S SLOW DOWN. SO YOU SAID, YOU HAVE
15 THIS RELAXED ATMOSPHERE?

16 A UH-HUH.

17 Q YOUR FEET ARE UP, YOU DRINK COFFEE. YOU'RE
18 ASKING HIM "WHAT'S GOING ON", HE SAYS "I DON'T KNOW".

19 A UH-HUH.

20 Q WHAT DID YOU SAY AFTER THAT? DID YOU JUST BRING
21 UP THE CALCULUS EXAMPLE THEN OR DID YOU TALK TO HIM SOME
22 MORE ABOUT --

23 A USUALLY IT'S RIGHT OFF THE GET. BECAUSE, I
24 MEAN, IT CAN BE A RELAXED INTERVIEW, BUT I'VE GOTTA GET TO
25 A POINT, YOU KNOW, I CAN'T SIT AND BUDDY-BUDDY WITH HIM

DET. RAMSEY -- CROSS BY MR. GRIMES

157

1 AND TALK FOOTBALL. I'VE GOT TO GET TO A POINT OF WHAT'S
2 GOING ON. YOU'VE GOT TO REMEMBER IN THIS INTERVIEW, I
3 DIDN'T EVEN KNOW WHAT HAD HAPPENED. IT'S NOT LIKE I SPOKE
4 AND I HAD ANY DETAILS OF THE CASE. SO --

5 Q WELL, YOU KNEW THAT SOMEONE UNDER 11 YEARS OLD
6 HAS ACCUSED OF BEING MOLESTED BY HIM, CORRECT?

7 A CORRECT.

8 Q A PRETTY SERIOUS CHARGE?

9 A A VERY SERIOUS CHARGE. AND SO I JUST STARTED
10 TALKING TO HIM ABOUT, YOU KNOW, THE REALITY OF THINGS.
11 THAT SHE CAN'T -- YOU KNOW, SOMETHING -- WHAT HAPPENED.
12 SOMETHING HAD TO HAVE HAPPENED TO MAKE THIS LITTLE GIRL
13 SAY THESE THINGS.

14 Q WHAT DID YOU SAY MIGHT HAVE HAPPENED THAT THIS
15 LITTLE GIRL SAID THESE THINGS?

16 A I DIDN'T. I DON'T KNOW. I EVEN ASKED HIM THAT,
17 I SAID, "WHAT DO YOU THINK WOULD MAKE THIS LITTLE GIRL SAY
18 THAT".

19 Q AND WHAT WAS HIS RESPONSE?

20 A "I DON'T KNOW."

21 Q AND WHAT -- AFTER YOU WENT THROUGH THAT LINE OF
22 QUESTIONING, WHAT WAS YOUR -- WHAT DID YOU TWO TALK ABOUT
23 NEXT?

24 A BASICALLY, I'LL TALK TO HIM ABOUT I NEED FOR HIM
25 TO EXPLAIN TO ME HIS SIDE OF WHAT HAPPENED, YOU KNOW. DID

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 -- AND THEN I'LL SAY THINGS TO HIM OR ASK HIM THINGS,
2 "LOOK, YOU KNOW, YOU'RE A MAN. I'M A MAN. WE BOTH HAVE
3 HORMONES AND EMOTIONS. DID SHE COME ON TO YOU? DID SHE
4 START WITH YOU? ARE YOU HAVING PROBLEMS WITH YOUR
5 MARRIAGE? YOU KNOW, YOU DON'T SEEM LIKE A BAD" -- I MEAN,
6 I CAN GO THROUGH THE WHOLE INTERVIEW IF YOU WANT -- BUT I
7 MEAN THAT'S BASICALLY THE -- THE GIST OF WHAT I GET AT
8 WITH HIM.

9 Q LET'S GO THROUGH THAT A LITTLE MORE. YOU SAY
10 YOU MAYBE -- YOU TRY TO MINIMIZE HIS CONDUCT BY SAYING SHE
11 HAD COME ON TO HIM?

12 A YEAH. YOU KNOW, I MEAN, I'M TRULY TRYING TO
13 FIND OUT WHAT -- WHAT HAPPENED BECAUSE I KNOW NOTHING
14 ABOUT THIS CASE. I KNEW NOTHING.

15 Q WELL, YOU WERE TALKING ABOUT HER MAYBE COMING ON
16 TO HIM AND THAT HE'S NOT A BAD GUY --

17 A WELL, I NEVER --

18 Q WHAT ELSE DID YOU TELL HIM?

19 A I MEAN, THERE WAS THAT. AND JUST PROCEED IN
20 THAT MANNER. YOU KNOW, TALK TO ME. TELL ME WHAT, YOU
21 KNOW, YOUR -- YOUR SIDE OF THE STORY.

22 Q DID YOU TELL HIM WHY HE SHOULD TALK TO YOU?

23 A I USE THE EXAMPLE A LOT OF TIMES, YOU KNOW, "MR.
24 TURNER, RIGHT NOW YOU'RE A NAME ON AN INCIDENT REPORT.
25 YOU'RE A NAME ON AN INCIDENT REPORT. AND THAT'S ALL YOU

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 ARE. I NEED TO SEE THE HUMAN BEING SIDE OF YOU. I NEED
2 TO SEE WHAT'S BEHIND THAT NAME ON THE INCIDENT REPORT.
3 SHOW ME WHAT'S BEHIND THAT NAME. I NEED TO TALK TO THE
4 HUMAN BEING SIDE." AND THAT'S ALL -- I MEAN, THAT'S --
5 THAT -- THAT WAS HOW WE TALKED.

6 Q AND WHEN YOU WENT THROUGH THAT LINE OF
7 QUESTIONING OR ASKING THOSE SERIES OF QUESTIONS, WHAT WAS
8 HIS RESPONSE?

9 A THAT'S WHEN HE BECAME VERY RECEPTIVE TO ME AND
10 STARTED REALLY OPENING UP. THE -- THE PART WHERE I
11 MENTIONED, YOU KNOW, WE'RE BOTH HUMAN. WE BOTH HAVE
12 HORMONES. YOU KNOW, WE BOTH HAVE TEMPTATIONS. DID SHE --
13 DID SHE COME ON TO YOU, WAS THIS SOMETHING THAT YOU -- AND
14 AT THAT POINT, IS WHEN HE STARTED TALKING ABOUT, "YES, SHE
15 DID". AND IT -- IT CONCERNED HIM BECAUSE SHE WAS SO
16 FORWARD AT SUCH A YOUNG AGE.

17 I SAID, "LIKE, WHAT DO YOU MEAN?" AND HE SAID,
18 "WELL, I -- I WAS CONCERNED BECAUSE SHE SEEMED TO KNOW A
19 LOT ABOUT SEX. AND I WANTED TO FIND OUT HOW MUCH SHE KNEW
20 TO TRY TO FIND OUT WHERE SHE MAY HAVE LEARNED THIS FROM".

21 Q OKAY. WHEN YOU'RE TALKING ABOUT, YOU KNOW,
22 BEING A HUMAN BEING VERSUS BEING ON AN INCIDENT REPORT,
23 DID YOU TELL HIM OR IMPLY ANYTHING THAT THE COURTS TREAT
24 PEOPLE DIFFERENTLY THAN SOMEONE WHO'S JUST A NAME ON AN
25 INCIDENT REPORT?

DET. RAMSEY -- CROSS BY MR. GRIMES

160

1 A TELL ME -- I'M NOT FOLLOWING THAT --

2 Q DID YOU TELL HIM ANYTHING LIKE IF YOU CAN
3 HUMANIZE YOURSELF, THAT MAY HELP YOU IN COURT?

4 A NO, THAT WAS -- HUMANIZE YOURSELF TO ME. I
5 DON'T -- I DON'T TALK ABOUT COURT DURING INTERVIEWS. I
6 CAN'T. I -- I DON'T EVEN KNOW THE SENTENCE FOR MOST OF
7 THE CHARGES THAT I'M DEALING WITH, SO I CAN'T PROMISE
8 ANYTHING. I -- I DON'T TALK ABOUT COURT.

9 AS A MATTER OF FACT, IN AN INTERVIEW, I TRY TO
10 AVOID THE CONVERSATION OF COURT BECAUSE THAT IS A FEAR
11 FACTOR.

12 Q BUT, YOU KNOW, SOMETIMES IF YOU GO AND TALK TO A
13 JUDGE, SAY A MAGISTRATE JUDGE FOR A BOND, YOU CAN PUT IN A
14 GOOD WORD FOR THE DEFENDANT, SAYING HE WAS COOPERATIVE AND
15 -- OR HE HELPED US OUT ON CERTAIN -- CAN YOU HELP HIM ON
16 HIS BOND?

17 A THAT'S A SPEEDING TICKET --

18 Q BUT IT DOES HAPPEN --

19 A THIS IS CSC WITH A MINOR --

20 Q -- WITH OTHER CASES TOO, GENERALLY SPEAKING?

21 A I'VE NEVER SPOKE TO A JUDGE IN A MAJOR CASE. I
22 -- I HAVE NEVER -- I -- THEY DON'T EVEN WANT TO TALK TO
23 ME. WHY WOULD THEY WANT TO, YOU KNOW.

24 Q BUT DID YOU EVER TELL HIM THAT YOU COULD SPEAK
25 TO A JUDGE FOR HIM?

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 A NO. I -- SPEAKING OF A JUDGE DURING AN
2 INTERVIEW CAN SHUT DOWN THE INTERVIEW. YOU DON'T WANT TO
3 MENTION JUDGES, COURT, SENTENCES, YOU DON'T WANT TO DO
4 THAT.

5 Q LET ME ASK YOU A FEW OTHER QUESTIONS. DO YOU
6 KNOW WHY THIS INTERVIEW WASN'T VIDEOTAPED?

7 A AT THAT -- AT THAT TIME WE WERE IN THE OLD
8 BUILDING. WE HAVE CURRENTLY MOVED TO A NEW BUILDING. THE
9 DEPARTMENT HAD JUST NEVER INSTALLED VIDEO OR AUDIO
10 EQUIPMENT.

11 Q DO YOU KNOW WHY DETECTIVES DON'T MAYBE BUY THEIR
12 OWN TAPE RECORDERS AND RECORD THESE, ESPECIALLY IN ONE AS
13 SERIOUS AS THIS?

14 A I GUESS THE SAME REASON WE DON'T BUY RADARS FOR
15 OUR CARS. WE JUST -- IF IT'S NOT SUPPLIED BY THE
16 DEPARTMENT, WE DON'T.

17 Q SO, THE DEPARTMENT CAN'T SPEND \$20 TO SUPPLY YOU
18 WITH A --

19 THE COURT: MR. GRIMES, YOU CAN TAKE THAT UP IN
20 FRONT OF THE JURY. THAT DOESN'T ENTER INTO MY DECISION.
21 OKAY. WHETHER THEY TAPED IT OR DIDN'T TAPE IT, VIDEOED IT
22 OR WHAT. OKAY.

23 MR. GRIMES: THANK YOU, YOUR HONOR.

24 BY MR. GRIMES:

25 Q DID YOU TELL HIM ANY WAY -- WHEN HE'S WRITING A

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 STATEMENT, DID YOU DIRECT HIM HOW TO WRITE THIS AT ALL?

2 A NO. I WASN'T EVEN IN THE ROOM. I LEFT.

3 Q SO, WHEN HE SAID "I HEREBY STATED", HE WROTE
4 "HEREBY" HIMSELF WITHOUT BEING --

5 A YEAH. I SAT THERE FOR THAT PART TO MAKE SURE
6 THAT HIS WRITING WAS SOMETHING THAT I COULD READ AT A
7 LATER TIME. BUT I -- I DIDN'T TELL HIM ANYTHING. I
8 WASN'T EVEN IN THE ROOM WITH HIM.

9 Q AT ANY POINT IN THIS INTERVIEW, DID MR. TURNER
10 START CRYING?

11 A I DON'T BELIEVE SO. I DON'T -- I DON'T BELIEVE
12 SO.

13 Q YOU'RE SAYING --

14 A DON'T QUOTE ME ON THAT. IT WAS A PRETTY CASUAL
15 CONVERSATION. WE KIND OF TALKED LIKE WE'RE JUST TWO GUYS
16 SITTING IN A CAR, REALLY, HONESTLY.

17 Q DID HE MAKE -- MAKE ANY ALLEGATIONS THAT HE
18 WOULD RATHER KILL HIMSELF THAN DO SOMETHING LIKE THIS?

19 A NO.

20 Q LET ME ASK YOU A COUPLE OF OTHER FINAL QUESTIONS
21 ABOUT THE CHURCH. YOU SAID INITIALLY YOU HAD MET HIM AT A
22 CHURCH?

23 A YES.

24 Q IN YOUR INTERACTION WITH HIM AT THE CHURCH AND
25 AT THE POLICE STATION, DID HE SEEM TO COME ACROSS AS A

DET. RAMSEY -- CROSS BY MR. GRIMES

163

1 RELIGIOUS PERSON?

2 A NO.

3 Q DID YOU USE ANY TYPE OF -- LIKE "THE TRUTH WILL
4 SET YOU FREE" WHEN TALKING WITH HIM?

5 A NO. I DON'T --

6 Q ANY TYPE OF RELIGIOUS ARGUMENT OR QUOTE A
7 SCRIPTURE IN ANY WAY?

8 A NO.

9 MR. GRIMES: CAN I HAVE ONE MOMENT, YOUR HONOR?

10 THE COURT: YES, SIR.

11 MR. GRIMES: THANK YOU, YOUR HONOR. I HAVE NO
12 FURTHER QUESTIONS.

13 THE COURT: OKAY. DETECTIVE RAMSEY, LOOK AT YOUR
14 NOTES. WHEN IS THE FIRST TIME YOU MADE CONTACT WITH THE
15 DEFENDANT ON -- I GUESS IT WAS -- LET ME GET THE DATE OF
16 THE CONFESSION -- ON SEPTEMBER 8, 2008?

17 THE WITNESS: THE FIRST CONTACT AS IN LIKE AT HIS
18 RESIDENCE, WHEN I FIRST SAW HIM?

19 THE COURT: YES.

20 THE WITNESS: I CAN'T GIVE YOU AN EXACT TIME OF
21 WHAT THAT WAS. IF THE INTERVIEW -- IF I BEGAN TO SPEAK TO
22 HIM AT THE HEADQUARTERS AT 3:45 P.M., IT HAD TO HAVE BEEN
23 SOME TIME AFTER THREE -- SHORTLY AFTER THREE. BECAUSE
24 LIKE I SAID, I WAS ONLY AT HIS HOUSE FOR A FEW MINUTES,
25 MAYBE TEN -- TEN AT THE MOST. SO, PROBABLY BETWEEN --

DET. RAMSEY -- CROSS BY MR. GRIMES

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1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

2 THE WITNESS: -- 3:15.

3 THE COURT: ANY REDIRECT?

4 MR. DURANT: NO REDIRECT.

5 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU
6 MAY STEP DOWN. DO YOU HAVE ANY FURTHER WITNESSES?

7 MR. DURANT: NO, YOUR HONOR.

8 (WITNESS STEPPED DOWN.)

9 THE COURT: MR. GRIMES, ARE YOU GOING TO OFFER ANY
10 WITNESSES CONCERNING THE VOLUNTARINESS OF THE MIRANDA
11 RIGHTS CONCERNING THE STATEMENT, OR ARE YOU GOING TO STAND
12 ON THE DETECTIVE'S TESTIMONY.

13 MR. GRIMES: WE'RE GOING TO CALL MR. TURNER.

14 THE COURT: OKAY. MR. TURNER, PLEASE STAND. RAISE
15 YOUR RIGHT HAND.

16 JEREMIAH TURNER, HAVING BEEN
17 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 THE COURT: ALL RIGHT. COME AROUND AND HAVE A SEAT
19 ON THE WITNESS STAND PLEASE.

20 (WITNESS FORWARD.)

21 (WHEREUPON, THE FOLLOWING TESTIMONY WAS TAKEN
22 OUTSIDE THE PRESENCE OF THE JURY.)

23 THE COURT: MR. GRIMES.

24 MR. GRIMES: THANK YOU, YOUR HONOR.

25 DIRECT EXAMINATION BY MR. GRIMES:

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

165

1 Q GOOD MORNING, MR. -- OR AFTERNOON, MR. TURNER.

2 A GOOD AFTERNOON.

3 Q LET ME ASK YOU A FEW QUESTIONS ABOUT YOUR
4 BACKGROUND. HOW OLD ARE YOU TODAY?

5 A I'M 25.

6 Q AND IN SEPTEMBER OF 2008, HOW OLD?

7 A I WAS 23 YEARS OLD.

8 Q AND AT THAT TIME, HAD YOU EVER BEEN ARRESTED
9 BEFORE?

10 A NO, SIR.

11 Q HAD YOU EVER BEEN QUESTIONED BY THE POLICE
12 BEFORE?

13 A NO, SIR.

14 Q NOW, I WANT TO TURN YOUR ATTENTION TO SEPTEMBER
15 8, 2008; DO YOU RECALL THAT DAY?

16 A YES, SIR.

17 THE COURT: DECEMBER OR SEPTEMBER?

18 MR. GRIMES: SEPTEMBER. I APOLOGIZE, YOUR HONOR.

19 THE COURT: OKAY.

20 BY MR. GRIMES:

21 Q WHAT HAPPENED THAT AFTERNOON?

22 A THAT AFTERNOON, I WAS TAKEN IN FOR QUESTIONING
23 ON THIS CHARGE I'M BROUGHT HERE TODAY.

24 Q AND WHO TOOK YOU IN FOR QUESTIONING?

25 A DETECTIVE RAMSEY.

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

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1 Q AND DO YOU RECALL WHAT TIME HE TOOK YOU IN?

2 A I HAVE TO SAY -- IT BEEN ABOUT 3:00 IN THE
3 AFTERNOON.

4 Q AND WHEN YOU MET DETECTIVE RAMSEY THAT DAY, WHAT
5 WAS HIS DEMEANOR LIKE?

6 A IT WAS KIND OF LIKE HE WAS IN A FRIENDLY MODE.

7 Q I'M SORRY, YOU SAID HE WAS OR WAS NOT?

8 A HE WAS.

9 Q IN A FRIENDLY MODE?

10 A YES.

11 Q NOW, THE OTHER OFFICERS WHO WERE THERE, DO YOU
12 REMEMBER WHO THEY WERE?

13 A I CAN'T RECALL THEIR NAMES.

14 Q WHAT WAS THEIR DEMEANOR LIKE?

15 A THEY WERE KIND OF HARSH.

16 Q WHEN YOU SAY "KIND OF HARSH", WHAT DO YOU MEAN
17 BY THAT?

18 A THEY WAS STERN.

19 Q AND WHY -- WHY DO YOU PERCEIVE THEM AS BEING
20 STERN?

21 A WELL, THEY CONSIDERED ME A SUSPECT, SO.

22 Q DID THEY RAISE THEIR VOICES AT YOU OR --

23 A IN A WAY, YEAH.

24 Q DID THEY THREATEN YOU IN ANY WAY?

25 A NOT REALLY.

1 Q DID THEY MISTREAT YOU IN ANY WAY?

2 A NO, SIR.

3 Q NOW, IF YOU COULD TELL JUDGE NICHOLSON A LITTLE
4 BIT ABOUT HOW -- WHAT DETECTIVE RAMSEY AND YOU DID WHEN
5 DETECTIVE RAMSEY GOT THERE?

6 A WELL, WHEN HE ARRIVED HE -- I TOLD HIM THAT WE
7 MET AT THE CHURCH BEFORE. AND AFTER THAT, HE TOOK -- HE
8 ASKED ME IF I WANTED TO GO DOWN TO THE STATION WITH HIM
9 AND I AGREED.

10 Q DID YOU FEEL LIKE AT THAT TIME THAT YOU WERE
11 UNDER ARREST?

12 A NO.

13 Q AND WHEN YOU WENT TO THE POLICE STATION, WERE
14 YOU HANDCUFFED?

15 A NO.

16 Q WHERE WERE YOU SITTING AT IN THE PATROL CAR?

17 A I WAS IN THE FRONT SEAT.

18 Q AND HOW LONG DID IT TAKE FOR YOU TO GET TO THE
19 POLICE STATION?

20 A IT DIDN'T TAKE LONG.

21 Q AND DURING THE RIDE TO THE POLICE STATION, DID
22 YOU GUYS -- YOU AND DETECTIVE RAMSEY TALK ABOUT THIS
23 CHARGE IN ANY WAY?

24 A NO, NOT REALLY.

25 Q AND WHAT HAPPENED AFTER YOU GOT TO THE POLICE

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

168

1 STATION?

2 A AFTER WE GOT TO THE POLICE STATION, HE TOOK ME
3 UP TO THIS ROOM FOR THE INTERROGATION.

4 Q AND HOW BIG WAS THIS ROOM?

5 A IT WAS SMALL. IT WASN'T THAT BIG.

6 Q AND HOW DID YOU FEEL WHEN YOU WERE IN THERE?

7 A I FELT KIND OF CLAUSTROPHOBIC.

8 Q DID YOU ASK HIM WHETHER YOU COULD MOVE TO A
9 BIGGER ROOM?

10 A NO, SIR.

11 Q WHY NOT?

12 A I GUESS THAT WAS THE ONLY -- THE ONLY ROOM THAT
13 THEY COULD HAVE QUESTIONED ME IN.

14 Q AT THIS TIME, WERE YOU SCARED IN ANY WAY?

15 A I -- I WAS NERVOUS, UNEASY. I'D NEVER BEEN IN A
16 POLICE STATION BEFORE.

17 Q AND AFTER YOU GOT IN THE INTERVIEW ROOM, WHAT
18 DID YOU AND DETECTIVE RAMSEY DO NEXT?

19 A THE -- PRETTY MUCH WE GOT IN A CONVERSATION
20 ABOUT WHAT WAS GOING ON AND THE ALLEGATIONS. AND I TOLD
21 HIM ABOUT THAT I WAS ACCUSED -- BEING ACCUSED OF --

22 Q WELL, WHAT --

23 A -- THE SEXUAL ASSAULT --

24 Q YOU SAID YOU HAD A -- YOU SAID YOU HAD A
25 CONVERSATION ABOUT WHAT WAS GOING ON, WHAT WAS DETECTIVE

1 RAMSEY SAYING TO YOU?

2 A HE JUST -- HE WAS -- WANTED TO KNOW EXACTLY WHAT
3 WAS GOING ON.

4 Q AND WHAT -- WHAT DID YOU TELL HIM?

5 A I TOLD HIM -- I TOLD HIM I DON'T KNOW WHAT'S
6 GOING ON. I DON'T KNOW -- WELL, THAT -- THAT I DON'T KNOW
7 WHY I WOULD BE ACCUSED OF SOMETHING LIKE THAT.

8 Q AND WHAT WERE YOU FEELING AT THAT TIME ONCE YOU
9 STARTED -- YOU AND DETECTIVE RAMSEY STARTED TALKING ABOUT
10 THESE ALLEGATIONS?

11 A I FELT -- I -- I STILL FELT NERVOUS,
12 UNCOMFORTABLE BEING INSIDE THAT ROOM.

13 Q AND AFTER YOU WERE TELLING DETECTIVE RAMSEY THAT
14 YOU DON'T KNOW ABOUT THE CHARGES OR YOU DON'T WHY YOU WERE
15 ACCUSED OF THEM, WHAT DID DETECTIVE RAMSEY DO?

16 A HE KIND OF -- HE WENT ON -- HE TRIED TO SEEM
17 LIKE HE WANTED TO TRY TO MAKE ME TALK.

18 Q AND HOW DID HE TRY TO MAKE YOU TALK?

19 A HE -- HE KIND OF -- KIND OF ACT LIKE HE WAS MY
20 BUDDY OR SOMETHING, MY FRIEND.

21 Q AND WHAT DID HE DO TO GIVE YOU THAT IMPRESSION?

22 A THE WAY -- THE WAY HE STARTED -- THE WAY HE GOT
23 IN A CONVERSATION WITH ME.

24 Q BUT WHEN YOU SAY THAT, IT'S HARD TO GET A
25 PICTURE OF THAT -- WHAT SPECIFICALLY WAS HE SAYING THAT

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

170

1 MADE YOU BELIEVE HE WAS YOUR FRIEND?

2 A HE -- HE TOLD ME THAT "COME ON, YOU CAN TELL ME,
3 YOU KNOW, THE TRUTH WILL SET YOU FREE".

4 Q I MEAN, HE TOLD YOU "THE TRUTH WILL SET YOU
5 FREE"?

6 A YEAH.

7 Q AND WHAT DID -- WHAT DID YOU MAKE OF THAT WHEN
8 HE TOLD YOU THAT?

9 A I -- I DON'T REALLY KNOW WHAT TO SAY. I -- I
10 TOLD HIM THE TRUTH IN THE BEGINNING.

11 Q AND AFTER YOU TOLD HIM THAT YOU DIDN'T DO
12 ANYTHING, DID HE SET YOU FREE?

13 A NO.

14 Q DID HE TELL YOU THAT YOU WERE FREE TO GO?

15 A NO.

16 Q WHAT DID HE DO?

17 A HE CONTINUED -- CONTINUED TO TRY TO SEEM LIKE HE
18 WAS TRYING TO GET SOMETHING OUT OF ME.

19 Q AND DID HE MAKE ANY PROMISES TO YOU TO TRY TO
20 GET SOMETHING OUT OF YOU?

21 A IN A WAY, I -- I CAN'T REALLY SAY THAT HE MADE
22 ANY PROMISES.

23 Q WELL, WHAT DID -- WHAT DID HE SAY TO YOU TO TRY
24 MAKE YOU -- GET SOMETHING OUT OF YOU?

25 A JUST CONVERSATE -- THE CONVERSATION WE HAD WAS

1 LIKE, YOU KNOW, "I'M A MAN, YOU'RE A MAN, AND WE'VE BOTH
2 GOT-- BOTH GOT FEELINGS, BOTH GET AROUSED". AND HE
3 STARTED GOING ON AND TALKING ABOUT IT, HOW HE GETS AROUSED
4 AROUND HIS WIFE.

5 Q AFTER HE TOLD YOU THAT, WHAT DID YOU TELL HIM?

6 A I -- I KIND OF BROKE DOWN AND START -- I PAUSED.

7 Q AND WHAT CAUSED THIS BREAKDOWN?

8 A THE -- THE FACT THAT I FELT THAT HE DIDN'T
9 BELIEVE ME. AND ALL THAT HE WANTED -- WANTED OUT OF ME
10 WAS TO SAY THAT I WAS GUILTY.

11 Q DID HE SAY ANYTHING THAT MADE YOU THINK YOU
12 MIGHT GET A HIGHER SENTENCE OR THINGS MIGHT GO HARD ON
13 YOU -- HARD ON YOU IN COURT IF YOU DIDN'T CONFESS?

14 A HE TOLD ME THAT I CAN GO AWAY FOR A LONG TIME,
15 SOMETHING LIKE THIS.

16 Q DID HE SAY HOW LONG?

17 A NO.

18 Q DID HE SAY HE COULD HELP YOU TO AVOID GOING AWAY
19 FOR A LONG TIME?

20 A HE TOLD ME THAT HE COULD TALK TO A JUDGE.

21 Q DID HE SAY WHAT IT WOULD TAKE FOR HIM TO GO TALK
22 TO A JUDGE?

23 A NO.

24 Q DID HE SAY ANYTHING ABOUT IF YOU -- IF YOU GIVE
25 ME A STATEMENT, THEN I CAN GO HELP WITH YOU WITH A JUDGE,

1 ANYTHING ALONG THOSE LINES?

2 A NO. JUST -- GO -- "JUST TELL THE TRUTH, THE
3 TRUTH WILL SET YOU FREE".

4 Q HOW MANY TIMES DID HE TELL YOU THE TRUTH WILL
5 SET YOUR FREE?

6 A HE TOLD ME ABOUT TWICE.

7 Q HOW MANY TIMES DID HE SAY THAT YOU CAN GO AWAY
8 FOR A LONG TIME?

9 A HE JUST TOLD ME THAT ONCE.

10 Q DO YOU REMEMBER HOW MANY TIMES HE TOLD YOU THAT
11 HE CAN GO TALK TO A JUDGE?

12 A ONLY ONCE.

13 Q WHEN DID HE ADVISE YOU OF YOUR MIRANDA RIGHTS,
14 WAS IT BEFORE ALL THIS OR AFTER ALL THIS?

15 A THAT WAS -- THAT WAS BEFORE.

16 Q DID -- DID -- YOU UNDERSTOOD THE RIGHTS THAT HE
17 READ?

18 A I LOOKED OVER THEM. I GLANCED.

19 Q DID YOU ACTUALLY READ THE RIGHTS?

20 A I -- I JUST GLANCED OVER THEM.

21 Q WELL, TELL JUDGE NICHOLSON WHY YOU SIGNED THAT
22 ADVISEMENT OF RIGHTS FORM IF YOU GLANCED OVER THE RIGHTS?

23 A I -- I REALLY JUST -- JUST GLANCED OVER THEM. I
24 HAD -- OUT OF FRUSTRATION, I JUST PUT MY INITIALS THERE
25 AND JUST SIGNED IT.

1 Q WHY -- YOU SAID "OUT OF FRUSTRATION", WHY WERE
2 YOU SO FRUSTRATED FOR?

3 A THE FACT THAT I TOLD HIM THAT I -- I WAS DENYING
4 THE FACT THAT I WAS GUILTY -- GUILTY OF THE CHARGE THAT
5 I'M HERE FOR TODAY.

6 Q I WANT TO TAKE YOU A LITTLE BIT BACK TO THIS --
7 YOUR FIRST ENCOUNTER WITH DETECTIVE RAMSEY AT THE CHURCH.
8 NOW, DID YOU TELL HIM ABOUT SOME PHYSICAL ABUSE OR NEGLECT
9 IN THE HOUSE?

10 A YES.

11 Q WHAT DID DETECTIVE RAMSEY DO TO FOLLOW UP ON
12 THAT?

13 A I -- I DON'T BELIEVE HE DID ANYTHING.

14 Q BASED UPON YOUR EXPERIENCE WITH HIM AT THE
15 CHURCH AND HIM NOT BELIEVING YOU ON SEPTEMBER 8, DID THAT
16 HAVE ANY IMPACT ON YOUR DECISION TO WRITE THIS STATEMENT?

17 A IN -- IN A WAY IT DID.

18 Q ALL RIGHT. IF YOU COULD TELL JUDGE NICHOLSON
19 HOW -- HOW THAT AFFECTED YOU?

20 A AT THE TIME, I THOUGHT THAT HE -- I THOUGHT THAT
21 HE SEEMED LIKE A HELPFUL OFFICER. THAT HE WOULD -- HE WAS
22 GOING TO DO SOMETHING. BUT WHEN I REALIZED THAT ALL HE --
23 HE JUST WANTED -- ALL HE WANTED WAS ME TO ADMIT THAT I WAS
24 GUILTY, SO I BROKE DOWN.

25 Q LET ME JUST ASK YOU A FEW MORE QUESTIONS ABOUT

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

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1 YOUR BACKGROUND. HOW -- HOW FAR DID YOU GO IN SCHOOL?

2 A I GRADUATED WITH A HIGH SCHOOL DIPLOMA, 12TH
3 GRADE.

4 Q AND DID YOU HAVE ANY COLLEGE EDUCATION?

5 A I HAD SOME. I WENT TO TRIDENT TECH.

6 Q DO YOU HAPPEN TO KNOW WHAT YOUR IQ IS?

7 A NOT EXACTLY. NOT -- NO.

8 Q HAVE YOU EVER HAD ANY HISTORY OF MENTAL HEALTH
9 PROBLEMS?

10 A NO. NOT THAT I RECALL.

11 Q DO YOU REMEMBER WHAT KIND OF GRADES YOU MADE IN
12 HIGH SCHOOL?

13 A I WAS A/B AVERAGE.

14 Q WELL, LET ME ASK YOU THIS: WHY WOULD SOMEONE
15 WHO HAD AN A/B AVERAGE, GONE -- WITH A LITTLE BIT OF
16 COLLEGE, WHY WOULD YOU SIGN THIS FALSE CONFESSION?

17 A I DID IT OUT OF -- I DID IT OUT OF FRUSTRATION.
18 I PRETTY MUCH, I JUST GAVE HIM WHAT HE WANTED AT THAT
19 TIME. AND IT WAS STUPID OF ME.

20 Q AND IS PART OF THE REASON WHY YOU GAVE HIM WHAT
21 HE WANTED IS BECAUSE HE TOLD YOU HE WOULD TALK TO THE
22 JUDGE?

23 A WELL, PART OF THAT.

24 Q AND YOU SAID YOU MIGHT -- AND WAS PART OF IT YOU
25 MIGHT GET A LOT OF TIME ON THIS?

JEREMIAH TURNER -- DIRECT BY MR. GRIMES

175

1 A IT ALL PLAYED A FACTOR.

2 MR. GRIMES: CAN I HAVE ONE MOMENT, YOUR HONOR?

3 THE COURT: YES, SIR.

4 (PAUSE.)

5 MR. GRIMES: THANK YOU, YOUR HONOR. I HAVE NO
6 FURTHER QUESTIONS.

7 THE COURT: CROSS EXAMINATION.

8 MR. DURANT: THANK YOU, YOUR HONOR, MAY IT PLEASE
9 THE COURT.

10 CROSS EXAMINATION BY MR. DURANT:

11 Q MR. TURNER --

12 A YES, SIR.

13 Q I WANT TO GO OVER A COUPLE OF THINGS FIRST.

14 OKAY. HAVE YOU GOT THAT STATEMENT IN FRONT OF YOU?

15 A NO, SIR.

16 MR. DURANT: DOES YOUR HONOR HAVE THE STATEMENT?

17 THE COURT: I THINK THE COURT REPORTER HAS IT.

18 (PAUSE.)

19 BY MR. DURANT:

20 Q YOU RECOGNIZE THAT, DON'T YOU?

21 A YES, SIR.

22 Q BECAUSE THAT'S THE ADVICE OF RIGHTS FORM THAT
23 YOU SIGNED, RIGHT?

24 A YES, SIR.

25 THE COURT: WHAT'S THE EXHIBIT YOU'RE LOOKING AT?

JEREMIAH TURNER -- CROSS BY MR. DURANT

176

1 MR. DURANT: THIS IS STATE'S 1, YOUR HONOR, I
2 APOLOGIZE.

3 THE COURT: OKAY. ALL RIGHT.

4 BY MR. DURANT:

5 Q SO, THIS IS THE ADVICE OF RIGHTS FORM THAT --
6 THAT YOU SIGNED, RIGHT?

7 A YES, SIR.

8 Q AND THIS FIRST RIGHT, RIGHT HERE -- YOU CAN
9 READ, RIGHT?

10 A YES, SIR.

11 Q YOU WENT THROUGH THE 12TH GRADE?

12 A YES, SIR.

13 Q SO, YOU KNOW HOW TO READ?

14 A YES, SIR.

15 Q NOTHING IS FOOLING YOU, RIGHT?

16 A NO, SIR.

17 Q OKAY. AND BESIDE THAT FIRST RIGHT, YOU READ
18 THAT RIGHT?

19 A I READ THE FIRST LINE.

20 Q CAN YOU READ IT?

21 A YES, SIR.

22 Q READ IT.

23 A "I HAVE THE ABSOLUTE RIGHT".

24 Q KEEP GOING.

25 A "TO REMAIN SILENT. I DO NOT HAVE TO ANSWER ANY

1 QUESTIONS OR GIVE A STATEMENT, AND THIS FACT CANNOT BE
2 USED AGAINST ME."

3 Q OKAY. YOU HAD NO PROBLEM WITH THAT STATEMENT,
4 DID YOU -- WITH THAT FIRST RIGHT?

5 A NO, SIR.

6 Q YOU DIDN'T TELL DETECTIVE RAMSEY YOU HAD A
7 PROBLEM WITH IT, DID YOU?

8 A NO, SIR.

9 Q IN FACT, YOU PUT YOUR INITIALS BESIDE THAT
10 RIGHT, DIDN'T YOU?

11 A YES, I DID.

12 Q AND YOU PUT YOUR INITIALS BESIDE THE SECOND
13 RIGHT?

14 A YES.

15 Q AND THE THIRD?

16 A YES.

17 Q AND THE FOURTH AND THE FIFTH?

18 A YES.

19 Q AND THIS IS YOUR SIGNATURE, THIS IS YOUR NAME?

20 A YES, SIR.

21 Q AND YOU SIGNED THAT UNDER WHAT IT SAYS RIGHT
22 HERE. WHAT DOES IT SAY RIGHT THERE?

23 A "I FULLY UNDERSTAND EACH OF THESE RIGHTS
24 EXPLAINED TO ME".

25 Q AND YOU WROTE THIS SIGNATURE, RIGHT?

JEREMIAH TURNER -- CROSS BY MR. DURANT

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1 A YES.

2 Q AND THAT IS YOUR SIGNATURE?

3 A YES, IT IS.

4 Q OKAY. AND THEN YOU MOVED A LITTLE FURTHER DOWN
5 RIGHT HERE, RIGHT?

6 A YES.

7 Q AND YOU SIGNED YOUR NAME AGAIN?

8 A YES.

9 Q AND WHAT DOES IT SAY RIGHT ABOVE WHERE YOU
10 SIGNED YOUR NAME?

11 A "CHARGE OF CSC WITH A MINOR FIRST. NO THREATS,
12 FORCE OR PROMISES OF ANY KIND HAVE BEEN MADE OR ANYONE
13 CAUSED ME TO WAIVE THESE RIGHTS OR ANSWER THESE
14 QUESTIONS."

15 Q AND YOU SIGNED THAT AGAIN, DIDN'T YOU?

16 A YES.

17 Q AND YOU HAD NO PROBLEM UNDERSTANDING WHAT YOU
18 WERE DOING AT THAT TIME BECAUSE YOU READ THAT, RIGHT?

19 A YES, I GLANCED OVER IT.

20 Q NOW, THEN YOU TALKED TO DETECTIVE RAMSEY, IS
21 THAT RIGHT?

22 A YES, SIR.

23 Q JUST OPENLY, RIGHT? JUST OPENLY, YOU JUST
24 TALKED TO HIM, IS THAT RIGHT?

25 A YES, SIR.

JEREMIAH TURNER -- CROSS BY MR. DURANT

179

1 Q YOU SAID HE MADE YOU NO PROMISES?

2 A NO.

3 Q YOU SAID YOU WERE JUST FRUSTRATED?

4 A YES, SIR.

5 Q NOW, YOU SAID THAT HE SAID THAT "THE TRUTH WILL
6 SET YOU FREE"?

7 A YES, SIR.

8 Q THAT'S WHAT YOU SAID?

9 A THAT'S WHAT HE SAID.

10 Q AND THEN --

11 MR. DURANT: YOUR HONOR, STATE'S NO. 2.

12 THE COURT: YES, SIR.

13 BY MR. DURANT:

14 Q DO YOU RECOGNIZE THAT?

15 A YES, SIR.

16 Q DO YOU RECOGNIZE THIS HANDWRITING?

17 A YES.

18 Q WHOSE HANDWRITING IS THAT?

19 A THAT'S MINE.

20 Q THAT'S YOUR HANDWRITING?

21 A YES, IT IS.

22 Q YOU WROTE THIS?

23 A YES.

24 Q YOU PUT YOUR NAME RIGHT HERE? RIGHT HERE?

25 A YES, I DID.

JEREMIAH TURNER -- CROSS BY MR. DURANT

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1 Q THAT'S YOUR SIGNATURE?

2 A YES.

3 Q WHAT ABOUT RIGHT HERE, PAGE TWO?

4 A YES.

5 Q THAT'S YOUR SIGNATURE AS WELL?

6 A YES.

7 Q YOU WROTE THAT. WHAT ABOUT RIGHT HERE, PAGE
8 THREE?

9 A THAT'S MY SIGNATURE.

10 Q YOUR SIGNATURE. THREE PAGES, THREE SIGNATURES,
11 IS THAT RIGHT?

12 A RIGHT.

13 Q AND YOU WROTE THIS WHOLE FIRST FULL PAGE -- I'M
14 GOING TO SPARE US GETTING ALL INTO IT -- AND HALFWAY
15 THROUGH THE SECOND PAGE ON YOUR OWN, IS THAT RIGHT?

16 A YES.

17 Q THAT WHOLE THING?

18 A YES.

19 Q YOU EVEN SAID "IF I AM FULLY AWAKE, SHE WOULD
20 NOT TRY ANYTHING SEXUALLY IN THAT NATURE" --

21 MR. GRIMES: OBJECTION, YOUR HONOR.

22 THE COURT: MR. DURANT, LET'S DON'T GO INTO THE
23 STATEMENT. OKAY. THE QUESTION IS DID HE GIVE -- IT'S NOT
24 THE QUESTION WHETHER HE GAVE A STATEMENT, IT'S A QUESTION
25 WHETHER HE FREELY AND VOLUNTARILY DID IT. OKAY.

JEREMIAH TURNER -- CROSS BY MR. DURANT

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1 MR. DURANT: THANK YOU, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 BY MR. DURANT:

4 Q DID DETECTIVE RAMSEY ASSAULT YOU AT ALL?

5 A NO, SIR, HE DIDN'T.

6 Q DID HE EVER HIT YOU?

7 A NO, SIR.

8 Q HE NEVER BEAT YOU UP?

9 A NO, SIR.

10 Q HE NEVER LAID A HAND ON YOU, DID HE?

11 A NO, SIR.

12 Q DID ANY OTHER OFFICER?

13 A NO, SIR.

14 Q HE JUST TALKED TO YOU, DIDN'T HE?

15 A YES.

16 Q THAT'S ALL HE DID WAS TALK TO YOU, RIGHT, AND
17 YOU GOT FRUSTRATED, IS THAT RIGHT?

18 A YES.

19 Q AND YOU GAVE THAT STATEMENT?

20 A YES.

21 MR. DURANT: NO FURTHER QUESTIONS.

22 THE COURT: REDIRECT?

23 MR. GRIMES: NO, SIR.

24 THE COURT: OKAY. MR. TURNER, YOU MAY STEP DOWN.

25 THANK YOU VERY MUCH. MR. GRIMES, DO YOU HAVE ANY FURTHER

1 WITNESSES?

2 (WITNESS STEPPED DOWN.)

3 MR. GRIMES: NO, SIR.

4 THE COURT: DOES THE STATE HAVE ANYTHING IN
5 REBUTTAL?

6 MR. DURANT: NO, YOUR HONOR.

7 THE COURT: OKAY. THANK YOU VERY MUCH. MR.
8 GRIMES, I HAVE READ YOUR MEMORANDUM. I'LL BE GLAD TO HEAR
9 ANY ARGUMENTS YOU WOULD LIKE TO MAKE. AND I'LL BE GLAD TO
10 RECEIVE ANY LAW OR HEAR ANY ARGUMENTS THE STATE WOULD LIKE
11 TO MAKE ON THE ISSUE OF MIRANDA RIGHTS AND THE
12 VOLUNTARINESS. I BELIEVE YOU DON'T TAKE A POSITION THAT
13 THE MIRANDA RIGHTS WERE READ, JUST WHETHER HE VOLUNTARILY
14 ENTERED IT, OR WHETHER IT WAS UNDUE INFLUENCE.

15 MR. GRIMES: INITIALLY I THINK I WANTED TO TAKE THE
16 POSITION THAT THE MIRANDA RIGHTS WERE READ TO HIM. AND
17 THEN MR. TURNER TESTIFIED TODAY HE SAID HE JUST GLANCED
18 OVER THEM. SO, I WOULD TAKE THE POSITION -- AND DETECTIVE
19 RAMSEY TESTIFIED THAT HE DID NOT READ THEM TO MR. TURNER,
20 JUST HEARD MR. TURNER MUMBLING SOMETHING. AND BASED UPON
21 THAT, WE WOULD TAKE THE POSITION THAT THE MIRANDA RIGHTS
22 WERE NOT FULLY READ AND --

23 THE COURT: OKAY.

24 MR. GRIMES: -- EXPLAINED TO HIM.

25 THE COURT: OKAY. THAT'S -- THAT'S FINE. THANK

1 YOU, SIR.

2 MR. GRIMES: THANK YOU. AS TO THE VOLUNTARINESS OF
3 THE STATEMENT, I THINK, FIRST OFF DETECTIVE RAMSEY'S
4 TESTIMONY IS NOT CREDIBLE, THE CONFLICT WAS IN HIS
5 INCIDENT REPORT, WHICH HE STATED, WERE VERY IMPORTANT FOR
6 HIM TO DO, THAT HE HAD ALL DAY -- OR THAT HE HAD TO TAKE
7 HIS TIME AND HE HAD TO DO IT THE NEXT DAY. HE PUT IN SOME
8 DETAILS TO HELP HIM AND OTHER DETAILS THAT HE TESTIFIED TO
9 WAS COMPLETELY ABSENT FROM THE REPORT.

10 ANYWAY, HE DID SAY HE DOES -- SOME OF THE STUFF
11 DOES CORROBORATE WHAT MR. TURNER IS SAYING. THEY WERE,
12 YOU KNOW, BUDDY-BUDDY. THAT, YOU KNOW, HIM DOING THE
13 RIGHT THING BY GIVING A STATEMENT, CERTAINLY WOULD IMPLY
14 THAT IF HE DIDN'T GIVE A STATEMENT, THAT HE MIGHT GET A
15 LOT OF TIME.

16 HE ALSO IMPLIED, YOU KNOW, IF YOU DO THE RIGHT
17 THING, I'LL GO TALK TO A JUDGE FOR YOU. AND THAT -- THAT
18 IS A CONFLICT IN THE TESTIMONY, AND WE ASK THE COURT TO
19 RESOLVE IT FOR ADMISSIBILITY PURPOSES. WE WOULD ASK THE
20 COURT TO RESOLVE THAT IN FAVOR OF MR. TURNER.

21 YOU HAVE SEEN HIM TESTIFY. HE'S A VERY SOFT SPOKEN
22 YOUNG MAN. HE HAS NO CRIMINAL RECORD. HE WAS TRYING TO
23 DO THE RIGHT BY CALLING THE -- CALLING THE CHURCH, TALKING
24 TO THE POLICE ABOUT A WEEK OR TEN DAYS BEFORE HIS
25 STATEMENT WAS GIVEN, ABOUT THE CONDITION OF THE HOUSEHOLD.

1 I THINK, YOU KNOW, HE TESTIFIED HE SORT OF HAD A
2 BREAKDOWN BY A COMBINATION OF ANY NUMBER OF FACTORS, HIM
3 BEING FRUSTRATED, COMMENTS THAT DETECTIVE RAMSEY WERE
4 MAKING TO HIM, BEING IN THE ROOM, THIS WHOLE NEW
5 EXPERIENCE FOR HIM. AND I WISH I COULD PINPOINT SOMETHING
6 THAT SAYS THIS IS WHY I DID IT OR THIS IS WHAT MAKES IT
7 INVOLUNTARY, BUT I CAN'T. IT IS THE TOTALITY OF THE
8 CIRCUMSTANCES. AND WHEN YOU LOOK AT THE TOTALITY OF THE
9 CIRCUMSTANCES, I THINK YOU WILL FIND -- FIND THAT THE
10 STATEMENT WAS NOT VOLUNTARILY GIVEN AND THEREFORE THE
11 COURT SHOULD SUPPRESS IT.

12 THE COURT: THANK YOU VERY MUCH. SOLICITOR.

13 MR. DURANT: THANK YOU, YOUR HONOR. MAY IT PLEASE
14 THE COURT. OBVIOUSLY THE QUESTION OF VOLUNTARINESS ON A
15 STATEMENT IS WHETHER THE DEFENDANT'S WILL WAS OVERBORNE BY
16 ALL THE FACTS AND CIRCUMSTANCES SURROUNDING THE STATEMENT.

17 DETECTIVE RAMSEY TESTIFIED THAT HE WAS ADVISED OF
18 HIS RIGHTS. HE COULD READ. DETECTIVE RAMSEY HEARD THE
19 DEFENDANT READ THEM ALOUD. TOOK THE EXTRA PRECAUTIONS OF
20 ADDING A SEPARATE LINE TO BE INITIALED BESIDE EACH OF THE
21 FIVE RIGHTS, IN ADDITION TO THE PART ON THE FORM WHERE HE
22 COULD SIGN HIS SIGNATURE THAT HE KNEW AND UNDERSTOOD HIS
23 RIGHTS.

24 SO, THE QUESTION, FIRST OF ALL, WHETHER HE KNEW AND
25 UNDERSTOOD HIS RIGHTS, THE FACT THAT RAMSEY PUT THE -- THE

1 RIGHTS IN FRONT OF HIM. THERE'S NO QUESTION THAT THE
2 MIRANDA RIGHTS ARE WRITTEN DOWN RIGHT IN FRONT OF THE
3 DEFENDANT, WHO HAS DEMONSTRATED THAT HE CAN READ, WHO HAS
4 DEMONSTRATED THAT HE CAN WRITE, INITIALED THOSE RIGHTS.
5 AND THEN IN THE SAME PAPER, WAIVED THOSE SAME RIGHTS.
6 WROTE HIS STATEMENT IN HIS OWN HANDWRITING. AND THE ONLY
7 THING THAT THE DEFENDANT REALLY HAD TO SAY ABOUT THE
8 MATTER IS THAT HE WAS FRUSTRATED.

9 DETECTIVE RAMSEY OBVIOUSLY IS A DETECTIVE WHO IS
10 SKILLED IN INTERVIEWING A DEFENDANT. IT TAKES MORE THAN
11 JUST TELL ME WHAT HAPPENED, AND ALL OF A SUDDEN THE DAM
12 BREAKS. HE TESTIFIED THAT HE BUILT RAPPORT WITH THIS
13 DEFENDANT, WHICH IS A COMMON TACTIC THAT POLICE
14 DEPARTMENTS AND AGENCIES USE IN SPEAKING WITH PEOPLE.

15 AND JUST BY TALKING TO HIM, THIS DEFENDANT
16 CONFESSED TO SOMETHING HORRENDOUS AND IT WAS FREELY AND
17 VOLUNTARILY, KNOWINGLY AND INTELLIGENT, SIGNED HIS NAME TO
18 ALL THE PAGES.

19 THE COURT: OKAY. THANK YOU VERY MUCH.

20 MR. DURANT: THANK YOU, YOUR HONOR.

21 THE COURT: ANYTHING VERY BRIEF IN REBUTTAL?

22 MR. GRIMES: NO, SIR.

23 THE COURT: THAT YOU WANT TO ADD?

24 MR. GRIMES: NO, SIR.

25 THE COURT: OKAY. THANK YOU VERY MUCH. ALL RIGHT.

1 THE COURT IN CONSIDERING ALL THE EVIDENCE BY THE
2 PREPONDERANCE OF THE EVIDENCE, I FIND THAT THE ALLEGED
3 STATEMENT WAS -- TAKEN FROM THE DEFENDANT, WAS FULLY --
4 WAS FULLY ADVISED OF HIS RIGHTS UNDER THE 5TH AND 6TH
5 AMENDMENTS OF THE CONSTITUTION REQUIRED BY MIRANDA. AND
6 I'M NOT GOING TO GO THROUGH ALL THE DETAILS OF THE ADVICE
7 WHICH IS SHOWN ON STATE'S EXHIBIT, I BELIEVE, NO. 1.

8 AND THE COURT FURTHER FINDS THAT THE DEFENDANT
9 KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHTS UNDER THE
10 5TH AMENDMENT AND GAVE THE STATEMENT.

11 AND THE ALLEGED STATEMENT WAS OBTAINED FROM THE
12 DEFENDANT WITH FREELY AND VOLUNTARILY DOING, WITHOUT
13 DURESS, WITHOUT COERCION, WITHOUT UNDUE INFLUENCE AND
14 WITHOUT REWARD, WITHOUT PROMISE OR HOPE FOR REWARD,
15 WITHOUT PROMISE OF LENIENCY, WITHOUT THREAT OF INJURY AND
16 WITHOUT COMPULSION, INDUCEMENT OF ANY KIND. AND THAT SUCH
17 ALLEGED STATEMENT WAS A VOLUNTARY PRODUCT OF A FREE AND
18 UNCONSTRAINED WILL OF THE DEFENDANT.

19 AND THE STATE HAD NOT OVERBORNE THE DEFENDANT'S
20 WILL BY CIRCUMSTANCES. IT IS TRUE THAT THE DEFENDANT HAD
21 VERY LIMITED KNOWLEDGE OF THE JUDICIAL SYSTEM. THERE WAS
22 NO POLICE COERCION. THE LENGTH OF THE INTERROGATION FROM
23 THE TIME HE PICKED -- THE POLICE PICKED THE DEFENDANT UP
24 AT HIS HOUSE WAS APPROXIMATELY 3:00.

25 AT THE CONCLUSION, THE WRITTEN STATEMENT STARTED AT

1 16:15, WHICH IS 4:15 P.M., AND THERE WAS AN ADDITIONAL 15
2 MINUTES OF QUESTIONS AND ANSWERS. AND ANOTHER TEN
3 MINUTES, ACCORDING TO THE POLICE OFFICER, WHERE THE
4 DEFENDANT READ IT FOR ANOTHER APPROXIMATELY HOUR OR SO.
5 THE TOTAL CONTACT FROM THE DEFENDANT FROM THE TIME THE
6 CONFESSION WAS GIVEN AND SIGNED WOULD BE APPROXIMATELY TWO
7 HOURS.

8 THE LOCATION WAS AT THE POLICE DEPARTMENT. THERE
9 WAS CONTINUITY WITH THE -- WITH THE CONFESSION. THE
10 DEFENDANT'S MATURITY. HE GRADUATED FROM HIGH SCHOOL. HE
11 HAS A 12TH GRADE EDUCATION. HIS PHYSICAL CONDITION WAS
12 NOT IMPAIRED. HIS MENTAL HEALTH APPEARED TO BE FINE FROM
13 THE OBSERVATIONS OF THE POLICE OFFICER AT THE TIME THE
14 STATEMENT WAS MADE.

15 AND THE COURT FINDS THOSE FACTS BY THE
16 PREPONDERANCE OF THE EVIDENCE, AND THE FACT THAT HE JUST
17 GOT FRUSTRATED THE COURT DOES NOT FIND AS A SUFFICIENT
18 REASON TO SET ASIDE THE STATEMENT AND FIND IT WAS
19 INVOLUNTARILY GIVEN.

20 ALL RIGHT. IS THE -- IT'S NOW 25 MINUTES TO 5:00.
21 LET ME SEE THE ATTORNEYS UP HERE.

22 (WHEREUPON, THERE WAS AN OFF-RECORD DISCUSSION
23 BETWEEN COURT AND COUNSEL.)

24 THE COURT: ALL RIGHT. WE'LL TAKE A FIVE MINUTE
25 BREAK.

1 (WHEREUPON, AFTER A RECESS COURT RECONVENED.)

2 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 4:48
3 P.M.)

4 THE COURT: ALL RIGHT.

5 THE CLERK: LADIES AND GENTLEMEN OF THE JURY, AT
6 THIS TIME WOULD YOU PLEASE STAND AND RAISE YOUR RIGHT HAND
7 TO BE SWORN, AND WOULD YOU PLEASE RESPOND VERBALLY WHEN I
8 FINISH GIVING THE OATH?

9 (WHEREUPON, THE JURY PANEL WAS SWORN IN.)

10 THE CLERK: THANK YOU.

11 THE COURT: SOLICITOR.

12 MR. DURANT: THANK YOU, YOUR HONOR. MAY IT PLEASE
13 THE COURT. LADIES AND GENTLEMEN, MADAM FORELADY, IF YOU
14 DON'T ASK, YOU MAY NEVER KNOW. WE'RE HERE BECAUSE SOMEONE
15 ASKED -- SOMEONE ASKED A SIX YEAR OLD GIRL THE RIGHT
16 QUESTION AND IT ENDED A NIGHTMARE.

17 BRACE YOURSELF. I'M SURE YOU ALREADY HAVE TO AN
18 EXTENT BECAUSE YOU ALREADY KNOW A LITTLE BIT ABOUT THESE
19 CHARGES, BUT THIS CASE WILL BE DIFFICULT ON YOU. IT WILL
20 BE DIFFICULT ON ALL OF US. IT IS A TOUGH THING TO HEAR.
21 YOU WILL HEAR WHAT YOU DO NOT WANT TO HEAR. YOU WILL SEE
22 THINGS THAT YOU DO NOT WANT TO SEE. IT'S JUST LIKE SOME
23 THINGS YOU WOULDN'T EVEN THINK YOU NEEDED A LAW FOR IT
24 BECAUSE SOME THINGS IN OUR MINDS WE WOULD LIKE TO THINK
25 WOULD NEVER HAPPEN. THIS COULDN'T HAPPEN. WE JUST GO ON

1 ABOUT OUR BUSINESS AS IF THAT'S NOT GOING TO HAPPEN. YOU
2 DON'T EVEN NEED TO WORRY ABOUT THAT BECAUSE THAT JUST
3 CAN'T HAPPEN. BUT IT DOES. AND IT HAPPENED IN THIS CASE.
4 WE'RE TALKING ABOUT CHILD SEX ABUSE. REPETITIVE
5 AND ON-GOING WITH A 23 YEAR OLD MAN -- 23 YEARS OLD, NOW
6 25, AND A SIX YEAR OLD GIRL. AND IT ALL CAME ABOUT
7 BECAUSE SOMEONE ASKED.. IT'S VERY SIMPLE, SOMEONE ASKED.
8 AND NOT ONLY THAT, BUT HE CONFESSED TO IT. BROUGHT DOWN
9 TO THE STATION WITH THE DETECTIVE, WROTE IT DOWN IN HIS
10 OWN HANDWRITING. AND YOU'RE GOING TO SEE IT.

11 BUT LET ME TELL YOU HOW WE GOT HERE: YOU'RE GOING
12 TO HEAR ABOUT Minor , OKAY. SHE IS NOW EIGHT
13 YEARS OLD. SHE WAS SIX YEARS OLD WHEN THIS HAPPENED.
14 WE'RE TALKING A SPECIFIC DAY. WE'RE TALKING SEPTEMBER 8TH
15 OF 2008.

16 A LITTLE PREVIOUS TO THAT, THE DEPARTMENT OF SOCIAL
17 SERVICES GOT INVOLVED WITH HER FAMILY. SHE DOESN'T COME
18 FROM THE BEST FAMILY. I MEAN, HER MOTHER IS NOT THE BEST
19 MOTHER. AND THE DEPARTMENT OF SOCIAL SERVICES GOT
20 INVOLVED WITH A CASE OF POSSIBLE NEGLECT. THEY WANTED TO
21 GO LOOK INTO THIS FAMILY AND SEE WHAT'S GOING ON. IS
22 EVERYTHING ALL RIGHT. MAYBE THERE WAS LICE -- HEAD LICE.
23 MAYBE THERE WAS UNSANITARY CONDITIONS. IT HAD NOTHING TO
24 DO WITH CHILD SEX ABUSE. AND THAT WAS AT THE END OF
25 AUGUST, THE DEPARTMENT OF SOCIAL SERVICES GETS INVOLVED.

OPENING STATEMENTS BY MR. DURANT.

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1 AND DELILAH COVERDALE, A SOCIAL WORKER WITH DSS.
2 SHE HAS TWO MASTER DEGREES AND SHE HAS BEEN WORKING FOR
3 DSS SINCE APRIL. IT'S NOW SEPTEMBER. SHE'S TALKED TO A
4 LOT OF KIDS BY SEPTEMBER. AND SHE'S ASKED A LOT OF
5 QUESTIONS, YOU NOW, HOW IS EVERYTHING GOING. YOU KNOW,
6 ARE YOU ABLE TO CONCENTRATE ON YOUR HOMEWORK. THESE KINDS
7 OF THINGS. THEY'RE STANDARD QUESTIONS. SHE HAS A LOT OF
8 KIDS. AND ONE OF HER STANDARD QUESTIONS IS, "HAS ANYONE
9 EVER TOUCHED YOU ON YOUR PRIVATE AREA OR IN A WAY THAT
10 MADE YOU FEEL UNCOMFORTABLE?" SHE'S EXPECTING NO. SHE'S
11 ALWAYS GOTTEN NO. THE ANSWER HAS ALWAYS BEEN NO. HER PEN
12 IS HOVERING OVER THE NO. BUT IT'S NOT NO. THIS SIX YEAR
13 OLD DOES NOT SAY NO.

14 AND THAT'S THE LAST THING IN THE WORLD DELILAH
15 COVERDALE WAS EXPECTING. IT HAD NEVER HAPPENED TO HER
16 BEFORE, NOT FROM APRIL TO SEPTEMBER, AND THE ANSWER IS
17 YES. THIS CHILD HAS JUST SAID YES. BUT SHE'S TRAINED FOR
18 THIS. SHE HAS TWO MASTER DEGREES. SHE PROBABLY KNOWS
19 THAT IT COULD HAPPEN, THAT'S WHY SHE ASKS THE QUESTION.
20 IT'S A VERY SIMPLE QUESTION.

21 YOU'LL HEAR FROM EXPERTS IN THIS TRIAL. EXPERTS
22 WILL TELL YOU WHY CHILDREN DISCLOSE. IT COULD BE A
23 VARIETY OF REASONS. AND ONE REASON OF THOSE IS SIMPLE,
24 JUST BECAUSE SOMEBODY ASKED. JUST BECAUSE THEY ASKED.
25 AND THAT'S WHAT HAPPENED HERE.

1 SO, DELILAH COVERDALE IS AT THE SCHOOL
2 KINDERGARTEN. AND Minor COMES OUT OF THE CLASS. AND SHE
3 GOES OVER THE STANDARD QUESTIONS AND SHE SAYS YES. AND
4 DELILAH COVERDALE KNEW WHAT TO DO, SHE CONTACTED THE
5 POLICE. THE POLICE HAVE THEIR OWN SPECIAL DIVISION WHO
6 HANDLES THESE KIND OF THINGS. AND DETECTIVE TIMOTHY
7 RAMSEY AND DETECTIVE KELLY BURNEM, THEY WORK IN THE
8 JUVENILE CRIME DIVISION AS DETECTIVES IN NORTH CHARLESTON
9 POLICE DEPARTMENT, THEY RESPOND. THEY GET ON THE CASE.

10 KELLY BURNEM, DETECTIVE BURNEM TALKS TO Minor AT
11 THE SCHOOL. AND IT'S DISCLOSED AS SAYING, YOU KNOW,
12 WHERE, WHEN, WHO. AND SO THEY GO TO THE HOME WHERE THIS
13 DEFENDANT IS WITH Minor TWO SMALLER SISTERS, Sister 1 AND
14 Sister 2 . THEY GET HIM OUT OF THE HOUSE. AND THE
15 DETECTIVE -- THE DEFENDANT GOES WILLINGLY WITH DETECTIVE
16 RAMSEY DOWN TO THE NORTH CHARLESTON POLICE DEPARTMENT.
17 AND THEY TALK ABOUT IT. AND HE SIGNS AN ADVICE OF RIGHTS
18 FORM. HE IS INFORMED OF HIS MIRANDA RIGHTS. THESE ARE
19 YOUR RIGHTS.

20 HE GOES OVER THEM. HE TALKS TO HIM. DETECTIVE
21 RAMSEY, YOU'LL SEE HIM, HE'S GOT A WARM PERSONALITY. HE'S
22 THE KIND OF GUY THAT GOES IN TO TALK TO DEFENDANTS.

23 YOU JUDGE IT FOR YOURSELF. BUT HE GOT THIS
24 CONFESSION IN HIS OWN HANDWRITING. HE WENT THROUGH Q AND
25 A. AND HE TELLS ESSENTIALLY WHAT HAPPENED.

OPENING STATEMENTS BY MR. DURANT

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1 SO, THERE'S NOW THIS CONFESSION. BUT YOU'VE GOT TO
2 DO A LOT MORE AND Minor NEEDS TO BE SEEN -- LET ME TELL
3 YOU THIS FIRST OF ALL RIGHT HERE: THE LAW REQUIRES US TO
4 CALL Minor TO THE STAND, AN EIGHT YEAR OLD. YOU
5 MAY FEEL LIKE YOU ARE BEING TORTURED. IT WILL BE THAT
6 BAD. BUT SHE HAS TO COME INTO THIS COURTROOM, THIS BIG
7 SCARY COURTROOM, IN FRONT OF ALL THESE PEOPLE SHE DOESN'T
8 KNOW, AND SHE'S GOT TO TELL YOU A LITTLE SOMETHING ABOUT
9 WHAT HAPPENED TO HER, AND WE'RE GOING TO TRY TO MAKE IT AS
10 COMFORTABLE FOR HER AS WE CAN. BUT HOW COMFORTABLE CAN
11 YOU REALLY BE IN THIS COURTROOM AS AN EIGHT YEAR OLD. YOU
12 WILL PROBABLY WISH THAT YOU WERE ANY WHERE BUT WHERE YOU
13 ARE. WE HAVE TO DO THAT.

14 ON SEPTEMBER 8TH, THE BALL GETS ROLLING. THERE
15 NEEDS TO BE A MEDICAL EXAM OF Minor AND HER SISTERS. SO,
16 Minor IS SEEN BY DR. ABEL AT THE MEDICAL UNIVERSITY OF
17 SOUTH CAROLINA AND SHE IS EXAMINED.

18 AND HER MOTHER, THE LIVING SITUATION WAS THIS:
19 Minor LIVED WITH HER MOTHER, DEBBERA DAVISON, AND HER TWO
20 LITTLE SISTERS, Sister2 AND Sister1 . AND HER MOTHER'S
21 BOYFRIEND -- YOU'VE PROBABLY ALREADY GUESSED -- IS THE
22 DEFENDANT.

23 HER MOTHER, AFTER ALL OF THIS IS GOING ON, SHE GETS
24 CHECKED OUT ON THE 15TH OF SEPTEMBER, THE PHYSICAL EXAM
25 WITH DR. ABEL. SHE LEAVES. SHE WANTS TO GET OUT OF HERE,

1 OUT OF SOUTH CAROLINA. SHE GOES DOWN TO FLORIDA.

2 OBVIOUSLY, THERE'S STILL AN ON-GOING PROBLEM.

3 AND IT WAS IMPORTANT TO GET Minor IN TO SEE A
4 FORENSIC INTERVIEWER, TO GO OVER THIS IN DEPTH WITH
5 SOMEBODY WHO'S BEEN EDUCATED IN A WAY OF TALKING TO A
6 CHILD ABOUT THIS KIND OF DISCLOSURE DOWN IN FLORIDA. AND
7 Minor DOES SEE SOMEBODY NAMED JACKIE SANDEFER-GONSEN DOWN
8 IN FLORIDA. AND SHE'LL BE HERE. SHE'S GOING TO TESTIFY
9 AS WELL.

10 THAT IS ESSENTIALLY THIS WHOLE CASE. IT'S SIMPLE,
11 BUT IT'S TOUGH. AND IT ALL GOT HERE BECAUSE SOMEBODY
12 ASKED ONE SIMPLE QUESTION, JUST ASKED. BY THE END OF THIS
13 TRIAL, YOU WILL BE CONVINCED BEYOND A REASONABLE DOUBT
14 THAT EVERY SINGLE CHARGE THAT MR. TURNER IS CHARGED WITH
15 -- AND HE'S CHARGED WITH CRIMINAL SEXUAL CONDUCT WITH
16 MINORS. "A PERSON IS GUILTY OF CRIMINAL SEXUAL IN THE
17 FIRST DEGREE IF THE ACTOR ENGAGES IN A SEXUAL BATTERY WITH
18 A VICTIM WHO IS LESS THAN ELEVEN YEARS OF AGE."

19 HE IS ALSO CHARGED WITH LEWD ACT UPON A MINOR. "IT
20 IS UNLAWFUL FOR A PERSON OVER THE AGE OF 14 YEARS TO
21 WILLFULLY AND LEWDLY COMMIT OR ATTEMPT A LEWD OR
22 LASCIVIOUS ACT UPON OR WITH THE BODY OR ITS PARTS OF A
23 CHILD UNDER THE AGE OF 16 YEARS WITH THE INTENT OF
24 AROUSING OR APPEALING TO OR GRATIFYING THE LUST OF
25 PASSIONS OR SEXUAL DESIRES OF THE PERSON OR OF THE CHILD."

1 YOU WILL HEAR THIS AGAIN.

2 CRIMINAL SEXUAL BATTERY, WHAT IS THAT? IT'S -- THE
3 SOUTH CAROLINA CODE DEFINES SEXUAL BATTERY AS "SEXUAL
4 INTERCOURSE, CUNNILINGUS, FELLATIO, ANAL INTERCOURSE OR
5 ANY ENTRY, HOWEVER SLIGHT -- HOWEVER SLIGHT OF ANY PART OF
6 THE PERSON'S BODY, OR OF ANY OBJECT INTO THE GENITAL OR
7 ANAL OPENINGS OF ANOTHER PERSON'S BODY, EXCEPT WHEN SUCH
8 INTRUSION IS ACCOMPLISHED FOR MEDICALLY RECOGNIZED
9 TREATMENT OR DIAGNOSTIC PURPOSES". HOWEVER SLIGHT WITH A
10 SIX YEAR OLD. THAT'S THE LAW IN THIS CASE.

11 I ASK YOU TO PAY CLOSE ATTENTION TO THE FACTS, TO
12 ALL THE WITNESSES. AND AT THE END, WE EXPECT VERDICTS OF
13 GUILT. THANK YOU.

14 THE COURT: MR. GRIMES.

15 MR. GRIMES: THANK YOU, YOUR HONOR. MAY IT PLEASE
16 THE COURT.

17 GOOD AFTERNOON LADIES AND GENTLEMEN OF THE JURY.
18 WE ARE HERE BECAUSE SOMEONE ASKED SOMEONE TO DO SOMETHING.
19 SIMPLY PUT, LADIES AND GENTLEMEN OF THE JURY, WE ARE HERE
20 BECAUSE MS. DEBBIE DAVISON EITHER ASKED OR COACHED HER
21 DAUGHTER, Minor TO MAKE THIS STORY UP ABOUT JEREMIAH.
22 THAT'S WHY WE'RE HERE.

23 NOW, THIS CASE -- I AGREE WITH WHAT MR. DURANT HAS
24 SAID, YOU'RE GOING TO HEAR A LOT OF FACTS AND ALLEGATIONS
25 THAT WILL, QUITE FRANKLY, DISGUST YOU. THAT'S WHY WHEN --

1 DURING JURY QUALIFICATION, EVERYONE KIND OF TURNED AROUND
2 WHEN THE CHARGES WERE READ. YOU KNOW, EVERYONE'S FACE
3 KIND OF WENT -- HAD THAT LOOK UPON IT.

4 MR. DURANT HAS DONE A GOOD JOB OF TRYING TO BUILD
5 UP EMOTION IN THIS CASE. GET MAD AT JEREMIAH. AND THE
6 REASON WHY IS BECAUSE THEY WANT YOU TO DECIDE THE CASE
7 BASED UPON EMOTION AND ANGER, JUST BASED UPON THESE
8 ALLEGATIONS THAT HE SHOULD BE FOUND GUILTY. THEY WANT TO
9 TAKE POSSESSION OF HIS INNOCENCE AND JUST THROW IT OUT THE
10 DOOR.

11 WHEN YOU TOOK THE OATH TODAY, YOU TOOK THE OATH TO
12 WELL AND TRULY TRY THIS CASE BASED UPON EVIDENCE, NOT
13 EMOTIONS. WHEN YOU LOOK AT THE EVIDENCE IN THIS CASE, YOU
14 WILL FIND PLENTY OF REASONABLE DOUBT. IN FACT, YOU WILL
15 FIND THAT IS JEREMIAH IS INNOCENT.

16 NOW, IN THIS CASE MS. DAVISON HAD PLENTY OF
17 OPPORTUNITY AND MOTIVE TO TELL HER DAUGHTER TO MAKE THIS
18 STORY UP. MR. DURANT ALLUDED TO THE DSS INVESTIGATION.
19 WHAT HE DIDN'T TELL YOU WAS THAT IT WAS JEREMIAH WHO WENT
20 TO THAT CHURCH, WENT THERE WITH PAMELA JONES, TO REPORT
21 SORT OF HIS -- HIS CONCERNS OF THE HOUSEHOLD, HIS CONCERNS
22 OF MS. DAVISON, HIS CONCERNS OF HOW SHE TREATED HER
23 CHILDREN.

24 AFTER THE CHURCH PEOPLE HEARD THIS, MS. PENDERGAST,
25 WHO WAS WORKING AT THE CHURCH THAT DAY, CALLED THE POLICE.

OPENING STATEMENTS BY MR. GRIMES

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1 DETECTIVE RAMSEY WAS CALLED IN. AND, UNFORTUNATELY, HE
2 DIDN'T DO TOO MUCH. HE, I THINK, WROTE IT OFF AS A --
3 MAYBE LIFESTYLE ISSUE, BUT HE DID CALL DSS TO INVESTIGATE.
4 AND THAT'S WHEN MS. COVERDALE CAME IN.

5 SHE WENT TO THE HOUSE AND KNOCKED ON THE DOOR AND
6 NO ONE WAS THERE. ON SEPTEMBER 4TH, SHE WENT BACK TO THE
7 HOUSE AND JEREMIAH WAS THERE AND Minor WAS THERE. AND
8 THE OTHER CHILDREN WERE THERE. BUT ONE OF THE REASONS SHE
9 DIDN'T GO INVESTIGATE WAS BECAUSE MR. TURNER WAS NOT THE
10 OFFICIAL GUARDIAN OF THE CHILDREN OBVIOUSLY. MS. DAVISON
11 WAS NOT RETURNING HER CALLS OR FOLLOWING UP WITH DSS, SO
12 SHE GOES TO THE SCHOOL ON SEPTEMBER 8TH, APPROXIMATELY TEN
13 DAYS AFTER JEREMIAH KIND OF WENT TO THE POLICE ON HER.
14 AND THIS IS WHEN THESE ALLEGATIONS COME UP.

15 NOW, YOU WILL HEAR THAT THE CHILD HAD -- Minor HAS
16 A MEDICAL CONDITION. I BELIEVE IT'S CALLED LICHEN
17 SCLEROSIS. AND YOU MAY SEE PICTURES OF THAT. THAT MAY
18 HAVE BEEN WHAT MR. DURANT WAS REFERRING TO.

19 ESSENTIALLY THAT IS A CONDITION THAT CAUSES A
20 TISSUE OF THE ANUS OR VAGINA TO BECOME VERY THIN. AND IF
21 THERE IS ANY TRAUMA, IT'S GOING TO BE VERY PAINFUL.

22 NOW, MR. DURANT SAID THIS IS FROM REPETITIVE ABUSE,
23 REPETITIVE TRAUMA. THE STATEMENT THAT YOU WILL HEAR THAT
24 MR. TURNER GAVE TO THE POLICE TALKS ABOUT ACTUAL SEXUAL
25 INTERCOURSE. I BELIEVE MS. DAVISON SAYS INSERTED HIS

1 PENIS THE LENGTH OF HIS INDEX FINGER. WELL, IF SOMEONE
2 INSERTS A PENIS INTO A -- SOME -- A SIX YEAR OLD CHILD,
3 WHO HAS THIS MEDICAL CONDITION, YOU ARE NOT GOING TO
4 EXPECT TO HAVE A NORMAL PHYSICAL FINDING, YET THAT'S WHAT
5 DR. ABEL WILL TESTIFY TO. THAT SHE MAY SAY THAT A HYMEN
6 CAN REPAIR ITSELF. IT MAY NOT HAVE BEEN FULL PENETRATION.
7 I MEAN, THAT'S PROBABLY WHY MR. DURANT EMPHASIZED THAT,
8 BECAUSE HE KNOWS THERE'S NO WAY THAT COULD HAPPEN WITHOUT
9 PHYSICAL TRAUMA. AND IF YOU WERE TO DISBELIEVE THAT PART
10 OF Minor ALLEGATIONS, YOU MUST DISBELIEVE THE REST OF
11 IT.

12 SO, ON SEPTEMBER -- THE PHYSICAL EXAMINATION
13 OCCURRED ON SEPTEMBER 15TH. AND THEN MS. DAVISON TAKES
14 THE CHILD -- CHILDREN AND THEY GO TO FLORIDA. AND THERE'S
15 A -- EXCUSE ME -- JANUARY 2, 2008, SHE HAS THE FORENSIC
16 INTERVIEW.

17 DURING THAT TIME, ABOUT THREE MONTHS HAS GONE BY,
18 SHE CAN TALK TO THE CHILD, TELL THE CHILD WHAT TO SAY. GO
19 OVER THE CHILD'S ALLEGATIONS. WHEN YOU SEE THE DVD, THE
20 CHILD'S INTERVIEW -- OF Minor INTERVIEW, I'M GOING TO
21 ASK YOU TO WATCH THAT CLOSELY. YOU WILL SEE STUFF IN
22 THERE THAT KIND OF SHOWS THAT SOMEONE'S BEEN TALKING TO
23 HER ABOUT WHAT TO SAY.

24 FOR EXAMPLE, SHE SAYS WHY AM I HERE IN THIS PLACE.
25 AND THE NURSE IS GOING OVER WHY SHE IS HERE, TALKING ABOUT

OPENING STATEMENTS BY MR. GRIMES

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1 IT'S A SAFE PLACE. THEY TALK ABOUT ALL SORTS OF THINGS,
2 HOUSEHOLD, SCHOOL, FAMILY. AND ALL OF A SUDDEN, SHE
3 STARTS TALKING ABOUT JEREMIAH. WELL, IF SHE DIDN'T KNOW
4 WHY SHE WAS HERE, WHY WOULD JUST MENTION JEREMIAH.
5 BECAUSE SHE HAD BEEN TOLD TO.

6 AND EVEN MORE IMPORTANTLY, YOU WILL HEAR OUT OF
7 Minor OWN MOUTH, THAT SHE MESSED UP. AND IN THAT
8 CONTEXT, THEY'RE TALKING ABOUT THE ALLEGATIONS OF JEREMIAH
9 COMING TO HER ROOM. SHE SAID ONE TIME HER MOTHER WALKED
10 IN AND SAW JEREMIAH ON THE BED, SAW THEM TOGETHER, NOT
11 NAKED BUT SOMETHING THAT WOULD PROBABLY CONCERN ANY
12 MOTHER.

13 AND WHAT DID MS. DAVISON DO, THEY GOT INTO AN
14 ARGUMENT. APPARENTLY, SHE THREW JEREMIAH OUT OF THE HOUSE
15 AND MADE HIM SLEEP ON THE PORCH. AND Minor IS TALKING
16 ABOUT THIS.

17 NOW, A LITTLE BIT LATER, Minor WAS, OOPS, I MESSED
18 UP. NOW, YOU DON'T MESS UP THE TRUTH. YOU MESS UP A
19 STORY THAT SOMEONE WAS ACTUALLY TELLING YOU.

20 NOW, UNFORTUNATELY, WE DON'T KNOW WHAT WAS REALLY
21 LOOKED INTO IN FLORIDA. I DON'T THINK DETECTIVE RAMSEY
22 PROBABLY GOT THAT INFORMATION, NEVER REALLY COMMUNICATED
23 TO HIM, SO HE REALLY COULDN'T LOOK INTO IT TOO MUCH.

24 WE DON'T KNOW IF THE MOM WAS DOING THIS -- WE'VE
25 HEARD SHE'S A BAD MOTHER -- MAYBE HER AND JEREMIAH ARE

1 GUILTY; OR IF IT DIDN'T HAPPEN, THAT MEANS SHE'S COACHING
2 Minor AND SHE SET JEREMIAH UP.

3 NOW, THE NATURAL FOLLOW-UP QUESTION IS, WELL, IF
4 THEY SET JEREMIAH UP, WHY WOULD HE MAKE THIS STATEMENT TO
5 THE POLICE THAT HE DID THIS. THAT'S THE MILLION DOLLAR
6 QUESTION IN THIS CASE. AND I DON'T HAVE A PRECISE ANSWER
7 FOR YOU.

8 YOU WILL HEAR THAT JEREMIAH HAS NEVER BEEN ARRESTED
9 BEFORE, NEVER BEEN INTERVIEWED BY THE POLICE BEFORE. WHEN
10 HE'S FIRST IN THERE WITH THE POLICE OFFICERS, HE'S TELLING
11 THEM HE DIDN'T DO IT. HE STARTED TALKING. AND EVENTUALLY
12 HE -- HE GAVE A STATEMENT.

13 AND QUITE FRANKLY, THAT STATEMENT IS VERY
14 DISTURBING. AND WHEN I FIRST READ IT, I WAS LIKE -- I'M
15 SURE YOUR ACTIONS ARE GOING TO BE THE SAME. BUT WHY --
16 LOOK CLOSELY AT THE STATEMENT AND SEE HOW TRUE IT IS.
17 PART OF THE STATEMENT SAYS THAT HE'S TELLING -- SAYING A
18 SIX YEAR OLD CAME ON TO HIM -- PART OF THE STATEMENT IS
19 SAYING THAT THE SIX YEAR OLD CAME ON TO HIM, AND THAT IT
20 HAPPENED IN HIS ROOM, THAT Minor IS SAYING HAPPENED IN
21 HER ROOM. I MEAN, A SIX YEAR IS GOING TO COME ON TO A --
22 WE DON'T KNOW THAT'S A LIE.

23 HE, YOU KNOW, SAYS A LOT OF OTHER STUFF ABOUT WHAT
24 WAS GOING ON, BUT IT'S NOT CORROBORATED BY ANY WITNESS.
25 IT'S NOT CORROBORATED BY ANY CRIME SCENE INVESTIGATION.

OPENING STATEMENTS BY MR. GRIMES

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1 IT'S NOT CORROBORATED BY ANY PHYSICAL EVIDENCE. THE ONLY
2 THING IT IS CORROBORATED BY IS BY Minor TESTIMONY. AND
3 IF SHE'S BEING COACHED, THEN THERE IS NO CORROBORATION FOR
4 HER STATEMENT.

5 SO, BASICALLY ALL JEREMIAH IS ASKING FROM YOU IS
6 FOR A FAIR TRIAL, NOT TO LET THE STATE TRY TO PUT ALL THIS
7 EMOTION AND MAKE YOU DECIDE THE CASE BASED UPON EMOTION.
8 BECAUSE IF YOU DO THAT, YOU'LL FIND HIM GUILTY LIKE THAT.
9 THE CASES ARE NOT BASED UPON -- IT'S NOT BASED UPON
10 EMOTION.

11 IF YOU FOLLOW JUDGE NICHOLSON'S INSTRUCTIONS, HE'S
12 NOT GOING TO SAY, WELL, IF YOU FIND THIS IS VERY
13 OUTRAGEOUS OR THIS DISTURBS YOU, THAT YOU MUST FIND HIM
14 GUILTY. I'M GOING TO ASK YOU TO LOOK AT EVIDENCE,
15 WITNESSES' CREDIBILITY, THEIR Demeanor. IF YOU LOOK AT
16 ALL THAT AND YOU DON'T BELIEVE MR. TURNER, AND YOU BELIEVE
17 Minor THEN IT IS YOUR DUTY TO FIND HIM GUILTY. BUT IF
18 YOU DO BELIEVE MR. TURNER OR YOU FIND Minor IS BEING
19 COACHED, IF YOU HAVE SOME TYPE OF REASONABLE DOUBT ABOUT
20 THIS MATTER, IT IS YOUR DUTY TO FIND HIM NOT GUILTY.
21 THANK YOU.

22 THE COURT: CALL YOUR FIRST WITNESS.

23 MS. HERRING-LASH: THE STATE WOULD CALL Minor

24 [REDACTED]

25 (WITNESS FORWARD.)

Minor

--DIRECT BY HERRING-LASH

201

1 **THE CLERK:** Minor IF YOU COULD, PLEASE PLACE YOUR
2 LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

3 Minor HAVING BEEN FIRST DULY
4 SWORN, TESTIFIED AS FOLLOWS:

5 **THE CLERK:** PLEASE BE SEATED. NOW, IF YOU WOULD,
6 PLEASE TELL EVERYONE YOUR NAME AND SPELL IT TOO. OKAY.

7 **THE WITNESS:** MY NAME IS Minor.

8 DIRECT EXAMINATION BY MS. HERRING-LASH:

9 **Q** AND HOW DO YOU SPELL YOUR LAST NAME, Minor

10 **A** .

11 **Q** AND, Minor HOW OLD ARE YOU?

12 **A** EIGHT.

13 **Q** WHAT IS YOUR DATE OF BIRTH?

14 **A** .

15 **Q** AND DO YOU KNOW WHAT THIS ROOM IS THAT YOU'RE
16 IN?

17 **A** COURT.

18 **Q** AND DO YOU KNOW IF IT IS OKAY TO TELL LIES IN
19 COURT OR IS IT WRONG TO TELL LIES IN COURT?

20 **A** TELL THE TRUTH.

21 **Q** YOU'RE SUPPOSED TO TELL THE TRUTH. WHAT HAPPENS
22 IF YOU DON'T TELL THE TRUTH, DO YOU GET IN TROUBLE?

23 **A** YES.

24 **Q** IF I TOLD YOU THAT WHAT I'M WEARING RIGHT NOW IS
25 BLACK AND WHITE POLKA DOTS, WOULD I BE TELLING YOU THE

Minor

--DIRECT BY HERRING-LASH

202

1 TRUTH OR WOULD I BE TELLING YOU A LIE?

2 A TELLING A LIE.

3 Q IF I SAID IT WAS KIND OF BLUE, WOULD THAT BE THE
4 TRUTH OR A LIE?

5 A THE TRUTH.

6 Q AND YOU JUST MADE A PROMISE TO TELL THE TRUTH,
7 IS THAT RIGHT?

8 A RIGHT.

9 Q AND ARE YOU GOING TO TELL THESE PEOPLE THE
10 TRUTH?

11 A YES.

12 Q LET'S START OFF, Minor DO YOU LIVE A LONG WAY
13 FROM HERE NOW?

14 A YES.

15 Q DID YOU HAVE TO DRIVE ALL NIGHT?

16 A YES.

17 Q WHO DROVE?

18 A MY MOMMA.

19 Q AND Y'ALL -- BEFORE YOU LIVED -- WELL, YOU LIVE
20 IN FLORIDA, IS THAT RIGHT?

21 A YES.

22 Q WHO LIVES WITH YOU IN YOUR HOUSE IN FLORIDA?

23 A MY MOMMIE, HECTER.

24 Q AND WHO IS HECTER?

25 A MY MOM'S BOYFRIEND.

Minor

--DIRECT BY HERRING-LASH

203

1 Q AND WHO ELSE?

2 A Sister 1 AND Sister 2 , MY TWO LITTLE SISTERS. Stepbrothe
3 MY STEPBROTHER, AND ME. AND WE HAVE A DOG, CASPER.

4 Q DO YOU HAVE A BABY?

5 A AND Babybrother .

6 Q HOW OLD IS Babybrother ?

7 A THREE MONTHS.

8 Q YOU FORGOT ABOUT HIM?

9 A (NODDED AFFIRMATIVELY.)

10 Q HOW OLD ARE Sister 2 AND Sister 1 ?

11 A Sister 1 .

12 Q Sister 1 . THANK YOU FOR CORRECTING ME. HOW OLD
13 ARE YOUR SISTERS?

14 A Sister 1 IS TWO AND Sister 2 IS FOUR.

15 Q AND HOW OLD IS Babybrother

16 A THREE MONTHS.

17 Q AND Stepbrother

18 A SEVEN.

19 Q AND BEFORE YOU LIVED IN FLORIDA, DID YOU LIVE IN
20 SOUTH CAROLINA?

21 A YES.

22 Q DO YOU KNOW THE NAME OF THE STREET THAT YOU
23 LIVED ON WHEN YOU LIVED IN SOUTH CAROLINA?

24 A NO.

25 Q DO YOU KNOW THE COLOR OF THE HOUSE YOU LIVED IN?

Minor

--DIRECT BY HERRING-LASH

204

1 A YES.

2 Q WHAT COLOR?

3 A GREEN.

4 MS. HERRING-LASH: YOUR HONOR, MAY I APPROACH THE
5 WITNESS?

6 THE COURT: YES, MA'AM.

7 BY MS. HERRING-LASH:

8 Q I'M GOING TO SHOW YOU WHAT HAS BEEN PREVIOUSLY
9 MARKED AS STATE'S NO. 1, 2 AND 3. Minor I'M SHOWING YOU
10 RIGHT NOW WHAT HAS BEEN MARKED AS STATE'S EXHIBIT NO. 1.
11 DO YOU RECOGNIZE THAT?

12 A YES.

13 Q WHAT IS THAT?

14 A MY HOUSE.

15 Q AND IS THAT WHERE YOU LIVED?

16 A YES.

17 Q AND I WANT TO SHOW YOU WHAT HAS BEEN MARKED AS
18 STATE'S EXHIBIT NO. 2; AND WHAT IS THAT?

19 A THE HOUSE I LIVED IN.

20 Q AND THIS IS JUST ANOTHER VIEW, STATE'S EXHIBIT
21 NO. 3, AND WHAT IS THAT?

22 A MY HOUSE.

23 MS. HERRING-LASH: YOUR HONOR, AT THIS TIME, I
24 WOULD OFFER STATE'S EXHIBITS 1, 2 AND 3 INTO EVIDENCE.

25 THE COURT: ANY OBJECTION?

Minor

--DIRECT BY HERRING-LASH

205

1 MS. EHRLICH: WITHOUT OBJECTION.

2 THE COURT: ALL RIGHT. STATE'S EXHIBITS 1, 2 AND 3
3 ADMITTED WITHOUT OBJECTION.

4 (STATE'S EXHIBITS NOS. 1, 2 AND 3 RECEIVED INTO
5 EVIDENCE.)

6 BY MS. HERRING-LASH:

7 Q LET'S PUT UP STATE'S NUMBER 1 FIRST. BEHIND
8 YOU, Minor WE'LL PUT IT UP THERE SO THE JURY CAN LOOK AT
9 IT. AND CAN YOU READ WHAT NUMBER YOUR HOUSE WAS?

10 A 3-0-19.

11 Q OKAY. 3-0-19?

12 A YES.

13 Q OKAY. NOW, IF YOU -- IF WE CAN GET THE OTHER
14 PICTURE UP -- HOW ABOUT IF I USE THE OVERHEAD -- WE'LL USE
15 ANOTHER -- WELL, Minor LET ME USE THIS IF THAT'S NOT
16 WORKING. IS THAT THE HOUSE?

17 A YES.

18 Q I'M GOING TO GIVE YOU THIS MARKER --- POINTER
19 ACTUALLY -- DO YOU SEE THIS LITTLE RED LINE?

20 A YES.

21 Q IF YOU PUSH THAT, IT'LL POINT. CAN YOU DO THAT?

22 A UH-HUH.

23 Q CAN YOU SHOW ME WHERE THE DOOR IS?

24 A (WITNESS COMPLIED.)

25 Q IS THAT THE FRONT DOOR?

Minor

--DIRECT BY HERRING-LASH

206

- 1 A YES.
- 2 Q AND CAN YOU SEE THE WINDOWS TO YOUR BEDROOM IN
- 3 THAT PICTURE?
- 4 A (WITNESS INDICATING.)
- 5 Q DID YOU HAVE TWO OR MORE WINDOWS?
- 6 A ONE WINDOW.
- 7 Q HUH?
- 8 A ONE WINDOW.
- 9 Q WHERE WAS THE OTHER ONE?
- 10 A ON THE SIDE OF THE HOUSE.
- 11 Q SO YOU HAD THREE?
- 12 A YES.
- 13 Q AND WHO ALL SLEPT IN THAT BEDROOM?
- 14 A ME AND MY SISTER, Sister 2 .
- 15 Q AND DID Y'ALL SLEEP IN THE SAME BED OR DID YOU
- 16 HAVE SEPARATE BEDS?
- 17 A SEPARATE BEDS.
- 18 Q AND WERE THEY RIGHT BESIDE EACH OTHER OR WAS
- 19 THERE SOMETHING BETWEEN THEM.
- 20 A THERE WAS SOMETHING INBETWEEN THEM.
- 21 Q WHAT WAS THAT?
- 22 A MY DRESSER.
- 23 Q AND WHEN YOU LIVED IN THAT HOUSE, WHO ALL LIVED
- 24 THERE AT FIRST?
- 25 A MY NANA, MY MOMMIE, MY SISTERS, Sister 2 AND Sister 1

1 AND ME.

2 Q AND DID YOUR NANA MOVE OUT?

3 A YES.

4 Q AND WHEN YOUR NANA MOVED OUT, THEN WHO ALL LIVED
5 THERE?

6 A MY MOMMIE, MY SISTERS, Sister 2 AND Sister 1 , AND
7 JEREMIAH.

8 Q AND WHO IS JEREMIAH?

9 A MY MOM'S STEP -- MY MOM'S BOYFRIEND.

10 Q AND DO YOU SEE JEREMIAH IN THE COURTROOM TODAY?

11 A YES.

12 Q AND CAN YOU TELL ME WHAT HE HAS ON?

13 A HE HAS A COAT ON AND A TIE.

14 Q AND CAN YOU SEE WHAT COLOR HIS SHIRT IS?

15 A BLUE.

16 MS. HERRING-LASH: LET THE RECORD REFLECT THAT THE
17 WITNESS HAS IDENTIFIED MR. TURNER.

18 BY MS. HERRING-LASH:

19 Q NOW, DO YOU ALL STILL LIVE IN THAT HOUSE?

20 A NO.

21 Q WHEN YOU MOVED OUT OF THAT HOUSE AT FIRST, WHERE
22 DID YOU GO TO?

23 A MY MOM'S FRIEND, PAM.

24 Q PAM?

25 A UH-HUH.

Minor

--DIRECT BY HERRING-LASH

208

1 Q AND DID ALL OF Y'ALL MOVE IN WITH PAM INCLUDING
2 JEREMIAH?

3 A YES.

4 Q NOW, DOES JEREMIAH STILL LIVE WITH YOU?

5 A NO.

6 Q WHY NOT?

7 A BECAUSE HE'S IN JAIL.

8 Q AND WHY?

9 A BECAUSE HE DID BAD STUFF.

10 Q AND WHO DID HE DO BAD STUFF TO?

11 A ME.

12 Q AND DO YOU REMEMBER WHO DID YOU -- DID YOU TELL
13 SOMEBODY ABOUT WHAT HE DID?

14 A YES.

15 Q DID YOU TELL THE POLICE?

16 A YES.

17 Q WHERE WERE YOU WHEN YOU TOLD THE POLICE?

18 A AT SCHOOL.

19 Q AND WHERE WERE YOU WHEN JEREMIAH DID SOMETHING
20 TO YOU?

21 A AT THE GREEN HOUSE.

22 Q WHERE IN THE GREEN HOUSE WERE YOU?

23 A IN MY BEDROOM.

24 Q AND WHERE IN THE BEDROOM WERE YOU?

25 A I WAS ON MY BED.

Minor

--DIRECT BY HERRING-LASH

209

1 Q AND CAN YOU TELL US ONE OF THE THINGS THAT HE
2 DID TO YOU?

3 A HE PUT HIS FINGER IN MY PRIVATE SPOT.

4 Q AND WHERE WERE YOU?

5 A AT THE GREEN HOUSE.

6 Q AND YOU SAID YOU WERE IN YOUR BEDROOM?

7 A YES.

8 Q WHERE IN YOUR BEDROOM WERE YOU?

9 A ON MY BED.

10 Q AND HOW WERE YOU LAYING?

11 A I WAS LAYING LIKE THIS (INDICATING).

12 Q AND CAN YOU SAY WHAT PART OF YOUR BODY YOU WERE
13 LAYING ON SO THAT LADY CAN WRITE IT DOWN?

14 A I WAS ON MY BACK.

15 Q AND WHAT -- WHEN JEREMIAH DID THAT, TELL ME HOW
16 HE WAS?

17 A HE WAS ON HIS KNEES ON MY BED AND HIS HEAD WAS
18 ON MY SIDE WHERE THE WALL IS AT. AND HE -- HE SCOOT MY
19 PANTS OFF AND MY UNDERWEAR.

20 Q AND WHEN YOU SAY HE SCOOTED YOUR PANTS OFF, WHAT
21 DO YOU MEAN?

22 A I MEANT TO MY, UM, TO MY ANKLES.

23 Q OKAY. DO YOU REMEMBER IF YOU HAD ON JAMMIES OR
24 STREET, YOU KNOW, CLOTHES YOU WEAR TO SCHOOL OR WHAT YOU
25 HAD ON?

Minor

--DIRECT BY HERRING-LASH

210

1 A I HAD ON MY PAJAMAS.

2 Q AND YOU SAID THAT HE SCOOTED THEM TO YOUR
3 ANKLES?

4 A YES.

5 Q AND AFTER HE SCOOTED THEM TO YOUR ANKLES, WHAT
6 DID HE DO?

7 A HE -- HE, UM, HE PUT HIS HAND TO THE SIDE AND HE
8 PUT HIS FINGER IN MY PRIVATE SPOT.

9 Q DID HE DO ANYTHING WITH HIS FINGER BEFORE THAT?

10 A NO.

11 Q AND DID THAT HAPPEN ONE TIME OR MORE THAN ONE
12 TIME?

13 A MORE THAN ONE TIME.

14 Q AND DID IT ALWAYS HAPPEN IN YOUR BEDROOM?

15 A YES.

16 Q WHAT -- WHEN JEREMIAH DID THAT, WHAT DID HE HAVE
17 ON? CLOTHES OR NO CLOTHES?

18 A CLOTHES.

19 Q HOW DID THAT FEEL WHEN HE PUT HIS FINGER IN YOUR
20 PRIVATES?

21 A PAINFUL.

22 Q AND DID HE DO ANYTHING ELSE TO YOUR PRIVATES?

23 A NO.

24 Q DID HE DO ANYTHING ELSE THAT -- THAT -- TO ANY
25 OTHER PART OF YOUR BODY?

Minor

--DIRECT BY HERRING-LASH

211

1 A YES.

2 Q AND WHAT WAS THAT?

3 A MY MOUTH.

4 Q WHAT?

5 A MY MOUTH.

6 Q WHAT ABOUT YOUR MOUTH?

7 A HE PUT HIS PRIVATE SPOT IN MY MOUTH.

8 Q AND WHERE WERE YOU WHEN THAT HAPPENED?

9 A AT THE GREEN HOUSE.

10 Q WOULD IT HELP YOU IF I SHOWED YOU SOME DOLLS TO

11 SHOW US WHAT HAPPENED?

12 A YES.

13 Q I'M GOING TO PUT THIS, JUST A BOX UP HERE FOR

14 YOUR BED. YOU MAY HAVE TO STAND UP. CAN YOU PICK OUT A

15 DOLL TO BE YOU? AND CAN YOU SAY WHAT COLOR THAT DOLL IS?

16 A GREEN.

17 Q OKAY. AND CAN YOU SHOW US WHAT HAPPENED?

18 A (WITNESS DEMONSTRATING.)

19 Q NOW, WAS HE STANDING ON THE FLOOR OR ON YOUR

20 BED?

21 A ON THE FLOOR.

22 Q SO, WHAT ARE YOU DOING WITH THE HANDS OF THAT

23 DOLL?

24 A HE'S HOLDING HIS PRIVATE SPOT.

25 Q AND ARE THOSE HIS HANDS THAT YOU'RE SHOWING?

Minor

--DIRECT BY HERRING-LASH

212

1 A YES.

2 Q AND AFTER HE HELD HIS PRIVATE SPOT WITH HIS
3 HANDS, WHAT DID HE DO?

4 A HE WAS TRYING TO OPEN MY MOUTH.

5 Q AND WHAT HAPPENED WITH HIS PRIVATE SPOT?

6 A IT WENT TO MY MOUTH.

7 Q IT WENT TO YOUR MOUTH?

8 A YES.

9 Q AND WHAT HAPPENED WHEN IT WAS IN YOUR MOUTH?

10 A HE WAS FIDDLING AROUND.

11 Q AND DID THAT HAPPEN ONE TIME OR MORE THAN ONE
12 TIME?

13 A MORE THAN ONE TIME.

14 Q NOW, IN THAT TIME, DID JEREMIAH HAVE CLOTHES ON
15 OR CLOTHES OFF?

16 A CLOTHES ON.

17 Q AND HOW DID HE GET HIS PRIVATE TO YOUR MOUTH IF
18 HIS CLOTHES WERE ON?

19 A HE WAS -- HE TOOK HIS HAND IN HIS PANTS --

20 THE COURT: CHILD, YOU'RE GOING TO HAVE TO SPEAK --

21 Q DO YOU WANT TO TALK IN THAT MICROPHONE?

22 THE COURT: -- TALK INTO THE MICROPHONE. BAILIFF,
23 COME PULL IT DOWN FOR HER PLEASE. ADJUST IT SO EVERYBODY
24 CAN HEAR IT, PLEASE. Minor DO YOU FEEL BETTER SITTING
25 DOWN OR STANDING UP?

Minor

--DIRECT BY HERRING-LASH

213

1 THE WITNESS: BOTH.

2 THE COURT: BOTH. OKAY. WELL, YOU SIT DOWN OR
3 STAND UP, HOWEVER YOU FEEL COMFORTABLE. OKAY?

4 THE WITNESS: OKAY.

5 THE COURT: ALL RIGHT. LEAN OVER AND TALK IN THE
6 MICROPHONE. GO AHEAD.

7 THE WITNESS: HE WAS -- HE WAS PUTTING HIS HAND IN
8 HIS PANTS AND THEN TAKE IT OUT.

9 BY MS. HERRING-LASH:

10 Q AND WHAT DID HE TAKE OUT?

11 A HIS PRIVATE SPOT.

12 Q AND HE -- DID HE DO THAT ONE TIME OR MORE THAN
13 ONE TIME?

14 A ONE TIME.

15 Q WAS THERE EVER A TIME HE TRIED TO DO IT AND
16 COULDN'T?

17 A YES.

18 Q TELL US WHAT HAPPENED THAT TIME.

19 A I WIGGLED AROUND.

20 Q YOU DID WHAT?

21 A I MOVED MY HEAD AROUND.

22 Q AND WHAT HAPPENED WHEN YOU DID THAT?

23 A (NO RESPONSE).

24 Q DID HE SAY SOMETHING?

25 A YES.

Minor

--DIRECT BY HERRING-LASH

214

1 Q WAS IT SOMETHING THAT YOU WANT TO REPEAT?

2 A NO.

3 Q WHY NOT?

4 A NO.

5 Q CAN YOU TELL US WHAT THE -- WHAT THE WORDS HE
6 SAID STARTED WITH?

7 A M.F.

8 Q AND WHAT DID HE DO AFTER HE SAID THAT M.F. WORD?

9 A HE STEPPED ON A TOY AND HE SAID OUCH.

10 Q WHERE WERE YOUR TOYS?

11 A ON THE FLOOR.

12 Q AND, Minor A WHILE AGO, YOU WERE EXPLAINING TO
13 THE JURY HOW HE HAD ONE HAND AND THEN ANOTHER HAND. CAN
14 YOU SHOW WITH THE TWO DOLLS WHAT YOU MEANT BY WHERE HIS
15 HANDS WERE?

16 A (WITNESS DEMONSTRATING).

17 Q AND COULD YOU SHOW US ON THE BED?

18 A (WITNESS DEMONSTRATING).

19 Q AND WHAT DID HE DO?

20 A (WITNESS DEMONSTRATING). HIS HAND WAS IN THE --

21 Q WHERE WAS HIS HAND?

22 A HIS HAND WAS, UM, IT WAS HOLDING ON HIS PRIVATE
23 SPOT.

24 Q AND WHAT DID HE DO WITH HIS HAND HOLDING ON HIS
25 PRIVATE SPOT?

Minor

--DIRECT BY HERRING-LASH

215

1 A WHEN I FLIPPED OVER HE -- HE -- HE, UM, PUT IT
2 IN MY BACK SIDE.

3 Q AND HOW DID YOU FLIP OVER?

4 A I WAS WIGGLING AROUND AND I FLIP OVER ON THE
5 MIDDLE OF MY BED. BUT I WAS FLIPPING OVER WHERE THE WALL,
6 AND I SCOOT BACK TO MY PILLOW.

7 Q AND WERE YOUR CLOTHES ON OR OFF WHEN THAT
8 HAPPENED?

9 A OFF.

10 Q AND HOW DID THEY COME OFF?

11 A 'CAUSE JEREMIAH PUT, UM, THEM DOWN.

12 Q WHERE DID HE PUT -- LET ME MOVE THIS BECAUSE
13 IT'S KIND OF BLOCKING YOUR FACE. IT'S SO BIG. I'LL PUT
14 IT RIGHT HERE. OKAY. WHERE DID JEREMIAH PUT THEM?
15 WHERE DID HE PUT YOUR CLOTHES?

16 A RIGHT BESIDE MY BED, WHERE -- THE WALL.

17 Q DO YOU REMEMBER WHAT THOSE CLOTHES WERE?

18 A YES.

19 Q WHAT WERE THEY?

20 A I HAD ON POLAR BEARS.

21 Q WHAT DO YOU MEAN BY POLAR BEARS?

22 A I MEANT WHAT KIND OF ANIMAL.

23 Q AND WHERE WERE THE POLAR BEARS?

24 A RIGHT NEXT TO THE WALL.

25 Q WAS THERE A PICTURE ON YOUR PAJAMAS, IS THAT

Minor

--DIRECT BY HERRING-LASH

216

1 WHAT YOU'RE TALKING ABOUT?

2 A UH-HUH.

3 Q YOUR PAJAMAS HAD PICTURES ON THEM?

4 A YES.

5 Q DID -- DID JEREMIAH DO ANYTHING TO YOUR BODY
6 WITH HIS PRIVATE SPOT?

7 A NO, MA'AM.

8 Q DID HE DO ANYTHING ELSE TO YOUR BODY WITH
9 ANOTHER PART OF HIS BODY?

10 A YES.

11 Q WHAT WAS THAT?

12 A HE, UM, (PAUSE) -- WHEN I FLIPPED BACK OVER
13 BECAUSE I WAS WIGGLING AROUND BACK AND FORTH, I -- THEN HE
14 PUT HIS TONGUE ON MY -- ON MY -- WHERE I GO TO THE
15 BATHROOM PART.

16 Q WHAT PART -- WHEN YOU GO TO THE BATHROOM, WHAT
17 BATHROOM ARE YOU TALKING ABOUT?

18 A WHEN I -- (PAUSE) -- MY FRONT SIDE WHERE I GO TO
19 THE BATHROOM WITH.

20 Q YOUR FRONT SIDE?

21 A YES.

22 Q IS TALKING ABOUT YOUR FRONT SIDE HARD FOR YOU TO
23 TALK ABOUT?

24 A (NODDED AFFIRMATIVELY). YES.

25 Q AND WHY IS THAT HARD FOR YOU TO TALK ABOUT,

Minor

--DIRECT BY HERRING-LASH

217

1

2

A (WITNESS CRYING).

3

Q TAKE YOUR TIME.

4

THE COURT: Minor DO YOU WANT TO TAKE A FEW
MINUTES?

6

A (NODDED AFFIRMATIVELY).

7

THE COURT: TAKE A SHORT BREAK?

8

A (NODDED AFFIRMATIVELY).

9

THE COURT: OKAY. WHY DON'T YOU STEP DOWN. OKAY.
STEP DOWN FROM THE WITNESS STAND AND WE'LL TAKE A SHORT
BREAK. OKAY. BE CAREFUL STEPPING DOWN. OKAY. COME ON
-- WOULD THE BAILIFF HELP HER DOWN, PLEASE?

13

ALL RIGHT. WE'LL TAKE A SHORT BREAK, A VERY SHORT
BREAK. PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES
AND I'LL GET YOU BACK IN A FEW MINUTES.

16

(WHEREUPON, THE JURY LEFT THE COURTROOM AT 5:34

17 P.M.)

18

(WHEREUPON, THERE WAS A BENCH CONFERENCE BETWEEN
COURT AND COUNSEL.)

20

THE COURT: ALL RIGHT. LET'S GO ON THE RECORD.

21

Minor DO YOU FEEL LIKE CONTINUING THIS AFTERNOON?

22

THE WITNESS: YES.

23

THE COURT: OR WE CAN WAIT UNTIL TOMORROW IF YOU
WANT TO?

25

THE WITNESS: I'M LEAVING TOMORROW.

Minor

--DIRECT BY HERRING-LASH

218

1 THE COURT: PARDON?

2 THE WITNESS: I'M LEAVING.

3 THE COURT: YOU WANT TO FINISH TODAY?

4 THE WITNESS: YES.

5 THE COURT: OKAY. BRING US THE JURY.

6 MR. DURANT: I THINK SHE JUST WANTS TO GET IT OVER
7 WITH.

8 THE COURT: I UNDERSTAND. I WAS JUST TRYING TO
9 GIVE HER THE OPTION.

10 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 5:40
11 P.M.)

12 THE BAILIFF: THE JURY IS PRESENT.

13 THE COURT: Y'ALL ARE QUICK LEARNERS. Y'ALL ARE
14 GETTING TO FILE IN AND OUT REAL SMOOTH NOW. PLEASE
15 PROCEED, SOLICITOR.

16 (WITNESS RESUMED THE WITNESS STAND.)

17 BY MS. HERRING-LASH:

18 Q Minor WE WERE TALKING ABOUT THE FRONT PART
19 WHERE YOU GO TO THE BATHROOM?

20 A YES.

21 Q AND I ASKED YOU IF THAT PART WAS HARD TO TALK
22 ABOUT?

23 A YES.

24 Q IS IT?

25 A YES.

Minor

--DIRECT BY HERRING-LASH

219

1 Q AND WHY?

2 A (NO RESPONSE).

3 Q DID SOMETHING HAPPEN TO THAT PART?

4 A (NODDED AFFIRMATIVELY.)

5 Q WHAT HAPPENED?

6 A SOMEONE DID SOMETHING TO IT.

7 Q WHO WAS THAT?

8 A JEREMIAH.

9 Q WHAT DID HE DO?

10 A HE PUT HIS FINGER.

11 Q ANYTHING ELSE?

12 A NO, MA'AM.

13 Q YOU SAID A WHILE AGO HE PUT HIS TONGUE THERE,

14 DID HE DO THAT OR NOT DO THAT?

15 A YES.

16 Q DID HE PUT ANYTHING ELSE THERE?

17 A NO.

18 Q NOW, DID YOUR CLOTHES ALWAYS STAY ON OR DID THEY

19 SOMETIMES COME OFF AND SOMETIMES STAY ON?

20 A SOMETIMES STAY ON.

21 Q AND WHAT ABOUT JEREMIAH'S CLOTHES, WERE THEY

22 ALWAYS ON OR SOMETIMES OFF?

23 A ALWAYS ON.

24 Q DID -- AND YOU SAID THIS HAPPENED MORE THAN ONE

25 TIME?

Minor

--DIRECT BY HERRING-LASH

220

1 A YES.

2 Q DID HE PUT HIS FINGER IN YOUR PRIVATE ONE TIME
3 OR MORE THAN ONE TIME?

4 A ONE TIME.

5 Q DID HE PUT HIS PRIVATE IN YOUR MOUTH ONE TIME OR
6 MORE THAN ONE TIME?

7 A MORE THAN ONE TIME.

8 Q DID HE PUT HIS TONGUE IN YOUR PRIVATE ONE TIME
9 OR MORE THAN ONE TIME?

10 A ONE TIME.

11 Q AND YOU ALSO STATED THAT HE PUT HIS PRIVATE ON
12 YOUR BACK SIDE -- IN YOUR BACK SIDE?

13 A YES.

14 Q WAS THAT ONE TIME OR MORE THAN ONE TIME?

15 A MORE THAN ONE TIME.

16 Q WHY -- Minor WHY DID YOU -- WHY DIDN'T YOU
17 TELL YOUR MOM WHAT HE WAS DOING AFTER HE DID THIS THE
18 FIRST TIME?

19 A I WAS AFRAID.

20 Q WHAT WERE AFRAID OF?

21 A HE WOULD YELL AT ME.

22 Q DID JEREMIAH TALK TO YOU ABOUT TELLING?

23 A YES.

24 Q WHAT DID HE TELL YOU?

25 A DON'T TELL.

Minor

--DIRECT BY HERRING-LASH

221

- 1 Q AND WHY DID THAT MAKE YOU NOT TELL?
- 2 A BECAUSE HE WOULD SCREAM AT ME.
- 3 Q WHEN WOULD HE SCREAM AT YOU?
- 4 A WHEN MOM'S NOT HOME.
- 5 Q WHEN THESE THINGS HAPPENED, WAS YOUR MOM HOME OR
- 6 NOT HOME?
- 7 A NOT HOME.
- 8 Q DO YOU KNOW WHERE SHE WAS?
- 9 A YES.
- 10 Q WHERE?
- 11 A AT WORK.
- 12 Q AND WOULD IT ALWAYS BE WHEN SHE WAS GONE
- 13 SOMEWHERE?
- 14 A YES.
- 15 Q WAS JEREMIAH THE PERSON THAT STAYED WITH YOU
- 16 WHEN YOUR MOM WENT OFF PLACES AND TO WORK?
- 17 A YES.
- 18 Q AND YOU TOLD AT THE SCHOOL?
- 19 A YES.
- 20 Q AFTER THE SCHOOL, DID YOU ALSO TELL OTHER
- 21 PEOPLE?
- 22 A YES.
- 23 Q WHO DID YOU TELL?
- 24 A A POLICE OFFICER.
- 25 Q A POLICE OFFICER?

Minor

--DIRECT BY HERRING-LASH

222

1 A UH-HUH.

2 Q DO YOU REMEMBER TELLING ANYONE ELSE BESIDES THE
3 POLICE OFFICER?

4 A YES.

5 Q WHO?

6 A THAT LADY WHO -- THAT LADY WHO UM -- WELL -- SAY
7 IT'S ALL RIGHT. HE'S IN JAIL, SO HE CAN -- SHE CAN TAKE
8 CARE OF ME.

9 Q WAS THAT LADY IN FLORIDA OR HERE, OR DO YOU
10 KNOW?

11 A I DON'T KNOW.

12 Q DID YOU MOVE TO FLORIDA AFTER YOUR MOM FOUND OUT
13 ABOUT THIS?

14 A YES.

15 Q NOW, WAS THERE EVER A TIME, Minor WHEN YOUR
16 MOM CAME HOME FROM WORK AND JEREMIAH WAS IN YOUR ROOM?

17 A YES.

18 Q AND WHEN SHE DROVE UP -- I'LL SHOW YOU THIS
19 PICTURE OF STATE'S EXHIBIT NO. 2 -- WILL IT GO BACK UP
20 THERE -- WHERE WERE YOUR BEDROOM WINDOWS AGAIN?

21 A (WITNESS INDICATING).

22 Q AND WHERE DID YOUR MOM PARK WHEN SHE DROVE UP TO
23 THE HOUSE?

24 A (WITNESS INDICATING).

25 Q WHEN SHE WOULD DRIVE UP, WOULD YOU SEE LIGHTS --

Minor

--DIRECT BY HERRING-LASH

223

1 HER LIGHTS IN YOUR BEDROOM WINDOW?

2 A YES.

3 Q AND WHAT HAPPENED WHEN -- WHEN YOU SAW ALL THAT?
4 WHAT HAPPENED WHEN THE LIGHTS SHONE IN?

5 A I LOOKED UP.

6 Q AND WAS JEREMIAH THERE?

7 A NO.

8 Q WHAT HAPPENED -- YOU SAID ONE TIME SHE CAME HOME
9 AND HE WAS IN YOUR ROOM, TELL US ABOUT THAT.

10 A UM, MY MOMMA, WHEN SHE DROVE UP, JEREMIAH WAS
11 STILL IN THERE AND MY MOM WAS, LIKE, WAS TALKING TO
12 HERSELF. SHE -- SHE SAW JEREMIAH IN MY ROOM. AND -- AND
13 THEN HE RAN TO HER ROOM. THEN WATCHED TV ON HIS --

14 Q ON HIS WHAT?

15 A HIS, UM, LITTLE TV VIDEO THING.

16 Q WHAT WAS IT CALLED? I JUST DIDN'T UNDERSTAND
17 YOU.

18 A IT WAS, UM, IT WAS THE MEN WHO FIGHT THE BAD
19 GUYS. IT'S LIKE -- IT A CARTOON ON A CARTOON SHOW, BUT ON
20 DVD.

21 Q AND HE WATCHED THAT?

22 A UH-HUH.

23 Q AND WHAT HAPPENED AFTER THAT?

24 A THEN MOM CAME HOME. AND WENT -- GET UNDRESSED
25 AND WENT TO BED.

Minor

--DIRECT BY HERRING-LASH

224

1 Q YOU SAID HE RAN BACK TO HER ROOM?

2 A UH-HUH.

3 Q WHERE DID HE SLEEP? I MEAN, WHERE WAS HIS ROOM?

4 A HIS ROOM WAS IN MY MOM'S ROOM.

5 MS. HERRING-LASH: THE COURT'S INDULGENCE FOR A
6 MOMENT. (PAUSE). Minor THOSE ARE ALL THE QUESTIONS I
7 HAVE NOW. OKAY.

8 THE WITNESS: OKAY.

9 THE COURT: CAN I SEE THE ATTORNEYS UP HERE PLEASE
10 JUST A SECOND?

11 (WHEREUPON, THERE WAS A BENCH CONFERENCE BETWEEN
12 THE COURT AND COUNSEL IN THE PRESENCE OF THE JURY, BUT
13 OUTSIDE THE HEARING OF THE JURY.)

14 THE COURT: ALL RIGHT. MADAM FORELADY, AND LADIES
15 AND GENTLEMEN OF THE JURY, WHAT WE'RE GOING TO DO IS IT'S
16 TEN MINUTES TO SIX AT THIS TIME. WE'RE GOING TO BREAK FOR
17 THE DAY. AND I'VE GOT A HEARING IN ANOTHER MATTER AT 9:30.
18 IF YOU'LL BE BACK IN THE JURY ROOM AT 10:00, WE'LL GET
19 STARTED JUST AS SOON AS I FINISH THAT OTHER MOTION HEARING
20 ON ANOTHER CASE. I HOPE IT WILL NOT TAKE LONGER THAN 30
21 MINUTES, BUT BE BACK IN THE JURY ROOM AT 10:00 IN THE
22 MORNING.

23 AND PLEASE DO NOT DISCUSS THE CASE WITH ANYONE. I
24 WANT YOU TO MAKE A DECISION ON WHAT YOU HEAR IN THE
25 COURTROOM, NOT WHAT YOU READ ON TELEVISION OR HEAR

Minor

--DIRECT BY HERRING-LASH

225

1 ANYTHING ON -- EXCUSE ME -- HEAR ON TELEVISION OR READ IN
2 THE PAPER, OR SOMEBODY TELLS YOU.

3 NOW, EVERYBODY'S GOT OPINIONS. SO, SOMEBODY YOU
4 TALK TO MAY HAVE AN OPINION ABOUT THIS CASE AND THEY
5 HAVEN'T HEARD ANYTHING ABOUT IT. I WANT YOU TO MAKE YOUR
6 DECISION ON WHAT YOU HEAR IN THE COURTROOM, NOT WHAT
7 SOMEONE OUTSIDE THE COURTROOM TELLS YOU. SO, PLEASE DON'T
8 TALK TO ANYBODY ABOUT IT. AND I'LL SEE YOU IN THE MORNING
9 AT 10:00. HAVE A GOOD EVENING.

10 FOR YOUR PLANNING PURPOSES TOMORROW, I GENERALLY
11 LIKE TO STOP SOMETIME BETWEEN 5:00 AND 5:30. AND NORMALLY
12 WE'LL BREAK AT 1:00 AND GIVE YOU AN HOUR AND A HALF
13 BECAUSE YOU HAVE TO -- YOUR CAR IS PARKED DOWN THE STREET
14 A WAYS -- FOR LUNCH FROM 1:00 TO 2:30. SO, THAT'S FOR
15 YOUR PLANNING PURPOSES FOR TOMORROW. SEE YOU TOMORROW AT
16 10:00. HAVE A GOOD EVENING.

17 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 5:50
18 P.M.)

19 THE COURT: ALL RIGHT. MRS. --

20 MS. HERRING-LASH: YOUR HONOR, I THINK MS.
21 DAVISON'S CONCERN IS THAT SHE'LL LOSE HER JOB IF SHE
22 DOESN'T SHOW UP TOMORROW. AND I TOLD HER THAT WE CAN TRY
23 TO CALL HER JOB.

24 THE COURT: WELL, THE SOLICITOR CAN CALL THE JOB OR
25 WE'LL GIVE YOU WHATEVER DOCUMENTATION YOU NEED TO CONFIRM

Minor

--DIRECT BY HERRING-LASH

226

1 THE FACT THAT YOU WERE HERE SUBJECT TO A SUBPOENA IN A
2 CRIMINAL CASE. I'LL WRITE A LETTER. THE SOLICITOR CAN
3 WRITE A LETTER OR WHATEVER IS NECESSARY, OR Y'ALL CAN GO
4 TO YOUR OFFICE AND TRY TO MAKE SOME PHONE CALLS OR YOU CAN
5 MAKE THEM FIRST THING IN THE MORNING. OKAY. MS. DAVISON.
6 I'M GOING TO EXPECT YOU BACK IN THE MORNING WITH YOUR
7 DAUGHTER. DO YOU UNDERSTAND? I'M SORRY. BUT WE'VE GOT
8 COURT PERSONNEL HERE. WE STARTED THIS MORNING EARLY. WE
9 TRIED TO GET THROUGH WITH YOUR TESTIMONY. WE DIDN'T MAKE
10 IT, SO WE WILL HAVE TO CONTINUE IN THE MORNING. I KNOW
11 YOU MAY NOT LIKE THAT, BUT UNFORTUNATELY WE HAVE SOME
12 THINGS WE DON'T LIKE. DO YOU UNDERSTAND? WILL YOU BE
13 HERE IN THE MORNING?

14 MS. DAVISON: YES, SIR.

15 THE COURT: OKAY. AND I'LL -- THE SOLICITOR'S
16 OFFICE AND I WILL COOPERATE WITH YOU IN ANY WAY POSSIBLE
17 WE CAN, MAKE SOME PHONE CALLS IN THE MORNING, TONIGHT OR
18 WHATEVER LETTERS OR DOCUMENTATION OR FAXES WE NEED TO
19 SEND, OKAY, TO TRY TO PROTECT YOUR JOB.

20 MS. DAVISON: OKAY.

21 THE COURT: OKAY. I'LL SEE YOU IN THE MORNING AT
22 10:00. OKAY?

23 MS. DAVISON: OKAY.

24 THE COURT: Minor YOU MAY COME DOWN AND GO JOIN
25 WITH YOUR MOTHER. AS FAR AS THE SOLICITOR IS CONCERNED,

Minor

--DIRECT BY HERRING-LASH

227

1 NOBODY FROM THE SOLICITOR'S OFFICE IS TO TALK TO HER ABOUT
2 HER TESTIMONY, SO DON'T TALK TO HER ABOUT WHAT SHE
3 TESTIFIED TO TODAY. OKAY. MS. DAVISON, DID YOU HEAR ME?
4 DON'T TALK TO YOUR DAUGHTER ABOUT WHAT SHE TESTIFIED TO
5 TODAY OR WHAT SHE'S GOING TO SAY TOMORROW. OKAY?

6 MS. DAVISON: YES.

7 THE COURT: ALL RIGHT. I'LL SEE Y'ALL IN THE
8 MORNING AT 10:00.

9 MS. DAVISON: 10:00 IN THE MORNING. I'LL BE HERE.

10 THE COURT: ALL RIGHT. WE WILL ADJOURN.

11 (WHEREUPON, THE HEARING ADJOURNED UNTIL 4/6/10.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(APRIL 6, 2010)

(DAY TWO OF TRIAL 10:32 A.M.)

1

2

3

4

THE COURT: IS THE STATE READY TO PROCEED?

5

MS. HERRING-LASH: YES, YOUR HONOR.

6

THE COURT: IS THE DEFENSE -- WELL, WHERE IS THE --

7

(WHEREUPON, THERE WAS AN OFF-RECORD DISCUSSION.)

8

THE COURT: ANYTHING ELSE FROM THE STATE BEFORE WE

9

BRING THE JURY?

10

MS. HERRING-LASH: NO, YOUR HONOR.

11

THE COURT: ANYTHING FROM THE DEFENSE?

12

MR. GRIMES: NO, YOUR HONOR.

13

THE COURT: ALL RIGHT. BRING THE JURY PLEASE.

14

(WHEREUPON, Minor RESUMED THE WITNESS

15

STAND.)

16

(WHEREUPON, THE JURY ENTERED THE COURTROOM AT 10:35

17

A.M.)

18

BAILIFF: THE JURY IS ALL PRESENT.

19

THE COURT: THANK YOU VERY MUCH. DOES THE STATE

20

HAVE ANY FURTHER QUESTIONS OF THIS WITNESS?

21

MS. HERRING-LASH: NO, YOUR HONOR.

22

THE COURT: CROSS EXAMINATION.

23

CROSS EXAMINATION BY MS. EHRLICH:

24

Q HI Minor

25

A HI.

- 1 Q MY NAME IS MS. EHRLICH. ARE YOU THE OLDEST IN
2 YOUR FAMILY?
- 3 A YES.
- 4 Q ME TOO, SO I CAN KIND OF RELATE TO THAT. IS IT
5 HARD BEING -- BEING THE OLDEST?
- 6 A YES.
- 7 Q DO YOU HAVE TO SET A GOOD EXAMPLE?
- 8 A YES.
- 9 Q DO YOU HELP TAKE CARE OF THEM?
- 10 A YES.
- 11 Q IS THAT HARD WORK?
- 12 A YES.
- 13 Q WHO TAKES CARE OF YOU?
- 14 A MY MOMMA OR MY STEPDAD.
- 15 Q YOUR MOMMA -- DO YOU CALL YOUR MOM, MOMMA, OR --
- 16 A OR MOMMIE.
- 17 Q YOU CALL HER MOMMIE?
- 18 A UH-HUH.
- 19 Q DOES SHE -- YOU LIVE WITH HER?
- 20 A YES.
- 21 Q DOES SHE COOK FOR YOU?
- 22 A SOMETIMES.
- 23 Q SOMETIMES. DOES SHE BUY YOU CLOTHES?
- 24 A SOMETIMES I BUY MY OWN CLOTHES.
- 25 Q SOMETIMES YOU BUY YOUR OWN CLOTHES?

Minor

-- CROSS BY MS. EHRLICH

230

1 A IF I HAVE THE -- IF I HAVE THE MONEY BECAUSE SHE
2 WOULD PAY ME EVERY WEEK.

3 Q SO YOU GET AN ALLOWANCE FROM MOM?

4 A UH-HUH.

5 Q DOES SHE DO YOUR LAUNDRY?

6 A NO.

7 Q NO?

8 A NO. I DO MINE.

9 Q YOU DO YOUR OWN LAUNDRY?

10 A UH-HUH.

11 Q WHAT ABOUT PRESENTS, WHO BUYS YOU PRESENTS IN
12 YOUR FAMILY?

13 A SANTA AND MY MOMMA AND MY STEPDAD.

14 Q OKAY. AND YOU GO TO SCHOOL?

15 A YES.

16 Q ARE YOU GOOD IN SCHOOL?

17 A A LITTLE BIT.

18 Q A LITTLE BIT. DO YOU EVER GET IN TROUBLE IN
19 SCHOOL?

20 A SOMETIMES.

21 Q SOMETIMES FOR LITTLE THINGS?

22 A YES.

23 Q DO YOU KNOW WHAT THE WORD "SERIOUS" MEANS?

24 A YES.

25 Q AND DO YOU THINK THAT WHAT WE'RE GOING TO TALK

1 ABOUT TODAY ABOUT JEREMIAH IS SERIOUS?

2 A YES.

3 Q AND YOU KNOW THAT THERE'S A JUDGE HERE. YOU
4 KNOW THERE'S A JUDGE?

5 A YES.

6 Q WHO'S THE JUDGE?

7 A (NO RESPONSE.)

8 THE COURT: DO YOU WANT ME TO RAISE MY HAND?

9 Q DO YOU KNOW THAT'S THE JUDGE, RIGHT?

10 A YES.

11 Q AND IS THIS THE JURY OVER HERE?

12 A YES.

13 Q AND YOU KNOW THAT YOU'RE HERE TODAY TO TALK
14 ABOUT THE TRUTH?

15 A YES.

16 Q NO PRETENDING?

17 A NO.

18 Q NO JOKING?

19 A NO.

20 Q AND NO MAKING UP STORIES?

21 A NO.

22 Q AND YOU KNOW THAT IT'S OKAY IF YOU MAKE A
23 MISTAKE AND JUST TELL US.

24 A YES.

25 Q SO, IF YOU MAKE A MISTAKE IN WHAT YOU SAY, YOU

Minor

-- CROSS BY MS. EHRLICH

232

1 CAN JUST SAY YOU MADE A MISTAKE. RIGHT?

2 A RIGHT.

3 Q DO YOU LIVE IN FLORIDA NOW?

4 A YES.

5 Q WHERE DO YOU LIVE?

6 A I LIVE AT (INAUDIBLE).

7 Q OKAY. AND DID YOU USE TO LIVE HERE IN

8 CHARLESTON?

9 A YES.

10 Q AND BEFORE YOU LIVED HERE IN CHARLESTON, WHERE

11 DID YOU LIVE?

12 A FLORIDA.

13 Q FLORIDA?

14 A YES.

15 Q AND DID YOUR MOMMIE EVER HURT YOU WHEN YOU LIVED

16 IN FLORIDA?

17 A NO.

18 Q NO. AND REMIND US AGAIN WHO YOU LIVE WITH IN

19 FLORIDA.

20 A MY MOMMIE, MY SISTERS, MY STEPBROTHERS AND

21 STEPFATHER AND MY DOG, CASPER.

22 Q WHAT'S YOUR DOG'S NAME?

23 A CASPER.

24 Q CASPER. HOW DID YOU GET ALL THE WAY HERE FROM

25 FLORIDA?

Minor

-- CROSS BY MS. EHRLICH

233

- 1 A DRIVING.
- 2 Q DRIVING. WHO DROVE YOU?
- 3 A MY MOM.
- 4 Q DID YOU KNOW WHY YOU WERE COMING HERE?
- 5 A YES.
- 6 Q DID YOU TALK TO MOM ABOUT WHY YOU WERE COMING
- 7 HERE?
- 8 A SHE TALKED TO ME.
- 9 Q SHE TALKED TO YOU?
- 10 A YES.
- 11 Q DID YOU TALK -- DID SHE TALK TO YOU ABOUT THE
- 12 TYPES OF QUESTIONS I MIGHT ASK YOU?
- 13 A NO.
- 14 Q DID SHE TALK TO YOU ABOUT JEREMIAH?
- 15 A NO.
- 16 Q WHAT DID SHE TALK TO YOU ABOUT?
- 17 A SHE TALKED TO ME ABOUT -- TO -- I'M GOING TO --
- 18 TO THE COURTS AND TALK ABOUT THE TRUTH AND STUFF. AND SHE
- 19 TOLD ME THE OTHER GUY -- A BAD GUY WILL LIKE -- ON
- 20 JEREMIAH'S SIDE -- WILL TALK TO ME, HARD QUESTIONS.
- 21 Q SHE SAID A BAD GUY ON JEREMIAH'S SIDE WOULD ASK
- 22 YOU HARD QUESTIONS?
- 23 A YES.
- 24 Q DID YOU TALK ABOUT WHAT TYPES OF QUESTIONS THE
- 25 BAD GUY MIGHT ASK YOU?

Minor

-- CROSS BY MS. EHRLICH

234

1 A NO.

2 Q SHE JUST SAID THAT A BAD GUY MIGHT ASK YOU
3 QUESTIONS?

4 A YES.

5 Q DID YOU BELIEVE YOUR MOM WHEN SHE SAID THAT
6 THERE WOULD BE A BAD GUY ASKING YOU QUESTIONS?

7 A YES.

8 Q BECAUSE YOU TRUST YOUR MOM?

9 A YES.

10 Q WHEN YOU WERE COMING HERE, DID YOU REMEMBER
11 STUFF ABOUT JEREMIAH?

12 A YES.

13 Q DID YOU TALK TO ANYBODY ELSE ABOUT WHAT JEREMIAH
14 DID TO YOU WHEN YOU LIVED IN FLORIDA?

15 A NO.

16 Q DID YOU TALK TO YOUR GRANDPARENTS ABOUT IT?

17 A NO.

18 Q DID YOU LIVE WITH YOUR GRANDPARENTS AT ONE
19 POINT?

20 A YES.

21 Q WHEN WAS THAT?

22 A WHEN I WAS ONE AND TWO AND THREE AND FOUR.

23 Q AND THREE AND FOUR?

24 A YES.

25 Q DID YOU TALK TO ANY COUNSELOR ABOUT WHAT

Minor.

-- CROSS BY MS. EHRLICH

235

1 JEREMIAH DID TO YOU?

2 A (NO RESPONSE).

3 Q DO YOU KNOW WHAT A COUNSELOR IS?

4 A NO.

5 Q DID YOU -- A COUNSELOR WOULD BE SOMEBODY THAT
6 YOU COULD TALK TO ABOUT YOUR PROBLEMS. DO YOU HAVE A
7 COUNSELOR?

8 A YES.

9 Q HAVE YOU TALKED TO YOUR COUNSELOR ABOUT
10 JEREMIAH?

11 A YES.

12 Q DID YOU TALK TO YOUR COUNSELOR BEFORE YOU CAME
13 HERE?

14 A NO.

15 Q NO. WHEN IS THE LAST TIME YOU TALKED TO YOUR
16 COUNSELOR?

17 A I DON'T REMEMBER.

18 Q YOU DON'T REMEMBER?

19 A (NODDED NEGATIVELY).

20 Q THAT'S OKAY. YOU SAID THAT YOU HAVE A
21 STEPFATHER?

22 A YES.

23 Q WHO'S YOUR FATHER?

24 A (NO RESPONSE).

25 Q DO YOU TALK TO YOUR FATHER?

Minor

-- CROSS BY MS. EHRLICH

236

1 A SOMETIMES.

2 Q SOMETIMES. WHERE DOES HE LIVE?

3 A HE LIVES RIGHT NEXT TO THE PARK. I DON'T
4 REMEMBER WHAT STREET HE LIVES ON.

5 Q IS IT IN FLORIDA?

6 A YES.

7 Q DID YOU TALK TO YOUR FATHER AT ALL ABOUT
8 JEREMIAH?

9 A NO.

10 Q DID YOU TALK TO MS. LASH ABOUT JEREMIAH?

11 A YES.

12 Q DID YOU ALL TALK ABOUT WHAT COURT WOULD BE LIKE?

13 A YES.

14 Q DID YOU PRACTICE ANSWERING QUESTIONS?

15 A YES.

16 Q DID YOU WATCH THE MOVIE THAT YOU MADE IN
17 FLORIDA? DO YOU REMEMBER MAKING A MOVIE?

18 A YES.

19 Q DID YOU WATCH THE MOVIE?

20 A HALF OF IT.

21 Q HALF OF IT?

22 A YES.

23 Q YOU DIDN'T WATCH THE WHOLE THING?

24 A NO.

25 Q AND WHEN YOU MADE THAT MOVIE, YOU PROMISED TO

- 1 TELL THE TRUTH?
- 2 A YES.
- 3 Q JUST LIKE YOU DID YESTERDAY WHEN YOU WERE HERE,
- 4 RIGHT?
- 5 A YES.
- 6 Q AND WHEN YOU WERE PRACTICING QUESTIONS WITH MS.
- 7 LASH, DID THAT HELP YOU REMEMBER STUFF THAT WAS IMPORTANT?
- 8 A YES.
- 9 Q OKAY. NOW, I WANT TO GO BACK TO IN SEPTEMBER OF
- 10 2008 WHEN JEREMIAH WAS FIRST ARRESTED. OKAY?
- 11 A OKAY.
- 12 Q DO YOU REMEMBER WHO THE FIRST PERSON WAS THAT
- 13 YOU TOLD ABOUT JEREMIAH?
- 14 A YES.
- 15 Q WHO WAS IT?
- 16 A MY MOM.
- 17 Q YOU TOLD YOUR MOM FIRST?
- 18 A YES.
- 19 Q WHEN DID YOU TELL MOMMIE?
- 20 A WELL, IT WAS WHEN -- WHEN WE WAS LIVING WITH
- 21 MOM'S FRIEND, PAM.
- 22 Q WHEN YOU WERE LIVING WITH YOUR MOM'S FRIEND,
- 23 PAM?
- 24 A YES.
- 25 Q DO YOU REMEMBER TALKING TO A LADY AT YOUR

Minor

-- CROSS BY MS. EHRLICH

238

- 1 SCHOOL?
- 2 A YES.
- 3 Q DID YOU TALK TO THAT LADY ABOUT JEREMIAH?
- 4 A YES.
- 5 Q BEFORE YOU TOLD YOUR MOMMIE OR AFTER YOU TOLD
- 6 YOUR MOM?
- 7 A AFTER.
- 8 Q SO, YOU TOLD YOUR MOMMIE FIRST?
- 9 A YES.
- 10 Q THEN YOU TOLD THE LADY AT THE SCHOOL?
- 11 A (PAUSE). YES.
- 12 Q DID YOU TALK TO ANYBODY ELSE AFTER THE LADY AT
- 13 THE SCHOOL?
- 14 A YES.
- 15 Q WHO DID YOU TALK TO ABOUT IT NEXT?
- 16 A PAM.
- 17 Q PAM?
- 18 A UH-HUH.
- 19 Q WHO IS PAM AGAIN?
- 20 A PAM IS MY MOM'S FRIEND.
- 21 Q SO, YOU TOLD -- TALKED TO YOUR MOM'S FRIEND
- 22 ABOUT JEREMIAH AFTER THE LADY AT THE SCHOOL?
- 23 A YES.
- 24 Q WHAT ABOUT THE POLICE?
- 25 A SHE WAS TO COME -- INTO MY SCHOOL.

Minor

-- CROSS BY MS. EHRLICH

239

1 Q SO THE POLICE WERE -- YOU TOLD THE POLICE AT
2 SAME TIME AT YOUR SCHOOL?

3 A YES.

4 Q BUT YOUR MOMMIE KNEW BEFORE EVERYBODY ELSE?

5 A YES.

6 Q DO YOU REMEMBER GOING TO SEE A DOCTOR?

7 A YES.

8 Q AND THAT WAS AFTER THE POLICE, RIGHT?

9 A I DON'T REMEMBER.

10 Q YOU DON'T REMEMBER. WHEN YOU TALKED TO THE
11 DOCTOR, DID YOU -- DID SHE -- DID YOU TALK ABOUT JEREMIAH?

12 A NO.

13 Q NO. SHE JUST DID AN EXAMINATION?

14 A YES.

15 Q AND YOU DIDN'T TALK ABOUT JEREMIAH AT ALL WITH
16 HER?

17 A NO.

18 Q AFTER ALL OF THAT, THAT'S WHEN YOU MOVED TO
19 FLORIDA?

20 A YES.

21 Q OKAY. AND WHEN YOU MOVED TO FLORIDA, YOU SAW
22 THE COUNSELOR?

23 A YES.

24 Q AND THAT'S THE LADY THAT YOU MADE THE MOVIE
25 WITH?

Minor

-- CROSS BY MS. EHRLICH

240

- 1 A NO.
- 2 Q WHO'S THE LADY YOU MADE THE MOVIE WITH?
- 3 A (NO RESPONSE).
- 4 Q IT'S OKAY IF YOU DON'T REMEMBER HER NAME.
- 5 A I DON'T REMEMBER.
- 6 Q OKAY. WHEN YOU -- DO YOU REMEMBER MAKING A
- 7 MOVIE THEN?
- 8 A YES.
- 9 Q DO YOU REMEMBER WHEN THAT WAS?
- 10 A NO.
- 11 Q OKAY. WAS IT RIGHT AWAY WHEN YOU MOVED TO
- 12 FLORIDA OR WAS IT LATER?
- 13 A I DON'T REMEMBER.
- 14 Q DO YOU REMEMBER -- YOU SAID YOU DO REMEMBER
- 15 TALKING WITH THE LADY THAT MADE THE MOVIE?
- 16 A YES.
- 17 Q AND DID YOU TALK ABOUT JEREMIAH THEN?
- 18 A YES.
- 19 Q BEFORE YOU WENT TO TALK TO THAT LADY, DID YOU
- 20 KNOW YOU WERE GOING THERE TO TALK ABOUT JEREMIAH?
- 21 A NO.
- 22 Q NO. DID YOUR MOM TELL YOU WHERE YOU WERE GOING?
- 23 A YES.
- 24 Q WHAT DID SHE SAY?
- 25 A SHE SAID WE ARE GOING TO A PLACE AND SOMEONE WAS

Minor

-- CROSS BY MS. EHRLICH

241

1 GOING TO TALK TO ME ABOUT WHAT HAPPENED. AND I SAID,
2 OKAY. AND -- AND THEN SHE -- THEN SHE SAID, IT'S ALL
3 RIGHT. DON'T GET WORRIED BECAUSE IT'S A NICE LADY.
4 BECAUSE I DON'T REALLY LIKE TALKING ABOUT IT.

5 Q YOU DON'T LIKE TALKING ABOUT IT?

6 A NO.

7 Q I CAN UNDERSTAND THAT. WHEN -- HAD YOU EVER
8 SEEN THAT LADY BEFORE?

9 A YES.

10 Q WHEN DID YOU SEE THAT LADY BEFORE?

11 A I DON'T REMEMBER.

12 Q BUT YOU HAD TALKED TO THAT LADY AND KIND OF KNEW
13 WHAT QUESTIONS WOULD BE ASKED?

14 A YES.

15 Q BEFORE YOU WENT TO SEE THE LADY IN FLORIDA, DID
16 YOUR MOM ASK YOU ANY QUESTIONS ABOUT WHAT HAPPENED WITH
17 JEREMIAH?

18 A YES.

19 Q OKAY. DO YOU REMEMBER WHAT KIND OF STUFF SHE
20 ASKED YOU?

21 A NO.

22 Q DID YOU PRACTICE ANSWERING QUESTIONS WITH
23 MOMMIE?

24 A NO.

25 Q YOU'RE FROM FLORIDA, THAT'S WHERE YOU WERE BORN?

Minor

-- CROSS BY MS. EHRLICH

242

- 1 A YES.
- 2 Q AND DO YOU REMEMBER MOVING TO CHARLESTON?
- 3 A YES.
- 4 Q AND DO YOU REMEMBER -- YOU REMEMBER THE GREEN
- 5 HOUSE?
- 6 A YES.
- 7 Q AND WHEN YOU LIVED IN CHARLESTON, DID YOU SHARE
- 8 A ROOM WITH YOUR SISTER, Sister 2 ?
- 9 A YES.
- 10 Q AND YOU WERE GOING TO SCHOOL?
- 11 A YES.
- 12 Q AT A.C. COCKRAN?
- 13 A YEAH.
- 14 Q AND DO YOU REMEMBER THE SUMMER BEFORE JEREMIAH
- 15 GOT ARRESTED?
- 16 A NO.
- 17 Q WHERE DID YOU LIVE?
- 18 A IN FLORIDA.
- 19 Q YOU LIVED IN FLORIDA?
- 20 A YES.
- 21 Q WHEN WAS THAT?
- 22 A AFTER HE GOT -- AFTER HE GOT --
- 23 Q ARRESTED?
- 24 A YES.
- 25 Q DID YOU GO TO FLORIDA TO VISIT YOUR GRANDPARENTS

1 DURING THE SUMMER?

2 A NO.

3 Q DID YOUR MOM AND JEREMIAH DRIVE YOU DOWN TO

4 FLORIDA EVER?

5 A NO.

6 Q WAS JEREMIAH EVER AT YOUR HOUSE IN FLORIDA?

7 A YES.

8 Q WHEN WAS THAT?

9 A I DON'T REMEMBER.

10 Q YOU DON'T REMEMBER. THAT'S OKAY. WAS THE ONLY

11 TIME THAT YOU LIVED WITH JEREMIAH IN THE GREEN HOUSE?

12 A YES.

13 Q AND THAT'S WHEN YOU SHARED A ROOM WITH Sister 2

14 A YES.

15 Q AND Sister 2 IS YOUR SISTER?

16 A RIGHT.

17 Q WHILE JEREMIAH LIVED IN THE HOUSE, DID HE HELP

18 TAKE CARE OF YOU?

19 A YEAH.

20 Q DID HE EVER DISCIPLINE YOU?

21 A (NO RESPONSE).

22 Q DO YOU KNOW WHAT DISCIPLINE MEANS?

23 A NO.

24 Q OKAY. IF I SAY A -- IF A SAY A WORD THAT YOU

25 DON'T UNDERSTAND, YOU CAN JUST TELL ME AND I'LL EXPLAIN IT

Minor

-- CROSS BY MS. EHRLICH

244

1 TO YOU. OKAY?

2 A OKAY.

3 Q IF YOU DID SOMETHING WRONG IN YOUR HOUSE, WOULD
4 JEREMIAH EVER GIVE YOU A PUNISHMENT?

5 A NO.

6 Q DID HE EVER SPANK YOU?

7 A YES.

8 Q HE DID SPANK YOU?

9 A YES. WITH A BELT.

10 Q WITH A BELT. DID HE EVER HIT YOU WITH HIS HAND?

11 A NO.

12 Q DID HE EVER HIT YOU WITH A TOY?

13 A NO.

14 Q WHAT ABOUT A BATON?

15 A YES.

16 Q HE DID?

17 A (NODDED AFFIRMATIVELY).

18 Q DID YOU LIKE JEREMIAH LIVING IN THE HOUSE?

19 A NO.

20 Q DID HE PAY ATTENTION TO YOU?

21 A NO.

22 Q DID HE PAY ATTENTION TO Sister 2

23 A NO.

24 Q DID HE PAY ATTENTION TO Sister 1 ?

25 A NO.

Minor

-- CROSS BY MS. EHRLICH

245

1 Q IS Sister 1 YOUR LITTLE SISTER?

2 A YES.

3 Q DO YOU REMEMBER WHEN Sister 2 BROKE HER -- BROKE A
4 BONE?

5 A YES.

6 Q AND DO YOU REMEMBER JEREMIAH SAYING THAT YOU DID
7 IT?

8 A NO.

9 Q DID YOU GO WITH YOUR MOM WHEN Sister 2 WENT TO THE
10 HOSPITAL?

11 A NO.

12 Q NO. SO, YOU DON'T KNOW WHAT YOUR MOM TOLD THE
13 HOSPITAL ABOUT HER ARM?

14 A NO. BUT SHE TOLD ME.

15 Q WHAT DID SHE TELL YOU?

16 A SHE SAID, WELL, SHE CAN'T PLAY AROUND ANYMORE
17 FOR A LITTLE WHILE. AND BECAUSE SHE -- SHE WAS BROKEN --
18 HAD A BROKEN COLLAR BONE LIKE -- LIKE RIGHT HERE.

19 Q UH-HUH.

20 A AND -- AND I WAS CRYING BECAUSE I WAS AFRAID.

21 Q WHY WERE YOU AFRAID?

22 A (NO RESPONSE).

23 Q YOU DON'T HAVE TO ANSWER THAT QUESTION IF YOU
24 DON'T WANT TO. DO YOU WANT ME TO TAKE THAT QUESTION BACK?

25 A YES.

Minor

-- CROSS BY MS. EHRLICH

246

1 Q I'LL TAKE IT BACK. I'M JUST GOING TO ASK YOU A
2 COUPLE OF QUESTIONS ABOUT WHAT JEREMIAH DID TO YOU, BUT I
3 WON'T ASK YOU ANY DETAILS. OKAY?

4 A OKAY.

5 Q DO YOU REMEMBER ANSWERING MS. LASH'S QUESTIONS
6 YESTERDAY?

7 A YES.

8 Q THE STUFF THAT YOU TOLD US YESTERDAY, DID THAT
9 ONLY HAPPEN AT NIGHT?

10 A YES.

11 Q DO YOU REMEMBER WHEN?

12 A YES.

13 Q DO YOU REMEMBER THE MONTH?

14 A NO.

15 Q DID IT HAPPEN WHEN YOUR MOMMIE WAS WORKING AT
16 DENNY'S?

17 A YES.

18 Q OKAY. LET ME ASK YOU A COUPLE OF MORE QUESTIONS
19 AND THEN I'M GOING TO BE DONE ASKING YOU QUESTIONS. OKAY?

20 A OKAY.

21 Q WHEN YOU HURT YOURSELF, DO YOU TELL SOMEBODY?

22 A YES.

23 Q SO, LIKE, IF YOU FELL RIGHT NOW AND HURT
24 YOURSELF, WHO WOULD YOU TELL?

25 A A GROWN UP.

Minor

-- CROSS BY MS. EHRLICH

247

- 1 Q A GROWN UP. WOULD YOU TELL YOUR MOM?
- 2 A YES.
- 3 Q IF YOUR SISTER HIT YOU, WOULD YOU TELL ON HER?
- 4 A YES.
- 5 Q IF YOUR EAR HURT, WOULD YOU TELL SOMEBODY?
- 6 A YES.
- 7 Q WHY?
- 8 A BECAUSE IT'S PAINFUL.
- 9 Q IT'S NOT FUN WHEN SOMETHING HURTS, IS IT?
- 10 A NO.
- 11 Q AND YOU TOLD US THAT JEREMIAH HURT YOU BEFORE?
- 12 A YES.
- 13 Q YOU DIDN'T TELL ANYBODY THAT, DID YOU?
- 14 A YES.
- 15 Q WHO DID YOU TELL?
- 16 A MY MOMMIE.
- 17 Q WHEN DID YOU TELL MOMMIE?
- 18 A I DON'T REMEMBER.
- 19 Q DID MOMMIE DO ANYTHING?
- 20 A NO.
- 21 Q NO? DID YOU TELL ANYONE ELSE?
- 22 A NO.
- 23 Q DID YOU TELL ANYBODY THAT YOUR PRIVATE SPOT
- 24 HURT?
- 25 A YES.

Minor

-- CROSS BY MS. EHRLICH

248

1 Q WHO?

2 A MY MOMMIE.

3 Q DID SHE TAKE YOU TO THE DOCTOR?

4 A YES.

5 Q SHE DID. OKAY. I THINK I ALREADY KNOW THE
6 ANSWER TO THIS QUESTION, BUT DO YOU LOVE YOUR MOMMIE?

7 A YES.

8 Q DO YOU DO WHAT SHE TELLS YOU TO DO?

9 A YES.

10 Q AND YOU DON'T WANT HER TO GET INTO ANY TROUBLE,
11 DO YOU?

12 A NO.

13 Q I'LL BE RIGHT BACK. OKAY?

14 A OKAY.

15 Q (PAUSE). I'M NOT GOING TO ASK YOU ANY MORE
16 QUESTIONS RIGHT NOW, BUT MS. LASH MIGHT HAVE MORE
17 QUESTIONS FOR YOU. OKAY?

18 A OKAY.

19 THE COURT: ANY REDIRECT?

20 MS. HERRING-LASH: YES, YOUR HONOR.

21 REDIRECT EXAMINATION BY MS. HERRING-LASH:

22 Q JUST A FEW MORE QUESTIONS, Minor WHEN YOU
23 WERE LIVING IN THE GREEN HOUSE, YOU SAID YOU SHARED A ROOM
24 WITH Sister 2 IS THAT RIGHT?

25 A YES.

Minor

-- REDIRECT BY MS. HERRING-LASH

249

- 1 Q DO YOU KNOW HOW OLD Sister 2 WAS THEN?
- 2 A YES.
- 3 Q HOW OLD WAS SHE THEN?
- 4 A THREE.
- 5 Q SO, SHE WAS THREE?
- 6 A YES.
- 7 Q AND SHE GOT HURT?
- 8 A YES.
- 9 Q DID YOU SEE HER GET HURT?
- 10 A YES.
- 11 Q WHAT DID YOU SEE?
- 12 A I SAW JEREMIAH WAS HOLDING ON HER LEGS, PICKING
- 13 HER UP AND BANGING -- BANGING HER ON THE -- ON THE COUCH.
- 14 Q AND IS THAT WHEN HER SHOULDER GOT HURT?
- 15 A YES.
- 16 Q AND YOU SAID THAT JEREMIAH HIT YOU WITH WHAT?
- 17 A A BATON.
- 18 Q AND WHAT ELSE?
- 19 A A BELT.
- 20 Q WERE YOU AFRAID OF HIM?
- 21 A YES.
- 22 Q AND MS. EHRLICH ASKED YOU WHY YOU DIDN'T LIKE
- 23 JEREMIAH BEING IN THE HOUSE, WHY DIDN'T YOU LIKE HIM IN
- 24 THE HOUSE?
- 25 A BECAUSE HE'S MEAN.

Minor

-- REDIRECT BY MS. HERRING-LASH

250

1 Q WHAT ELSE DID HE DO MEAN?

2 A HE DOESN'T PAY ATTENTION TO US.

3 Q DID HE DO ANY THINGS THAT WERE MEAN?

4 A NO.

5 Q DO YOU THINK THE THINGS THAT HE DID TO YOUR
6 PRIVATE, WERE THEY MEAN OR NOT MEAN?

7 A MEAN.

8 Q AND DID HE DO THINGS THAT WERE MEAN TO YOUR
9 PRIVATE?

10 A YES.

11 Q DO YOU KNOW WHAT -- ALL OF THE DIFFERENT PLACES
12 WHERE YOUR MOMMIE WORKED WHEN Y'ALL LIVED HERE?

13 A I KNOW ONE OF THEM.

14 Q WHAT IS THAT?

15 A DENNY'S.

16 Q DO YOU KNOW ANY OF THE OTHERS?

17 A NO.

18 Q I KNOW IT'S HARD FOR YOU TO ANSWER WHEN
19 QUESTIONS, SO I'LL TRY TO ASK THEM IN A DIFFERENT WAY.
20 BUT YOU TALKED ABOUT TELLING YOUR MOTHER, IS THAT RIGHT?

21 A YES.

22 Q AND WHEN YOU TOLD HER, SHE DIDN'T DO ANYTHING?

23 A NO.

24 Q DID SHE BELIEVE YOU?

25 A YES.

Minor

-- REDIRECT BY MS. HERRING-LASH

251

1 Q AND WHY DIDN'T SHE DO ANYTHING?

2 A SHE JUST -- TO CALM DOWN. AND THEN -- THEN PAM
3 SAID, WHAT'S GOING ON. AND I TOLD HER TOO.

4 Q NOW WHAT?

5 A PAM WAS -- WHEN PAM AND -- SHE SAID, WHAT'S
6 GOING ON, AND I TOLD HER WHAT'S GOING ON AND THEN -- THEN
7 WE -- WE CALLED THE POLICE.

8 Q SO, THE TIME YOU TOLD YOUR MOM, WAS THAT THE
9 TIME AT PAM'S HOUSE?

10 A YES.

11 Q IS THAT THE SAME DAY THE POLICE CAME?

12 A YES.

13 Q AND SO DO YOU REMEMBER IF THAT WAS THE SAME --
14 IF THAT WAS BEFORE THAT, YOU HAD BEEN AT THE SCHOOL
15 TALKING TO THE POLICE LADY?

16 A YES.

17 Q SO, YOU TALKED AT THE SCHOOL?

18 A YES.

19 Q AND WHERE DID Y'ALL GO WHEN YOU LEFT THE SCHOOL?

20 A HOME.

21 Q AND WHEN YOU GOT HOME, DID THE POLICE COME TO
22 YOUR HOME?

23 A YES.

24 Q AND DID THEY TAKE JEREMIAH?

25 A YES.

Minor

-- REDIRECT BY MS. HERRING-LASH

252

1 Q AND IS THAT WHEN YOU TOLD YOUR MOM AND PAM?

2 A YES.

3 Q NOW, I'M NOT -- I'M NOT SURE BECAUSE I DON'T
4 KNOW -- BUT A WHILE AGO YOU SAID YOU TOLD YOUR MOM FIRST.

5 A YES. I TOLD MY MOM AND THEN SHE DIDN'T BELIEVE
6 ME. AND THEN I HAD TO EXPLAIN IT TO HER.

7 Q SHE DIDN'T BELIEVE YOU WHEN YOU FIRST TOLD HER?

8 A NO.

9 Q AND DID SHE SEE IT AND THEN STILL NOT BELIEVE
10 IT, WHAT HAD HAPPENED?

11 A YES.

12 Q AND SHE STILL DIDN'T BELIEVE IT?

13 A SHE BELIEVES IT NOW.

14 Q SHE BELIEVES IT NOW?

15 A YES.

16 Q DID SHE BELIEVE IT AFTER YOU TOLD THE LADY AT
17 THE SCHOOL?

18 A YES.

19 Q BUT SHE DIDN'T BELIEVE IT WHEN IT WAS JUST YOU
20 TALKING TO HER AND WHEN -- WHEN SHE SAW IT?

21 A YES.

22 Q DO YOU REMEMBER GOING TO TALK TO THE LADY IN
23 FLORIDA THAT MADE THE MOVIE OF YOU TALKING?

24 A YES.

25 Q AND DID YOU TALK TO HER ABOUT THE STUFF THAT

Minor

-- REDIRECT BY MS. HERRING-LASH

253

1 JEREMIAH DID?

2 A YES.

3 Q AND WHEN YOU TALKED TO HER, YOU TOLD HER THAT
4 JEREMIAH PUT HIS PRIVATE IN YOUR PRIVATE, DIDN'T YOU?

5 A I DON'T REMEMBER.

6 Q DO YOU REMEMBER TALKING TO HER ABOUT THAT?

7 A NO.

8 Q DO YOU REMEMBER WATCHING THE MOVIE?

9 A YES.

10 Q DO YOU REMEMBER TELLING -- DO YOU REMEMBER THE
11 MOVIE THAT YOU TOLD HER THAT?

12 A NO.

13 MS. HERRING-LASH: THE COURT'S INDULGENCE, YOUR
14 HONOR. (PAUSE). THAT'S ALL THE QUESTIONS I HAVE, Minor

15 THE COURT: OKAY. ANY RECROSS?

16 MS. EHRLICH: THE COURT'S INDULGENCE. (PAUSE).
17 JUDGE, I DON'T HAVE ANY OTHER QUESTIONS.

18 THE COURT: OKAY. THANK YOU VERY MUCH. Minor
19 YOU MAY STEP DOWN. THANK YOU VERY MUCH. BE CAREFUL
20 STEPPING DOWN.

21 (WITNESS STEPPED DOWN).

22 THE COURT: CALL YOUR NEXT WITNESS PLEASE.

23 MS. HERRING-LASH: THE STATE WOULD CALL DEBBERA
24 DAVISON.

25 (WITNESS FORWARD).

Minor

-- REDIRECT BY MS. HERRING-LASH

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1 **THE CLERK:** IF YOU WOULD, PLEASE PLACE YOUR LEFT
2 HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

3 DEBBERA DAVISON, HAVING BEEN
4 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 **THE CLERK:** MA'AM, FOR THE RECORD, PLEASE STATE
6 YOUR FULL NAME TO THE COURT AND SPELL IT AS WELL.

7 **THE WITNESS:** DEBBERA DAVISON -- D-E-B-B-E-R-A
8 D-A-V-I-S-O-N.

9 DIRECT EXAMINATION BY MS. HERRING-LASH:

10 **Q** AND, DEBBERA, WHERE DO YOU LIVE NOW?

11 **A** VERO BEACH, FLORIDA.

12 **Q** AND HOW LONG HAVE YOU BEEN THERE?

13 **A** I HAVE BEEN BACK THERE FOR ALMOST A YEAR AND A
14 HALF.

15 **Q** DID YOU LIVE THERE IN THE PAST?

16 **A** I HAVE.

17 **Q** WHEN DID YOU MOVE TO CHARLESTON?

18 **A** JUNE 2, 2007.

19 **Q** AND WHEN YOU FIRST MOVED TO CHARLESTON, WHERE
20 DID YOU LIVE?

21 **A** WHEN I FIRST MOVED, I LIVED IN WEST ASHLEY.

22 **Q** AND WHO DID YOU LIVE WITH?

23 **A** MY MOTHER.

24 **Q** AND DID Y'ALL MOVE FROM WEST ASHLEY?

25 **A** WE DID. WE MOVED TO NORTH CHARLESTON OFF OF

1 DRIVE.

2 Q AND DO YOU KNOW WHEN YOU MOVED THERE?

3 A IT WAS IN THE MIDDLE OF FEBRUARY OF 2008.

4 Q AND WHO ALL LIVED WITH YOU THERE IN THE
5 BEGINNING?

6 A IN THE BEGINNING, IT WAS ME, MY MOTHER AND MY
7 THREE CHILDREN, Minor Sister 2 AND Sister 1 .

8 Q WAS Sister 1 BORN WHILE YOU WERE AT THAT HOUSE?

9 A NO. SHE WAS BORN WHEN WE WERE LIVING IN WEST
10 ASHLEY.

11 Q WHEN -- WHEN IS HER BIRTHDAY?

12 A

13 Q SO, SHE HAD JUST -- HADN'T BEEN BORN LONG --

14 A RIGHT.

15 Q -- WHEN YOU MOVED TO ? HOW LONG DID YOUR
16 MOM STAY THERE?

17 A SHE STAYED THERE UP UNTIL ABOUT THE FIRST WEEK
18 OF JUNE AND THEN SHE MOVED BACK TO FLORIDA.

19 Q AND WHEN YOU LIVED ON DRIVE, WHERE WERE
20 YOU WORKING?

21 A SHONEYS ON RIVERS AVENUE.

22 Q AND DID YOU MEET JEREMIAH TURNER?

23 A YES, I DID.

24 Q AND WHERE DID YOU MEET HIM?

25 A AT THE SHONEYS ON SAVANNAH HIGHWAY.

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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- 1 Q SO, WAS HE WORKING WITH YOU AS A CO-WORKER?
2 A WE WERE UNTIL I GOT TRANSFERRED.
3 Q AND AT SOME POINT, DID HE COME TO LIVE WITH YOU?
4 A YES, HE DID. WHEN MY MOTHER MOVED OUT, HE MOVED
5 IN.
6 Q AND THAT WOULD HAVE BEEN IN JUNE?
7 A YES.
8 Q BEFORE THAT, HAD YOU AND MR. TURNER BEEN
9 FRIENDS?
10 A YES.
11 Q HAD HE EVER VISITED YOUR HOME BEFORE HE ACTUALLY
12 MOVED IN?
13 A YES.
14 Q SO, HE MOVED IN FOR GOOD, I GUESS, IN JUNE OF
15 '07?
16 A YES.
17 Q AND DID HE STILL HAVE A JOB WHEN HE MOVED IN?
18 A HE DID IN THE BEGINNING.
19 Q AND DID HE EVENTUALLY LOSE HIS JOB?
20 A YES.
21 Q DO YOU KNOW WHEN?
22 A I DON'T RECALL, BUT IT WASN'T VERY LONG AFTER HE
23 MOVED IN.
24 Q AND AFTER HE LOST HIS JOB, DID HE GET ANOTHER
25 JOB?

1 A NO.

2 Q DID YOU LEAVE HIM TO TAKE CARE OF YOUR CHILDREN?

3 A I DID.

4 Q AND YOU -- DID YOU CONTINUE TO WORK AT SHONEYS
5 OR DID YOU GET ANOTHER JOB?

6 A I GOT ANOTHER JOB. I LEFT SHONEYS AND WAS OUT
7 OF WORK FOR A FEW MONTHS.

8 Q AND WHERE DID YOU WORK?

9 A I BEGAN WORKING AT ONCE UPON A CHILD.

10 Q AND WHAT IS THAT?

11 A THAT IS A CHILDREN'S CONSIGNMENT SHOP.

12 Q AND WHAT HOURS DID YOU WORK AT ONCE UPON A
13 CHILD?

14 A IT VARIED. SOMETIMES I WORKED DURING THE DAY
15 AND SOMETIMES I'D WORK UNTIL 9:00 AT NIGHT.

16 Q AND WHILE YOU WERE WORKING AT ONCE UPON A CHILD,
17 WHO WATCHED YOUR CHILDREN?

18 A JEREMIAH.

19 Q IF YOU HAD TO RUN ERRANDS OR GO TO THE GROCERY
20 STORE, OR ANYTHING LIKE THAT, WHO WOULD WATCH YOUR
21 CHILDREN?

22 A JEREMIAH WOULD.

23 Q DID HE EVER GET ANOTHER JOB THE WHOLE TIME YOU
24 WERE THERE WITH HIM?

25 A NO, MA'AM.

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 Q NOW, DID YOU EVENTUALLY GET ANOTHER JOB ALONG
2 WITH ONCE UPON A CHILD?

3 A I DID.

4 Q SO, AT THIS POINT -- THAT POINT, YOU WERE
5 WORKING TWO JOBS?

6 A YES, MA'AM.

7 Q AND WHERE WAS THAT SECOND JOB?

8 A DENNY'S WORKING GRAVEYARD.

9 Q WHAT DOES "GRAVEYARD" MEAN?

10 A IT MEANS WORKING AFTER 11:00 AT NIGHT UNTIL THE
11 WEE HOURS OF THE MORNING, 6:00 A.M. SOMETIMES.

12 Q AND SO YOU WORKED THERE AND AT ONCE UPON A
13 CHILD?

14 A I DID.

15 MS. HERRING-LASH: MAY I APPROACH?

16 THE COURT: YES, MA'AM.

17 (PAUSE.)

18 THE COURT: THANK YOU, MA'AM. PLEASE PROCEED.

19 BY MS. HERRING-LASH:

20 Q MS. DAVISON, I'M GOING TO BE SHOWING YOU WHAT
21 HAS BEEN MARKED AS STATE'S EXHIBIT NO. 4. CAN YOU
22 INTERPRET WHAT THAT IS?

23 A THAT LOOKS LIKE MY CLOCK-IN SHEET FROM WHEN I
24 WAS WORKING THE GRAVEYARD SHIFT AT DENNY'S.

25 MS. HERRING-LASH: YOUR HONOR, AT THIS TIME, WE

1 WOULD OFFER STATE'S EXHIBIT NO. 4 INTO EVIDENCE, I THINK,
2 WITHOUT OBJECTION.

3 MR. GRIMES: NO OBJECTION, YOUR HONOR.

4 (STATE'S EXHIBIT NO. 4 RECEIVED INTO EVIDENCE.)

5 BY MS. HERRING-LASH:

6 Q AND YOU STARTED WORKING THERE ON WHAT DATE?

7 A 8/21/2008.

8 Q AND WHAT WERE YOUR HOURS THAT DAY?

9 A 22:15 CLOCKED-IN UNTIL 3:53 A.M. CLOCK OUT.

10 Q AND WHEN IS THE NEXT DAY YOU WORKED?

11 A 8/22/2008 AT 21:51 P.M. CLOCK IN, UNTIL THE NEXT
12 DAY, 4:00 A.M. CLOCK OUT.

13 Q AND THE NEXT DAY?

14 A 8/23/2008, 21:00 P.M. CLOCK IN, 'TIL 8/24/2008
15 AT 5:00 P.M. -- 5:00 A.M. CLOCKED OUT.

16 Q OKAY.

17 A AND 8/24/2008 AROUND 22:00 HOURS AND -- CLOCKED
18 IN. 8/25 THE NEXT DAY AT 2:00 -- 8:00 IN THE MORNING
19 CLOCKED OUT. AND THEN THE FOLLOWING WEEK 8/29/2008 ABOUT
20 22:00 HOURS CLOCKED IN, UNTIL THE NEXT DAY AT 5:06 A.M.
21 CLOCKED OUT.

22 8/31/2008, 22:00 HOURS CLOCKED IN, UNTIL THE NEXT
23 DAY 4:00 A.M. CLOCKED OUT. AND THEN A FEW DAYS LATER
24 9/3/2008 22:00 HOURS CLOCKED IN UNTIL THE NEXT DAY AT 6:00
25 IN THE MORNING, CLOCKED OUT.

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 AND 9/4/2008, 22:00 HOURS CLOCKED IN, UNTIL THE
2 NEXT DAY AT 4:30 IN THE MORNING, CLOCKED OUT.

3 AND THEN ON 9/6/2008 AT 22:00 HOURS, CLOCKED IN,
4 UNTIL THE NEXT DAY AT 5:00 IN THE MORNING.

5 Q AND AT SOME -- SOME TIME AROUND 9/6 OR 9/7 -- I
6 MEAN SEPTEMBER 6TH OR SEPTEMBER 7TH, IS THAT WHEN YOU AND
7 MR. TURNER AND YOUR CHILDREN LEFT DRIVE AND MOVED
8 IN WITH PAMELA JONES?

9 A YES, MA'AM.

10 Q AFTER YOU ALL MOVED IN WITH PAMELA JONES, WOULD
11 SHE BE THERE?

12 A THE MAJORITY OF THE TIME, YES.

13 Q SO, IS THAT WHEN MR. TURNER CEASED BEING THE
14 REAL BABYSITTER FOR THE CHILDREN OR DID HE STILL BABYSIT?

15 A HE STILL DID QUITE A BIT.

16 Q DID MS. JONES WORK?

17 A NO, SHE DIDN'T. SHE WAS ON MATERNITY LEAVE.

18 Q NOW, LET'S CALL YOUR ATTENTION TO SEPTEMBER 8TH
19 OF 2008, DO YOU REMEMBER GETTING A CALL THAT DAY?

20 A I DID.

21 Q WHO CALLED YOU?

22 A IT WAS A DSS WORKER, CALLING ME FROM THE SCHOOL.
23 I BELIEVE IT WAS DELILAH, BUT I CAN'T REMEMBER.

24 Q NOW, PRIOR TO THAT DATE, SEPTEMBER 8TH, DID YOU
25 KNOW IF DSS HAD BEEN LOOKING FOR YOU OR HAD SOME KIND OF

1 COMPLAINT MADE AGAINST YOU?

2 A WELL, MONDAY WHILE I WAS AT WORK, SOMEONE CAME
3 BY AND DROPPED OFF A CARD. BUT WHEN I CALLED, I GOT NO
4 ANSWER. AND SO I NEVER DID FIND OUT WHAT IT WAS ABOUT.

5 Q DO YOU KNOW WHO -- WHO GAVE YOU THAT CARD?

6 A JEREMIAH DID.

7 Q HAD HE BEEN HOME WHEN THEY DROPPED IT BY?

8 A YES. I WAS AT WORK.

9 Q SO, PRIOR TO THE CALL THAT YOU GOT ON THE 8TH,
10 YOU DIDN'T KNOW ANYTHING ABOUT WHAT THE DSS WAS ABOUT?

11 A NO, MA'AM.

12 Q AND WHEN SHE CALLED YOU ON THE 8TH, WHAT WAS
13 THAT ABOUT?

14 A WELL, WHEN SHE CALLED ME, SHE TOLD ME SHE NEEDED
15 TO TALK TO ME AT THE SCHOOL, THAT IT WAS VERY IMPORTANT.
16 WHEN I GOT TO THE SCHOOL, SHE HAD TOLD ME THAT FIRST OFF,
17 THAT MY CHILD, Minor , HAD BEEN --

18 MR. GRIMES: OBJECTION, HEARSAY, YOUR HONOR.

19 BY MS. HERRING-LASH:

20 Q BUT -- JUST DON'T SAY WHAT SHE SAID, BUT DID SHE
21 TELL YOU WHAT SHE HAD FOUND OUT?

22 A YES.

23 Q AND WHAT DID YOU DO?

24 A WELL, I -- I BELIEVE I STARTED CRYING AND I WAS
25 REALLY UPSET. IT WAS KIND OF A BLOW.

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 Q WERE YOU ALLOWED TO TALK WITH Minor

2 A NO, I WASN'T.

3 Q DID ANOTHER -- DID A POLICE OFFICER SHOW UP?

4 A YES.

5 Q MORE THAN ONE?

6 A MORE THAN ONE.

7 Q DID THEY RESTRAIN YOU FROM BEING ABLE TO TALK TO

8 HER?

9 A THEY DIDN'T RESTRAIN ME. THEY JUST STAYED WITH

10 ME.

11 Q THEY DIDN'T ALLOW YOU TO TALK TO HER?

12 A EXACTLY.

13 Q DID A DETECTIVE GO IN THEN AND SPEAK WITH HER

14 ALSO?

15 A I BELIEVE SO.

16 Q AND WHEN THE DETECTIVE AND THE DSS WORKER

17 FINISHED TALKING TO Minor WHAT DID Y'ALL DO?

18 A WE WENT BACK TO THE HOUSE WHERE WE ALL LIVED, SO

19 THEY COULD TALK TO JEREMIAH.

20 Q DID YOU AND Minor DRIVE THERE?

21 A I BELIEVE SHE DID DRIVE WITH ME -- RIDE WITH ME.

22 Q DID THE POLICE OFFICER FOLLOW YOU?

23 A YES.

24 Q WHEN YOU GOT TO -- WELL, LET ME ASK YOU THIS:

25 DID YOU MAKE ANY PHONE CALLS ON THE WAY TO PAM'S HOUSE?

1 A I DID. I CALLED PAM TO MAKE SURE HE WOULDN'T GO
2 ANYWHERE.

3 Q AND WHEN YOU SAY "HE WOULDN'T GO ANYWHERE", WHO
4 ARE YOU TALKING ABOUT?

5 A JEREMIAH.

6 Q WHEN YOU HAD PAM ON THE PHONE, DID YOU TELL HER
7 WHAT YOU HAD FOUND OUT OR NOT?

8 A NO.

9 Q YOU JUST TOLD HER TO KEEP HIM THERE?

10 A YES.

11 Q WHEN YOU GOT TO PAM'S HOUSE, WHAT DID YOU DO?

12 A I WENT INSIDE AND I BROUGHT JEREMIAH OUTSIDE SO
13 I COULD TALK WITH HIM.

14 Q HOW DO YOU MEAN "BROUGHT"?

15 A I GRABBED BY THE ARM AND I DRAGGED HIM OUTSIDE
16 SO THAT HE WOULDN'T, LIKE, TRY TO RUN AWAY WHEN THE COPS
17 GOT THERE.

18 Q AND DID THE COPS GET THERE PRETTY QUICKLY?

19 A YES, THEY DID.

20 Q AND DID -- DID THEY LEAVE WITH JEREMIAH, SOME OF
21 THEM?

22 A YES, THEY DID.

23 Q DURING THAT TIME, WAS Minor TALKING TO YOU AND
24 PAM OR WHAT WAS SHE DOING?

25 A NO. SHE WAS BASICALLY KEEPING TO HERSELF ABOUT

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 EVERYTHING.

2 Q DID THE POLICE AND THE DEPARTMENT OF SOCIAL
3 SERVICES TALK WITH YOU ABOUT WHAT YOU NEEDED TO DO NEXT?

4 A YES.

5 Q AND DID THEY MAKE YOU SIGN WHAT'S CALLED A
6 SAFETY PLAN?

7 A YES, I DID.

8 Q AND WHAT DID THEY TELL YOU TO DO? WHAT ALL DID
9 THEY TELL YOU TO DO?

10 A I NEED TO TAKE THE CHILDREN TO GET CHECKED UP.
11 AND I NEEDED TO TAKE ONE OF MY CHILDREN TO THE HOSPITAL TO
12 GET CHECKED OUT FOR HER ARM. AND I KNOW I HAD TO TAKE A
13 DRUG TEST, BUT I DON'T THINK THAT WAS STATED RIGHT THEN.
14 IT'S KIND OF HARD TO REMEMBER EVERYTHING.

15 Q DID THEY SET UP A TIME FOR YOU TO TAKE THEM IN
16 TO HAVE WHAT WE CALL A FORENSIC INTERVIEW?

17 A YES, THEY DID.

18 Q AND DID YOU TAKE THE CHILDREN TO THE MEDICAL --
19 FOR THE MEDICAL ASSESSMENT?

20 A YES, I DID.

21 Q DO YOU REMEMBER WHEN?

22 A NO, BUT IT WASN'T -- JUST A COUPLE OF DAYS
23 AFTER.

24 Q AND DID YOU TAKE THEM TO HAVE THE FORENSIC
25 INTERVIEW DONE?

1 A I BELIEVE SO.

2 Q HERE IN CHARLESTON?

3 A HERE IN CHARLESTON ON MEETING STREET. I CAN'T
4 EXACTLY REMEMBER WHERE IT WAS AT.

5 Q BUT DID YOU LEAVE CHARLESTON?

6 A I DID.

7 Q AND WHEN YOU LEFT CHARLESTON, DID YOU TALK TO
8 THE PEOPLE IN FLORIDA RIGHT AWAY?

9 A I DID. ONCE MY DAUGHTER WAS ENROLLED IN SCHOOL,
10 I TOOK CARE OF EVERYTHING ELSE.

11 Q NOW, THE INTERVIEW THAT WAS DONE OF Minor WAS
12 THAT DONE IN CHARLESTON OR IN FLORIDA?

13 A IN FLORIDA.

14 Q SO, YOU NEVER WENT TO THE ONE IN CHARLESTON?

15 A I DON'T BELIEVE SO.

16 Q SO, YOU LEFT BEFORE THAT WAS TAKEN CARE OF?

17 A YES, MA'AM.

18 Q AND DO YOU REMEMBER WHEN IN FLORIDA SHE HAD HER
19 INTERVIEW? YOU MAY NOT -- I --

20 A I DON'T QUITE REMEMBER, BUT IT WAS PROBABLY --
21 AFTER WE HAD LEFT, SO PROBABLY SOMETIME IN NOVEMBER OR
22 LATE OCTOBER.

23 Q AND THAT WAS THE INTERVIEW THAT WAS VIDEO
24 RECORDED BY THE CHILD PROTECTION TEAM, OR DO YOU KNOW?

25 A I'M NOT SURE IF IT WAS RECORDED OR NOT.

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 Q AND DID THE CHARLESTON -- WELL, WHAT DO THEY
2 CALL FLORIDA DSS -- THEY CALL IT SOMETHING --

3 A THE DEPARTMENT OF CHILDREN AND FAMILIES.

4 Q DID DSS FROM HERE GET IN TOUCH WITH YOU?

5 A DID DSS HERE IN SOUTH CAROLINA --

6 Q YES. SEND FLORIDA DSS OUT TO --

7 A YES, THEY DID.

8 Q AND DID THE FLORIDA DSS MAKE YOU GO TO SOME
9 COUNSELLING?

10 A YES.

11 Q AND DID THEY MAKE YOU TAKE Minor TO
12 COUNSELLING?

13 A YES.

14 Q AND DID THEY MAKE YOU GO TO PARENTING?

15 A YES.

16 Q AND DID THEY STAY INVOLVED IN YOUR LIFE FOR A
17 WHILE?

18 A FOR JUST A LITTLE BIT. MAYBE ABOUT THREE
19 MONTHS.

20 Q AND DID YOU EVER COME BACK HERE UNTIL TIME FOR
21 THIS TRIAL?

22 A I JUST DIDN'T WANT -- I WAS ONLY HERE FOR ABOUT
23 MAYBE 15 HOURS AND I LEFT.

24 Q WAS THAT TO PICK UP YOUR STUFF?

25 A YES, MA'AM.

1 Q NOW, GOING BACK TO WHEN YOU WERE HERE AND
2 WORKING, DID THERE EVER COME A TIME WHEN YOU CAME HOME ONE
3 EVENING AND FOUND JEREMIAH IN YOUR DAUGHTER'S BEDROOM?

4 A COMING OUT OF MY DAUGHTER'S BEDROOM.

5 Q AND WHAT HAPPENED?

6 A I ASKED HIM WHAT HE WAS DOING. AND HE SAID HE
7 WAS CHECKING ON THE GIRLS BECAUSE THERE WAS A LOT OF BUGS
8 IN THE HOUSE.

9 Q AND DID YOU JUST BELIEVE HIM?

10 A I DID.

11 Q DID YOU EVER QUESTION Minor OR DID Minor EVER
12 TELL YOU SOMETHING?

13 A SHE TOLD ME THAT HE USED TO DO THAT, HE USED TO
14 CHECK ON THEM TO MAKE SURE THEY WERE OKAY. SO, OF COURSE,
15 I BELIEVED IT.

16 Q WHEN YOU CAME HOME THAT -- WHEN -- DO YOU HAVE
17 ANY IDEA WHAT TIME OF DAY THAT WAS WHEN YOU CAME HOME AND
18 HE WAS LEAVING HER BEDROOM?

19 A IT WAS IN THE MIDDLE OF THE NIGHT. I BELIEVE I
20 MAY HAVE GOTTEN OFF A LITTLE BIT EARLIER THAN I USUALLY
21 DID.

22 Q AND THOSE ARE FROM THE -- FROM THE DATES THAT
23 YOU HAD TALKED ABOUT EARLIER?

24 A YES, MA'AM.

25 MS. HERRING-LASH: THE COURT'S INDULGENCE JUST A

DEBBERA DAVISON -- DIRECT BY HERRING-LASH

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1 MOMENT.

2 **THE COURT:** YES, MA'AM.

3 **MS. HERRING-LASH:** THOSE ARE ALL THE QUESTIONS I

4 HAVE, MS. DAVISON. ANSWER ANY THAT --

5 **THE COURT:** CROSS EXAMINATION.

6 **MR. GRIMES:** THANK YOU, YOUR HONOR.

7 CROSS EXAMINATION BY MR. GRIMES:

8 **Q** GOOD MORNING, MS. DAVISON.

9 **A** GOOD MORNING.

10 **Q** DO YOU LOVE YOUR CHILDREN?

11 **A** I DO.

12 **Q** AND YOU'RE VERY UPSET ABOUT YOUR DAUGHTER?

13 **A** I AM.

14 **Q** AND YOU TOLD MS. COVERDALE, THE DSS WORKER, THAT

15 YOU WOULD DO ANYTHING YOU COULD TO PROTECT Minor

16 **A** I WOULD.

17 **Q** AND IF YOU LEARNED THAT SOMEONE HAD BEEN

18 SEXUALLY ABUSING HER, YOU WOULD REPORT THAT TO THE POLICE,

19 CORRECT?

20 **A** I WOULD.

21 **Q** AND YOU BELIEVE YOUR DAUGHTER?

22 **A** I DO.

23 **Q** AND WHEN DID SHE FIRST TELL YOU THAT JEREMIAH

24 HAD BEEN ASSAULTING HER?

25 **A** SHE NEVER TOLD ME.

1 Q SO -- SO YOU'RE SAYING THAT Minor NEVER TOLD
2 YOU UNTIL AFTER DSS WAS INVOLVED -- EXCUSE ME -- AFTER THE
3 POLICE WENT TO THE SCHOOL?

4 A THAT'S TRUE.

5 Q NOW, LET ME ASK YOU A FEW QUESTIONS ABOUT YOUR
6 BACKGROUND. YOU SAID YOU'RE FROM FLORIDA?

7 A YES, SIR.

8 Q AND YOUR FAMILY LIVES THERE?

9 A YES, SIR.

10 Q AND YOU LIVE THERE NOW WITH THE CHILDREN?

11 A YES.

12 Q AND ARE YOU MARRIED TO HECTER?

13 A NO, WE'RE NOT MARRIED YET.

14 Q THAT'S HECTER ORTIZ (PHONETIC).

15 A YES, SIR.

16 Q AND HE'S A PERSON THAT YOU MIGHT -- YOU MIGHT
17 WANT TO SPEND THE REST OF YOUR LIFE WITH?

18 A YES.

19 Q AND YOU LIVED WITH HIM IN JANUARY OF 2009?

20 A I LIVED WITH HIM IN 2009?

21 Q JANUARY OF 2009?

22 A NO.

23 Q DOES HE GO BY ANY OTHER NAMES?

24 A NO, SIR.

25 Q HE DOESN'T GO BY CHEVY CHASE?

DEBBERA DAVISON -- CROSS BY MR. GRIMES

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1 A WELL, THAT'S AN EMAIL ADDRESS. THAT'S NOT A
2 NAME.

3 Q OKAY. AND MS. LASH ASKED YOU IF YOU WERE AWARE
4 OF THE DSS INVESTIGATION?

5 A EXCUSE ME?

6 Q I THINK MS. LASH ASKED YOU IF YOU WERE AWARE OF
7 DSS INVESTIGATING YOU IN SORT OF LATE SUMMER, EARLY FALL,
8 2008; DO YOU REMEMBER THAT QUESTION?

9 A YES, I DO.

10 Q AND YOU SAID THAT -- ALL YOU KNOW IS THERE WAS A
11 CARD AND YOU DIDN'T KNOW WHAT THEY WERE COMING TO YOU
12 ABOUT?

13 A NO, I HAD NO IDEA.

14 Q BUT YOU'RE FAMILIAR WITH DSS, RIGHT?

15 A WELL, I AM NOW.

16 Q YOU'RE FAMILIAR WITH THE FLORIDA'S VERSION OF
17 DSS?

18 A YEAH -- YES, SIR.

19 Q YOU'RE AWARE -- YOU'VE BEEN INVESTIGATED BEFORE,
20 HAVEN'T YOU?

21 A I HAVE.

22 Q AND YOU ARE AWARE THAT DSS OR FLORIDA'S VERSION,
23 IF THERE IS A BAD PARENT, THEY CAN TAKE SEVERAL STEPS TO
24 HELP -- HELP THE CHILDREN?

25 A YES.

1 Q FOR EXAMPLE, THEY MAY HAVE YOU ENTER A SAFETY
2 PLAN AND YOU DO SOME COUNSELLING?

3 A YES, SIR.

4 Q AND IF THERE'S NEGLECT AT THE HOUSE OR IT'S
5 UNSANITARY, THEY MAY HELP YOU GET RESOURCES TO HELP YOU
6 CLEAN IT UP?

7 A YES, SIR.

8 Q IF SOMEONE IS REALLY A BAD PARENT, THEY MIGHT
9 TERMINATE THE PARENTAL RIGHTS?

10 A YES, SIR.

11 Q AND I BELIEVE IT WOULD BE FAIR TO SAY THAT
12 SPEAKING IN -- GENERALLY, THAT IF A PARENT KNEW THAT A
13 CHILD HAD BEEN SEXUALLY ABUSED, AND TOOK NO ACTION TO STOP
14 IT, THEY WOULD BE A BAD PARENT?

15 A YES. I WOULD CONSIDER THEM A BAD PARENT.

16 Q AND WOULD IT ALSO BE FAIR TO SAY THAT IF A
17 PARENT CAN HELP BREAK SOMEONE'S CLAVICLE -- THEIR
18 DAUGHTER'S CLAVICLE BONE, WOULD THAT MAKE THEM A BAD
19 PARENT?

20 A THAT WOULD MAKE THEM A BAD PARENT.

21 Q AND IF THEY LIED TO THE HOSPITAL ABOUT WHAT
22 HAPPENED, THAT WOULD ALSO MAKE THEM A BAD PARENT, WOULDN'T
23 IT?

24 A YES.

25 Q IN THIS CASE, YOU DID GO TO TRIDENT HOSPITAL TO

DEBBERA DAVISON -- CROSS BY MR. GRIMES

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1 SEE ABOUT Sister 2 S BROKEN CLAVICLE OR COLLAR BONE?

2 A YES.

3 Q AND IT WAS TOLD AT TRIDENT THAT Sister 2 FELL OFF
4 A BED?

5 A YES.

6 Q AND YOU'RE AWARE THAT Minor SAID THAT YOU LIED
7 ABOUT THAT?

8 A YES.

9 Q AND IN ADDITION TO WHAT DSS CAN DO TO SOMEONE,
10 LAW ENFORCEMENT CAN ARREST THAT PERSON FOR CHILD ABUSE?

11 A YES.

12 Q AND THAT PERSON COULD GO TO JAIL?

13 A YES. I GUESS SO.

14 Q AND YOU WOULDN'T WANT TO GO TO JAIL FOR CHILD
15 ABUSE, WOULD YOU?

16 A NO.

17 Q YOU WOULDN'T WANT TO LOSE CUSTODY OF YOUR
18 CHILDREN?

19 A NO.

20 Q ESPECIALLY AT THAT TIME BECAUSE YOU DIDN'T HAVE
21 A JOB, RIGHT?

22 A AT THE TIME SHE BROKE HER COLLAR BONE, I WAS
23 WORKING TWO JOBS.

24 Q OKAY. THAT SUMMER, YOU SAID THAT YOU WERE
25 UNEMPLOYED FOR A FEW MONTHS?

1 A I WAS.

2 Q AND THAT YOU WERE WORKING AT ONCE UPON A CHILD?

3 A YES, I WAS.

4 Q AND YOU GOT FIRED FOR OVERSLEEPING THERE?

5 A YES. I'M NOT SURE IF I WAS FIRED OR IF I -- I
6 WAS JUST LET GO. I FORGET THE CONVERSATION.

7 Q OKAY. AND THEN YOU WERE WORKING AT DENNY'S?

8 A YES.

9 Q IN LATE AUGUST, YOU STARTED THERE ON AUGUST
10 21ST?

11 A YES, SIR.

12 Q AND WHILE YOU DIDN'T HAVE A JOB, YOU GOT
13 FINANCIAL AID BECAUSE YOU HAD CHILDREN, FOOD STAMPS?

14 A YES, SIR.

15 Q DSS WOULD HELP PAY THE RENT?

16 A YES, SIR.

17 Q AND IF YOU LOST YOUR CHILDREN, YOU WOULD LOSE
18 THAT, CORRECT?

19 A CORRECT.

20 Q NOW, I BELIEVE ON DIRECT TESTIMONY, YOU SAID
21 ONCE YOU WENT DOWN TO FLORIDA, YOU TOOK CARE OF YOUR
22 CHILDREN RIGHT AWAY?

23 A YES, SIR.

24 Q YOU SAID YOU TOOK THEM TO THE, I THINK, FORENSIC
25 INTERVIEW ABOUT A MONTH AFTER YOU GOT TO FLORIDA?

DEBBERA DAVISON -- CROSS BY MR. GRIMES

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1 A YES, SIR.

2 Q SO, YOU DIDN'T WAIT THREE MONTHS TO TAKE THEM
3 DOWN FOR AN INTERVIEW?

4 A NO.

5 Q IF YOU DID WAIT THREE MONTHS, THAT WOULDN'T BE
6 GOOD PARENTING, WOULD IT?

7 A NO.

8 Q AND YOU SAY YOU ALSO TOOK Minor TO COUNSELING?

9 A A COUNSELOR CAME TO HER.

10 Q OKAY. WAS IT IN YOUR HOME?

11 A IT WAS IN HER SCHOOL.

12 Q OKAY. AND WAS IT ABOUT THIS OR EVERYTHING?

13 A IT STARTED OFF WITH THIS. AND, BASICALLY, IT
14 WAS ABOUT HER LIFE. IT WASN'T JUST ONE THING IN GENERAL.

15 Q NOW, I BELIEVE YOU TESTIFIED THE HOUSE HAD SOME
16 BUGS IN IT AND JEREMIAH WAS GOING TO THE BEDROOMS TO TAKE
17 CARE OF THE CHILDREN AND CHECK ON THE CHILDREN?

18 A YES, SIR.

19 Q WHEN YOU SAY BUGS, YOU'RE TALKING ABOUT ROACHES,
20 AREN'T YOU?

21 A YES, SIR.

22 Q AND THERE WERE A LOT OF ROACHES?

23 A YES. THE HOUSE WAS REALLY INFESTED. I COULDN'T
24 KEEP THEM AWAY.

25 Q OKAY. DO YOU RECALL THE CHILDREN HAD LICE AT

1 THAT TIME?

2 A THEY DID HAVE A SMALL LICE PROBLEM, BUT I TRIED
3 TAKING CARE OF IT.

4 Q AND DID Sister 1 HAVE DIARRHEA OFTEN?

5 A HUH?

6 Q DID Sister 1 HAVE DIARRHEA OFTEN?

7 A NO. NOT THAT I KNOW OF. SHE WAS JUST AN
8 INFANT.

9 Q HAVE YOU EVER PHYSICALLY ABUSED Minor

10 A NO.

11 Q YOU NEVER GRABBED Minor BY HER ARM AND ALMOST
12 RIPPED IT OUT OF THE SOCKET?

13 A NO.

14 Q YOU DON'T RECALL ANYTHING FROM JULY 10, 2005,
15 ABOUT NINE P.M., AND THE FLORIDA DSS INVESTIGATING YOU FOR
16 THAT ALLEGATION?

17 A THE ALLEGATIONS IN 2005 WERE NOT FOR PHYSICAL
18 ABUSE.

19 Q IF I SHOWED YOU A COPY OF THEIR INVESTIGATIVE
20 SUMMARY, WOULD THAT REFRESH YOUR MEMORY?

21 A IT MAY.

22 MR. GRIMES: MAY I APPROACH THE COURT REPORTER?

23 THE COURT: YES, SIR.

24 (DEFENDANT'S EXHIBIT NO. 1 MARKED FOR
25 IDENTIFICATION.)

DEBBERA DAVISON -- CROSS BY MR. GRIMES

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1 BY MR. GRIMES:

2 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
3 DEFENDANT'S EXHIBIT NO. 1 FOR IDENTIFICATION. I'M GOING
4 TO LET YOU READ THAT AND SEE IF IT REFRESHES YOUR MEMORY.

5 A "THE MOTHER IS CONSTANTLY SCREAMING AT Minor
6 SHE TELLS HER TO GET AWAY FROM HER OR SHUT UP. AND PUSHES
7 HER TO THE SIDE. THE MOTHER'S BEHAVIOR SHOWS THAT SHE
8 REALLY DOES NOT WANT TO BE BOTHERED WITH Minor THE
9 MOTHER GRABBED Minor BY HER ARM AND ALMOST RIPPED IT OUT
10 OF THE SOCKET."

11 Q DID YOU SIGN ANY KIND OF SAFETY PLAN AFTER THAT?

12 A I DON'T REMEMBER.

13 Q DO YOU REMEMBER THE CHILDREN BEING TAKEN OUT OF
14 THE HOUSE -- OR Minor WAS TAKEN OUT OF THE HOUSE AND
15 BEING PUT WITH THE PATERNAL GRANDPARENTS?

16 A I TOOK THEM TO GO LIVE WITH HER GRANDMOTHER
17 UNTIL I FOUND A PLACE TO LIVE. BECAUSE SHE WAS NO LONGER
18 ALLOWED TO LIVE IN THE HOUSE WITH MY PARENTS BECAUSE OF
19 THEIR ALCOHOL ISSUES.

20 Q AND THEY HAD OTHER ISSUES BESIDES ALCOHOL,
21 CORRECT?

22 A YEAH.

23 Q AND DO YOU RECALL -- SINCE Minor WAS REMOVED
24 FROM THAT HOUSE, THAT --

25 A SHE --

1 Q -- WHY NO FURTHER ACTION WAS TAKEN?

2 A SHE WASN'T REMOVED. I TOOK HER.

3 Q BY REMOVED, I DIDN'T MEAN THE STATE REMOVED --
4 ONCE Minor WAS TAKEN OUT OF THE HOUSE THROUGH YOUR
5 ACTIONS, IS THAT WHY THERE WAS NO FOLLOW-UP?

6 A THAT'S WHY THERE'S NO FOLLOW-UP.

7 MR. GRIMES: MAY I HAVE ONE MOMENT, YOUR HONOR?

8 THE COURT: PARDON?

9 MR. GRIMES: MAY I HAVE ONE MOMENT?

10 THE COURT: YES, SIR.

11 BY MR. GRIMES:

12 Q YOU SIGNED THE SAFETY PLAN IN THIS CASE?

13 A IN THIS CASE, YES.

14 Q AND PART OF THAT HAD TO DO WITH ALLEGATIONS OF
15 PHYSICAL ABUSE BY YOU TOWARD Minor

16 A I BELIEVE SO. I -- I CAN'T REALLY REMEMBER.

17 Q AND AS PART OF THE SAFETY PLAN, WAS -- THAT WAS
18 DESIGNED FOR YOU TO MAKE SURE SHE GOT A FORENSIC INTERVIEW
19 AND FOLLOW-UP WITH MUSC HERE?

20 A YES, SIR.

21 Q AND YOU TOOK HER TO MUSC, CORRECT, FOR THE
22 PHYSICAL EXAM?

23 A I DON'T REMEMBER -- I DON'T THINK IT WAS AT THE
24 HOSPITAL. I CAN'T REMEMBER.

25 Q PART OF THE SAFETY PLAN WASN'T JUST TAKING OFF

DEBBERA DAVISON -- CROSS BY MR. GRIMES

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1 AND GOING TO FLORIDA, WAS IT?

2 A EXCUSE ME?

3 Q PART OF THE SAFETY PLAN WAS JUST NOT TAKING OFF
4 AND GOING TO FLORIDA, WAS IT?

5 A IT WASN'T SUPPOSED TO, BUT I ALSO TOLD MY CASE
6 WORKER WITH DSS THAT I WAS GOING TO LEAVE.

7 Q AND YOU TOLD -- IF I RECALL CORRECTLY, YOU MAY
8 HAVE TOLD HER THAT ON SEPTEMBER 22ND OR SEPTEMBER 23RD?

9 A AROUND THEN. AND I WASN'T LEAVING UNTIL A WEEK
10 LATER.

11 Q A WEEK LATER OR A DAY LATER?

12 A HUH?

13 Q A WEEK LATER OR A DAY LATER?

14 A IT WAS A WEEK LATER. I MOVED IN OCTOBER.

15 Q AND THE DATE FOR THE FORENSIC INTERVIEW WAS --
16 SCHEDULED FOR YOU WAS SEPTEMBER 24, 2008?

17 A I MAY HAVE MISSED IT BECAUSE I OVERSLEPT.

18 Q ARE YOU AN HONEST PERSON?

19 A YES.

20 Q YOU DON'T BREAK THE LAW?

21 A I DON'T TRY TO.

22 Q BUT YOU DO BREAK THE LAW, IS THAT WHAT YOU'RE
23 SAYING?

24 A NOT CURRENTLY.

25 MR. GRIMES: THANK YOU, YOUR HONOR. I HAVE NO

1 FURTHER QUESTIONS.

2 THE COURT: REDIRECT?

3 MS. HERRING-LASH: YES, YOUR HONOR. MAY I
4 APPROACH?

5 THE COURT: YES, MA'AM.

6 MS. HERRING-LASH: MAY I APPROACH THE WITNESS?

7 THE COURT: YES, MA'AM.

8 REDIRECT EXAMINATION BY MS HERRING-LASH:

9 Q MR. GRIMES ASKED YOU ABOUT THE ALLEGATION IN
10 FLORIDA THAT WAS IN JULY OF '05?

11 A YES, MA'AM.

12 Q AND GAVE -- I THINK HE GAVE YOU THE PARAGRAPH OF
13 WHAT WAS THE REPORTED ALLEGATION?

14 A YES, MA'AM.

15 Q I'M GOING TO SHOW YOU THE SAME PAGE, BUT WITH
16 THE PART ON IT THAT SAYS WHAT THEIR FINDINGS WERE -- AND
17 DON'T READ IT OUT LOUD. THIS IS TO REFRESH YOUR MEMORY.
18 DO YOU KNOW WHAT THEIR FINDINGS WERE?

19 A YES.

20 Q WHAT WERE THEY?

21 A THAT THE HOUSE WAS UNSUITABLE FOR A CHILD TO
22 LIVE IN. BACK THEN I JUST HAD Minor

23 Q WHAT ABOUT AS FAR AS PHYSICAL INJURY, DO YOU
24 KNOW WHAT THEY FOUND?

25 A THEY DIDN'T FIND ANYTHING.

D. DAVISON -- REDIRECT BY MS. HERRING-LASH

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1 Q I SHOW YOU THIS FOR THEIR WORDING FOR -- I GUESS
2 THEY START WITH ENVIRONMENTAL, MENTAL, PHYSICAL AND --
3 WHAT WERE THEIR FINDINGS, READ IT TO YOURSELF -- AS FAR AS
4 THE PHYSICAL INJURY TO Minor WHAT DID THEY FIND?

5 A NOTHING.

6 Q HOW DID THEY DETERMINE IT?

7 A NO INDICATOR.

8 Q AS FAR AS MENTAL INJURY, WHAT DID THEY FIND?

9 A NO INDICATOR.

10 Q AND AS FAR AS JUST ENVIRONMENTAL HAZARD, WHAT
11 DID THEY FIND?

12 A THERE WAS SOME INDICATOR.

13 Q AND THAT'S WHAT YOU MEANT ABOUT THE HOME?

14 A THERE WAS NO CARPET.

15 Q BUT AS FAR AS ALLEGATIONS THAT MR. GRIMES ASKED
16 YOU ABOUT OF PHYSICAL INJURY, THE DEPARTMENT FOUND
17 NOTHING?

18 A NOTHING.

19 Q THAT YOU HAD DONE NOTHING. DO YOU RECALL THE
20 DATE -- I KNOW WE'VE ASKED YOU THIS -- BUT DO YOU RECALL
21 THE DATE THAT YOU WENT TO THE FORENSIC INTERVIEW IN
22 FLORIDA?

23 A I DON'T REMEMBER.

24 Q I'M GOING TO SHOW YOU THE REPORT WITH THE DATE
25 ON IT IF THAT WOULD REFRESH YOUR MEMORY. DON'T READ IT.

D. DAVISON -- REDIRECT BY MS. HERRING-LASH

1 JUST LOOK AT THE DATE AND THEN I'LL SEE IF THAT REFRESHES

2 YOUR MEMORY. (PAUSE). DID YOU READ THAT?

3 A YES.

4 Q WHAT WAS THE DATE YOU TOOK HER FOR HER EXAM?

5 A JANUARY 2ND.

6 Q SO IT WAS -- YOU LEFT HERE IN -- IN SEPTEMBER?

7 A OCTOBER.

8 Q OCTOBER. RIGHT. THE BEGINNING KIND OF OCTOBER?

9 A THE FIRST WEEK.

10 Q AND SHE DIDN'T HAVE AN EXAM THERE UNTIL JANUARY?

11 A CORRECT.

12 MS. HERRING-LASH: THOSE ARE ALL THE QUESTIONS. I

13 HAVE.

14 THE COURT: RECROSS?

15 MR. GRIMES: BRIEFLY, YOUR HONOR.

16 RECROSS EXAMINATION BY MR. GRIMES:

17 Q YOU WOULD AGREE WITH ME THAT A BLACK AND BLUE

18 EYE ---

19 COURT REPORTER: I'M SORRY?

20 Q YOU WOULD AGREE WITH ME THAT A BLACK AND BLUE

21 EYE WOULD BE PHYSICAL INJURY?

22 A YES.

23 Q AND THEY DID FIND THOSE, THOSE REPORTS, --

24 A I REMEMBER THAT.

25 Q BUT THAT WAS MORE FROM A FRIEND, JUST HORSSING

DEBBERA DAVISON -- RECROSS BY MR. GRIMES

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1 AROUND?

2 A YES. ANOTHER CHILD THE SAME AGE AS HER.

3 MR. GRIMES: THANK YOU. NO FURTHER QUESTIONS.

4 THE COURT: YOU MAY STEP DOWN. THANK YOU VERY
5 MUCH.

6 (WITNESS STEPPED DOWN.)

7 THE COURT: ALL RIGHT. MADAM FORELADY AND LADIES
8 AND GENTLEMEN OF THE JURY, WHAT WE'RE GOING TO DO IS TAKE
9 A BREAK AT THIS TIME, ABOUT 20 OR 25 MINUTES. IF ANYBODY
10 SMOKES, LET THE BAILIFF KNOW THAT. THEY CAN FIND YOU A
11 PLACE TO SMOKE. IF YOU NEED ANYTHING, LET THE BAILIFFS
12 KNOW. WE'LL TAKE A BREAK AT THIS TIME.

13 PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES
14 AND I WILL SEE YOU VERY SHORTLY. FOLLOW THE BAILIFF.

15 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 11:43
16 A.M)

17 THE COURT: LET'S TAKE A SHORT BREAK.

18 (WHEREUPON, THE COURT RECESSED AT 11:45)

19 (WHEREUPON, THE COURT RECONVENED AT 12:22)

20 THE COURT: PLEASE BE SEATED. IS THE STATE READY
21 TO PROCEED?

22 MS. HERRING-LASH: YES, YOUR HONOR.

23 THE COURT: IS THE DEFENSE READY TO PROCEED? WE'RE
24 WAITING ON THE DEFENDANT. (PAUSE.) ANYTHING BEFORE WE
25 BRING THE JURY?

1 MS. HERRING-LASH: NO, YOUR HONOR.

2 THE COURT: WOULD YOU BRING US THE JURY, PLEASE,
3 SIR.

4 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 12:24
5 P.M.)

6 BAILIFF: ALL THE JURY IS PRESENT, JUDGE.

7 THE COURT: ARE YOU READY TO GO -- CALL YOUR NEXT
8 WITNESS, PLEASE.

9 MS. HERRING-LASH: THE STATE WOULD CALL DELILAH
10 COVERDALE.

11 (WITNESS FORWARD.)

12 THE CLERK: MA'AM, IF YOU WOULD, PLEASE PLACE YOUR
13 LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

14 DELILAH COVERDALE, HAVING BEEN
15 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 THE CLERK: PLEASE STATE YOUR FULL NAME TO THE
17 COURT AND SPELL IT AS WELL.

18 THE WITNESS: DELILAH COVERDALE, D-E-L-I-L-A-H
19 COVERDALE -- C-O-V-E-R-D-A-L-E.

20 DIRECT EXAMINATION BY MS. HERRING-LASH:

21 Q DELILAH, WHERE ARE YOU CURRENTLY EMPLOYED?

22 A THE V.A. HOSPITAL IN GEORGIA.

23 Q AND HOW LONG HAVE YOU BEEN THERE?

24 A SINCE JANUARY OF THIS YEAR.

25 Q AND BEFORE YOU WERE EMPLOYED AT THE V.A., WHERE

D. COVERDALE -- DIRECT BY HERRING-LASH

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1 DID YOU WORK?

2 A CHARLESTON COUNTY DEPARTMENT OF SOCIAL SERVICES.

3 Q AND WHAT WAS YOUR TITLE AT THE CHARLESTON COUNTY
4 DEPARTMENT OF SOCIAL SERVICES?

5 A HUMAN SERVICES SPECIALIST II.

6 Q AND WHAT WERE YOUR RESPONSIBILITIES AND DUTIES?

7 A TO INVESTIGATE -- EXCUSE ME -- INVESTIGATE
8 REPORTS OF CHILD ABUSE AND NEGLECT.

9 Q AND DID YOU HAVE SPECIFIC AREAS OF ABUSE AND
10 NEGLECT THAT YOU INVESTIGATED?

11 A NOT REALLY.

12 Q WELL, DID YOU INVESTIGATE SEXUAL ABUSE CASES?

13 A WELL, IF THE CASES CAME IN AS SEXUAL ABUSE, THEY
14 USUALLY WERE ASSIGNED TO TWO OTHER WORKERS WHO
15 SPECIFICALLY HANDLED THOSE CASES.

16 Q AND WHAT IS YOUR EDUCATION THAT YOU RECEIVED IN
17 ORDER TO DO THAT JOB?

18 A I HAVE A MASTERS DEGREE IN SOCIAL WORK AND A
19 MASTERS DEGREE IN PUBLIC HEALTH.

20 Q AND WERE YOU ASSIGNED TO INVESTIGATE A CASE
21 REGARDING Minor -- WELL, I GUESS DEBBERA DAVISON, THE
22 MOM?

23 A YES.

24 Q WHEN DID THAT REPORT COME IN?

25 A AUGUST 27, 2008.

1 Q IF YOU WANT TO LOOK BEHIND YOU, THERE IS A
2 CALENDAR 2008, WHAT WAS THE DATE AGAIN?

3 A AUGUST 27TH.

4 Q WHAT DAY OF THE WEEK WAS THAT?

5 A THE CALENDAR FOR SOME REASON --

6 Q DOES THAT HELP? NOT MUCH, HUH?

7 A NO. IT LOOKS LIKE IT MAY BE A WEDNESDAY.

8 Q YES. I THINK IT IS A WEDNESDAY. AND SO WHAT
9 DID YOU DO WHEN YOU GOT THAT REPORT?

10 A CAN I REFER TO MY NOTES IF I NEED TO?

11 Q YES.

12 A ON THE 28TH, I ATTEMPTED TO MAKE CONTACT WITH
13 THE FAMILY AT THEIR HOME, BUT NO ONE WAS THERE.

14 Q AND SO WHEN DID YOU TRY TO MAKE CONTACT AGAIN?

15 A SEPTEMBER 3RD.

16 Q I'LL PUT THE SEPTEMBER CALENDAR UP HERE. SO,
17 THE 28TH IS A WEDNESDAY, WHEN YOU FIRST TRIED. AND THEN
18 YOU WENT BACK ON THE 3RD, WHICH IS THE NEXT WEDNESDAY. DO
19 YOU SEE THAT?

20 A YES.

21 Q AND WHAT HAPPENED WHEN YOU WENT BY THERE ON THE
22 3RD?

23 A I KNOCKED ON THE DOOR, BUT I OBSERVED TWO
24 CHILDREN THROUGH THE WINDOW. AND I WAS ABLE TO TALK TO
25 THE CHILDREN THROUGH THE WINDOW. THE CHILDREN WERE

D. COVERDALE -- DIRECT BY HERRING-LASH

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1 IDENTIFIED AS Minor AND Sister 2 . I ASKED IF THEIR MOM WAS
2 HOME. Minor STATED THAT SHE WASN'T. AND I ASKED IF
3 THERE WAS AN ADULT IN THE HOME AND ASKED HER TO GET THAT
4 ADULT SO THAT I COULD TALK TO THAT ADULT.

5 Q AND DID THEY ACTUALLY GET AN ADULT?

6 A YES.

7 Q DO YOU KNOW WHAT THAT -- WHO THAT ADULT WAS?

8 A YES.

9 Q WHO WAS IT?

10 A JEREMIAH TURNER.

11 Q DO YOU KNOW WHAT HE HAD BEEN DOING WHEN YOU WERE
12 KNOCKING ON THE DOOR?

13 A I JUST KNOW WHAT THE CHILD TOLD ME.

14 Q DID HE EVENTUALLY COME TO THE DOOR?

15 A YES.

16 Q AND DID YOU DISCUSS THE COMPLAINT WITH HIM?

17 A NO.

18 Q WHY NOT?

19 A BECAUSE THE ALLEGATIONS WEREN'T INVOLVING HIM,
20 SO I JUST GAVE HIM A BUSINESS CARD TO GIVE TO MS. DAVISON.

21 Q IF -- I GUESS IT'S A DSS REGULATION THAT YOU
22 CAN'T DISCUSS ALLEGATIONS WITH OTHER PARTIES OTHER THAN
23 THE ONE NAMED?

24 A RIGHT. UNLESS WE HAVE PERMISSION.

25 Q NOW, WHILE YOU WERE THERE THAT DAY ON THE 3RD,

1 DID YOU INTERVIEW OR SPEAK TO Minor OR THE OTHER CHILD,
2 Sister 2 ABOUT THE ALLEGATION?

3 A NO.

4 Q NOW, HAVE THESE ALLEGATIONS BEEN NEGLECT
5 BASICALLY?

6 A PHYSICAL ABUSE ALLEGATIONS.

7 Q AND NEGLECT -- WAS THE PHYSICAL ABUSE REGARDING
8 Sister 2 ?

9 A THE PHYSICAL ABUSE WAS REGARDING ALL THE
10 CHILDREN. DO YOU WANT ME TO READ THE SPECIFIC ALLEGATION?

11 Q NO. I MEAN, THAT WOULD BE HEARSAY FOR YOU TO DO
12 THAT. SO, ON THE 3RD, YOU LEFT A CARD?

13 A YES.

14 Q DID YOU EVER GET A RESPONSE FROM THAT CARD?

15 A NO.

16 Q WHAT DID YOU DO NEXT?

17 A ON SEPTEMBER 8TH, I WENT TO Minor SCHOOL,
18 A.C. COCKRAN ELEMENTARY AND SPOKE TO HER THERE.

19 Q AND THAT -- THE 8TH WOULD HAVE BEEN WHAT DAY? I
20 THINK IT'S A MONDAY. YOU MAY NOT BE ABLE TO SEE IT
21 BECAUSE YOU'RE SO CLOSE UP.

22 A YES.

23 Q NOW, WHY WERE YOU ALLOWED TO GO TO THE SCHOOL
24 AND TALK TO Minor AND NOT ALLOWED TO TALK TO HER AT HER
25 HOME?

D. COVERDALE -- DIRECT BY HERRING-LASH

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1 A WELL, I KNOW THAT DSS PERMITS YOU TO INTERVIEW
2 CHILDREN AT SCHOOL, BUT NOT AT HOME IF A BIOLOGICAL PARENT
3 OR SOMEONE WHO HAS CUSTODY IS NOT IN THE HOME.

4 Q BUT YOU ARE ALLOWED TO GO TO THE SCHOOL?

5 A YES.

6 Q WHEN YOU WENT TO THE SCHOOL, DID YOU -- WHERE
7 DID YOU INTERVIEW Minor

8 A I DON'T REMEMBER WHAT SPECIFIC ROOM IT WAS IN,
9 BUT IT WAS A PRIVATE ROOM.

10 Q AND WAS IT JUST YOU AND Minor

11 A YES.

12 Q AND DO YOU HAVE A SET GROUP OF QUESTIONS -- I
13 GUESS SAFETY QUESTIONS THAT YOU ASK EVERY CHILD THAT YOU
14 SEE?

15 A YES. IT'S MY OWN SET OF QUESTIONS.

16 Q AND THAT WOULD BE QUESTIONS THAT YOU ASK
17 REGARDLESS OF WHAT THE ALLEGATION IS?

18 A YES.

19 Q LIKE IF THE ALLEGATION WOULD BE EDUCATIONAL
20 NEGLECT, YOU STILL MAY ASK THEM ABOUT PEOPLE HITTING THEM
21 OR SOMETHING LIKE THAT?

22 A YES.

23 Q AND AS A STANDARD QUESTION, DO YOU ASK ABOUT ANY
24 KIND OF UNCOMFORTABLE TOUCHING?

25 A YES.

1 Q AND DID YOU ASK THOSE QUESTIONS TO Minor
2 A YES.
3 Q AND DID SHE DISCLOSE TO YOU ANY SEXUAL ABUSE?
4 A YES.
5 Q DID SHE TELL YOU WHEN IT HAD HAPPENED?
6 A YES.
7 Q WHEN DID SHE SAY?
8 A SHE SAID THAT IT LAST HAPPENED A COUPLE OF DAYS
9 AGO.
10 Q AND DID SHE TELL YOU WHERE IT WAS WHEN IT
11 HAPPENED?
12 A YES.
13 Q AND WHERE DID SHE SAY?
14 A IN HER BEDROOM.
15 Q NOW, YOU CANNOT ANSWER WHO, I JUST WANT TO ASK
16 YOU, THOUGH, DID SHE TELL YOU WHO?
17 A YES.
18 Q AND WHAT DID YOU DO AFTER THAT CONVERSATION?
19 A I GOT AS MUCH INFORMATION FROM HER AS I COULD,
20 AND THEN I CONTACTED NORTH CHARLESTON POLICE DEPARTMENT
21 AND CONTACTED HER MOTHER.
22 Q NOW, WHEN YOU SAY "AS MUCH INFORMATION", ARE YOU
23 TRYING TO GET THE DETAILS OF THE ASSAULT, OR OTHER TYPE OF
24 INFORMATION?
25 A AS MANY DETAILS THAT SHE COULD GIVE ME.

D. COVERDALE -- DIRECT BY HERRING-LASH

290

1 Q AND DID YOU MAKE THE DECISION TO CALL LAW
2 ENFORCEMENT?

3 A YES.

4 Q IS IT IMPORTANT FOR YOU TO FIND OUT THE
5 RELATIONSHIP TO THE CHILD WHEN YOU'RE MAKING YOUR
6 DECISIONS ABOUT WHAT TO DO?

7 A YES.

8 Q LIKE IF IT HAD BEEN A STRANGER, YOUR OFFICE
9 WOULD NOT -- WOULD NOT BE INVOLVED?

10 A WE WOULD MAKE A REPORT TO THE POLICE, BUT IT
11 WOULDN'T NECESSARILY BE A CHILD PROTECTIVE SERVICES CASE
12 IF IT WASN'T A CAREGIVER OR SOMEONE ACTING IN THAT
13 CAPACITY.

14 Q AND THE JURY MAY NOT KNOW THAT YOU, AS THE
15 DEPARTMENT OF SOCIAL SERVICES, STAY INVOLVE IF IT IS
16 SOMEONE IN A CARETAKING CAPACITY, AS OPPOSED TO A
17 STRANGER, IS THAT --

18 A YES.

19 Q AND WHEN YOU CALLED THE POLICE, WHAT -- WHAT DID
20 YOU DO? DID YOU WAIT THERE?

21 A YES. WE WAITED AT THE SCHOOL.

22 Q DO YOU REMEMBER IF Minor -- IF YOU WAITED WITH
23 Minor OR IF YOU SENT HER BACK TO HER CLASSROOM?

24 A I SENT HER BACK TO CLASS.

25 Q AND DO KNOW ABOUT HOW LONG IT TOOK LAW

1 ENFORCEMENT TO ARRIVE?

2 A I DON'T REMEMBER.

3 Q DO YOU REMEMBER THE FIRST OFFICER OR OFFICERS
4 WHO ARRIVED?

5 A OFFICER HEIS.

6 Q AND WAS HE A UNIFORMED OFFICER OR A JUVENILE
7 DETECTIVE?

8 A A UNIFORMED OFFICER.

9 Q AND DID YOU CALL ANYONE ELSE BESIDES THE POLICE?

10 A MS. DAVISON.

11 Q AND WHY DID YOU CALL HER?

12 A I NEEDED TO MEET WITH HER ABOUT THOSE
13 ALLEGATIONS AND THE INITIAL ALLEGATIONS THAT THE
14 DEPARTMENT OF SOCIAL SERVICES RECEIVED.

15 Q AND DID SHE COME TO THE SCHOOL?

16 A YES.

17 Q AND DID THE DETECTIVES ALSO COME?

18 A YES.

19 Q DO YOU REMEMBER, CAN YOU TELL THE JURY, LIKE IN
20 WHAT ORDER THEY ARRIVED?

21 A IT WAS OFFICER HEIS, MS. DAVISON, AND THEN THE
22 JUVENILE DETECTIVE, MS. BURNEM.

23 Q AND WHEN MS. DAVISON ARRIVED, DID YOU INFORM HER
24 OF WHAT HAD OCCURRED?

25 A YES.

D. COVERDALE -- DIRECT BY HERRING-LASH

292

1 Q DID YOU ALLOW HER TO SPEAK TO HER DAUGHTER?

2 A NO.

3 Q WHY NOT?

4 A BECAUSE WE DIDN'T WANT HER TO INTERFERE WITH OR
5 INFLUENCE ANYTHING THAT THE CHILD MAY SAY.

6 Q SO, YOU DIDN'T -- DID Y'ALL KEEP HER OUTSIDE OR
7 PUT HER IN A SEPARATE ROOM OR WHAT DID YOU DO?

8 A I -- I DON'T REMEMBER.

9 Q NOW, WHEN THE DETECTIVE ARRIVED, WHAT DID YOU
10 DO?

11 A I WENT WITH THE DETECTIVE IN A ROOM AND OBSERVED
12 THE INTERVIEW WITH Minor

13 Q OBSERVED HER INTERVIEW?

14 A YES.

15 Q AND AFTER HER INTERVIEW, WHAT DID YOU AND THE
16 DETECTIVE DO?

17 A AFTER HER INTERVIEW, WE WENT BACK TO THE HOME
18 WHERE THE FAMILY WAS STAYING.

19 Q AND DID YOU FOLLOW THE MOTHER OR DID SHE RIDE
20 WITH YOU OR HOW DID THAT HAPPEN?

21 A NO. I RODE SEPARATELY. I DON'T REMEMBER HOW
22 SHE GOT THERE, BUT NO ONE RODE WITH ME.

23 Q AND WHEN YOU GOT TO THE HOUSE, WHO -- WHAT WAS
24 GOING ON?

25 A THE POLICE WERE THERE. MS. DAVISON WAS THERE

1 WITH HER CHILDREN. AND THE PERSON SHE WAS STAYING WITH,
2 MS. JONES.

3 Q AND WHAT HAPPENED?

4 A WELL, I -- I SPOKE WITH MS. DAVISON ABOUT THE
5 ALLEGATIONS. I HAD HER SIGN RELEASES FOR -- MEDICAL
6 RELEASES AND A SAFETY PLAN. I ALSO SPOKE TO MS. JONES AND
7 I OBSERVED THE CHILDREN.

8 Q AND LET'S GO BACK TO THE -- AT THAT POINT IN
9 TIME WHEN YOU FIRST GOT THERE, IS THAT WHEN YOU FILLED OUT
10 THE SAFETY PLAN OR DID YOU DO THAT A LITTLE BIT LATER?

11 A LATER.

12 Q WHEN YOU FIRST GOT THERE, WAS JEREMIAH TURNER
13 THERE?

14 A YES.

15 Q AND WHAT HAPPENED WITH HIM?

16 A THE POLICE TOOK HIM AWAY FROM THE PREMISES.

17 Q AND AFTER THEY TOOK HIM, DID YOU SPEAK WITH THE
18 MOTHER THEN?

19 A YES.

20 Q AND MRS. JONES, WHO IS THAT?

21 A MRS. JONES WAS MS. DAVISON'S FRIEND WHO SHE WAS
22 STAYING WITH.

23 Q DO YOU KNOW FROM YOUR INVESTIGATION, HOW LONG
24 THEY HAD BEEN STAYING THERE?

25 A NO. BUT IT WASN'T THE SAME ADDRESS THAT WAS

D. COVERDALE -- DIRECT BY HERRING-LASH

294

1 LISTED ON HER INITIAL REPORT.

2 Q SO, WHEN YOU WENT TO THE INITIAL REPORT ON
3 AUGUST THE 28TH AND ON SEPTEMBER 3RD, WAS THIS WHERE YOU
4 WENT OR WAS IT ANOTHER ADDRESS?

5 A ANOTHER ADDRESS.

6 Q AND SO AS LATE AS SEPTEMBER THE 3RD, THEY WERE
7 STILL LIVING AT ANOTHER ADDRESS?

8 A CAN YOU REPEAT THAT?

9 Q OKAY. WHAT IS THE ADDRESS YOU WENT TO ON
10 SEPTEMBER 3RD?

11 A I DON'T HAVE THE EXACT ADDRESS.

12 Q WAS IT -- IT WAS NOT MS. JONES' ADDRESS?

13 A ONE MOMENT. YOU SAID SEPTEMBER 3RD?

14 Q UH-HUH.

15 A OKAY. SEPTEMBER 3RD WAS --

16 Q .

17 A -- DRIVE.

18 Q AND THAT'S THE SAME PLACE YOU GAVE MR. TURNER
19 THE NOTE?

20 A YES.

21 Q AND BY THE TIME YOU -- ON THE 8TH, THEY LIVED
22 SOMEWHERE ELSE?

23 A YES.

24 Q WITH MS. JONES?

25 A YES.

1 Q AND DID YOU SPEAK WITH Minor WHILE YOU WERE AT
2 THE HOME THAT DAY?

3 A WHICH DATE?

4 Q ON THE 8TH?

5 A ONE MOMENT.

6 Q THE SAME DAY THAT YOU HAD BEEN AT THE SCHOOL?

7 A I MOSTLY SPOKE TO HER MOTHER.

8 Q DURING THE TIME THAT YOU WERE THERE, DID
9 DETECTIVE BURNEM RECEIVE A PHONE CALL?

10 A YES.

11 Q AND AS A RESULT OF THAT PHONE CALL, DID YOU ALL
12 RELAY WHAT HAPPENED ON THAT --

13 A YES.

14 Q -- PHONE CALL TO MS. DAVISON?

15 A YES.

16 Q AND WHAT WAS HER REACTION?

17 A SHE STARTED TO CRY.

18 Q AND THE SAFETY PLAN YOU COMPLETED, WAS THAT ON
19 THE 8TH?

20 A YES.

21 Q DO YOU REMEMBER WHAT IT WAS?

22 A YES.

23 Q AND WHAT WAS THE SAFETY PLAN?

24 A IT SAID THAT MS. DAVISON WILL HAVE Minor

25 Sister 2 AND Sister 1 SEEN AT LOWCOUNTRY CHILDREN'S CENTER FOR

D. COVERDALE -- DIRECT BY HERRING-LASH

296

1 MEDICAL EXAMS AND A FORENSIC INTERVIEW. SHE ALSO AGREES
2 TO RESTRICT ALL CONTACT BETWEEN HER CHILDREN AND MR.
3 TURNER.

4 Q AND, IN FACT, DID YOU ASSIST HER IN MAKING A
5 REPORT FOR A -- AN APPOINTMENT FOR A MEDICAL EXAM?

6 A YES.

7 Q DO YOU -- WHAT IS THE NEXT THING THAT YOU DID ON
8 THIS CASE?

9 A ON SEPTEMBER 9TH, I FAXED REQUESTS FOR THE
10 CHILDREN'S MEDICAL RECORDS TO MUSC, TO ROPER ST. FRANCIS
11 HEALTH CARE AND TRIDENT HEALTH CARE. AND ALSO MADE THE
12 REFERRAL TO LOWCOUNTRY CHILDREN'S CENTER FOR THE MEDICAL
13 EXAMS AND INTERVIEWS.

14 Q AND WERE YOU TRYING TO GET PRIOR MEDICAL EXAMS
15 JUST FOR A HISTORY ON THE FAMILY?

16 A YES.

17 Q AND WHAT WAS THE NEXT THING THAT YOU DID?

18 A ON SEPTEMBER 10TH, I SPOKE TO DETECTIVE BURNEM
19 ABOUT SOME INJURIES THAT Sister 2 HAD.

20 Q WAS THAT HER BROKEN SHOULDER BONE?

21 A YES.

22 Q AND HAD DETECTIVE BURNEM SPOKEN WITH MR. TURNER?

23 A I DON'T KNOW.

24 Q OKAY. IF YOU DON'T KNOW, THAT'S FINE.

25 A YOU SAID THE 10TH?

1 Q YES?

2 A YES.

3 Q SHE HAD?

4 A YES.

5 Q AND WHAT DID YOU DO NEXT?

6 A ON THE 17TH, I GOT ADDITIONAL INFORMATION THAT
7 THE CHILDREN DID HAVE THEIR MEDICAL EXAMS AT LOWCOUNTRY
8 CHILDREN'S CENTER, AND ALSO MADE AN ATTEMPT TO LOCATE THE
9 FATHERS OF THE CHILDREN.

10 Q NOW, WHEN DID THEY HAVE THEIR MEDICAL EXAMS?

11 A THE EXAMS WERE SCHEDULED FOR SEPTEMBER 15TH.

12 Q SO, THAT WOULD HAVE BEEN THE NEXT MONDAY, THE
13 WEEK AFTER YOU GOT THE -- THE INFORMATION FROM Minor

14 A YES.

15 Q AND TRYING TO FIND THEIR FATHERS, IS THAT
16 SOMETHING THAT YOU ARE REQUIRED TO DO IN EVERY CASE?

17 A YES.

18 Q AND WHAT IS THE NEXT THING THAT YOU DID?

19 A ON THE 18TH, I RECEIVED RESULTS FROM THE
20 CHILDREN'S FATHERS. NO RECORDS WERE FOUND. AND ALSO
21 RECEIVED SOME OF Minor MEDICAL RECORDS FROM ROPER ST.
22 FRANCIS HEALTH CARE.

23 Q AND DID YOU GET THE NAMES OF THE FATHERS FROM
24 MS. DAVISON AT SOME POINT? IS THAT HOW YOU WERE SEARCHING
25 FOR THEM?

D. COVERDALE -- DIRECT BY HERRING-LASH

298

1 A YES.

2 Q WHAT DID YOU DO NEXT?

3 A ON THE 22ND, THE DEPARTMENT RECEIVED ADDITIONAL
4 INFORMATION ABOUT THE FAMILY, ONE WITH ALLEGATIONS THAT
5 MS. DAVISON MAY POSSIBLY BE USING DRUGS.

6 Q SO, DID YOU HAVE HER DRUG TESTED?

7 A YES.

8 Q AND DID YOU GET THE RESULTS?

9 A YES.

10 Q WHAT WERE THEY?

11 MR. GRIMES: OBJECTION. HEARSAY.

12 THE COURT: I'LL SUSTAIN THE OBJECTION.

13 BY MS. HERRING-LASH:

14 Q AFTER YOU RECEIVED THE -- THE RESULTS OF THE
15 DRUG TEST, DID THAT CAUSE YOU TO TAKE ANY ACTION?

16 A NO.

17 Q AND -- NOW, AT THIS TIME, HAD YOU BEEN HAVING
18 ON-GOING CONTACT WITH MS. DAVISON?

19 A NO.

20 Q HAD YOU LOST CONTACT WITH HER?

21 A I WOULDN'T SAY I LOST CONTACT, I JUST DID NOT
22 HAVE CONTACT.

23 Q WHEN DID YOU NEXT TRY TO CONTACT HER?

24 A I DID SPEAK TO HER ON THE 22ND TO INFORM HER OF
25 THE NEW ALLEGATIONS OF DRUG USE AND I ASKED HER TO TAKE

1 THE DRUG TEST ON THAT DAY.

2 Q AND SHE DID THAT?

3 A YES.

4 Q AND WHEN DID YOU NEXT TALK WITH HER?

5 A THAT WAS THE LAST DAY I SPOKE WITH HER.

6 Q IT WAS?

7 A YES.

8 Q AND THAT WAS THE 22ND?

9 A YES.

10 Q AND NOW DID YOU -- I BELIEVE THE 22ND WOULD HAVE
11 BEEN ON THE NEXT MONDAY. DID YOU TRY TO FIND HER AFTER
12 THAT?

13 A WELL, I RECEIVED INFORMATION THAT SHE MAY HAVE
14 POSSIBLY MOVED TO FLORIDA. I GOT THAT INFORMATION ON THE
15 26TH.

16 Q AND YOU TRIED FINDING HER IN FLORIDA?

17 A YES.

18 Q WHAT ALL DID YOU DO?

19 A ONE MOMENT.

20 Q WHAT ELSE DID YOU DO?

21 A I FAXED A REQUEST TO HER SCHOOL, TO SEE IF SHE
22 HAD BEEN WITHDRAWN FROM THE SCHOOL. AND IF SO, WHAT
23 SCHOOL HAD SHE BEEN ENROLLED IN. I ALSO FAXED A REQUEST
24 TO --

25 Q WHEN YOU SAY "HER SCHOOL", YOU MEAN Minor

D. COVERDALE -- DIRECT BY HERRING-LASH

300

1 A YES. Minor I RECEIVED INFORMATION THAT SHE
2 HAD BEEN ENROLLED IN A SCHOOL IN FLORIDA, VERO BEACH,
3 FLORIDA. SO, I REQUESTED INFORMATION FROM THE INDIAN
4 RIVER COUNTY DEPARTMENT OF CHILDREN AND FAMILIES ABOUT ANY
5 OTHER PRIOR REPORTS INVOLVING MS. DAVISON AND HER
6 CHILDREN. AND ALSO EMAILED TO FIND OUT IF ANY TREATMENT
7 SERVICES WERE PROVIDED FOR THE FAMILY BASED ON ANY
8 PREVIOUS REPORTS IN FLORIDA.

9 Q NOW, AT THIS POINT IN TIME, YOU HAD -- I THINK
10 YOU TESTIFIED EARLIER THAT YOU HAD ALSO MADE AN
11 APPOINTMENT FOR -- FOR Minor TO HAVE AN INTERVIEW, WAS
12 THAT EVER ACCOMPLISHED HERE IN SOUTH CAROLINA?

13 A NO. I ALSO FOUND OUT ON THE 29TH THAT THEY --
14 THAT Minor AND Sister 2 DID NOT COME FOR THEIR INTERVIEWS
15 THAT WERE SCHEDULED FOR THE 24TH.

16 Q SO, THEN THAT'S WHEN YOU STARTED FINDING --
17 TRYING TO FIND THEM IN FLORIDA AND SEE THAT THEY GOT
18 SERVICES THERE?

19 A RIGHT.

20 Q AND, ULTIMATELY, REGARDING YOUR CASE, WHAT WAS
21 THE DISPOSITION?

22 A IT WAS UNFOUNDED CATEGORY 3, WHICH MEANS THE
23 ASSESSMENT COULDN'T BE COMPLETED BECAUSE THE CHILD OR
24 FAMILY COULD NOT BE LOCATED OR FOR SOME OTHER REASON. AND
25 IN THIS CASE, IT WAS BECAUSE THE FAMILY HAD MOVED TO

1 FLORIDA.

2 Q SO, THEY KNEW -- SHE TOOK HER CHILDREN AND LEFT
3 BEFORE YOU WERE ABLE TO COMPLETE YOUR INVESTIGATION?

4 A YES.

5 MS. HERRING-LASH: THE COURT'S INDULGENCE FOR ONE
6 MOMENT. (PAUSE.) THAT'S ALL THE QUESTIONS I HAVE FOR
7 HER.

8 THE COURT: CROSS EXAMINATION.

9 MR. GRIMES: THANK YOU, YOUR HONOR.

10 THE COURT: THANK YOU.

11 MR. GRIMES: I'LL TRY TO SPEAK UP.

12 THE COURT: DURING THE PROCESS, IF ANY OF THE
13 JURORS CANNOT HEAR ANYBODY, RAISE YOUR HAND. AND I'LL
14 MAKE EVERY EFFORT TO MAKE SURE THEY SPEAK UP. JUST RAISE
15 YOUR HAND. PLEASE PROCEED.

16 MR. GRIMES: THANK YOU, YOUR HONOR. I APOLOGIZE IF
17 I SOUND LIKE I'M YELLING.

18 CROSS EXAMINATION BY MR. GRIMES:

19 Q YOUR LAST CONTACT WITH MS. DAVISON WAS ON
20 SEPTEMBER 22ND?

21 A ONE MOMENT. YES.

22 Q AND YOU HAD SET AN APPOINTMENT FOR HER FOR HER
23 CHILDREN TO BE INTERVIEWED, THE FORENSIC INTERVIEW ON
24 SEPTEMBER 24TH?

25 A YES.

D. COVERDALE -- CROSS BY MR. GRIMES

302

1 Q AND SHE DIDN'T KEEP THAT APPOINTMENT?

2 A CORRECT.

3 Q AND ON THE 26TH, YOU FIND OUT -- YOU RECEIVED
4 INFORMATION THAT SHE HAD GONE TO FLORIDA?

5 A YES.

6 Q DO YOU KNOW WHY SHE RAN AND TOOK OFF TO FLORIDA?

7 A I KNOW WHAT SOMEONE TOLD ME. SHE DIDN'T GIVE ME
8 A REASON DIRECTLY.

9 Q NOW, YOU SAID YOU RECEIVED AN INITIAL REPORT, I
10 BELIEVE, AUGUST 28TH OR IS IT -- AUGUST 27TH?

11 A YES.

12 Q AND DO -- WHO MADE THAT INITIAL REPORT?

13 A I -- I DON'T REMEMBER WHO MADE THE INITIAL
14 REPORT.

15 Q DID IT COME FROM DETECTIVE RAMSEY?

16 A I DON'T REMEMBER.

17 Q AND YOU TRIED TO FOLLOW-UP ON THAT REPORT ON THE
18 28TH?

19 A YES.

20 Q AND THEN YOU WENT BACK ON SEPTEMBER 3RD?

21 A YES.

22 Q IN YOUR INVESTIGATION, DID YOU LEARN THAT
23 SEPTEMBER 3RD WAS THE LAST TIME THAT JEREMIAH AND THE
24 CHILDREN WERE HOME ALONE TOGETHER?

25 A I'M NOT SURE WHEN THE LAST TIME THEY WERE HOME

D. COVERDATE -- CROSS BY MR. GRIMES

303

1 ALONE TOGETHER WAS. I DON'T KNOW THAT DATE.
2 Q DO YOU HAVE YOUR ACTION REPORT DATED SEPTEMBER
3 8TH?
4 A YES.
5 Q AND SO IT WAS DICTATED ON SEPTEMBER 16TH?
6 A YES.
7 Q AND DO YOU HAVE THE SECOND PAGE OF THAT REPORT?
8 A YES.
9 Q IF YOU COULD LOOK AT THE BOTTOM PARAGRAPH, DO
10 YOU SEE THAT -- IF YOU COULD JUST READ IT TO YOURSELF, AND
11 SEE IF THAT REFRESHES YOUR MEMORY.
12 A WHICH PARAGRAPH?
13 Q THE BOTTOM PARAGRAPH, IT SAYS "MS. DAVISON
14 STATED".
15 A YES.
16 Q AND THE LAST DAY THAT JEREMIAH AND THE CHILDREN
17 WERE HOME ALONE TOGETHER WAS SEPTEMBER 3RD?
18 A ACCORDING TO MS. DAVISON.
19 Q OKAY. AND THEN THEY MOVED INTO PAM'S HOUSE?
20 A YES.
21 Q AND -- OVER THE WEEKEND?
22 A I'M NOT SURE WHEN, BUT THEY DO.
23 Q SEPTEMBER 3RD WAS A WEDNESDAY, IS THAT CORRECT?
24 A YES.
25 Q AND SEPTEMBER 8TH IS A MONDAY?

D. COVERDALE -- CROSS BY MR. GRIMES

304

1 A YES.

2 Q WHEN YOU TALKED TO Minor SHE TOLD YOU THE LAST
3 INCIDENT MR. TURNER ALLEGEDLY COMMITTED WAS A FEW DAYS
4 BEFORE?

5 A CORRECT.

6 Q DID SHE SAY WHETHER THAT -- DID SHE GIVE YOU A
7 LOCATION, WHETHER IT WAS PAM'S HOUSE OR HER OLD HOUSE?

8 A NO.

9 Q NOW, DURING YOUR INVESTIGATION, IF YOU LEARNED
10 THAT ONE OF THE CAREGIVERS WAS ALLOWING SEXUAL ABUSE,
11 WOULD YOU HAVE INVESTIGATED THAT?

12 A YES.

13 Q DID YOU INVESTIGATE MS. DAVISON'S ROLE IN
14 ALLOWING SEXUAL ABUSE OF HER DAUGHTER?

15 A I -- FROM MY UNDERSTANDING, SHE HAD NO KNOWLEDGE
16 OF THAT.

17 Q OKAY. AND AFTER THE FAMILY WENT TO FLORIDA, DID
18 YOU SORT OF KEEP UP WITH THE CASE, FOLLOW EITHER THE
19 REPORTS THAT WERE COMING FROM FLORIDA, OR WATCHING THE
20 INTERVIEWS OF THE CHILD ON THE VIDEO?

21 A NO.

22 Q I IMAGINE YOU HAVE PROBABLY QUITE A CASE LOAD
23 AND YOU MAYBE MOVED ON TO ANOTHER CASE OR CASES?

24 A WELL, ONCE -- WE DON'T USUALLY STAY INVOLVED
25 WITH THE FAMILY ONCE WE ALREADY CLOSE THE CASE AND MAKE A

1 REPORT TO ANOTHER AGENCY UNLESS THEY REQUEST SOME
2 INFORMATION FROM THE DEPARTMENT.

3 Q WELL, THIS INITIAL ALLEGATION OF PHYSICAL ABUSE,
4 WAS THAT BY MS. DAVISON?

5 A AS THE PERPETRATOR?

6 Q YES, MA'AM.

7 A YES.

8 Q AGAINST THE CHILDREN?

9 A YES.

10 Q ONCE SHE MOVED TO FLORIDA, THE CASE EVENTUALLY
11 BECAME UNFOUNDED AND NO ACTION WAS TAKEN AGAINST HER, IS
12 THAT CORRECT?

13 A CORRECT. A REPORT WAS MADE IN FLORIDA.

14 Q DO YOU KNOW IF THE FLORIDA AUTHORITIES FOLLOWED
15 UP ON THAT?

16 A I KNOW THEY MADE CONTACT WITH Minor AT SCHOOL
17 AND THE FAMILY AT THE HOME WHERE THEY WERE STAYING, BUT I
18 DON'T KNOW WHAT HAPPENED AFTER THAT.

19 Q DID YOU RECEIVE ANY INFORMATION THAT Minor
20 LIKES TO LIE SO SHE CAN GO BACK TO FLORIDA?

21 MS. HERRING-LASH: YOUR HONOR, I'D OBJECT TO
22 HEARSAY.

23 THE COURT: I'LL SUSTAIN THE QUESTION.

24 MR. GRIMES: YOUR HONOR, MAY I REPHRASE --

25 THE COURT: REPHRASE YOUR QUESTION.

D. COVERDALE -- CROSS BY MR. GRIMES

306

1 BY MR. GRIMES:

2 Q I WANT TO ASK YOU -- DURING THE COURSE OF YOUR
3 INVESTIGATION, I WANT TO ASK YOU ABOUT INFORMATION YOU
4 LEARNED, NOT WHETHER IT'S TRUE OR NOT -- DID YOU LEARN OF
5 ANYTHING RELATED TO WHETHER Minor MAY HAVE LIED TO GO
6 BACK TO FLORIDA?

7 A YES.

8 MR. GRIMES: MAY I HAVE ONE MOMENT?

9 THE COURT: YES, SIR.

10 MR. GRIMES: (PAUSE.) THANK YOU.

11 BY MR. GRIMES:

12 Q IF I RECALL, DURING YOUR INVESTIGATION YOU SPOKE
13 WITH MS. DEBBIE DAVISON?

14 A YES.

15 Q DID SHE MAKE ANY COMMENTS THAT SHE WANTED TO
16 MAKE SURE THAT JEREMIAH -- THIS CASE IS HANDLED RIGHT
17 AGAINST HIM AND MAKE SURE HE GOT WHAT IS COMING TO HIM?

18 A YES.

19 Q AND THEN AFTER THAT, DID YOU RECEIVE ANY OTHER
20 INFORMATION -- AGAIN, I'M NOT ASKING WHETHER IT'S TRUE OR
21 NOT, THAT SHE SAID THAT SHE DIDN'T EVEN CARE ABOUT THE
22 CASE?

23 A YES.

24 Q AND THAT IT WAS FOR HER TO KNOW WHETHER SEXUAL
25 ABUSE OCCURRED, AND REALLY NO ONE ELSE'S BUSINESS?

1 A YES.

2 Q NOW, WHEN YOU INVESTIGATE PHYSICAL ABUSE, DO YOU
3 EVER MAKE REFERRALS TO THE POLICE?

4 A SOMETIMES.

5 Q IF SOMEONE BROKE SOMEONE'S ARM -- IF A CAREGIVER
6 BROKE A CHILD'S ARM, WOULD THAT BE SOMETHING THAT YOU
7 MIGHT CALL THE POLICE?

8 A YES.

9 MR. GRIMES: ONE MOMENT, PLEASE, YOUR HONOR.

10 THE COURT: YES, SIR.

11 MR. GRIMES: THANK YOU, YOUR HONOR. I HAVE NO
12 FURTHER QUESTIONS.

13 THE COURT: ANY REDIRECT?

14 MS. HERRING-LASH: YES, YOUR HONOR.

15 REDIRECT EXAMINATION BY MS. HERRING-LASH:

16 Q AS FAR AS THE REPORTER, YOU'RE NOT -- IS ANYONE
17 ALLOWED TO COPY THAT REPORTER PAGE TO FIND OUT WHO THE
18 REPORTER WAS IF THEY'RE NOT A DSS EMPLOYEE?

19 A NO.

20 Q AND YOU DON'T REMEMBER AT THIS POINT IN TIME?

21 A CORRECT.

22 Q AND YOU'RE NOT ALLOWED TO SEE IT?

23 A WE'RE ALLOWED TO SEE IT.

24 Q I MEAN, NOW THAT YOU'RE NOT AT DSS?

25 A OH, NO.

D. COVERDALE -- REDIRECT BY MS. HERRING-LASH

308

1 Q WHO WAS THE PERSON WHO GAVE YOU ALL THIS
2 ADDITIONAL INFORMATION ABOUT THE FAMILY?

3 A PAMELA JONES.

4 Q AND SOME OF THAT WAS THAT THE MOTHER DIDN'T CARE
5 ABOUT THE CASE AND DIDN'T CARE?

6 A YES.

7 Q AND IT WAS JUST HER BUSINESS WHAT HAPPENED AND
8 NOT ANYBODY ELSE'S?

9 A YES.

10 MS. HERRING-LASH: THOSE ARE ALL THE QUESTIONS I
11 HAVE.

12 THE COURT: ANY RECROSS?

13 MR. GRIMES: NO, SIR.

14 THE COURT: OKAY. MRS. COVERDALE, YOU MAY STEP
15 DOWN. THANK YOU VERY MUCH. ANY REASON SHE COULD NOT BE
16 EXCUSED?

17 MS. HERRING-LASH: NOT FROM THE STATE.

18 THE COURT: THANK YOU, MS. COVERDALE. YOU MAY BE
19 EXCUSED. THANK YOU SO VERY MUCH.

20 (WITNESS STEPPED DOWN.)

21 THE COURT: ALL RIGHT. MADAM FORELADY, LADIES AND
22 GENTLEMEN OF THE JURY, IT'S A FEW MINUTES TO ONE. WE'RE
23 GOING TO TAKE A LUNCH BREAK AT THIS TIME. PLEASE DON'T
24 DISCUSS THE CASE AMONGST YOURSELVES OR WITH ANYONE ELSE.
25 BE BACK IN THE JURY ROOM AT 2:30 AND WE'LL GET STARTED AT

1 THAT TIME. HAVE A GOOD LUNCH. SEE YOU THEN.

2 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 12:58
3 P.M.)

4 THE COURT: ALL RIGHT. ANYTHING FROM THE STATE
5 BEFORE WE BREAK FOR LUNCH?

6 MS. HERRING-LASH: NO, YOUR HONOR.

7 THE COURT: ANYTHING FROM THE DEFENDANT?

8 MR. GRIMES: NO, SIR.

9 THE COURT: WHEN ARE YOU PLANNING ON CALLING -- WHO
10 IS THE LADY THAT TOOK THE VIDEO? WHAT'S HER NAME?

11 MS. HERRING-LASH: HER NAME IS JACKIE
12 SANDEFER-GONSEN. AND SHE WILL BE THE NEXT TO THE LAST
13 WITNESS.

14 THE COURT: OKAY. ALL RIGHT. I'VE REVIEWED THE
15 VIDEO. IT'S ALMOST AN HOUR. ALL RIGHT. ANYTHING FROM
16 THE DEFENDANT BEFORE WE BREAK?

17 MR. GRIMES: I THINK, FOR SCHEDULING PURPOSES, I
18 KNOW WE HAVE AT LEAST ONE WITNESS THAT I'M GOING TO CALL.
19 THIS WILL PROBABLY GO INTO TOMORROW.

20 THE COURT: IF SHE GOES THROUGH HER NEXT -- I DON'T
21 KNOW HOW FAST SHE'LL GO THROUGH THEM -- BUT SHE HAS GOT
22 FIVE MORE WITNESSES. ONE IS A POLICE OFFICER, AND WE'VE
23 GOT THE STATEMENT TO DO. I WOULD IMAGINE IT'S GOING TO
24 TAKE THE REST OF THE AFTERNOON TO GET IN THE MAJORITY OF
25 THE STATE'S CASE. WE MAY NOT FINISH THE STATE'S CASE

1 TODAY.

2 MS. HERRING-LASH: I THINK THAT'S POSSIBLY,
3 ESPECIALLY IF WE HAVE TO -- IF WE PLAY THE VIDEO --

4 THE COURT: THE VIDEO -- THE VIDEO IS AN HOUR. SO
5 I SUSPECT THE STATE WILL BE FINISHING UP SOMETIME
6 TOMORROW, WOULDN'T YOU THINK?

7 MS. HERRING-LASH: YES.

8 THE COURT: SO, FOR YOUR PLANNING PURPOSES, WHY
9 DON'T YOU PLAN ON STARTING YOUR CASE TOMORROW AT 10:00 --
10 11:00 -- 10:00.

11 MS. HERRING-LASH: AND I THINK WE'LL KNOW AT THE
12 END OF THE DAY --

13 THE COURT: I MEAN, WE'LL PRETTY WELL KNOW AT THE
14 END OF THE DAY AND WE CAN KNOW THEN. BUT DON'T PLAN ON
15 CALLING ANY WITNESSES TODAY. OKAY?

16 MR. GRIMES: I UNDERSTAND. THANK YOU, YOUR HONOR.

17 THE COURT: FOR YOUR PLANNING PURPOSES.

18 MR. GRIMES: THANK YOU.

19 THE COURT: IF THEY FINISH BEFORE WE'RE READY TO
20 GO, WE'LL GO HOME, AND COME BACK TOMORROW. OKAY?

21 MR. GRIMES: THAT'S GOOD.

22 THE COURT: ALL RIGHT. THANK Y'ALL. I'LL SEE YOU
23 AT 2:30.

24 (WHEREUPON, THE HEARING ADJOURNED AT 1:00 P.M.)

25 (WHEREUPON, THE HEARING RECONVENED AT 2:44 P.M.)

1 **THE COURT:** IS THE STATE READY TO PROCEED?

2 **MR. DURANT:** YOUR HONOR, WE'VE GOT A SMALL ISSUE
3 THAT HOPEFULLY WE CAN RESOLVE REAL QUICK WITH THE -- WITH
4 THE SOUND ON THIS VIDEO. SOMEONE JUST WENT OVER TO THE
5 OFFICE TO GET AN EXTENSION TO PLUG IT IN. THAT'S OUR ONLY
6 HANG-UP.

7 **THE COURT:** WHOSE WITNESS ARE YOU GOING TO BE USING
8 IT ON?

9 **MS. HERRING-LASH:** THE NEXT WITNESS -- YOUR HONOR,
10 THE FIRST PART OF THE TESTIMONY, WE WON'T NEED IT.

11 **THE COURT:** WHO -- WHO ARE YOU CALLING?

12 **MS. HERRING-LASH:** JACKIE SANDEFER-GONSEN.

13 **THE COURT:** OKAY. ALL RIGHT.

14 **MS. HERRING-LASH:** WE WOULD JUST MAYBE HAVE TO TAKE
15 A SECOND FOR SOMEBODY TO PLUG THAT IN.

16 **THE COURT:** ALL RIGHT. ALL RIGHT. IF THAT'S GOING
17 TO BE YOUR FIRST WITNESS, LET'S COVER YOUR MOTION ON
18 ADMISSIBILITY REAL QUICK. OKAY?

19 **MS. HERRING-LASH:** OKAY.

20 **THE COURT:** WHILE WE'RE WAITING ON THE THING -- I
21 HAVE LOOKED AT THE DISC -- DO YOU NEED IT BACK?

22 **MS. HERRING-LASH:** SHE BROUGHT HER OWN COPY.

23 **THE COURT:** OKAY. HERE'S THE DISC THAT I LOOKED AT
24 IF YOU WANT TO LOOK AT IT. IN LOOKING AT THE DISC, THE
25 COURT DETERMINED THAT THE INFORMATION -- THE STATEMENT WAS

1 NOT ELICITED BY LEADING QUESTIONS. IT APPEARED THAT THE
2 INTERVIEWER WAS TRAINED, BUT WE'LL HAVE TO COVER THAT
3 BRIEFLY WITH HER QUALIFICATIONS, I GUESS, IN-CAMERA.

4 IT WAS A DETAILED ACCOUNT OF THE ALLEGED OFFENSE
5 AND I THOUGHT THE COHERENCE OF IT WAS SUFFICIENT AND
6 PROPER. SO, THE ONLY THING THE COURT CANNOT ADDRESS WOULD
7 BE HER TRAINING BECAUSE THAT WASN'T ON THE VIDEO.

8 DO YOU WANT TO INFORM ME OF THE TRAINING OR DO YOU
9 WANT HER AS A WITNESS? IT DOESN'T MATTER TO ME -- OR GIVE
10 ME A COPY OF HER VITAE AND I'LL ATTACH IT IF YOU HAVE ONE.

11 MS. HERRING-LASH: I CAN GIVE YOU THIS COPY. AND I
12 WAS GOING TO ASK HER ABOUT IT WHEN SHE TESTIFIED.

13 THE COURT: I JUST -- I THOUGHT THE STATUTE SAID I
14 HAD TO MAKE SOME KIND OF IN-CAMERA --

15 MS. HERRING-LASH: YOU DO.

16 THE COURT: -- FINDING. ALL RIGHT. I'M GOING TO
17 MARK THIS AS A COURT'S EXHIBIT. IT'S JACKIE
18 SANDEFER-GONSEN'S EDUCATION AND TRAINING. AND IT'S
19 BASICALLY SELF-EXPLANATORY.

20 MR. GRIMES, HAVE YOU SEEN IT?

21 MR. GRIMES: YES, SIR.

22 THE COURT: DO YOU HAVE ANY OBJECTIONS TO HER
23 QUALIFICATIONS?

24 MR. GRIMES: NO, SIR.

25 THE COURT: ALL RIGHT. DO YOU HAVE ANY OBJECTIONS

1 TO THE ADMISSIBILITY OF THE VIDEO?

2 MR. GRIMES: PARTS OF IT, SIR. I THINK THE PARTS
3 THAT ARE INCONSISTENT WITH HER TESTIMONY. FOR EXAMPLE,
4 THERE WAS NO VAGINAL INTERCOURSE.

5 THE COURT: WELL, ARE YOU ASKING FOR THOSE PARTS TO
6 BE STRICKEN, OR ARE YOU ASKING FOR THE WHOLE VIDEO TO BE
7 STRICKEN?

8 MR. GRIMES: FOR THOSE PARTS TO BE STRICKEN.

9 THE COURT: HOW ARE WE GOING TO WORK IT? ARE WE
10 GOING TO STOP THE VIDEO WHEN WE GET TO IT? HAVE Y'ALL
11 TALKED ABOUT WHAT PARTS YOU'RE OBJECTING TO?

12 MS. HERRING-LASH: YOUR HONOR, I -- I UNDERSTAND
13 WHICH PARTS HE'S OBJECTED TO. NOW, I HAD THE ARGUMENT
14 UNDER STATE V. COPELAND THAT THOSE CAN COME IN AS PRIOR
15 INCONSISTENT STATEMENTS. THAT THE CHILD HAS BEEN PUT ON
16 NOTICE THROUGH -- LIKE UNDER RULE 613, WHERE SHE WAS ASKED
17 IF SHE REMEMBERED MAKING THE PRIOR STATEMENT, SHE DENIED
18 IT. THE STATEMENT WAS MADE IN PRIOR TRIAL TESTIMONY. THE
19 STATEMENT WAS INCONSISTENT WITH TRIAL TESTIMONY.
20 CONFRONTATION WITH THE --

21 THE COURT: WELL --

22 MS. HERRING-LASH: -- WITH THE PRIOR STATEMENT.
23 SHE WAS CONFRONTED WITH IT.

24 THE COURT: WELL, FIRST OF ALL, LET ME ASK YOU
25 THIS: FROM READING THE STATUTE, I DON'T THINK EVEN IF

1 THERE WAS INCONSISTENT STATEMENTS THAT SHE MADE,
2 INCONSISTENT WITH THE TESTIMONY TODAY -- I DON'T THINK
3 THAT GOES TO ADMISSIBILITY OF THE VIDEO ITSELF. IT MAY GO
4 TO THE WEIGHT AND SUFFICIENCY. WEIGHT AND SUFFICIENCY, I
5 WOULD -- BUT, UNFORTUNATELY, THERE'S NOBODY TO CROSS
6 EXAMINE OTHER THAN THE PERSON WHO DID THE VIDEO. BUT
7 YOU'VE ALREADY HAD THE OPPORTUNITY TO CROSS EXAMINE THE
8 CHILD.

9 MR. GRIMES: YES, SIR.

10 THE COURT: AND I UNDERSTAND SHE'S NOT HERE, SO YOU
11 CAN'T RECALL HER FOR CROSS EXAMINATION OF THE -- OF THE
12 INCONSISTENCIES. WHAT'S YOUR POSITION, DO YOU THINK --
13 THE INCONSISTENCY UNDER THE STATUTE EXCLUDES THE VIDEO? I
14 DON'T READ THAT IN THE STATUTE UNLESS YOU HAVE A CASE THAT
15 SAYS THAT.

16 MR. GRIMES: I DON'T HAVE A CASE THAT SAYS SO. I
17 KNOW IT'S A FAIRLY NEW STATUTE. OUR ARGUMENT IS THAT IT
18 WOULD JUST GO TO REDACTION OF THOSE PORTIONS. I MEAN, FOR
19 EXAMPLE, IF THE CHILD DIDN'T TESTIFY -- THEY ARE JUST
20 GOING TO PUT THE VIDEO IN AND PLAY AS EVIDENCE. IN THE
21 ALTERNATIVE --

22 THE COURT: WELL, LET'S BACK UP. WHAT SPECIFIC --
23 WHAT ARE YOU TALKING ABOUT SPECIFICALLY ON THE VIDEO?

24 MR. GRIMES: WHERE THE CHILD TALKS ABOUT MR. TURNER
25 INSERTING HIS PRIVATE PART INTO HER PRIVATE PART.

1 **THE COURT:** OKAY. YOU WANT TO REDACT THAT BECAUSE
2 SHE TESTIFIED TODAY ON CROSS, I BELIEVE, AND ON REDIRECT
3 THAT THAT WAS INCORRECT?

4 **MS. HERRING-LASH:** SHE DENIED THAT HE PUT HIS
5 PRIVATE PARTS --

6 **THE COURT:** HIS PRIVATES IN HER PRIVATE PARTS. ALL
7 RIGHT. WHAT OTHER PARTS DO YOU WANT REDACTED?

8 **MR. GRIMES:** I THINK THAT WAS IT, YOUR HONOR.

9 **THE COURT:** THAT'S IT?

10 **MR. GRIMES:** YES, SIR.

11 **THE COURT:** ALL RIGHT. WHAT'S THE STATE'S POSITION
12 ON REDACTING THAT PORTION OF THE VIDEO?

13 **MS. HERRING-LASH:** YOUR HONOR, THERE ARE A -- A
14 COUPLE I THINK THAT -- THERE -- THERE ARE PROBABLY SEVERAL
15 INCONSISTENCIES IN WHAT SHE SAID IN HER TESTIMONY AND IN
16 THE TAPE, AS THERE ALWAYS WOULD BE.

17 **THE COURT:** HAVE YOU EVER HEARD A WITNESS THAT
18 WASN'T INCONSISTENT IN SOME RESPECT?

19 **MS. HERRING-LASH:** EXACTLY. AND I DON'T THINK THAT
20 THE -- THAT THE STATUTE FORESEES EVERY INCONSISTENCY IN
21 THE TAPE BEING REDACTED. IT IS JUST THAT INTERVIEW THAT
22 WAS CAPTURED. I THINK IT DOES GOES TO THE WEIGHT. IT MAY
23 GO TO THE JURY'S PERCEPTION OF HER CREDIBILITY.

24 **THE COURT:** WELL, THE PROBLEM I HAVE WITH -- I
25 UNDERSTAND WHAT YOU'RE SAYING, BUT THIS INCONSISTENCY IS

1 RIGHT IMPORTANT BECAUSE THAT'S RIGHT BETWEEN THE EYES ON
2 WHAT THE STATE IS REQUIRED TO PROVE ON THIS CRIME.

3 MS. HERRING-LASH: RIGHT. AND, YOUR HONOR, WHAT I
4 WAS ARGUING IS THAT WE WOULD WANT IT TO COME IN AS A PRIOR
5 INCONSISTENT STATEMENT.

6 THE COURT: UNDER WHAT RULE?

7 MS. HERRING-LASH: WELL, THE -- THE CASE THAT I'M
8 LOOKING AT IS STATE VS. COPELAND. I THINK THE RULE IS
9 801. BUT IT'S A PRIOR INCONSISTENT STATEMENT IS
10 ADMISSIBLE AS SUBSTANTIVE EVIDENCE AS WELL AS FOR
11 IMPEACHMENT WHEN A DECLARANT TESTIFIES AT TRIAL IS
12 AVAILABLE FOR CROSS EXAMINATION. THE COURT GAVE THREE
13 REASONS FOR CHANGING THE PRIOR RULE. THE OATH IS NOT AS
14 STRONG A GUARANTEE OF PROOF AS IT HAS BEEN IN THE PAST,
15 TRADITIONAL RULE REQUIRES THE COURT GIVE UNREALISTIC AND
16 CONFUSING INSTRUCTIONS TO THE JURY AND THE DECLARANT IS
17 PRESENT AND SUBJECT TO CROSS EXAMINATION.

18 THE -- THE REQUIREMENTS FOR IMPEACHING A PRIOR
19 INCONSISTENT STATEMENT ARE -- ARE NUMEROUS AND THEY ARE
20 LISTED, THE ELEMENTS. FIRST, THE STATEMENT HAD TO HAVE
21 BEEN MADE PRIOR TO TRIAL TESTIMONY TO BE -- TO USE IT TO
22 BE IMPEACHED. AND THAT STATEMENT WAS.

23 (2) THE STATEMENT HAS TO BE INCONSISTENT WITH TRIAL
24 TESTIMONY.

25 (3) THE CONFRONTATION OF THE WITNESS WITH THE PRIOR

1 STATEMENT. AND I DID CONFRONT HER, ASKING HER IF SHE
2 REMEMBERED GIVING THAT STATEMENT AND SHE SAID NO. AND THE
3 COMPLETE IMPEACHMENT, WHICH WAS PROOF OF THE PRIOR
4 STATEMENT, IS WHAT I WOULD BE WANTING TO DO NOW IS TO USE
5 THE PRIOR STATEMENT TO IMPEACH HER.

6 AND THEN (4) IS THAT THE PRIOR STATEMENT IS NOT ON
7 A COLLATERAL MATTER. I HAVE THE TAPE.

8 THE COURT: SO, WHAT YOU'RE SAYING IS YOU WANT TO
9 IMPEACH YOUR OWN WITNESS WITH A PRIOR STATEMENT THAT IS
10 INCONSISTENT FROM HER PRESENT TESTIMONY UNDER 801, I
11 BELIEVE (D) 1 -- SUBSECTION (D) SUBSECTION 1-B?

12 MS. HERRING-LASH: YES, YOUR HONOR. AND I THINK
13 PRIOR TO COPELAND, THE LAW WAS THAT YOU COULD NOT -- THAT
14 A PRIOR INCONSISTENT STATEMENT COULD BE USED FOR
15 IMPEACHMENT, BUT COULD NOT BE USED AS SUBSTANTIVE
16 EVIDENCE.

17 THE COURT: DO YOU HAVE THE STATUTE ON CSC? I KNOW
18 YOU PUT IT UP ON THE BOARD AT THE BEGINNING OF THE TRIAL.
19 DO YOU HAVE A COPY OF IT I COULD LOOK AT REAL QUICK,
20 TALKING ABOUT THE PENETRATION ASPECT AND THE ELEMENTS.

21 MS. HERRING-LASH: I THINK YOU HAVE A COPY OF IT.
22 I DO. THE ELEMENTS OF SEXUAL BATTERY?

23 THE COURT: RIGHT.

24 MS. HERRING-LASH: IT IS PENETRATION -- "IT IS
25 INTERCOURSE, ANAL FELLATIO, CUNNILINGUS, OR ANY

1 PENETRATION, HOWEVER SLIGHT, OF THE GENITAL AREA EXCEPT
2 FOR MEDICALLY RECOGNIZED PURPOSES". IF THE CHILD DID
3 TESTIFY --

4 THE COURT: THE CHILD TESTIFIED HE USED HIS FINGER
5 ON DIRECT ON HER PRIVATE AREAS, IF I REMEMBER CORRECTLY,
6 IS THAT CORRECT?

7 MS. HERRING-LASH: PARDON ME?

8 THE COURT: THE CHILD TESTIFIED HE USED HIS FINGER
9 ON HER PRIVATE PARTS, WHICH WOULD COMPLY WITH THE STATUTE?

10 MS. HERRING-LASH: RIGHT. AND --

11 THE COURT: BUT SHE DENIED THAT HE USED HIS PRIVATE
12 PARTS IN HER PRIVATE PART, BUT IN THE STATEMENT SHE
13 ACKNOWLEDGES THAT, IS THAT MY UNDERSTANDING, IS THAT
14 CORRECT?

15 MS. HERRING-LASH: YES.

16 THE COURT: OKAY. NOW, YOU WANT TO USE IT FOR
17 IMPEACHMENT PURPOSES. MY QUESTION TO YOU IS, IMPEACHMENT
18 GOES TO THE TRUTHFULNESS OF -- YOU IMPEACH FOR PURPOSES OF
19 -- TO QUESTION THE VERACITY OF THE WITNESS. BUT I THINK
20 HE WANTS TO USE IT TO PROVE THE CASE IN CHIEF; I.E., THERE
21 WAS PENIS -- THERE WAS VAGINAL PENETRATION BY THE PENIS IS
22 WHAT YOU WANT TO DO, WHICH IS PART OF YOUR CASE IN CHIEF,
23 WHICH IS NOT IMPEACHMENT?

24 MS. HERRING-LASH: WELL, I THINK --

25 THE COURT: WELL, LET ME READ THE CASE.

1 MS. HERRING-LASH: OKAY.

2 THE COURT: BUT -- BUT I'M NOT SURE THAT -- I
3 UNDERSTAND WHAT YOU'RE TRYING TO DO. AND TECHNICALLY YOU
4 MAY -- YOU MAY BE ABLE TO COME IN UNDER THAT SECTION. BUT
5 NORMALLY IT'S DONE IN REVERSE, THE DEFENDANT IS GENERALLY
6 DOING IT.

7 MS. HERRING-LASH: I KNOW.

8 THE COURT: OKAY.

9 MS. HERRING-LASH: I KNOW THAT.

10 THE COURT: ALL RIGHT. AS YOU -- YOU JUST SAID
11 THAT A PRIOR INCONSISTENT STATEMENT IS USED AS SUBSTANTIVE
12 EVIDENCE, SO IT WOULD GO TO YOUR CASE IN CHIEF.

13 MS. HERRING-LASH: AND I THINK THAT'S HOW COPELAND
14 CHANGED THE -- THE LAW.

15 THE COURT: OKAY. ALL RIGHT. I'LL BE GLAD TO HEAR
16 YOU. HAVE YOU READ -- HAVE YOU READ THE CASE?

17 MR. GRIMES: I'M FAMILIAR WITH IT.

18 THE COURT: OKAY.

19 MR. GRIMES: I THINK BEFORE WE GET TO COPELAND AND
20 THE HEARSAY PARTS, I DON'T THINK THE STATE -- IF I RECALL
21 THE CHILD'S TESTIMONY CORRECTLY, I DON'T THINK THE STATE
22 HAS LAID AN ADEQUATE FOUNDATION YET UNDER RULE 613-B, I
23 GUESS THE RULE THAT WOULD CONTROL WHETHER THE STATEMENT --
24 THE PRIOR INCONSISTENT STATEMENT COMES IN.

25 AS I RECALL THE CHILD'S TESTIMONY, SHE SAID SHE

1 DIDN'T REMEMBER. SHE DIDN'T DENY MAKING THE STATEMENT --

2 **THE COURT:** BUT IT'S NOT -- I DON'T THINK WE'RE
3 TALKING ABOUT THE TRADITIONAL IMPEACHMENT, WHEN YOU HAVE
4 TO ASK THE WITNESS, HEY, ON JULY 4, 2009, DID YOU SAY SUCH
5 AND SUCH AND SO AND SO AND SO AND SO. AND HE SAYS NO, AND
6 THEN YOU LATER IMPEACH HIM. THAT'S YOUR TRADITIONAL
7 IMPEACHMENT.

8 BUT SHE'S TALKING ABOUT DOING IT IN A STATEMENT,
9 WHICH IS DIFFERENT FROM HER TESTIMONY, BUT FOR -- FOR
10 SUBSTANTIVE LAW, NOT FOR IMPEACHMENT, I.E., TO PROVE THAT
11 THERE WAS PENILE PENETRATION OF HER PRIVATE PARTS. SO, I
12 DON'T -- I'M NOT SURE I UNDERSTAND WHAT FOUNDATION YOU'RE
13 TALKING ABOUT.

14 **MR. GRIMES:** I THINK BEFORE THEY GET TO THE
15 SUBSTANTIVE EVIDENCE, THEY HAVE TO SHOW STILL THAT IT WAS
16 AN INCONSISTENT STATEMENT TO LAY THOSE FOUNDATIONS. AND
17 IF THE CHILD SAYS, WELL, I DON'T REMEMBER MAKING THE
18 STATEMENT, AS OPPOSED TO, NO, I DID NOT MAKE A STATEMENT,
19 I DON'T THINK YOU EVEN GET TO WHETHER THE SUBSTANTIVE --

20 **THE COURT:** AND I THINK THE CHILD, ON RE -- IF I
21 REMEMBER, SOLICITOR, YOU'RE GOING HAVE TO CORRECT ME
22 BECAUSE YOU PROBABLY REMEMBER BETTER THAN I DO -- I THINK
23 YOU ASKED THE CHILD DID SHE PREVIOUSLY MAKE THAT
24 STATEMENT, SHE SAID NO.

25 **MS. HERRING-LASH:** AND THEN I ASKED HER --

1 **THE COURT:** I THINK THAT WAS DONE ON REDIRECT.

2 **MS. HERRING-LASH:** RIGHT.

3 **MR. GRIMES:** AND I DID HAVE A HARD TIME HEARING HER
4 -- ALL HER TESTIMONY, BUT --

5 **THE COURT:** I THINK SHE SAID -- YOU PREVIOUSLY SAID
6 THAT, SHE SAID NO. SO, I MEAN, THAT -- I DON'T KNOW WHERE
7 YOU -- WHY YOU HAVE A PROBLEM.

8 **MR. GRIMES:** BUT IF THAT'S WHAT WAS SAID, THEN I --
9 THEN I WOULD STAND CORRECTED. I THOUGHT SHE SAID I JUST
10 DON'T REMEMBER MAKING IT, AS OPPOSED TO, NO, I DIDN'T MAKE
11 IT.

12 **THE COURT:** SOLICITOR, DO YOU REMEMBER IF SHE SAID
13 SHE DIDN'T REMEMBER MAKING IT OR DIDN'T MAKE IT?

14 **MS. HERRING-LASH:** I THOUGHT WHAT SHE SAID WAS SHE
15 DID NOT REMEMBER MAKING IT --

16 **THE COURT:** OKAY.

17 **MS. HERRING-LASH:** -- WHEN I ASKED HER ABOUT THE
18 VIDEO. BUT WHEN I ASKED HER IF SHE HAD -- WHEN I ASKED
19 HER IF SHE HAD WATCHED THE VIDEO -- WHEN I ASKED HER IF
20 SHE HAD SAID IT, SHE SAID NO.

21 **THE COURT:** RIGHT.

22 **MS. HERRING-LASH:** BUT I THINK WHEN I ASKED HER IF
23 SHE REMEMBERED WATCHING THE VIDEO AND IF SHE REMEMBERED
24 SAYING IT ON THE VIDEO, SHE SAID NO, SHE DIDN'T REMEMBER.
25 BUT WHEN I ASKED BEFORE THAT, DO YOU REMEMBER TELLING THE

1 LADY IN FLORIDA, SHE SAID NO. SHE KIND OF --

2 THE COURT: ANY OTHER ARGUMENT?

3 MR. GRIMES: NO, SIR.

4 THE COURT: ALL RIGHT. THE MOTION TO REDACT IT IS
5 DENIED UNDER STATE V. COPELAND AND 801 -- 801, I BELIEVE
6 2, -- LET ME GET THE RIGHT SUBSECTION. 801 (D) 1-(B) I
7 BELIEVE IS THE RIGHT --

8 MS. HERRING-LASH: (A).

9 THE COURT: (A). EXCUSE ME (A), INCONSISTENT
10 TESTIMONY. SO 801 (D) 1 (A). AND STATE VS. COPELAND,
11 YOUR MOTION IS DENIED TO REDACT IT. AND THE COURT HAS
12 REVIEWED IT. AND ANY OTHER OBJECTIONS TO THE VIDEO THAT
13 THE STATE -- I MEAN THE DEFENSE HAS BEFORE WE BRING THE
14 JURY?

15 MR. GRIMES: BECAUSE --

16 THE COURT: PARDON?

17 MR. GRIMES: BECAUSE IT IS A NEW STATUTE, I WOULD
18 ALSO OBJECT THAT IT DOES VIOLATE THE CONFRONTATIONAL
19 CLAUSE BY BRINGING THE VIDEO --

20 THE COURT: YOU HAD HER EARLIER. YOU HAD ALL THE
21 CONFRONTATION YOU WANTED.

22 MR. GRIMES: I UNDERSTAND. I --

23 THE COURT: THAT'S DENIED ALSO.

24 MR. GRIMES: THANK YOU, YOUR HONOR.

25 THE COURT: ANYTHING ELSE? ANYTHING ELSE YOU WANT

1 TO PUT ON THE RECORD?

2 MR. GRIMES: NO, SIR.

3 THE COURT: DO YOU -- DO YOU WANT TO CONFER WITH
4 YOUR LEARNED COUNSEL BEFORE YOU SIT DOWN?

5 (PAUSE.)

6 MR. GRIMES: THANK YOU, YOUR HONOR.

7 (COURT'S EXHIBIT NO. 1 RECEIVED INTO EVIDENCE.)

8 THE COURT: ALL RIGHT. ANY OTHER OBJECTIONS, MR.
9 GRIMES, YOU WOULD LIKE TO PUT ON THE RECORD?

10 MR. GRIMES: NO, SIR.

11 THE COURT: ALL RIGHT. ANYTHING ELSE BEFORE WE
12 BRING THE JURY?

13 MS. HERRING-LASH: I THINK MR. DURANT JUST WANTS TO
14 CHECK THE VOLUME FOR THAT TAPE.

15 THE COURT: HAVE YOU GOT ANOTHER MACHINE SOMEWHERE?

16 MR. DURANT: WE DO. WE JUST PLUGGED ONE UP --

17 THE COURT: DOES IT WORK -- SEE IF IT WORKS BEFORE
18 WE BRING THE JURY, SO I DON'T HAVE TO SEND THEM BACK OUT.

19 (PAUSE WHILE TESTING VIDEO EQUIPMENT.)

20 THE COURT: ARE YOU READY TO PROCEED NOW?

21 MS. HERRING-LASH: YES, YOUR HONOR.

22 THE COURT: OKAY. BRING US THE JURY, PLEASE, SIR.
23 NOW, WE'VE GOT STATIC.

24 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 3:08
25 P.M.)

1 **BAILIFF:** THE JURY IS PRESENT, YOUR HONOR.

2 **THE COURT:** THANK YOU VERY MUCH. IF YOU'LL CALL
3 YOUR NEXT WITNESS PLEASE.

4 **MS. HERRING-LASH:** THE STATE WOULD CALL JACKIE
5 SANDEFER-GONSEN.

6 **THE CLERK:** PLEASE PLACE YOUR LEFT HAND ON THE
7 BIBLE AND RAISE YOUR RIGHT HAND.

8 (WITNESS FORWARD.)

9 JACKIE SANDEFER-GONSEN, HAVING
10 BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

11 **THE CLERK:** MA'AM, PLEASE STATE YOUR FULL NAME FOR
12 THE COURT AND SPELL IT AS WELL.

13 **THE WITNESS:** JACKIE SANDEFER-GONSEN. JACKIE
14 J-A-C-K-I-E -- SANDEFER-GONSEN S-A-N-D-E-F-E-R-
15 G-O-N-S-E-N.

16 DIRECT EXAMINATION BY MS. HERRING-LASH:

17 **Q** THANK YOU. DO YOU MIND IF I JUST CALL YOU
18 JACKIE?

19 **A** YES, MA'AM. THAT'S FINE.

20 **Q** WHERE DO YOU WORK, JACKIE?

21 **A** I WORK AT THE CHILD PROTECTION TEAM, PALM BEACH
22 COUNTY, FLORIDA.

23 **Q** AND WHAT POSITION DO YOU HOLD THERE?

24 **A** I'M A CASE COORDINATOR.

25 **Q** WHAT DOES THAT MEAN?

1 A I PROVIDE FORENSIC AND SPECIALIZED INTERVIEWS
2 FOR CHILD VICTIMS OF ALLEGED ABUSE AND NEGLECT.

3 Q AND HOW LONG --

4 A AND SPECIALIZED INTERVIEWS OF FAMILY MEMBERS OF
5 ALLEGED CHILD VICTIMS.

6 Q AND HOW LONG HAVE YOU BEEN THERE?

7 A I'VE BEEN THERE SINCE FIVE OF '09.

8 Q AND BEFORE THAT, WHERE DID YOU LIVE AND WORK?

9 A I LIVED IN PORT ST. LUCIA, FLORIDA. AND I
10 WORKED AT THE CHILD PROTECTION TEAM IN STUART, FLORIDA.

11 Q AND WHAT WERE YOUR DUTIES THERE?

12 A I WAS A CASE COORDINATOR AT THAT CHILD
13 PROTECTION TEAM AS WELL.

14 Q AND WHAT IS A CHILD PROTECTION TEAM?

15 A A CHILD PROTECTION TEAM IS AN AGENCY IN THE
16 STATE OF FLORIDA, THAT CONTRACTS WITH PROTECTIVE SERVICES
17 -- CHILDREN'S PROTECTIVE SERVICES TO PROVIDE SERVICES FOR
18 THEM WHEN THEY ARE INVESTIGATING ALLEGATIONS OF CHILD
19 ABUSE AND NEGLECT.

20 Q AND WHAT IS YOUR EDUCATIONAL BACKGROUND?

21 A I'VE HAD TWO 40 HOUR COURSES ON FORENSIC
22 INTERVIEWING WITH APSAC, WHICH IS THE AMERICAN
23 PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN. ONE OF
24 THOSE WAS IN 2002. ONE WAS IN MARCH OF THIS YEAR. I'VE
25 ALSO HAD BASIC, ADVANCED AND SPANISH SPEAKING FORENSIC

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1 INTERVIEW TRAINING THROUGH THE NATIONAL CHILDREN'S --
2 NATIONAL CHILDREN'S ADVOCACY CENTER.

3 I HAVE ALSO HAD ADVANCED FORENSIC INTERVIEW
4 TRAINING THROUGH BEYOND FINDING WORDS. I HAVE ATTENDED
5 SEVERAL WORKSHOPS AND TRAININGS. LAST YEAR, I ATTENDED A
6 TRAINING ON INTERVIEWING CHILDREN. THAT WAS PRESENTED AT
7 THE PALM BEACH COUNTY SHERIFF'S OFFICE. AND I ALSO
8 ATTENDED A TRAINING IN STUART, FLORIDA, PRESENTED BY
9 DENNIS AND REED ON FORENSIC INTERVIEWING.

10 Q HOW LONG HAVE YOU BEEN WORKING THE AREA --
11 WORKING WITH CHILDREN IN MALTREATMENT?

12 A I'VE BEEN WORKING WITH CHILDREN -- ABUSED AND
13 NEGLECTED CHILDREN FOR OVER 25 YEARS.

14 Q AND A PART OF THE TRAINING THAT YOU ATTEND THAT
15 HAS TO DO WITH FORENSIC INTERVIEWING, ARE SEGMENTS OF THAT
16 -- DO THEY ALSO -- DOES IT ALSO DEAL WITH CHILD
17 DEVELOPMENT?

18 A YES.

19 Q TO -- TO A GREAT EXTENT?

20 A YES.

21 Q IS THAT IMPORTANT TO RECOGNIZE CHILD DEVELOPMENT
22 BEFORE YOU ARE ABLE TO QUESTION A CHILD?

23 A YES.

24 Q DO YOU ALSO, IN THOSE TRAININGS, GO OVER THE
25 DYNAMICS THAT ARE COMMONLY SEEN IN FAMILIES WHERE ABUSE

1 AND NEGLECT HAS OCCURRED?

2 A YES.

3 Q AND IN THAT -- SO PART OF YOUR TRAINING, YOU
4 HAVE STUDIED ON THE DYNAMICS OF CHILD SEXUAL ABUSE?

5 A YES.

6 Q IN ALL THOSE TRAININGS, THEY GO INTO THOSE
7 DYNAMICS?

8 A YES, THEY DO.

9 Q AS PART OF THAT TRAINING, HAVE YOU LEARNED ABOUT
10 DELAYED DISCLOSURE IN CHILD SEXUAL ABUSE CASES?

11 A YES.

12 Q AND HAS THAT AREA BEEN RESEARCHED?

13 A YES, IT HAS.

14 Q DO YOU KNOW WHEN THE FIRST RESEARCH WAS DONE IN
15 THAT AREA?

16 A I DON'T RECALL THE EXACT DATE OF WHEN THE FIRST
17 RESEARCH WAS DONE. THERE IS A LOT OF RESEARCH IN THE LATE
18 70'S EARLY 80'S, ROLAND SUMMIT AND SOME OF HIS COLLEAGUES
19 DID STUDIES ON WHY CHILDREN DELAY THEIR DISCLOSURE. ALSO,
20 THERE IS A STUDY DONE BY BERLINGER AND BARBIERI IN - I
21 BELIEVE THAT WAS 1984. ANOTHER STUDY BY SWANSON AND
22 BIAGGIO IN '85.

23 Q AND HAVE THESE AREAS BEEN RESEARCHED AND
24 ARTICLES WRITTEN AND HAVE THESE ARTICLES BEEN PEER
25 REVIEWED?

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1 A YES, THEY HAVE.

2 Q IS THE FACT THAT CHILDREN OFTEN DELAY REPORTING
3 SEXUAL ABUSE GENERALLY RECOGNIZED BY PROFESSIONALS THAT
4 WORK IN THE AREA OF CHILD SEXUAL ABUSE?

5 A YES, IT IS.

6 Q HOW MANY FORENSIC INTERVIEWS DO YOU THINK YOU
7 HAVE DONE?

8 A APPROXIMATELY 970 TO 1,000.

9 Q AND HAVE YOU TESTIFIED IN COURT BEFORE?

10 A IN JUVENILE COURT.

11 Q AND THAT IS THE EQUIVALENT OF FAMILY COURT IN
12 OUR STATE?

13 A CORRECT.

14 MS. HERRING-LASH: YOUR HONOR, AT THIS TIME, I
15 WOULD OFFER JACKIE SANDEFER-GONSEN AS AN EXPERT IN THE
16 AREA OF CHILD ABUSE ASSESSMENT.

17 THE COURT: DO YOU HAVE ANY QUESTIONS AS TO HER
18 QUALIFICATIONS OR ANY OBJECTIONS?

19 MR. GRIMES: NO, SIR.

20 THE COURT: ALL RIGHT. THE COURT SO FINDS. THANK
21 YOU VERY MUCH.

22 BY MS. HERRING-LASH:

23 Q JACKIE, WHAT IS MEANT BY THE TERM DELAYED
24 DISCLOSURE?

25 A WHAT IS MEANT BY THAT IS THAT CHILDREN

1 OFTENTIMES DO NOT DISCLOSE THE FACT THAT THEY ARE BEING
2 ABUSED UNTIL AFTER IT HAS OCCURRED.

3 Q IS THAT COMMON?

4 A YES, IT IS.

5 Q I THINK YOU SAID THERE HAS BEEN SOME RESEARCH?

6 A CORRECT. THERE WAS ANOTHER STUDY DONE BY
7 SWANSON -- I'M SORRY -- SORENSEN AND SNOW IN 1991. AND IN
8 THAT STUDY, THE RESULTS OF THE STUDY IS THAT APPROXIMATELY
9 75 PERCENT OF CHILDREN THAT WERE SEXUALLY ABUSED DID NOT
10 INITIALLY DISCLOSE. AND OUT OF THAT, 20 PERCENT THAT DID
11 DISCLOSE WOULD -- EVENTUALLY TOOK BACK WHAT THEY SAID, AND
12 SAID, NO, IT DIDN'T HAPPEN. AND LATER SAID, YES, IT DID
13 HAPPEN.

14 Q SO, THAT'S -- WHEN THEY TAKE IT BACK, THAT'S
15 CALLED RECANTATION?

16 A CORRECT.

17 Q AND THAT IS COMMON?

18 A YES, IT IS.

19 Q HAVE YOU SEEN FOLKS DELAY DISCLOSURE AND
20 RECANTATION IN YOUR CLINICAL EXPERIENCE AS WELL AS THE
21 RESEARCH?

22 A YES, I HAVE.

23 Q WHAT FACTORS MAY INFLUENCE A CHILD NOT TO
24 DISCLOSE CHILD SEXUAL ABUSE?

25 A THERE'S A LOT OF FACTORS THAT CAN AFFECT A CHILD

1 NOT TELLING WHAT HAPPENED. THE AGE OF THE CHILD. THE
2 RELATIONSHIP THAT THE CHILD AND THE ALLEGED PERPETRATOR
3 HAVE WITH EACH OTHER. THE SEVERITY OF THE ABUSE. THE
4 LENGTH THAT THE ABUSE HAS BEEN GOING ON. THE FEAR -- A
5 FEAR THAT THE CHILD HAS THAT THEY MAY NOT BE BELIEVED.
6 AND A FEAR OFTENTIMES THAT THE CONSEQUENCES OF TELLING ARE
7 GREATER THAN THE FEARS OF BEING VICTIMIZED THEMSELF --
8 ITSELF.

9 Q WHAT ARE SOME THINGS THAT MAY INFLUENCE A CHILD
10 TO TELL?

11 A THERE'S ALSO DIFFERENT THINGS THAT INFLUENCE
12 CHILDREN TO TELL. OLDER CHILDREN USUALLY TELL BECAUSE
13 THEY'RE AFRAID THAT THE ABUSE MAY OCCUR TO A YOUNGER
14 SIBLING AND THEY WANT TO PREVENT THAT FROM HAPPENING.
15 SOMETIMES CHILDREN JUST TELL SIMPLY BECAUSE THEY ARE ASKED
16 ABOUT IT FOR THE FIRST TIME.

17 Q AND DOES THE POSITION THAT THE PERPETRATOR HOLDS
18 IN THE FAMILY, DOES THAT INFLUENCE ALSO OF TELLING OR NOT
19 TELLING?

20 A YES, IT DOES.

21 Q THE CLOSER THE CARETAKER -- OR A CARETAKER ROLE
22 WOULD INFLUENCE THAT?

23 A THE -- THE STRONGER THE TRUST AND THE BOND
24 BETWEEN THE CHILD AND THE ALLEGED PERPETRATOR, THE LESS
25 LIKELY THE CHILD IS TO DISCLOSE. AND STUDIES HAVE ALSO

1 SHOWN THAT WHEN THE ALLEGED PERPETRATOR IS A FAMILY
2 MEMBER, CHILDREN ARE LESS LIKELY TO DISCLOSE AS WELL.

3 Q IS DISCLOSURE AN EVENT OR A PROCESS?

4 A IT IS A PROCESS.

5 Q WHAT DOES THAT MEAN?

6 A CHILDREN DON'T OFTEN DISCLOSE EVERYTHING ALL AT
7 ONCE. THEY KIND OF DO IT BIT BY BIT. SOMETIMES THEY MAY
8 DISCLOSE A LITTLE BIT AND SEE WHAT KIND OF REACTION THEY
9 GET FROM THAT. AND IF CHILDREN FEEL LIKE THEY'RE BELIEVED
10 OR THEY'RE SUPPORTED, THEN THEY MAY DISCLOSE MORE. OTHER
11 TIMES THEY'RE NOT DOING THAT JUST TO -- JUST TO KIND OF
12 SEE WHAT REACTION THEY GET AND TO SEE IF THEY ARE
13 SUPPORTED, BUT CHILDREN TEND TO DISCLOSE WHEN THEY'RE ABLE
14 TO HANDLE MAKING THE DISCLOSURE.

15 Q ARE -- HAVE YOU, IN YOUR CLINICAL EXPERIENCE,
16 SEEN FAMILIES OR CHILDREN WHERE A DISCLOSURE HAS BEEN MADE
17 TO A PARENT AND THAT PARENT IS NON-PROTECTED AND
18 NON-BELIEVING AND NON-SUPPORTIVE?

19 A YES, I HAVE.

20 Q IS THAT COMMON?

21 A YES, IT IS.

22 Q WHAT WOULD THAT DO TO A CHILD AS FAR AS THEM
23 CONTINUING TO TELL THAT PARENT?

24 A THAT WOULD HINDER THAT CHILD FROM DISCLOSING
25 FURTHER.

1 Q BUT IS IT COMMON FOR MOTHERS NOT TO BELIEVE?

2 A YES, IT IS.

3 Q WHAT ARE SOME OF THE REASONS THAT YOU HAVE
4 FOUND?

5 A MANY TIMES THE PARENTS DO NOT BELIEVE BECAUSE,
6 TOO, THEY HAVE A HARD TIME BELIEVING THAT SOMEONE THAT
7 THEY TRUST HAS HARMED THEIR CHILD. ALSO, INITIALLY, THEY
8 COULD BE IN A STATE OF DENIAL. THEY ALSO HAVE TO FACE THE
9 FACT THAT THEIR LIFE IS ABOUT TO CHANGE, WHETHER THAT
10 MEANS MOVING, GETTING ANOTHER JOB, FINDING CHILD CARE,
11 THOSE KINDS OF THINGS.

12 Q HAVE YOU SEE INSTANCES WHERE A MOTHER JUST
13 SIMPLY SIDES WITH THE PERPETRATOR AND NOT THE CHILD?

14 A YES, I HAVE.

15 Q NOW, WHEN -- WELL, LET'S GO BACK TO WHEN YOU
16 WERE LIVING -- WELL, LET ME ASK YOU FIRST: DO CHILDREN
17 BECOME WHAT SEEMS TO BE SOMEWHAT PASSIVE TO SEXUAL ABUSE?

18 A YES, THEY DO.

19 Q WHAT DOES THAT MEAN?

20 A WELL, BACK IN 1983, ROLAND SUMMIT, ONE OF THE
21 COLLEAGUES IN THIS AREA, HAD STATED THAT THAT WAS
22 SOMETHING CALLED THE CHILD SEXUAL ABUSE ACCOMMODATION
23 SYNDROME. WHERE CHILDREN TEND TO FEEL LIKE THEY'RE IN
24 THIS KIND OF STATE WHERE THEY HAVE TO KEEP THINGS A SECRET
25 AND THEY FEEL HELPLESS ABOUT THAT. AND SO BECAUSE THEY

1 FEEL HELPLESS, AND LIKE THEY'RE IN A NO-WIN SITUATION,
2 THEY DON'T DISCLOSE OR THEY STAY IN THE SITUATION.

3 BUT SINCE THAT TIME ROLAND SUMMIT, AS WELL AS SOME
4 OF HIS COLLEAGUES HAVE SAID, THAT THAT'S NOT REALLY QUITE
5 WHAT HAPPENS. AND THAT WHAT HAPPENS IS THAT CHILDREN,
6 THEIR OWN PERSONAL SEXUALITY IS SHAPED BY SOMETHING THAT'S
7 INAPPROPRIATE, SUCH AS THE SEXUAL ABUSE. AND SO WHEN THEY
8 HAVE THIS INAPPROPRIATE SEXUAL FEELING OR CONCEPT OF
9 THEMSELF, AND THEY ALSO HAVE THE SENSE THAT THERE'S
10 NOTHING THAT THEY CAN DO ABOUT IT IN THE SENSE OF
11 HELPLESSNESS, THEN THEY START TO FEEL BAD ABOUT
12 THEMSELVES, OR THEY START TO HAVE SOME SORT OF GUILT AND
13 SHAME ABOUT WHAT HAS OCCURRED.

14 Q NOW, GOING BAK TO WHEN YOU LIVED -- I THINK YOU
15 SAID IN STUART, FLORIDA?

16 A I LIVED IN PORT ST. LUCIE AND WORKED IN STUART.

17 Q WHEN YOU WERE WORKING IN STUART, DID YOU SEE

18 Minor ?

19 A I SAW Minor

20 Q AND WHEN DID YOU SEE HER?

21 A I SAW HER ON JANUARY 2, 2009.

22 Q AND WAS THAT FOR THE PURPOSE OF A FORENSIC
23 INTERVIEW?

24 A YES, IT WAS.

25 Q HOW DID YOU COME TO GET THIS CASE?

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1 A MY SUPERVISOR CONTACTED ME AND STATED THAT SHE
2 HAD BEEN CONTACTED BY LAW ENFORCEMENT IN CHARLESTON, SOUTH
3 CAROLINA, AND THAT LAW ENFORCEMENT HAD INDICATED THAT
4 Minor HAD MADE DISCLOSURES OF SEXUAL ABUSE. AND SHE AND
5 HER FAMILY HAD LEFT SOUTH CAROLINA BEFORE Minor COULD BE
6 INTERVIEWED. AND LAW ENFORCEMENT WAS REQUESTING FOR
7 SOMEONE TO INTERVIEW HER REGARDING THE ALLEGATIONS.

8 Q AND WHEN YOU INTERVIEWED HER, WAS THE PURPOSE OF
9 YOUR INTERVIEW TO DO A FORENSIC INTERVIEW?

10 A YES, IT WAS.

11 Q DID YOU SPEAK WITH HER MOM FIRST?

12 A YES, I DID.

13 Q DID YOU -- WHAT WAS -- WHAT WAS THE PURPOSE IN
14 TALKING WITH THE MOM?

15 A TO OBTAIN ADDITIONAL INFORMATION AND TO TRY TO
16 ASSESS THE RISKS.

17 Q AND THEN DID YOU SEE Minor ALONE?

18 A I DID.

19 Q AND HOW DID YOU BEGIN THE INTERVIEW?

20 A I BEGAN THE INTERVIEW BY TRYING TO BUILD A
21 RAPPORT WITH HER.

22 Q AND WHEN YOU DO AN INTERVIEW LIKE THIS, DO YOU
23 ALSO DO AN ASSESSMENT OF TRUTH AND LIE?

24 A YES, I DO.

25 Q AND WHAT DO YOU -- DO YOU USE SOMETHING TO DO

1 THAT?

2 A YES, I DO.

3 Q AND WHAT DO YOU USE?

4 A AT THAT PARTICULAR AGENCY, WE USED A BOOKLET --
5 BOOKLET BY TOM LYON AND KAREN SAYWITZ, QUALIFYING CHILDREN
6 TO TAKE THE OATH. AND IT'S A BOOKLET THAT GIVES DIFFERENT
7 EXAMPLES OF CHILDREN OF -- AND ASK CHILDREN TO TELL IN THE
8 SCENARIOS WHAT IS THE TRUTH AND WHAT IS A LIE. THERE'S
9 FOUR EXAMPLES OF THAT AND THEN THERE'S FOUR EXAMPLES WHERE
10 WE ASK CHILDREN TO SEE -- TO SEE IF THEY UNDERSTAND THE
11 CONSEQUENCES OF TELLING THE TRUTH AND A LIE.

12 Q AND YOU DID THAT WITH Minor

13 A YES, I DID.

14 Q DID YOU ALSO TRY TO ASSESS HER COMPETENCY?

15 A YES, I DID.

16 Q AND HOW DID YOU DO THAT?

17 A IF I REMEMBER CORRECTLY, I TALKED WITH HER ABOUT
18 TIME, BEING ABLE TO TELL TIME. HOW OLD SHE WAS. WHAT
19 GRADE SHE WAS IN. I DON'T REMEMBER, BUT I THINK I DID
20 SOME MATH THINGS WITH HER. AND I ALSO ATTEMPTED TO SEE IF
21 SHE WAS ABLE TO RESPOND TO ME IN A NARRATIVE FORM.

22 Q DO YOU ALSO TRY TO LOOK OVER THE TAPE FOR
23 SUGGESTIBILITY?

24 A YES.

25 Q AND DID YOU DO THAT?

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1 A AT THAT PARTICULAR AGENCY WHERE WE -- WHERE I
2 WORKED AT THAT TIME, WE DIDN'T GO OVER THE -- AS A LOCAL
3 PROTOCOL TO THAT AGENCY, WE DID NOT GO OVER THE GOALS
4 THAT -- THAT SEEM TO LIMIT SUGGESTIBILITY. BUT IN LOOKING
5 OVER THE DVD, I DID SEE WHERE THERE ARE TIMES IN THE
6 INTERVIEW, WHERE Minor DID CORRECT ME AND DID ANSWER NO.
7 AND THOSE ARE TWO OF THE RULES THAT WE GO OVER TO TRY TO
8 LESSEN SUGGESTIBILITY, IN THAT WE TELL CHILDREN IF WE SAY
9 SOMETHING THAT IS WRONG, TO TELL US AND TO CORRECT US.
10 AND IF WE SAY SOMETHING THAT'S NOT RIGHT, IT'S OKAY TO SAY
11 NO.

12 Q AND HAVE YOU -- HAS IT BEEN YOUR EXPERIENCE WITH
13 YOUNG CHILDREN, THEY OFTEN DO NOT UNDERSTAND THE FULL
14 NATURE OF THIS BEHAVIOR?

15 A WITH YOUNGER CHILDREN, YES, IT IS.

16 Q AND DO -- DOES THAT SOMETIMES CAUSE THEM TO COME
17 ACROSS AS KIND OF MATTER-OF-FACT ABOUT WHAT'S GOING ON?

18 A YES, IT DOES.

19 Q IS A YOUNG CHILD ABLE -- SAY A SIX YEAR OLD --
20 DEVELOPMENTALLY USUALLY ABLE TO SEQUENCE EVENTS?

21 A USUALLY NOT.

22 Q CAN YOU EXPLAIN WHAT THAT MEANS?

23 A YES. AS FAR AS SEQUENCING AN EVENT, ONE OF THE
24 THINGS THAT WE TRY TO GET IS FOR CHILDREN TO -- TO GIVE US
25 SPECIFIC DETAILS EVENT BY EVENT OF WHAT HAS OCCURRED TO

1 THEM. AND WE TRY TO DO THAT BY GETTING FROM THE FIRST, TO
2 A MIDDLE, TO AN END EVENT.

3 Q AND IN LOOKING AT THIS INTERVIEW, WAS Minor
4 REALLY ABLE TO SEQUENCE EVENTS?

5 A NO, SHE WAS NOT.

6 Q WHY DID YOU -- WHY DID YOU THEN ASK HER TO DO
7 THAT IF SHE WAS DEVELOPMENTALLY UNABLE?

8 A IT WAS FOR HER -- THAT IS A DEVELOPMENTALLY
9 INAPPROPRIATE QUESTION AND A TASK TO GET HER TO DO. BUT
10 AT THAT AGENCY, THAT LOCAL PROTOCOL AND THE LOCAL
11 REQUIREMENTS OF THAT AGENCY, WAS THAT WE HAD TO DO THAT OR
12 TRY TO GET THAT WITH AT LEAST THREE DIFFERENT EVENTS IF
13 THERE WERE THREE EVENTS TO GET WITH EVERY CHILD, EVEN IF
14 IT WASN'T DEVELOPMENTALLY APPROPRIATE.

15 Q IF I -- AN ASSAULT HAS BEEN ON-GOING OVER A
16 PERIOD OF TIME, SAY MORE THAN ONCE OR TWICE, DO EVENTS
17 TEND TO MERGE?

18 A YES, THEY DO.

19 Q WHAT DOES THAT MEAN?

20 A WHEN CHILDREN HAVE BEEN VICTIMIZED MULTIPLE
21 TIMES, AND ESPECIALLY WHEN THE VICTIMIZATION HAS BEEN
22 SIMILAR WITH EACH EVENT, THE EXACT DETAILS OF THE
23 DIFFERENT INCIDENCES BEGIN TO BECOME BLURRED AND THE
24 CHILDREN BEGIN TO CONFUSE DETAILS OF ONE EVENT WITH
25 OCCURRING WITH DETAILS OF ANOTHER EVENT. THEY ALL START

1 TO RUN TOGETHER.

2 Q AND I GUESS EVEN WITH AN ADULT, IF YOU DO
3 SOMETHING OVER AND OVER, SOME EVENTS MAY TURN -- TEND TO
4 MERGE TOGETHER?

5 A THAT'S CORRECT. WHEN THOSE THINGS ARE DONE OVER
6 AND OVER.

7 Q AND DO YOU -- WOULD YOU FIND IT DEVELOPMENTALLY
8 APPROPRIATE, OR DEVELOPMENTALLY WOULD YOU ASK A SIX YEAR
9 OLD, GIVE ME THE DATE AND TIME THAT AN EVENT OCCURRED?

10 A I WOULD NOT ASK THAT IF I WAS NOT AT A CENTER
11 WHERE THAT WAS A REQUIREMENT.

12 Q BECAUSE THEY'RE UNABLE TO?

13 A CORRECT.

14 Q DID IT BECOME APPARENT TO YOU, FOR EXAMPLE, THAT
15 Minor WAS NOT EVEN ABLE TO GIVE YOU THE CITY OR THE NAME
16 OF THE STREET THAT SHE HAD LIVED ON?

17 A YES, IT DID.

18 Q AND DID YOU TRY A MORE CHILD FRIENDLY APPROACH?

19 A YES, I DID.

20 Q AND WHAT DID YOU DO?

21 A I ASKED HER WHAT THE COLOR OF THE HOUSE WAS THAT
22 SHE WAS IN WHEN THE ABUSE OCCURRED.

23 Q AND DO YOU KNOW FROM YOUR AGENCY IF -- DCF,
24 WHICH I THINK IS -- IS THAT DEPARTMENT OF CHILDREN'S --

25 A DEPARTMENT OF CHILDREN AND FAMILIES.

1 Q DID THEY FOLLOW-UP WITH Minor FAMILY?

2 A TO MY UNDERSTANDING THEY DID NOT.

3 Q AND THE PURPOSE OF YOUR INTERVIEW WAS TO HAVE AN
4 INVESTIGATIVE INTERVIEW?

5 A CORRECT.

6 Q AND WAS THAT RECORDED ON A DVD?

7 A YES, IT WAS.

8 MS. HERRING-LASH: AND, YOUR HONOR, AT THIS TIME,
9 WE WOULD OFFER THE DVD INTO EVIDENCE.

10 THE COURT: OKAY. SUBJECT TO PREVIOUS OBJECTIONS,
11 ANY OTHER -- ANY NEW OBJECTIONS?

12 MR. GRIMES: NO, SIR.

13 THE COURT: ALL RIGHT. WHAT NUMBER IS IT?

14 MS. HERRING-LASH: I WILL MARK THE -- STATE'S 5.

15 THE COURT: ALL RIGHT. STATE'S 5 IS IN EVIDENCE
16 WITH OBJECTIONS WHICH WERE PREVIOUSLY NOTED IN-CAMERA.

17 (STATE'S EXHIBIT NO. 5 RECEIVED INTO EVIDENCE.)

18 (WHEREUPON, THE DVD WAS PLAYED IN OPEN COURT IN THE
19 PRESENCE OF THE JURY.)

20 MS. HERRING-LASH: JUST A FEW MORE QUESTIONS, YOUR
21 HONOR.

22 THE COURT: OKAY.

23 BY MS. HERRING-LASH:

24 Q JUST EXPLAIN -- THERE WAS A BLACK BOX IN THE
25 MIDDLE OF THAT VIDEO, DO YOU KNOW WHY THAT WAS THERE?

1 A YES. YES. AT THE TIME THAT THE INTERVIEW WAS
2 DONE, ON THE FAR WALL, YOU COULD SEE IN THE VIDEO, THAT
3 THERE WAS ANOTHER CAMERA ON THAT FAR WALL. THAT CAMERA
4 WAS MALFUNCTIONING. THAT CAMERA SHOULD HAVE SHOWN A
5 PICTURE OF MY FACE AND WHAT I WAS DOING WITH THE CHILD.
6 BUT BECAUSE THAT CAMERA WAS NOT FUNCTIONING, IT CAME
7 ACROSS ON THE RECORDING AS A BLACK BOX.

8 (STATE'S EXHIBIT NO. 6 MARKED FOR IDENTIFICATION.)

9 BY MS. HERRING-LASH:

10 Q I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED AS
11 STATE'S EXHIBIT 6; DO YOU RECOGNIZE WHAT THIS IS?

12 A YES.

13 Q WHAT IS THAT?

14 A IT IS THE DRAWING THAT SHE MADE DURING THE
15 INTERVIEW.

16 Q AND IS THE DATE -- PART OF THE -- PART OF THE
17 DATE IS UP THERE?

18 A PART OF THE DATE IS UP THERE.

19 MS. HERRING-LASH: YOUR HONOR, AT THIS TIME WE
20 WOULD OFFER STATE'S EXHIBIT NO. 6 INTO EVIDENCE.

21 THE COURT: ANY OBJECTION?

22 MR. GRIMES: NO, SIR.

23 THE COURT: ALL RIGHT. STATE'S NO. 6 ADMITTED
24 WITHOUT OBJECTION.

25 (STATE'S EXHIBIT NO. 6 RECEIVED INTO EVIDENCE.)

1 MS. HERRING-LASH: THAT'S ALL THE QUESTIONS I HAVE.

2 THE COURT: CROSS EXAMINATION.

3 MR. GRIMES: THANK YOU, YOUR HONOR.

4 CROSS EXAMINATION BY MR. GRIMES:

5 Q IS IT MS. GONSEN?

6 A SANDEFER-GONSEN.

7 Q IS IT OKAY FOR ME TO CALL YOU JACKIE OR IS THAT

8 --

9 A JACKIE IS FINE.

10 Q THANK YOU. JACKIE, SOMETIMES I MUMBLE. I DON'T
11 SPEAK LOUD ENOUGH. YOU KNOW, IF I DO THAT, JUST LET ME
12 KNOW. OKAY?

13 A OKAY.

14 Q NOW, ON YOUR DIRECT TESTIMONY, YOU TALKED ABOUT
15 DISCLOSURES BEING A PROCESS?

16 A CORRECT.

17 Q AND INITIALLY CHILDREN MAY SORT OF TALK A LITTLE
18 BIT ABOUT IT. AND DEPENDING ON WHAT TYPE OF REACTION THEY
19 GET, THEN THEY EXPAND UPON IT?

20 A THAT COULD BE ONE SCENARIO, YES.

21 Q WHAT WAS -- JUST OUT OF CURIOSITY, WHAT WOULD
22 THE OTHER SCENARIOS BE?

23 A DISCLOSURE ITSELF IS A PROCESS. UNFORTUNATELY,
24 CHILDREN DON'T DISCLOSE TO US ALL AT ONE TIME EVERYTHING
25 THAT HAS HAPPENED. THEY CAN DISCLOSE A LITTLE BIT TO SEE

1 HOW -- WHAT KIND OF REACTION THEY GET, WHETHER OR NOT THEY
2 ARE SUPPORTED OR BELIEVED, AND THEN THEY MAY -- MAY OR MAY
3 NOT GO ON TO DISCLOSE MORE. BUT, ALSO, CHILDREN TEND TO
4 DISCLOSE ON THEIR OWN TIME SPAN WHEN THEY'RE ABLE TO DEAL
5 WITH WHATEVER INFORMATION AT A TIME, THAT THEY CAN PROCESS
6 AND DEAL WITH THEMSELVES, THEY'LL DISCLOSE THAT LITTLE
7 BIT.

8 THEN IN THEIR MIND, THERE MAY BE SOMETHING ELSE
9 THAT OCCURRED, BUT IN THEIR MIND IS WORSE OR MORE
10 TRAUMATIC TO THEM IN THEIR MIND. AND WHEN THEY MAKE THE
11 INITIAL DISCLOSURE, THEY MAY NOT BE ABLE TO DEAL WITH
12 TELLING SOMEONE ABOUT THE STUFF THAT THEY PERCEIVE TO BE
13 MORE TRAUMATIC. SO, THEY MAY NOT DISCLOSE THOSE MORE
14 TRAUMATIC THINGS UNTIL LATER.

15 Q HOW MANY TIMES DID YOU INTERVIEW Minor

16 A ONE TIME.

17 Q SO, SHE DIDN'T GIVE YOU A FULL DISCLOSURE, AND
18 YOU DIDN'T COME BACK THREE MONTHS LATER AND TALK TO HER
19 AGAIN?

20 A I TALKED TO HER ONE TIME.

21 Q BUT -- AND DID YOU REVIEW ANY OF HER COUNSELLING
22 RECORDS?

23 A NO, SIR.

24 Q DID SHE KEEP GOING TO COUNSELLING AFTER SHE
25 TALKED TO YOU?

1 A I DON'T KNOW.

2 Q DID YOU DO ANY FOLLOW-UP AFTER SHE TALKED TO
3 YOU?

4 A NO.

5 Q DID YOU REVIEW HER RECORDS FROM CHARLESTON
6 BEFORE YOU TALKED TO HER?

7 A NO.

8 Q DO YOU HAVE THE DVD OF YOUR INTERVIEW WITH HER
9 MOTHER?

10 A THERE WAS NOT A RECORDING OF AN INTERVIEW WITH
11 THE MOTHER.

12 Q AND YOU INTERVIEWED HER FIRST?

13 A YES. I INTERVIEWED THE MOTHER FIRST.

14 Q WHEN YOU INTERVIEWED HER, DID YOU HAVE ANY
15 RECORDS OF ANY COUNSELLING THAT SHE MAY HAVE RECEIVED?

16 A NO.

17 Q DID YOU REVIEW ANY RECORDS FROM CHARLESTON THAT
18 SHE MAY HAVE HAD FROM EITHER DSS, THE DEPARTMENT OF SOCIAL
19 SERVICES OR LAW ENFORCEMENT REPORTS?

20 A NO.

21 Q DID YOU REVIEW ANY RECORDS FROM THE FLORIDA'S
22 VERSION OF THE DEPARTMENT OF SOCIAL SERVICES BEFORE YOU
23 INTERVIEWED HER?

24 A FROM THE WHAT VERSION?

25 Q FLORIDA'S VERSION OF THE DEPARTMENT OF SOCIAL

1 SERVICES?

2 A NO.

3 Q I APOLOGIZE, I DON'T -- I THINK YOU HAVE AT
4 LEAST TWO AGENCIES DOWN THERE, THE CHILD PROTECTION TEAM
5 -- AND WHAT'S THE OTHER ONE?

6 A DEPARTMENT OF CHILDREN AND FAMILIES.

7 Q NOW, IF I RECALL CORRECTLY, Minor HAD TALKED
8 ABOUT THREE INCIDENTS OF ABUSE IN THIS CASE?

9 A IF I REMEMBER CORRECTLY, I TRIED TO GET HER TO
10 TALK ABOUT THREE SEPARATE INCIDENTS.

11 Q AND YOU SAID ONE HAPPENED IN FLORIDA?

12 A THAT IS WHAT SHE STATED.

13 Q DID YOU MAKE ANY REFERRALS TO THE FLORIDA POLICE
14 AUTHORITIES ABOUT THIS DISCLOSURE?

15 A NO.

16 Q DO YOU KNOW OF ANY INVESTIGATION THAT WAS DONE
17 TO CORROBORATE THAT ALLEGATION?

18 A I DON'T KNOW.

19 Q WAS IT JUST IGNORED?

20 A I DON'T KNOW.

21 Q AND IT SOUNDS LIKE THE OTHER TWO WERE IN JULY,
22 IS THAT FAIR TO SAY?

23 A I DON'T KNOW WHEN THE TIME WAS. Minor HERSELF
24 HAD A DIFFICULT TIME WITH TIME. SHE HAD A DIFFICULT TIME
25 WITH BEING ABLE TO TELL TIME ON A CLOCK WITH HANDS AND

1 NUMBERS, MUCH LESS TO BE ABLE TO TELL TIME AS FAR AS WHEN
2 EVENTS OCCURRED.

3 Q I UNDERSTAND THAT. SHE PROBABLY COULDN'T SAY
4 JULY 19TH AT 11:30, JEREMIAH CAME IN MY ROOM AND DID THIS.
5 I WOULD HAVE A HARD TIME TO REMEMBER THAT FROM A YEAR AGO.
6 BUT DID SHE GIVE LIKE -- DID YOU TRY TO SAY, WELL, WAS IT
7 AROUND THE 4TH OF JULY, WAS IT BEFORE SCHOOL STARTED, DID
8 YOU DO ANYTHING TO TRY TO REFRESH YOUR MEMORY TO GET A
9 GENERAL SENSE OF TIME?

10 A I DID TRY TO GET A GENERAL SENSE OF TIME AS FAR
11 AS ASKING HER WHAT AGE SHE WAS WHEN EVENTS OCCURRED, WHAT
12 GRADE SHE WAS IN, IF SHE HAD THE SAME TEACHERS WHEN
13 DIFFERENT EVENTS OCCURRED. THOSE WERE ALL ATTEMPTS AT
14 TRYING TO CLARIFY TIME. BUT WITH CHILDREN THAT ARE SIX,
15 SEVEN, WHICH SHE IS, THOSE WERE REALLY INAPPROPRIATE
16 QUESTIONS FOR ME TO ASK DEVELOPMENTALLY BECAUSE TIME AND
17 SEQUENCING IS A -- MORE OF AN ABSTRACT THINKING THING,
18 TIME AND WHEN EVENTS OCCURRED, IS MORE ABSTRACT THINKING
19 AS OPPOSED TO CONCRETE, WHICH IS WHO AND WHAT AND WHERE.
20 AND CHILDREN OF THAT AGE ARE NOT DEVELOPMENTALLY -- DON'T
21 HAVE THE ABSTRACT THINKING CONCEPT DOWN. SO, IT WAS WRONG
22 ON MY PART TO ASK THOSE INAPPROPRIATELY DEVELOP -- THOSE
23 TYPES OF QUESTIONS.

24 Q IS IT AN INAPPROPRIATE QUESTION BECAUSE NEARLY
25 SIX MONTHS HAD GONE BY?

1 A NO. IT WAS AN INAPPROPRIATE QUESTION BECAUSE OF
2 HER AGE. AND DEVELOPMENTALLY, SHE WAS NOT AT A
3 DEVELOPMENTAL LEVEL WHERE SHE HAD THAT ABILITY TO DO
4 ABSTRACT THINKING.

5 Q SO, IF SHE WAS TO TESTIFY TODAY ABOUT SOMETHING
6 THAT HAPPENED YESTERDAY, AND THAT -- AND WE WERE ASKING
7 ABOUT DID IT HAPPEN YESTERDAY, ARE YOU TELLING THE JURY
8 THAT WOULD BE AN INAPPROPRIATE QUESTION TO ASK HER?

9 A I HAVEN'T SEEN HER TODAY, SO I DON'T KNOW WHAT
10 HER DEVELOPMENTAL LEVEL IS TODAY AS TO WHETHER OR NOT SHE
11 WOULD BE ABLE TO ANSWER THAT.

12 Q WELL, THE STATE CALLED YOU AS AN EXPERT IN CHILD
13 SEXUAL ABUSE, CORRECT?

14 A CORRECT.

15 Q AND YOU'VE TALKED ABOUT ALL THESE KINDS OF
16 STUDIES AND EVERYTHING YOU'VE DONE ABOUT HOW CHILDREN ARE?

17 A I HAVE NOT DONE ANY STUDIES.

18 Q BUT YOU'VE TALKED ABOUT STUDIES?

19 A CORRECT.

20 Q STATING HOW CHILDREN -- THESE STUDIES SHOW THIS,
21 IT MAY BE DELAYED DISCLOSURE. SO, YOU'VE THOUGHT OF ALL
22 THAT GENERALLY, CORRECT?

23 A CORRECT.

24 Q YOU DIDN'T TALK TO Minor BEFORE SHE TESTIFIED,
25 DID YOU?

1 A BEFORE SHE TESTIFIED WHERE?

2 Q YESTERDAY AND TODAY?

3 A NO.

4 Q YOU DIDN'T OBSERVE HER TESTIMONY TO SEE IF THAT
5 MIGHT AFFECT YOUR OPINION AS AN EXPERT, DID YOU?

6 A NO, I DID NOT.

7 Q AND YOU DIDN'T REVIEW ANY RECORDS FROM
8 CHARLESTON ABOUT HER GIVING STATEMENTS ON WHEN THIS
9 HAPPENED?

10 A NO.

11 Q AND YOU DIDN'T CHECK ANY OF HER COUNSELLING
12 RECORDS IN FLORIDA?

13 A NO.

14 Q AND YOU DIDN'T PUT UP ANY FOLLOW-UP
15 INVESTIGATION -- OR FOLLOW-UP INTERVIEWS WITH HER?

16 A NO. THE PURPOSE OF THE FORENSIC INTERVIEW IS TO
17 OBTAIN AS MUCH INFORMATION AS POSSIBLE WITHOUT ELICITING
18 -- MINIMIZING THE AMOUNT OF INFORMATION THAT THE
19 INTERVIEWER GIVES. WE DO ONE INTERVIEW IN FLORIDA.
20 ANYONE, WHETHER IT IS PROTECTIVE SERVICES, CHILD
21 PROTECTION TEAM, OR ANYONE ELSE, IS ONLY ALLOWED TO GIVE
22 -- TO INTERVIEW A CHILD THREE TIMES. AND THAT'S IN ORDER
23 TO MINIMIZE THE AMOUNT OF TRAUMA DONE TO A CHILD.

24 SO, THE FIRST INTERVIEW IS TYPICALLY RESERVED FOR
25 CHILD PROTECTION TEAM, LAW ENFORCEMENT AND/OR CHILDREN'S

1 PROTECTIVE SERVICES. THE SECOND INTERVIEW IS RESERVED FOR
2 THE PROSECUTING ATTORNEY AND THE THIRD INTERVIEW IS
3 RESERVED FOR THE DEFENSE ATTORNEY. SO, WE ONLY HAVE ONE
4 CHANCE TO INTERVIEW CHILDREN REGARDING ANY ALLEGATIONS.

5 Q SO, IN FLORIDA, THE DEFENSE ATTORNEY GETS A
6 CHANCE TO INTERVIEW THE CHILD?

7 A I'M SORRY. REPEAT THAT.

8 Q UNDER FLORIDA LAW, YOU'RE SAYING THAT THE
9 DEFENSE ATTORNEY GETS A CHANCE TO INTERVIEW THE CHILD?

10 A THAT IS CORRECT.

11 Q BUT IF THE MOM LEAVES -- LEAVES THE STATE AND
12 DOESN'T GIVE THE DEFENSE ATTORNEY THAT CHANCE, THEN YOU
13 COULD INTERVIEW THE CHILD A SECOND TIME, CORRECT, OR
14 SOMEONE IN YOUR DEPARTMENT COULD?

15 A THERE ARE -- A PLAN PUT INTO PLACE. I WOULD
16 HAVE TO GET THE PERMISSION FROM THE STATE ATTORNEY'S
17 OFFICE AND ANY OTHER ATTORNEY THAT MAY BE ON THE CASE TO
18 INTERVIEW THE CHILD A SECOND TIME.

19 Q DID YOU ASK MS. LASH FOR PERMISSION?

20 A NO.

21 Q NOW, I THINK YOU SAID -- DO YOU KNOW IF MS.
22 DAVISON TALKED TO Minor ABOUT COMING INTO THAT MEETING
23 WITH YOU?

24 A TELL ME WHO MS. DAVISON IS.

25 Q HER MOTHER.

1 A OKAY. AND REPEAT YOUR QUESTION.

2 Q DO YOU KNOW IF SHE TALKED TO Minor ABOUT WHAT
3 WAS GOING TO HAPPEN AT THE MEETING WITH YOU, THE
4 INTERVIEW?

5 A I ATTEMPTED TO ASK Minor IF HER MOTHER HAD
6 TALKED WITH HER, YES.

7 Q AND YOU TALKED TO MS. DAVISON ABOUT THAT,
8 WHETHER SHE TALKED TO Minor CORRECT?

9 A I DO NOT RECALL TO BE HONEST.

10 Q DO YOU HAVE YOUR SPECIALIZED INTERVIEW REPORT?

11 A YES, I DO.

12 Q IT LOOKS LIKE ON PAGE 2, THERE IS A SECTION
13 UNDERLINED, SUMMARY OF INTERVIEW WITH DEBBERA ANN DAVISON?

14 A I'M SORRY. PAGE 2?

15 Q YES, MA'AM. IT'S THE SECOND FULL PARAGRAPH, IN
16 THAT SECTION, ABOUT HALF WAY DOWN. IF YOU COULD READ THAT
17 TO YOURSELF, TO SEE IF THAT REFRESHES YOUR MEMORY.

18 A TO BE SURE I'M UNDERSTANDING WHICH PARAGRAPH, IS
19 IT THE PARAGRAPH THAT STARTS WITH "MS. DAVISON SAID SHE"?

20 Q YES, MA'AM.

21 A (PAUSE.) I READ THAT.

22 Q AND DOES THAT REFRESH YOUR MEMORY AS TO WHAT --
23 MS. DAVISON ATTEMPTED TO TALK WITH Minor ABOUT YOUR
24 MEETING WITH YOU?

25 A IT DOES NOT DIRECTLY ADDRESS WHETHER SHE TALKED

1 TO Minor ABOUT MEETING WITH ME. IT DOES DIRECTLY DIRECT
2 THAT SHE STATED SHE HAD NOT TALKED WITH Minor REGARDING
3 THE ALLEGATION.

4 Q IN YOUR EXPERIENCE, WOULD IT BE APPROPRIATE FOR
5 A MOTHER TO SAY, WELL, YOU'RE GOING TO MEET A GOOD PERSON,
6 SHE'S COMING TO TALK TO YOU?

7 A IN MY EXPERIENCE, I HAVE HAD SOME PEOPLE SAY
8 THAT, YES, THEY WERE GOING TO TALK WITH ME ABOUT THE
9 ALLEGATION. I'VE HAD SOME SAY NOTHING AT ALL TO THE
10 CHILDREN ABOUT WHAT THEY WERE GOING TO DO. I'VE HAD SOME
11 PARENTS TELL THEIR CHILDREN THAT THEY WERE GOING TO SEE A
12 DOCTOR, TO BE SURE THAT THEY WERE OKAY.

13 Q I'M SORRY. I MAY HAVE MIS-PHRASED MY QUESTION.
14 BUT WOULD IT BE APPROPRIATE FOR THE MOTHER TO SAY WHEN A
15 CHILD COMES TO TALK TO YOU -- I'M SPEAKING GENERALLY --
16 THAT YOU'RE GOING TO MEET WITH A GOOD PERSON?

17 A AS A PROFESSIONAL IN THE FIELD AND OTHER
18 COLLEAGUES THAT I WORK WITH, WE PREFER THAT -- THAT THE
19 PARENTS DON'T TELL THE CHILDREN ANYTHING SPECIFIC ABOUT
20 WHY YOU ARE COMING TO SPEAK WITH US.

21 Q WOULD IT BE APPROPRIATE FOR A MOTHER TO TELL A
22 CHILD THAT SHE'S GOING TO MEET A BAD MAN WHEN SHE SAID SHE
23 IS GOING TO INTERVIEW WITH A DEFENSE ATTORNEY?

24 A I WOULD NOT FIND THAT APPROPRIATE.

25 Q NOW, YOUR INTERVIEW WITH MS. DAVISON, SHE DENIED

1 WALKING IN AND SEEING MR. TURNER ON THE BED, CORRECT?

2 A THAT IS CORRECT.

3 Q AND DID SHE SAY ANYTHING IN YOUR INTERVIEW OF
4 HER ABOUT JEREMIAH COMING OUT OF THE BEDROOM, BECAUSE HE
5 HAD BEEN IN THE BEDROOM TO CHECK ON HIS CHILDREN BECAUSE
6 OF BUGS?

7 A NO, SHE DID NOT.

8 MR. GRIMES: CAN I HAVE ONE MOMENT, YOUR HONOR?

9 THE COURT: YES, SIR.

10 BY MR. GRIMES:

11 Q IN YOUR EXPERIENCE, IS IT THE BEST COURSE OF
12 ACTION, FOR THE MOTHER TO BRING HER CHILD IN FOR AN
13 INTERVIEW AS SOON AS POSSIBLE?

14 A BEING A FORENSIC INTERVIEWER, WE LIKE TO SPEAK
15 WITH THE CHILDREN AS SOON AS POSSIBLE. BUT WE ALSO HAVE
16 TO TAKE OTHER FACTORS INTO ACCOUNT, SUCH AS THE AGE OF THE
17 CHILD, ANY OTHER TRAUMATIC EVENTS THAT HAVE OCCURRED,
18 WHETHER THE CHILD HAS BEEN ABLE TO EAT OR SLEEP, WHETHER
19 WE'RE INTERVIEWING CHILDREN DURING NAP TIMES FOR YOUNGER
20 CHILDREN. WHETHER OR NOT WE'RE PULLING CHILDREN AWAY FROM
21 SPECIAL ACTIVITIES THAT THEY MAY WANT TO PARTICIPATE IN.
22 SO, WITH CONSIDERATION OF ALL OF THESE THINGS, WE TRY TO
23 BRING THOSE THINGS INTO CONSIDERATION IN SCHEDULING THE
24 INTERVIEWS TO TALK WITH THE CHILDREN. BUT WITH THAT, WE
25 DO LIKE TO SPEAK WITH THEM AS SOON AS POSSIBLE, PENDING

1 ALL OF THOSE OTHER CIRCUMSTANCES.

2 Q NOW, I TAKE IT FOUR MONTHS WOULD GIVE MS.
3 DAVISON A CHANCE TO CONTINUE, A CHANCE TO TAKE ALL THOSE
4 SPECIAL CONSIDERATIONS INTO ACCOUNT TO SCHEDULE AN
5 INTERVIEW FOR JANUARY 2, 2009?

6 A WHEN I INTERVIEWED Minor I WAS NOT AWARE UNTIL
7 I TALKED WITH HER MOTHER THAT THE -- THAT THE ALLEGED
8 ALLEGATIONS HAD OCCURRED APPROXIMATELY FOUR MONTHS OR HAD
9 BEEN MADE APPROXIMATELY FOUR MONTHS BEFORE SHE WAS
10 INTERVIEWED.

11 Q I THINK ONE LAST QUESTION AND I'M NOT TRYING TO
12 BE TO NITPICKY -- I THINK ON YOUR DIRECT TESTIMONY YOU
13 SAID THAT MS. DAVISON LEFT SOUTH CAROLINA?

14 A I'M SORRY?

15 Q I THINK ON YOUR DIRECT TESTIMONY YOU SAID THAT
16 MS. DAVISON HAD LEFT SOUTH CAROLINA AND CAME TO FLORIDA?

17 A YES, I DID SAY THAT.

18 Q DID YOU ALSO CHARACTERIZE HER LEAVING SOUTH
19 CAROLINA AS FLED SOUTH CAROLINA?

20 A IT'S POSSIBLE I SAID THAT. I DON'T RECALL.

21 Q DO YOU HAVE YOUR FINAL CASE SUMMARY REPORT?

22 A YES, I DO.

23 Q IT'S LIKE IT'S THE SECOND LAST LINE OF THE
24 SECOND FULL PARAGRAPH, UNDER REASON FOR REFERRAL?

25 A CORRECT. YES. I SEE THAT.

1 Q AND DOES THAT REFRESH YOUR MEMORY AS WHETHER YOU
2 MAY HAVE SAID FLED SOUTH CAROLINA?

3 A YES. IT DOES STATE HERE THAT MS. DAVISON HAD
4 FLED SOUTH CAROLINA BEFORE THE INVESTIGATION AND THAT WAS
5 ALSO THE INFORMATION THAT WAS GIVEN TO ME VIA MY
6 SUPERVISOR WHEN SHE ASKED ME TO DO THE INTERVIEW.

7 Q AND DESPITE KNOWING THAT SHE HAD FLED SOUTH
8 CAROLINA, YOU DIDN'T DEEM IT APPROPRIATE TO GET RECORDS
9 FROM SOUTH CAROLINA TO SEE WHAT WAS GOING ON?

10 A NEITHER MYSELF OR MY SUPERVISOR WERE AWARE THAT
11 THERE RECORDS IN SOUTH CAROLINA WHEN WE INTERVIEWED
12 Minor

13 Q AND YOU'RE THE EXPERT THE STATE HAS BROUGHT IN
14 FROM FLORIDA IN THIS CASE?

15 A I'M SORRY?

16 Q YOU'RE THE EXPERT THE STATE HAS BROUGHT IN FROM
17 FLORIDA?

18 A YES.

19 Q THANK YOU.

20 A YOU'RE WELCOME.

21 THE COURT: ANY DIRECT?

22 MS. HERRING-LASH: YES, YOUR HONOR.

23 REDIRECT EXAMINATION BY MS. HERRING-LASH:

24 Q TO CLARIFY THE -- FLORIDA MAY WORK A LITTLE
25 DIFFERENTLY -- YOUR AGENCY, YOU DO THE INTERVIEW?

J. SANDEFER-GONSEN -- REDIRECT BY H-LASH

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1 A CORRECT.

2 Q DO YOU DO ANY INVESTIGATION?

3 A NO.

4 Q DO YOU DO ANY COUNSELLING?

5 A NO.

6 Q SO, YOU DO INTERVIEWS FOR ALL THESE OTHER
7 AGENCIES WHO DO THOSE THINGS?

8 A THAT'S CORRECT.

9 Q AND WE HAVE BEEN -- CERTAINLY, I WOULD GUESS, IT
10 HAD BEEN MUCH BETTER FOR YOU HAD YOU BEEN ABLE TO
11 INTERVIEW Minor IMMEDIATELY?

12 A THAT'S CORRECT.

13 Q AND YOUR INTERVIEW COULD HAVE GATHERED MUCH MORE
14 INFORMATION?

15 A THAT'S CORRECT.

16 MS. HERRING-LASH: THAT'S ALL THE QUESTIONS I HAVE.

17 THE COURT: RECROSS.

18 MR. GRIMES: BRIEFLY.

19 RECROSS EXAMINATION BY MR. GRIMES:

20 Q IF Minor HAD SAID, WELL, HECTER IS ALSO ABUSING
21 ME, WOULD YOU HAVE REPORTED THAT TO THE POLICE...

22 COURT REPORTER: WOULD YOU REPEAT THE QUESTION
23 PLEASE?

24 BY MR. GRIMES:

25 Q IF Minor HAD SAID IN HER INTERVIEW THAT HECTER

1 WAS ALSO ABUSING ME, WOULD YOU HAVE REPORTED THAT TO THE
2 POLICE?

3 A YES. AS A MANDATED REPORTER.

4 MR. GRIMES: THANK YOU.

5 THE COURT: YOU MAY STEP DOWN. THANK YOU SO VERY
6 MUCH. MR. BYRD, COULD I SEE Y'ALL UP HERE JUST A SECOND.

7 (WHEREUPON, THE JUDGE HAD A CONFERENCE ON ANOTHER
8 CASE, OFF THE RECORD, IN THE PRESENCE OF THE JURY.)

9 THE COURT: MADAM FORELADY AND LADIES AND GENTLEMEN
10 OF THE JURY, WHAT I'M GOING TO DO IS EXCUSE YOU AT THIS
11 TIME. AND WE'LL START BACK IN THE MORNING AT 9:30. AND I
12 DON'T HAVE ANY MOTIONS TO HEAR. AND I APOLOGIZE THAT THE
13 MOTIONS I HAD THIS MORNING TOOK 30 MINUTES LONGER THAN I
14 HAD ANTICIPATED. IT TOOK AN HOUR INSTEAD OF 30 MINUTES.
15 BUT WE WILL TRY TO GET STARTED AT EXACTLY AT 9:30 IN THE
16 MORNING, AS CLOSE TO IT AS WE CAN.

17 PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES OR
18 ANYONE ELSE AND I'LL SEE YOU IN THE MORNING AT 9:30. HAVE
19 A GOOD EVENING.

20 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 4:47
21 P.M.)

22 THE COURT: SOLICITOR, COULD I SEE YOU AND MR.
23 GRIMES UP HERE A SECOND?

24 (WHEREUPON, THERE WAS A CONFERENCE BETWEEN JUDGE
25 AND ATTORNEYS CONCERNING THE SCHEDULE.)

1 **THE COURT:** ALL RIGHT. I'LL SEE YOU IN THE MORNING
2 AT 9:30. MR. BYRD, IF YOU'LL BRING...

3 (WHEREUPON, THE HEARING ADJOURNED AT 4:50 P.M.)
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P R O C E E D I N G S

(APRIL 7, 2010)

(DAY THREE OF TRIAL 9:44 A.M.)

THE COURT: WE FINALLY GOT ALL THE JURORS. IS THE
STATE READY?

MS. HERRING-LASH: YES, YOUR HONOR.

MR. GRIMES: THE DEFENSE IS READY, YOUR HONOR.

THE COURT: OKAY. BRING THE JURY, IF YOU WOULD,
PLEASE.

MR. GRIMES: WE HAVE A COUPLE OF OTHER LESSER
CHARGES.

THE COURT: OKAY. IF YOU'LL HAND THEM UP.

(WHEREUPON, THE JURY ENTERED THE COURTROOM AT 9:45
A.M.)

BAILIFF: ALL THE JURY IS PRESENT AND SEATED, YOUR
HONOR.

THE COURT: THANK YOU VERY MUCH. YOU CAN CALL YOUR
NEXT WITNESS PLEASE.

MR. DURANT: THANK YOU, YOUR HONOR. THE STATE
CALLS OFFICER WILLIAM HEIS.

(WITNESS FORWARD.)

THE CLERK: IF YOU WOULD, PLEASE, PUT YOUR LEFT
HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

WILLIAM HEIS, HAVING BEEN FIRST
DULY SWORN, TESTIFIED AS FOLLOWS:

OFFICER HEIS -- DIRECT BY MR. DURANT

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1 THE CLERK: PLEASE BE SEATED. SIR, PLEASE STATE
2 YOUR FULL NAME TO THE COURT AND SPELL IT AS WELL.

3 THE WITNESS: WILLIAM HEIS, WILLIAM --
4 W-I-L-L-I-A-M -- HEIS -- H-E-I-S.

5 DIRECT EXAMINATION BY MR. DURANT:

6 Q OFFICER HEIS, WHERE ARE YOU EMPLOYED?

7 A NORTH CHARLESTON POLICE DEPARTMENT.

8 Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

9 A TWENTY-THREE YEARS.

10 Q WHAT IS YOUR CURRENT POSITION?

11 A PATROLMAN FIRST CLASS.

12 Q WAS THAT YOUR POSITION ON SEPTEMBER 8, 2008?

13 A YES, SIR.

14 Q WHAT ARE YOUR DUTIES AND RESPONSIBILITIES AS A
15 PATROLMAN FOR NORTH CHARLESTON?

16 A. RESPOND TO ACCIDENTS, CALLS FOR SERVICE.

17 Q IN THAT CAPACITY, DID YOU HAVE THE OCCASION TO
18 RESPOND TO A CASE INVOLVING THE INVESTIGATION OF JEREMIAH
19 TURNER ON SEPTEMBER 8, 2008?

20 A YES, SIR.

21 Q HOW WERE YOU BROUGHT INTO THIS CASE?

22 A I WAS DISPATCHED TO THE SCHOOL.

23 Q DO YOU RECALL WHAT SCHOOL THAT WAS?

24 A A.C. COCKRAN.

25 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU

1 RESPONDED?

2 A ABOUT 1:24 IN THE AFTERNOON.

3 Q DO YOU KNOW WHY YOU RESPONDED?

4 A ALLEGED SEXUAL ASSAULT.

5 Q WHO DID YOU MEET WITH WHEN YOU RESPONDED TO THE
6 SCHOOL?

7 A I MET MS. COVERDALE FROM DSS IN THE PARKING LOT
8 WHEN I ARRIVED.

9 Q YOU SAID YOU MET HER IN THE PARKING LOT?

10 A YES, SIR.

11 Q DID YOU SPEAK WITH HER?

12 A YES, SIR.

13 Q BASED ON YOUR CONVERSATION WITH MS. COVERDALE,
14 WHAT DID YOU DO?

15 A I CONTACTED MY SUPERVISOR REQUESTING TO HAVE --
16 REQUESTING TO HAVE A JUVENILE DETECTIVE RESPOND.

17 Q WHO WAS REPORTED AS THE VICTIM?

18 A A SIX YEAR OLD, Minor

19 Q DID YOU SPEAK WITH Minor ?

20 A NO, SIR.

21 Q WHY NOT?

22 A WITH THE JUVENILE OFFICER IN ROUTE, I JUST
23 WAITED FOR HER TO GET THERE AND HANDLE IT.

24 Q DID A JUVENILE DETECTIVE RESPOND?

25 A YES, SIR.

OFFICER HEIS -- DIRECT BY MR. DURANT

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1 Q WHO WAS THAT?

2 A DETECTIVE BURNEM.

3 Q ONCE DETECTIVE BURNEM CAME TO THE SCENE, WHAT
4 WAS YOUR ROLE?

5 A JUST TO ASSIST.

6 Q DID YOU SPEAK WITH ANYONE ELSE AT THE SCHOOL?

7 A I SPOKE TO A DELILAH (SIC) DAVISON WHEN SHE
8 ARRIVED.

9 Q YOU SPOKE WITH WHO?

10 A Minor MOTHER, MS. DAVISON.

11 Q MS. DAVISON. DO YOU RECALL WHERE YOU SPOKE WITH
12 HER AT THE SCHOOL?

13 A WE WERE IN THE LOBBY OF THE SCHOOL BY THE MAIN
14 OFFICE.

15 Q WHAT WAS HER DEMEANOR WHEN YOU SPOKE WITH HER?

16 A AH, SHE WAS SORT OF IN DISBELIEF.

17 Q DID SHE APPEAR CONCERNED?

18 A SHE WAS MORE CONCERNED WITH WHAT THE JUVENILE
19 WAS SAYING AND NOT WHAT HAD OCCURRED.

20 Q WAS SHE ALLOWED TO SPEAK WITH Minor AT THAT
21 TIME?

22 A NO, SIR.

23 Q WHY NOT?

24 A THAT WAS ALLOWED -- WE ALLOWED DETECTIVE BURNEM
25 TO MAKE THAT DECISION.

1 Q YOU DIDN'T WANT HER TO INFLUENCE WHAT THE CHILD
2 MIGHT SAY?

3 A THAT'S CORRECT.

4 Q DID DETECTIVE BURNEM SPEAK WITH Minor

5 A YES, SIR.

6 Q WHERE WERE YOU?

7 A I WAS IN THE LOBBY WITH MS. DAVISON.

8 Q WHAT HAPPENED AFTER DETECTIVE BURNEM SPOKE WITH
9 Minor

10 A AFTER THAT, THEY ALL LEFT THE SCHOOL. I HEADED
11 BACK TOWARDS THE STATION TO WRITE THE REPORT.

12 Q YOU DIDN'T GO WITH THEM?

13 A NO, SIR.

14 Q WAS YOUR JOB IN THIS CASE OVER AT THIS POINT?

15 A YES, SIR. ALL EXCEPT FOR WRITING THE REPORT.

16 Q AND THAT'S THE LAST THING YOU DID RELATIVE TO
17 THIS CASE?

18 A YES, SIR.

19 MR. DURANT: THANK YOU, SIR.

20 THE COURT: CROSS EXAMINATION.

21 CROSS EXAMINATION BY MS. EHRLICH:

22 Q OFFICER HEIS, ARE YOU AWARE OF HOW Minor LEFT
23 THE SCENE?

24 A I -- I BELIEVE SHE LEFT WITH THE DETECTIVES.
25 I'M NOT POSITIVE.

OFFICER HEIS -- CROSS BY MS. EHRLICH

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1 Q YOU'RE NOT SURE?

2 A NO, MA'AM.

3 Q WERE YOU INVOLVED IN ANY DECISION MAKING AS TO
4 HOW Minor WOULD LEAVE THE SCHOOL?

5 A NO, MA'AM.

6 MS. EHRLICH: THE COURT'S INDULGENCE?

7 THE COURT: OKAY.

8 MS. EHRLICH: I DON'T HAVE ANY OTHER QUESTIONS.

9 THE COURT: ANY RECROSS -- I'M SORRY -- REDIRECT?

10 MR. DURANT: NO, YOUR HONOR.

11 THE COURT: YOU MAY STEP DOWN. THANK YOU VERY
12 MUCH.

13 (WITNESS STEPPED DOWN.)

14 THE COURT: CALL YOUR NEXT WITNESS.

15 MR. DURANT: THE STATE CALLS AGENT KELLY BURNEM.

16 (WITNESS FORWARD).

17 THE CLERK: IF YOU WOULD, PLEASE PLACE YOUR LEFT
18 HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND.

19 KELLY BURNEM, HAVING BEEN FIRST
20 DULY SWORN, TESTIFIED AS FOLLOWS:

21 THE CLERK: BE SEATED. IF YOU WOULD, PLEASE STATE
22 YOUR FULL NAME TO THE COURT AND SPELL IT.

23 THE WITNESS: KELLY BURNEM, KELLY -- K-E-L-L-Y.
24 BURNEM -- B-U-R-N-E-M.

25 DIRECT EXAMINATION BY MR. DURANT:

1 Q MS. BURNEM, WHERE ARE YOU CURRENTLY EMPLOYED?

2 A UNITED STATES SECRET SERVICE.

3 Q HOW LONG HAVE YOU BEEN WITH THE UNITED STATES
4 SECRET SERVICE?

5 A SINCE JANUARY.

6 Q WHERE WERE YOU EMPLOYED PRIOR TO THAT?

7 A NORTH CHARLESTON POLICE DEPARTMENT.

8 Q HOW LONG WERE YOU WITH THE NORTH CHARLESTON
9 POLICE DEPARTMENT?

10 A THREE YEARS AND TEN MONTHS.

11 Q WHAT WAS YOUR POSITION WITH THE NORTH CHARLESTON
12 POLICE DEPARTMENT IN SEPTEMBER OF 2008?

13 A I WAS A JUVENILE DETECTIVE.

14 Q WHAT ARE YOUR RESPONSIBILITIES AND DUTIES AS A
15 JUVENILE DETECTIVE?

16 A AS A JUVENILE DETECTIVE, WE INVESTIGATED CRIMES
17 COMMITTED AGAINST CHILDREN OR BY CHILDREN WHO ARE
18 JUVENILES.

19 Q AND IN THAT POSITION, DID YOU INVESTIGATE A CASE
20 INVOLVING JEREMIAH TURNER --

21 A YES.

22 Q -- IN SEPTEMBER OF 2008?

23 A YES.

24 Q HOW WERE YOU BROUGHT INTO THIS CASE?

25 A I WAS CONTACTED BY SGT. JOHNSON, WHO ADVISED ME

OFFICER BURNEM -- DIRECT BY MR. DURANT

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1 THAT OFFICER HEIS WAS AT A.C. COCKRAN MIDDLE -- ELEMENTARY
2 SCHOOL. AND SAID THAT HE WAS THERE IN REFERENCE TO A
3 SEXUAL ASSAULT OF A SIX YEAR OLD AND ASKED US TO RESPOND
4 AS WELL.

5 Q DID YOU RESPOND?

6 A YES.

7 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU
8 RESPONDED?

9 A I PROBABLY GOT TO THE SCHOOL AROUND 2:00.

10 Q WAS ANYONE WITH YOU WHEN YOU RESPONDED?

11 A NO.

12 Q WHAT DID YOU OBSERVE WHEN YOU ARRIVED AT THE
13 SCHOOL?

14 A I SAW OFFICER HEIS AND OFFICER DALTON OUTSIDE.
15 I WENT INSIDE THE SCHOOL.

16 Q DID YOU SPEAK WITH OFFICER HEIS?

17 A BRIEFLY.

18 Q AND AFTER YOU SPOKE WITH HIM, WHAT DID YOU DO?

19 A I WENT INSIDE THE SCHOOL TO MEET WITH MS.
20 COVERDALE.

21 Q DID YOU SPEAK WITH MS. COVERDALE?

22 A YES.

23 Q AND AFTER YOU SPOKE WITH MS. COVERDALE, WHAT DID
24 YOU DO?

25 A I SPOKE WITH Minor WITH MS. COVERDALE.

1 Q AND WHERE DID YOU SPEAK WITH Minor

2 A WE WERE IN ONE OF THE OFFICES AT THE FRONT OF
3 THE SCHOOL. AND I DON'T KNOW EXACTLY WHOSE OFFICE WE WERE
4 IN.

5 Q AS A JUVENILE DETECTIVE WITH NORTH CHARLESTON,
6 HAVE YOU SPOKEN WITH MANY KIDS ABOUT CHILD SEX ABUSE?

7 A I'VE SPOKEN WITH A FEW.

8 Q YOU'VE HAD THE OPPORTUNITY TO OBSERVE THEIR
9 DEMEANORS?

10 A YES.

11 Q AND YOU HAD THE OPPORTUNITY TO SEE Minor
12 DEMEANOR?

13 A YES.

14 Q WHAT WAS HER DEMEANOR LIKE RELATIVE TO OTHER
15 CHILDREN THAT YOU'VE SPOKE WITH ABOUT THIS?

16 A IT WAS SIMILAR, VERY SIMILAR --

17 MR. GRIMES: OBJECTION. BOLSTERING.

18 THE COURT: OVERRULED. GO AHEAD.

19 MR. DURANT: THANK YOU, YOUR HONOR.

20 BY MR. DURANT:

21 Q SO, HER -- HER DEMEANOR WAS SIMILAR?

22 A YES.

23 Q DID YOU ASK Minor ANY QUESTIONS?

24 A YES.

25 Q DID SHE DISCLOSE TO YOU A SEXUAL ASSAULT?

OFFICER BURNEM -- DIRECT BY MR. DURANT

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1 A YES.

2 Q DID SHE TELL YOU WHERE THIS OCCURRED?

3 A YES.

4 Q WHERE DID SHE TELL YOU THIS OCCURRED?

5 A IN HER BEDROOM IN THE HOUSE THAT SHE LIVED IN
6 BEFORE THE ONE SHE LIVES IN NOW IS WHAT SHE SAID.

7 Q DID SHE TELL YOU WHEN THIS OCCURRED?

8 A YES. SOMEWHAT.

9 Q WHAT DID SHE SAY ABOUT WHEN?

10 A SHE DIDN'T GIVE ME AN EXACT TIME. SHE SAID IT'S
11 HAPPENED ON NUMEROUS OCCASIONS WHILE SHE WAS LIVING AT THE
12 HOUSE SHE LIVED IN BEFORE SHE MOVED.

13 Q WERE YOU ABLE TO DETERMINE WHEN SHE MOVED?

14 A YES.

15 Q AND WHEN WAS THAT?

16 A SEPTEMBER 4TH, THAT WEEKEND JUST BEFORE
17 SEPTEMBER 8TH.

18 Q SO, FOUR DAYS BEFORE YOU SPOKE WITH HER?

19 A YES.

20 Q WERE YOU ABLE TO DETERMINE WHERE SHE LIVED PRIOR
21 TO MOVING ON SEPTEMBER 4TH?

22 A YES.

23 Q AND WHERE WAS THAT?

24 A DRIVE.

25 Q AND WHAT COUNTY IS THAT RESIDENCE IN?

1 A CHARLESTON COUNTY.

2 Q NOW, YOU CANNOT TELL ME WHO IF SHE TOLD YOU WHO,
3 BUT DID SHE TELL YOU -- YES OR NO -- WHO DID THIS TO HER?

4 A YES, SHE DID.

5 Q DID YOU PRESS FOR ANY MORE DETAILS ABOUT THESE
6 SEXUAL ASSAULTS?

7 A NO.

8 Q WHY NOT?

9 A TYPICALLY WE SEND CHILDREN TO A FORENSIC
10 INTERVIEWER. THEY HAVE THE EXPERIENCE TO GET THAT
11 INFORMATION. IT'S ALSO VIDEO DOCUMENTED.

12 Q WAS THERE ANYTHING ABOUT HER AGE THAT MADE YOU
13 PAUSE?

14 A AS FAR AS CERTAIN QUESTIONS, YES.

15 Q AFTER YOU SPOKE WITH Minor WHAT DID YOU DO
16 THEN?

17 A I SPOKE WITH MS. DAVISON AT THE SCHOOL.

18 Q AND THAT'S Minor MOTHER?

19 A YES.

20 Q WHERE WAS SHE?

21 A SHE WAS AT THE SCHOOL AS WELL.

22 Q WHAT WAS HER DEMEANOR?

23 A SHE SEEMED SHOCKED. SHE SEEMED IN DISBELIEF.
24 SHE DIDN'T WANT TO BELIEVE WHAT WAS HAPPENING IS WHAT IT
25 APPEARED TO ME.

OFFICER BURNEM -- DIRECT BY MR. DURANT

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1 Q DID YOU TELL HER ABOUT WHAT Minor HAD DISCLOSED
2 TO YOU?

3 A YES.

4 Q WHAT WAS HER REACTION?

5 A SHE SEEMED SHOCKED AND IN DISBELIEF.

6 Q AFTER YOU SPOKE WITH MS. DAVISON, WHAT DID YOU
7 DO?

8 A I CONTACTED DETECTIVE RAMSEY AND DETECTIVE
9 BULLARD, AND ASKED THEM TO MEET US ALL AT THE RESIDENCE --
10 AT THE RESIDENCE THAT THEY WERE LIVING IN CURRENTLY.

11 Q DO YOU KNOW WHAT RESIDENCE THAT WAS?

12 A IT WAS ON AVENUE. IT WAS A TRAILER.
13 I BELIEVE IT WAS LOT , BUT I DON'T REMEMBER THE EXACT
14 ADDRESS. I COULD REFER TO MY NOTES IF YOU NEED ME TO.

15 Q THAT'S ALL RIGHT. WHY WERE YOU GOING THERE?

16 A WE WENT THERE -- WE -- WE NEEDED TO GO THERE TO
17 MAKE SURE MS. DAVISON AND MS. JONES, WHO THEY WERE LIVING
18 WITH AT THE TIME, UNDERSTOOD THAT MR. TURNER COULD NOT
19 HAVE CONTACT WITH THE CHILDREN DURING OUR INVESTIGATION.
20 WE ALSO WANTED TO SEE IF MR. TURNER WAS PRESENT, IF HE
21 WOULD LIKE TO SPEAK TO US ABOUT WHAT WAS SAID.

22 Q SO, THERE WERE TWO REASONS YOU WANTED TO GO TO
23 THAT HOME?

24 A YES.

25 Q WAS MR. TURNER GOING TO BE ARRESTED IF YOU SAW

1 HIM AT THAT HOUSE?

2 A THAT -- NO, AT THAT POINT, HE HAD NOT BEEN -- IT
3 HAD NOT BEEN DECIDED TO ARREST HIM.

4 Q AND WHY NOT?

5 A HE COULD HAVE BEEN ARRESTED AT THAT POINT BASED
6 UPON THE INFORMATION WE HAD GOTTEN. HOWEVER, WE WANTED TO
7 GET SOME MORE FACTS FROM THE INVESTIGATION.

8 Q SO, YOU WENT TO THE HOME AT ?

9 A YES.

10 Q HOW DID YOU GO THERE?

11 A I DROVE IN MY VEHICLE. MS. DAVISON DROVE WITH
12 Minor AND MS. COVERDALE DROVE IN HER VEHICLE.

13 Q SO, Minor WAS ALLOWED TO GO WITH HER MOTHER
14 AFTER YOU SPOKE WITH HER AT THE SCHOOL?

15 A YES.

16 Q DID Y'ALL ARRIVE AT THAT HOME AT THE SAME TIME?

17 A WITHIN A MINUTE OR TWO OF EACH OTHER, YES.

18 Q SO, THREE DIFFERENT CARS ESSENTIALLY?

19 A YES.

20 Q WHAT DID YOU OBSERVE WHEN YOU ARRIVED AT THAT
21 HOME?

22 A MS. DAVISON IMMEDIATELY WENT INSIDE AND CAME
23 BACK OUTSIDE WITH MR. TURNER WITHIN A FEW SECONDS.

24 Q DID ANYONE ELSE RESPOND TO THAT HOME?

25 A YES.

1 Q WHO WAS THAT?

2 A DETECTIVE RAMSEY AND DETECTIVE BULLARD MET US --
3 MET US AT THE HOME.

4 Q AND WHAT HAPPENED AT THAT POINT?

5 A DETECTIVE RAMSEY SPOKE WITH MR. TURNER AND HE
6 LEFT WITH DETECTIVE RAMSEY AND DETECTIVE BULLARD TO GO
7 BACK TO THE STATION. AND I STAYED WITH MS. COVERDALE,
8 SPEAKING TO MS. DAVISON AND MS. JONES IN REFERENCE TO THE
9 SAFETY PLAN THAT MS. COVERDALE WAS PUTTING IN PLACE.

10 Q ABOUT HOW MUCH TIME TOOK PLACE IN -- WHEN YOU
11 ARRIVED AT THAT HOME AND WHEN MR. TURNER LEFT WITH
12 DETECTIVE RAMSEY?

13 A I WOULD SAY JUST A FEW MINUTES. HE WASN'T -- WE
14 WEREN'T THERE VERY LONG BEFORE HE LEFT.

15 Q WAS HE IN HANDCUFFS WHEN HE LEFT?

16 A NO.

17 Q DID HE GO WILLINGLY?

18 A VERY.

19 Q VERY WILLINGLY?

20 A YES.

21 Q WHAT DID YOU DO AFTER MR. TURNER LEFT?

22 A I STAYED AND SPOKE WITH MS. JONES AND MS.
23 DAVISON WITH MS. COVERDALE IN REFERENCE TO THE SAFETY
24 PLAN, AND GUARANTEEING THAT THEY WOULDN'T ALLOW MR. TURNER
25 TO HAVE CONTACT WITH THE CHILDREN.

1 Q AND DID YOU GO OVER THE SAFETY PLAN WITH MRS.
2 JONES AND MRS. DAVISON?

3 A I DIDN'T PERSONALLY GO OVER IT WITH THEM,
4 BECAUSE I DON'T MAKE THE SAFETY PLANS, BUT THAT MS.
5 COVERDALE WOULD HAVE MADE THAT. BUT I WAS PRESENT AS SHE
6 WAS GOING OVER IT WITH THEM.

7 Q AND THEY SIGNED THE SAFETY PLAN?

8 A YES.

9 Q DID ANYTHING ELSE OCCUR WHILE YOU WERE AT THAT
10 -- AT THE HOME AT AT THAT TIME?

11 A YES.

12 Q WHAT DO YOU REMEMBER?

13 A I RECEIVED A PHONE CALL FROM DETECTIVE BULLARD.

14 Q AND DID YOU INFORM ANYONE OF WHAT YOU HEARD FROM
15 DETECTIVE BULLARD?

16 A YES.

17 Q WHO DID YOU TELL?

18 A MS. DAVISON AND MS. JONES.

19 Q WHAT WERE THEIR REACTIONS AFTER HEARING WHAT YOU
20 TOLD THEM?

21 A THEY WERE SHOCKED. THEY WERE CRYING. THEY WERE
22 UPSET.

23 Q WERE ANY FURTHER PRECAUTIONS TAKEN IN REGARD TO
24 THE CHILDREN AT THE HOME ON , SUCH AS MEDICAL
25 EXAMS OR INTERVIEWS OR ANYTHING LIKE THAT SET UP?

1 A THEY WERE SET -- I DON'T KNOW THAT THEY WERE SET
2 UP AT THAT MOMENT, BUT THERE -- IT WAS EXPLAINED TO MS.
3 JONES AND MS. DAVISON THAT ALL THE CHILDREN NEEDED TO HAVE
4 MEDICAL EXAMS, AND Minor NEEDED TO HAVE A FORENSIC
5 INTERVIEW. I DON'T BELIEVE ANY OF THE OTHER CHILDREN WERE
6 OLD ENOUGH AT THAT TIME TO HAVE A FORENSIC INTERVIEW.

7 Q AND THEN IN YOUR EXPERIENCE AS A JUVENILE
8 DETECTIVE, HAVE YOU SENT OR BEEN A PART OF HAVING CHILDREN
9 SENT TO HAVE A FORENSIC INTERVIEW?

10 A YES.

11 Q MANY TIMES?

12 A MANY TIMES.

13 Q DID YOU DO ANYTHING ELSE AT THAT HOME ON
14 ?

15 A NO.

16 Q WHAT DID YOU DO NEXT?

17 A I LEFT THEIR HOUSE AND I WENT BACK TO THE
18 STATION.

19 Q AND WHAT DID YOU OBSERVE AT THE STATION?

20 A WHEN I GOT INTO THE STATION, I WENT INTO -- IT'S
21 THE MIDDLE IN BETWEEN TWO INTERVIEW ROOMS WITH A TWO-WAY
22 MIRROR SO YOU CAN SEE INTO EITHER INTERVIEW ROOM. AND I
23 WENT INTO THE MIDDLE ROOM TO OBSERVE DETECTIVE RAMSEY
24 SPEAKING WITH MR. TURNER.

25 Q PLEASE DESCRIBE HOW, YOU KNOW, HOW BIG THAT

1 INTERVIEW ROOM IS?

2 A IT'S A SMALL ROOM. IT'S PROBABLY A LITTLE BIT
3 FURTHER OUT THAN THIS. IT HAS A SMALL TABLE AND TWO
4 CHAIRS IN IT.

5 Q BUT -- AND, AGAIN, WHO ALL WAS IN THAT AREA?

6 A IT WAS DETECTIVE RAMSEY AND MR. TURNER.

7 Q NOBODY ELSE?

8 A NO.

9 Q NOW, DID YOU ACTUALLY GO INTO THE INTERVIEW
10 ROOM?

11 A THAT, I DON'T REMEMBER IF I ACTUALLY WENT IN THE
12 ROOM WHILE HE WAS TALKING TO HIM, OR IF I MERELY STAYED IN
13 THE OBSERVING ROOM.

14 Q AND THE OBSERVING ROOM JUST LOOKS INTO THE
15 INTERVIEW ROOM?

16 A YES.

17 Q IS IT A MIRROR?

18 A IT'S A TWO-WAY MIRROR, I GUESS. THEY CAN'T SEE
19 US. THE PEOPLE IN THAT ROOM CANNOT SEE US IF WE'RE IN THE
20 MIDDLE ROOM SO WE CAN SEE THEM.

21 Q AND WHEN YOU -- WHEN YOU LOOKED INTO THE
22 INTERVIEW ROOM, WHAT -- WHAT DID IT LOOK LIKE WAS GOING
23 ON?

24 A DETECTIVE RAMSEY WAS SPEAKING WITH MR. TURNER.

25 Q WERE THEY WRITING ANYTHING OR JUST TALKING?

- 1 A THEY WERE WRITING AND TALKING.
- 2 Q AND DID YOU OBSERVE MR. TURNER'S DEMEANOR?
- 3 A YES.
- 4 Q DID HE LOOK SCARED IN ANY WAY?
- 5 A NO.
- 6 Q DID HE LOOK UPSET IN ANY WAY?
- 7 A NO.
- 8 Q WAS HE CRYING?
- 9 A NO.
- 10 Q FROM WHERE YOU WERE, DID HE APPEAR LIKE HE WAS
- 11 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL?
- 12 A NO.
- 13 Q DO YOU KNOW IF HE SAID HE WAS?
- 14 A NO.
- 15 Q DID HE LOOK CONFUSED?
- 16 A NO.
- 17 Q DO YOU KNOW IF HE SAID HE WAS CONFUSED?
- 18 A NO.
- 19 Q ARE YOU AWARE OF WHETHER ANYBODY WAS THREATENING
- 20 HIM?
- 21 A I -- NO.
- 22 Q ARE YOU AWARE OF WHETHER ANYBODY WAS MAKING ANY
- 23 PROMISES TO HIM?
- 24 A NO.
- 25 Q AND SO WHAT WERE YOU DOING?

1 A. I WAS OBSERVING THEM.

2 Q. AND ARE YOU AWARE OF WHETHER MR. TURNER PROVIDED
3 A WRITTEN STATEMENT?

4 A. YES.

5 Q. AND HOW ARE YOU AWARE OF THAT?

6 A. I WAS WATCHING HIM AS HE WROTE IT AND DETECTIVE
7 RAMSEY AS HE WAS ASKING QUESTIONS AND ANSWERS, AND WRITING
8 THEM DOWN.

9 Q. I'M SHOWING YOU WHAT THE STATE HAS LABELED
10 STATE'S EXHIBIT 8 FOR IDENTIFICATION AND I ASK YOU TO TAKE
11 A LOOK AT IT. DO YOU RECOGNIZE STATE'S 8?

12 A. YES.

13 Q. HOW DO YOU RECOGNIZE IT?

14 A. THIS IS THE STATEMENT, THE WRITTEN STATEMENT
15 THAT MR. TURNER PROVIDED MR. -- OR DETECTIVE RAMSEY.

16 Q. NOW, IS YOUR SIGNATURE ANYWHERE ON THAT
17 STATEMENT?

18 A. YES.

19 Q. AND WHY IS IT ON THAT STATEMENT?

20 A. I SIGNED IN THE WITNESS FORM BECAUSE I WITNESSED
21 HIM AS HE WROTE IT.

22 Q. NOW, DID YOU ACTUALLY TAKE THIS STATEMENT FROM
23 MR. TURNER?

24 A. NO.

25 Q. DID YOU ASK HIM ANY QUESTIONS THAT WERE ASKED ON

1 THIS STATEMENT?

2 A NO.

3 Q DID YOU ADVISE MR. TURNER OF HIS RIGHTS?

4 A NO.

5 Q AND SO WHAT WAS YOUR ROLE AS A WITNESS IN
6 SIGNING THAT STATEMENT?

7 A I OBSERVED HIM PHYSICALLY WRITING THIS
8 STATEMENT.

9 Q ALL RIGHT. ARE YOU AWARE OF WHETHER THAT
10 STATEMENT -- AFTER YOU SIGNED IT -- WAS COPIED AND GIVEN
11 TO MR. TURNER?

12 A YES. WE -- THERE'S AN ATTACHED COPY, SO THAT
13 WHEN YOU WRITE, IT'S A YELLOW PAPER -- A PIECE OF YELLOW
14 PAPER. SO, AS YOU WRITE, IT GOES THROUGH. SO HE -- WE
15 ALWAYS GIVE HIM THAT COPY AND HE WAS GIVEN THAT COPY.

16 Q NOW, WHAT TIME WAS THAT STATEMENT WRITTEN?

17 A IT WAS STARTED AT 4:15.

18 Q AND DO YOU KNOW ABOUT WHAT TIME YOU -- YOU
19 SIGNED YOUR NAME AS A WITNESS?

20 A I -- I DON'T. PROBABLY CLOSE TO -- IF I HAD TO
21 GUESS, I WOULD SAY IT'S PROBABLY CLOSE TO 5:00. NORMALLY
22 STATEMENTS TAKE A LITTLE WHILE TO WRITE. BECAUSE WE
23 ALWAYS ADD QUESTIONS AND ANSWERS WHICH DETECTIVE RAMSEY
24 DID, SO IT TAKES A LITTLE WHILE TO DO THAT.

25 Q AND AFTER THAT STATEMENT WAS REDUCED TO WRITING,

1 WHAT HAPPENED?

2 A AFTER THAT, I SPOKE WITH MR. TURNER.

3 Q DO YOU RECALL ABOUT WHAT TIME YOU SPOKE WITH MR.
4 TURNER?

5 A I ACTUALLY BEGAN SPEAKING TO HIM PROBABLY A
6 LITTLE AFTER 5:00.

7 Q WAS ANYONE WITH YOU WHEN YOU SPOKE TO MR.
8 TURNER?

9 A NO, NOT THAT I REMEMBER.

10 Q DID YOU SPEAK TO MR. TURNER ABOUT THE SAME STUFF
11 THAT DETECTIVE RAMSEY SPOKE TO HIM ABOUT?

12 A NO.

13 Q WHAT DID YOU SPEAK TO HIM ABOUT?

14 A THE PHYSICAL ABUSE ALLEGATIONS IN REFERENCE TO
15 Minor LITTLE SISTER, Sister 2

16 Q IS THAT --

17 A OR MORE SPECIFICALLY, THE INJURY THAT SHE HAD
18 THE WEEK BEFORE.

19 Q BECAUSE THAT WASN'T COVERED IN THE FIRST
20 STATEMENT?

21 A NO, IT WAS NOT.

22 Q WHERE WAS DETECTIVE RAMSEY?

23 A I DON'T KNOW.

24 Q WAS HE THERE WITH YOU?

25 A NO, HE WAS NOT THERE. I THINK HE LEFT.

OFFICER BURNEM -- DIRECT BY MR. DURANT

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1 (STATE'S EXHIBIT NO. 9 MARKED FOR
2 IDENTIFICATION.)

3 BY MR. DURANT:

4 Q I'M HANDING YOU WHAT HAS BEEN MARKED FOR
5 IDENTIFICATION AS STATE'S 9. I ASK YOU TO PLEASE TAKE A
6 LOOK AT THAT; DO YOU RECOGNIZE THAT?

7 A YES.

8 Q HOW DO YOU RECOGNIZE THAT?

9 A THIS IS A COPY OF THE STATEMENT THAT I TOOK FROM
10 MR. TURNER.

11 Q IS IT A FAIR AND ACCURATE DEPICTION OF THE
12 STATEMENT YOU TOOK FROM HIM?

13 A YES.

14 Q AND WHAT TIME DID YOU TAKE THIS STATEMENT?

15 A THE TIME ON THE STATEMENT STARTED AT 5:50 WHEN
16 HE ACTUALLY STARTED TO WRITE THE STATEMENT. BUT NORMALLY
17 WE START TALKING TO THEM OBVIOUSLY BEFORE THAT.

18 Q ABOUT HOW LONG DID YOU TALK TO HIM BEFORE --
19 BEFORE IT WAS REDUCED TO WRITING?

20 A IF I HAD TO GUESS, I PROBABLY STARTED TALKING TO
21 HIM, LIKE I SAID, A LITTLE AFTER FIVE. THE STATEMENT WAS
22 STARTED AT 5:50, SO MAYBE 45 MINUTES OR SO.

23 Q AND HOW WAS THIS STATEMENT WRITTEN, WAS IT
24 WRITTEN BY YOU OR WAS IT WRITTEN BY HIM?

25 A THE FIRST PORTION WAS WRITTEN BY HIM.

1 Q AND THEN AFTER THE FIRST PORTION, HOW DID --
2 WHAT HAPPENED AFTER THE FIRST PORTION?

3 A I WROTE SOME QUESTIONS AND WROTE THE ANSWERS AS
4 HE ANSWERED ME.

5 Q AND DID HE SIGN THIS STATEMENT?

6 A YES, HE DID.

7 Q INDICATING THAT IT WAS HIS STATEMENT?

8 A YES, HE DID.

9 MR. DURANT: YOUR HONOR, I BELIEVE WITHOUT
10 OBJECTION, THE STATE MOVES TO ENTER STATE'S NO. 9.

11 THE COURT: OKAY. WHAT NUMBER IS IT?

12 MR. DURANT: NUMBER 9.

13 THE COURT: ALL RIGHT. SUBJECT TO PREVIOUS
14 OBJECTIONS.

15 MR. GRIMES: YOUR HONOR, THIS IS A SEPARATE
16 STATEMENT. WE DON'T HAVE AN OBJECTION TO THIS STATEMENT.

17 THE COURT: ALL RIGHT. STATE'S NO. 9 ADMITTED
18 WITHOUT OBJECTION.

19 MR. DURANT: THANK YOU, YOUR HONOR.

20 (STATE'S EXHIBIT NO. 9 RECEIVED INTO EVIDENCE.)

21 BY MR. DURANT:

22 Q AGENT BURNEM, IF YOU WOULD, WOULD YOU READ THAT
23 STATEMENT EXACTLY AS THE DEFENDANT GAVE IT TO THE JURY?

24 A READ THE WHOLE STATEMENT?

25 Q PLEASE.

OFFICER BURNEM -- DIRECT BY MR. DURANT

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1 A "ON A THURSDAY NIGHT, I MADE DINNER FOR Minor
2 AND Sister 2 BECAUSE THEIR MOTHER WENT TO WORK WITHOUT
3 MAKING THEM A DINNER, SO I MADE THEM DINNER SO THEY CAN
4 WASH UP FOR BED. Sister 2 INSTEAD OF EATING HER DINNER,
5 PLACED ALL OF IT ON THE FLOOR. I WASN'T AWARE OF THIS
6 UNTIL SHE WAS WASHED UP. SO I TOOK HER OUT OF THE TUB TO
7 DRY HER OFF, AND TO SHOW HER WHAT SHE DID WAS WRONG. I
8 SPANKED HER ON HER BOTTOM. SHE LOST HER FOOTING. I
9 PICKED HER UP TO FINISH DRYING HER OFF AND TO GET HER
10 READY FOR BED. THAT WAS THE ONLY TIME I SPANKED HER AND
11 LEFT A BRUISE ON HER BOTTOM."

12 "WITH THE INCIDENT DEALING WITH HER COLLAR BONE, I
13 WAS UNAWARE OF HOW SHE CRACKED IT. THIS INCIDENT TOOK
14 PLACE ON A SUNDAY. I WAS UNAWARE THAT IT WAS BROKEN UNTIL
15 MONDAY WHEN WE TOOK HER TO THE HOSPITAL. I DID NOT KNOW
16 WHAT HAPPENED UNTIL THAT TUESDAY WHEN HER SISTER CONFESSED
17 TO IT. THAT'S ALL -- THAT'S ALL THAT I KNOW ABOUT ON THAT
18 SITUATION."

19 DO YOU WANT ME TO READ THE QUESTIONS AND ANSWERS AS
20 WELL?

21 Q PLEASE.

22 A QUESTION: I WROTE AND I ASKED "HOW MANY TIMES
23 DID YOU SPANK Sister 2 ?" ANSWER: "ABOUT FOUR TIMES".

24 QUESTION: "WHAT DID YOU SPANK HER WITH?"

25 ANSWER: "MY PALM."

1 QUESTION: "HAVE YOU EVER SPANKED HER WITH
2 ANYTHING OTHER THAN YOUR HAND?" ANSWER: "I USED A BELT
3 ONCE."

4 QUESTION: "WHEN SHE LOST HER FOOTING, HOW DID
5 SHE FALL?" ANSWER: "SHE FELL BACK ON HER BOTTOM."

6 QUESTION: "DID SHE FALL MORE THAN ONCE?"
7 ANSWER: "NO. I SPANKED HER ONCE AND SHE FELL. SO I
8 PICKED HER BACK UP AND SPANKED HER AGAIN."

9 QUESTION: "HOW DID YOU PICK HER UP?" ANSWER:
10 "BY HER ARMS."

11 Q IS THAT THE END OF THAT STATEMENT?

12 A YES, SIR.

13 Q DID YOU SIGN AS A WITNESS THERE?

14 A YES, I DID.

15 Q AND WHAT WAS YOUR ROLE AS A WITNESS ON THAT
16 STATEMENT?

17 A I ACTUALLY TOOK THE STATEMENT FROM HIM.

18 Q WAS ANYONE ELSE -- AGAIN, I PROBABLY ASKED YOU
19 THIS, BUT WAS ANYBODY ELSE WITH YOU WHEN YOU TOOK THAT
20 STATEMENT?

21 A NO. NO. THERE WAS NO ONE ELSE THERE.

22 Q AFTER -- WELL, LET ME ASK YOU THIS: DID HE
23 APPEAR CONFUSED WHEN HE WAS GIVING THIS STATEMENT?

24 A NO, HE DIDN'T.

25 Q DID HE APPEAR UPSET IN ANY WAY?

1 A NO.

2 Q WAS HE EMOTIONAL AT ALL?

3 A NO.

4 Q DID HE APPEAR UNDER THE INFLUENCE OF DRUGS OR
5 ALCOHOL?

6 A NO.

7 Q HE DIDN'T SAY HE WAS?

8 A NO.

9 Q AFTER HE PROVIDED THESE TWO STATEMENTS NOW, WHAT
10 WAS DONE RELATIVE TO ANY CRIMINAL CHARGES AGAINST HIM?

11 A HE WAS CHARGED WITH CRIMINAL SEXUAL CONDUCT WITH
12 A MINOR FIRST DEGREE.

13 Q AND WHAT WAS THAT BASED UPON?

14 A THAT WAS BASED UPON WHAT Minor HAD TOLD US AND
15 THE STATEMENT THAT HE HAD GIVEN.

16 Q THE FIRST STATEMENT?

17 A YES, SIR.

18 Q WHAT WAS THE TIME FRAME FOR THE ALLEGATIONS IN
19 THE CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST
20 DEGREE?

21 A FROM JUNE 2008 TO SEPTEMBER 4, 2008.

22 Q AND WHY -- WHY WAS THAT TIME FRAME --

23 A THAT IS -- THAT IS THE TIME THAT I WAS TOLD HE
24 WAS LIVING IN THE HOME WITH THEM, AND THAT'S WHEN THEY
25 WOULD HAVE BEEN AT THE HOME THAT SHE SAID IT HAPPENED IN.

1 Q DID YOUR INVESTIGATION OR INVOLVEMENT IN THIS
2 CASE END AFTER MR. TURNER WAS ARRESTED?

3 A NO.

4 Q HOW DID YOU PROCEED?

5 A I PROCEEDED -- I CONTACTED LOWCOUNTRY CHILDREN'S
6 CENTER, WHICH IS WHERE Minor WAS SUPPOSED TO HAVE HER
7 MEDICAL AND FORENSIC INTERVIEWS. AND I WAS ADVISED SHE
8 DIDN'T GO TO THEM -- OR GO TO THE FORENSIC INTERVIEW. I
9 CONTACTED MS. COVERDALE AND GOT SOME ADDITIONAL
10 INFORMATION FROM HER IN REFERENCE TO WHERE MS. DAVISON MAY
11 HAVE BEEN AS TO WHY SHE DIDN'T TAKE THEM TO THE FORENSIC
12 INTERVIEW. AND I WAS --

13 Q LET ME ASK YOU THIS: WHAT IS THE LOWCOUNTRY
14 CHILDREN'S CENTER?

15 A THE LOWCOUNTRY CHILDREN'S CENTER IS A FORENSIC
16 INTERVIEW -- IT'S A -- THEY DO MEDICAL EXAMS AND THEY ALSO
17 DO FORENSIC INTERVIEWS OF CHILDREN THAT HAVE HAD ANY
18 ALLEGATIONS OF PHYSICAL OR SEXUAL ABUSE.

19 Q AND, YOU KNOW, IN YOUR INVOLVEMENT AS A
20 DETECTIVE IN THE JUVENILE DIVISION IN NORTH CHARLESTON,
21 HAVE YOU SENT MANY CHILDREN TO LCC OR LOWCOUNTRY
22 CHILDREN'S CENTER?

23 A YES.

24 Q FOR FORENSIC INTERVIEW?

25 A YES.

1 Q AND WITH REGARD TO Minor ARE YOU AWARE OF
2 WHETHER THERE WAS A SCHEDULED MEDICAL EXAM FOR HER?

3 A YES.

4 Q AND DO YOU KNOW WHEN THAT WAS?

5 A I BELIEVE IT WAS SEPTEMBER 15TH.

6 Q ARE YOU AWARE OF WHETHER THERE WAS A SCHEDULED
7 FORENSIC INTERVIEW WITH HER?

8 A YES.

9 Q AND WHEN WAS THAT?

10 A IT WAS SCHEDULED FOR SEPTEMBER 24TH.

11 Q ARE YOU AWARE OF WHETHER SHE WENT TO HER
12 SCHEDULED MEDICAL EXAM?

13 A YES.

14 Q ON THE 15TH --

15 A YES.

16 Q DID SHE?

17 A YES.

18 Q WHAT ABOUT HER SCHEDULED FORENSIC INTERVIEW ON
19 THE 24TH?

20 A NO.

21 Q DO YOU KNOW WHY?

22 A THE MOTHER LEFT AND WENT TO FLORIDA.

23 Q AND SO WHAT HAPPENED AT THAT POINT?

24 A ONCE I WAS AWARE THAT SHE HAD NOT HAD A FORENSIC
25 INTERVIEW AND THAT THE MOTHER WAS IN FLORIDA, I GOT

1 ADDITIONAL INFORMATION FROM MS. COVERDALE AS TO WHERE SHE
2 MAY BE IN FLORIDA. I CONTACTED THE -- THAT AREA OF THE
3 DEPARTMENT OF CHILDREN AND FAMILIES. AT THAT TIME, I
4 DIDN'T KNOW WHAT THEIR EQUIVALENT TO DSS WAS, BUT THAT'S
5 WHAT I WAS TOLD. I CONTACTED THEM AND ASKED THEM TO
6 ASSIST ME IN LOCATING MS. DAVISON AND -- AND HER FAMILY SO
7 THAT I COULD BE SURE THAT Minor DID GET A FORENSIC
8 INTERVIEW.

9 Q SO, YOU ACTUALLY HAD TO SEARCH HER OUT?

10 A YES.

11 Q NOW, ARE YOU -- ARE YOU AWARE OF WHETHER THERE
12 WAS A FOLLOW THROUGH DOWN IN FLORIDA?

13 A YES. IT TOOK SOME TIME, BUT YES.

14 Q AND WHY DID YOU WANT TO FOLLOW THROUGH?

15 A BECAUSE IT'S IMPORTANT TO HAVE A FORENSIC
16 INTERVIEW, NOT JUST TO GET ADDITIONAL DETAILS OF THE
17 ASSAULT, BUT ALSO FOR THE CHILD TO BE ASSESSED. I WASN'T
18 AWARE THAT FLORIDA'S PROTOCOL WAS DIFFERENT. WITH
19 LOWCOUNTRY CHILDREN'S CENTER, THEY ASSESS AND THEY
20 RECOMMEND ANY FUTURE COUNSELLING OR GUIDANCE THAT THAT
21 CHILD OR FAMILY MAY NEED.

22 Q WAS Minor EVENTUALLY SCHEDULED FOR A FORENSIC
23 INTERVIEW?

24 A YES.

25 Q DO YOU KNOW WHEN?

1 A JANUARY 2, 2009, YES.

2 Q ARE YOU AWARE OF WHETHER THAT INTERVIEW WAS
3 COMPLETED?

4 A YES.

5 Q DID YOU DO ANYTHING ELSE TO INVESTIGATE THIS
6 CASE?

7 A NO.

8 Q DID YOU WRITE A REPORT?

9 A YES. I DID WRITE A SUPPLEMENT REPORT.

10 MR. DURANT: THANK YOU. PLEASE ANSWER ANY
11 QUESTIONS THE DEFENSE MAY HAVE.

12 THE COURT: CROSS EXAMINATION.

13 MR. GRIMES: THANK YOU, YOUR HONOR.

14 CROSS EXAMINATION BY MR. GRIMES:

15 Q GOOD MORNING, AGENT -- IS IT AGENT BURNEM?

16 A YOU CAN CALL ME KELLY.

17 Q HOW ARE YOU DOING, KELLY?

18 A GOOD. HOW ARE YOU?

19 Q DOING PRETTY GOOD. HOW ARE YOU LIKING GEORGIA?

20 A I LIKE IT. IT'S NICE. IT'S WARM.

21 Q CONGRATULATIONS ON -- I DON'T KNOW IF IT IS
22 CHARACTERIZED AS A PROMOTION TO THE SECRET SERVICE?

23 A SOMEWHAT, YES.

24 Q YOU GET MORE MONEY?

25 A A LITTLE BIT.

1 Q ALL RIGHT. IT'S BEEN A WHILE SINCE WE'VE TALKED
2 -- WELL, PRIOR TO THIS WEEK. I WANT TO ASK YOU A FEW
3 QUESTIONS ABOUT THIS CASE, ALL RIGHT?

4 A SURE.

5 Q DO YOU KNOW WHAT HAPPENED WITH ANY POSSIBLE
6 NEGLECT CHARGES AGAINST THE MOTHER?

7 A THERE WERE NO CHARGES FILED AGAINST THE MOTHER.

8 Q WERE THEY ACTUALLY LOOKED INTO?

9 A WITH -- IN REFERENCE TO?

10 Q THE MOTHER, MS. DAVISON.

11 A DSS CONTINUED THEIR INVESTIGATION. WE DIDN'T
12 GET ANYTHING BACK FROM THEM SOLIDIFYING THOSE ALLEGATIONS.

13 Q DID YOU -- YOU SAID YOU DIDN'T GET ANYTHING BACK
14 FROM DSS TO SOLIDIFY THOSE ALLEGATIONS, DID YOU GET
15 ANYTHING FROM FLORIDA THAT MAY SOLIDIFY THOSE ALLEGATIONS?

16 A NO.

17 Q SO, IF THE CHILD SAID THAT THE MOTHER KIND OF
18 WALKED IN ON HER WHEN JEREMIAH WAS DOING SOMETHING
19 INAPPROPRIATE, WOULD THAT HELP SOLIDIFY THOSE ALLEGATIONS?

20 A YES. HOWEVER, DURING THAT INTERVIEW, IT WAS --
21 THE CHILD RECANTED. IT WAS NOT CLEAR WHAT THE MOTHER
22 ACTUALLY SAW. SO, WE WERE KIND OF TAMPERED -- HAMPERED IN
23 THAT WAY FROM CONTINUING THAT. AND BEING THAT THE CHILD
24 WAS IN FLORIDA, I WAS -- SOMEWHAT HAD MY HANDS TIED AS FAR
25 AS FURTHERING THAT MYSELF.

1 Q JURISDICTION ISSUES?

2 A YES.

3 Q DID YOU EVER INTERVIEW Sister 2 ABOUT THE PHYSICAL
4 ABUSE ALLEGATIONS?

5 A NO.

6 Q BUT YOU DID GET HER MEDICAL RECORDS?

7 A I NEVER LOOKED AT Sister 2 'S MEDICAL RECORDS.

8 Q DID YOU REQUEST IT FROM MS. COVERDALE?

9 A YES. I DID REQUEST THEM. I DON'T THINK I EVER
10 GOT THEM FROM HER.

11 Q OKAY. DO YOU RECALL MS. COVERDALE SAYING SHE
12 WOULD SEND YOU A COPY OF THEM?

13 A YEAH.

14 Q AND THIS JUST WASN'T FOLLOWED UP ON?

15 A YES, UNFORTUNATELY.

16 Q PRIMARILY BECAUSE THE MOTHER HAD FLED TO
17 FLORIDA?

18 A YES.

19 Q AND, GENERALLY, THE SORT OF UNEXPLAINED FLIGHT
20 COULD BE EVIDENCE OF GUILT, CORRECT?

21 A SOMETIMES.

22 Q SO, A LOT OF TIMES, I GUESS, WHEN YOU'RE DOING
23 PATROL IN CHARLESTON, YOU WALK OUT IN CERTAIN AREAS OF
24 NORTH CHARLESTON, A GUY OUT THERE IS WALKING, ALL OF A
25 SUDDEN HE TAKES OFF RUNNING, THE POLICE ARE GOING TO TRY

1 TO AT LEAST QUESTION HIM, CORRECT?

2 A POSSIBLY.

3 Q POSSIBLY?

4 A YES. IF THEY CAN CATCH HIM.

5 Q I WANT TO ASK YOU A FEW QUESTIONS ABOUT WHEN
6 YOU'RE OUT THERE AT MS. DAVISON'S HOUSE. YOU SAID YOU
7 RECEIVED A PHONE CALL FROM DEPUTY BULLARD?

8 A YES.

9 Q DO YOU HAPPEN TO RECALL THE TIME THE PHONE CALL
10 WAS?

11 A I DON'T REMEMBER EXACTLY WHAT TIME, BUT IT WAS
12 WITHIN 20 MINUTES FROM WHEN WE GOT THERE, 20 OR 30 MINUTES
13 AT MOST.

14 Q AS I UNDERSTAND THE PHONE CALL, BASICALLY, WAS
15 ADVISING YOU MR. TURNER HAD CONFESSED?

16 A YES.

17 Q AND SO HE IMPLICATED HIMSELF?

18 A YES.

19 Q AND THAT'S WHY YOU MADE THE DECISION -- OR HOW
20 YOU MADE THE DECISION TO ARREST HIM?

21 A YES.

22 Q THAT WOULD HAVE BEEN 20 TO 30 MINUTES OF WHEN
23 YOU GOT TO THE HOUSE, MS. DAVISON'S HOUSE?

24 A I'M SORRY?

25 Q THAT WOULD HAVE BEEN 20 TO 30 MINUTES OF WHEN

1 YOU HAD GOTTEN TO MS. DAVISON'S HOUSE?

2 A YES.

3 Q NOW, WE TALKED A LITTLE BIT ABOUT -- WELL, YOU
4 AND MR. DURANT TALKED A LITTLE BIT ABOUT THE FORENSIC
5 INTERVIEWS; ARE THOSE IMPORTANT? YOU HAVE TO ANSWER YES
6 OR NO.

7 A OH, I APOLOGIZE. I WASN'T SURE THAT WAS A
8 QUESTION. YES, IT'S IMPORTANT.

9 Q ALL RIGHT. SORRY.

10 A OKAY.

11 Q IS IT IMPORTANT FOR THEM TO BE DONE AS CLOSE AS
12 TO THE TIME OF THE DISCLOSURE AS POSSIBLE?

13 A YES. WE PREFER THAT.

14 Q DID IT HELP -- THE MEMORY IS FRESHER THEN IN THE
15 CHILD'S MIND?

16 A YES.

17 Q AND LESS TIME FOR SOMEONE TO TALK TO THE CHILD
18 ABOUT WHAT WAS GOING ON?

19 A YES.

20 Q TO BE INFLUENCED BY THE -- BY THE MOTHER?

21 A YES.

22 Q AND YOU WERE INITIALLY WORRIED, I GUESS, MAYBE
23 ABOUT THE MOTHER INFLUENCING HER BECAUSE THAT'S WHY YOU
24 KEPT THEM SEPARATE?

25 A WE ALWAYS DO THAT.

1 Q AND THEN YOU LET THEM RIDE TOGETHER BACK TO THE
2 HOUSE?

3 A YES.

4 Q AND THEN WHEN THEY WERE IN FLORIDA, THERE'S
5 REALLY NO ONE TO SEE WHAT WAS GOING ON?

6 A CORRECT.

7 Q AND I WANT TO ASK YOU A LITTLE BIT ABOUT THE --
8 SORT OF THE TIMING OF THE DSS INVESTIGATION AND THE REPORT
9 OF THIS INCIDENT. DO YOU RECALL DSS BEING ALERTED TO
10 NEGLECT CHARGES FROM LIKE AUGUST?

11 A I RECALL THAT, BUT WHEN I BECAME INVOLVED IN
12 THIS INVESTIGATION, I WAS NOT AWARE THIS WAS THE SAME
13 FAMILY.

14 Q OKAY. NOW, IN THIS CASE, YOU SAID YOU GOT A
15 STATEMENT FROM MR. TURNER ABOUT THE COLLAR BONE?

16 A YES.

17 Q AND YOU DIDN'T FILE ANY CHARGES AGAINST HIM FOR
18 THAT, DID YOU?

19 A NO.

20 Q AND YOU DID SOME FOLLOW-UP, I GUESS,
21 INVESTIGATION TRYING -- TRACKING DOWN THE FAMILY?

22 A YES, SO-TO-SPEAK.

23 Q NOW, DID YOU DO -- AFTER YOU TALKED WITH
24 DETECTIVE BULLARD ABOUT THIS STATEMENT MR. TURNER GAVE,
25 DID YOU DO ANY SORT OF FOLLOW-UP INVESTIGATION TO

1 CORROBORATE HIS -- THE ALLEGATIONS IN THAT STATEMENT?

2 A IN REFERENCE TO HIS STATEMENT THAT?

3 Q MR. TURNER'S FIRST STATEMENT THAT I DON'T THINK
4 THE JURY HAS HEARD YET.

5 A YES. AS FAR AS GETTING -- TRYING TO MAKE SURE
6 THAT Minor GOT A FORENSIC INTERVIEW -- OTHER THAN THAT.

7 Q LET ME ASK YOU: DID YOU TRY TO GATHER UP ANY
8 TYPE OF DNA EVIDENCE OR FORENSIC EVIDENCE IN THIS CASE?

9 A NO.

10 Q NOW, WE'VE HEARD A LOT ABOUT THE HOUSEHOLD. IS
11 IT POSSIBLE THAT HIS DNA COULD HAVE BEEN ON HER PANTIES IF
12 HE HAD BEEN PULLING THEM DOWN?

13 A IT'S MY UNDERSTANDING THAT UNLESS YOU GET A
14 MEDICAL EXAM AND FORENSICS DONE ON THAT CHILD WITHIN 72
15 HOURS, YOU'RE NOT GOING TO FIND THAT EVIDENCE. AS FAR AS
16 HER PANTIES, BEING THAT IT HAD BEEN AT LEAST A FEW DAYS
17 BEFORE THAT, MOST OF THEM WERE MOST LIKELY WASHED, WE JUST
18 DIDN'T --

19 Q WE'VE HEARD A LOT ABOUT THIS HOUSE. DO YOU
20 REALLY THINK THE --

21 A I GUESS MAYBE I'M THINKING ALONG MY LINES, SO.

22 Q I UNDERSTAND AND THAT MIGHT BE NORMAL FOR PEOPLE
23 TO WASH, BUT SOME HOUSES ARE -- COULD BE A LOT DIRTIER
24 THAN OTHERS. DO YOU KNOW IF Minor WAS DOING HER OWN
25 LAUNDRY?

1 A I DO NOT KNOW THAT.

2 Q DID SHE SAY ANYTHING ABOUT -- DID ANYONE SAY
3 ANYTHING THAT THEY HAD WASHED HER CLOTHES?

4 A NO.

5 Q NOW, THE ALLEGATIONS ARE THAT THIS OCCURRED IN
6 HER BEDROOM?

7 A YES.

8 Q DID ANYONE TRY TO GET THE SHEETS FROM HER HOUSE?

9 A NO. ESPECIALLY SINCE THEY HAD MOVED.

10 Q DID YOU MAKE AN ATTEMPT TO TRY TO GET THE SHEETS
11 -- TALK TO ANYONE --

12 A NO. NO.

13 Q DID YOU TALK WITH Sister 2 ABOUT MAYBE HER SEEING
14 SOMETHING OR HEARING SOMETHING?

15 A I NEVER TALKED TO Sister 2 I DON'T EVEN -- I
16 THINK SHE WAS THREE MAYBE AT THAT TIME. I DON'T THINK SHE
17 SPOKE VERY MUCH. BUT I DIDN'T SPEAK TO HER.

18 Q IF YOU SAW HER MEDICAL RECORDS, COULD THAT
19 CHANGE YOUR OPINION ON WHETHER SHE WAS -- WOULD BE SOMEONE
20 WHO COULD GET A HISTORY...?

21 COURT REPORTER: REPEAT PLEASE.

22 Q IF YOU SAW HER MEDICAL RECORDS, WHERE SHE TALKED
23 TO DOCTORS ABOUT THE INCIDENT, WOULD THAT SORT OF CHANGE
24 YOUR OPINION OR BELIEF ABOUT WHETHER SHE COULD GIVE A
25 HISTORY?

1 A I'M NOT SAYING THAT I DON'T THINK THAT SHE.
2 COULD. I'M SAYING I DON'T KNOW BECAUSE I DID NOT SPEAK TO
3 HER.

4 Q OKAY. DID ANYONE FROM YOUR DEPARTMENT SPEAK TO
5 HER?

6 A NO, NOT THAT I'M AWARE OF.

7 Q OKAY. AND YOU'RE AWARE OF DR. ABEL'S REPORT?

8 A YES.

9 Q IS -- IS IT FAIR TO SAY THAT HER REPORT IS
10 INCONSISTENT WITH SOME OF THE ALLEGATIONS THAT ARE IN MR.
11 TURNER'S STATEMENT?

12 A I DON'T REMEMBER WHAT ALL WAS IN DR. ABEL'S
13 REPORT. I WOULD NEED TO REVIEW IT IF YOU WANTED ME TO.

14 Q I'LL SHOW THAT TO DR. ABEL.

15 A OKAY.

16 Q DO YOU RECALL IF THE CHILD HAD ANY MEDICAL
17 CONDITIONS AROUND HER PRIVATE AREAS?

18 A Sister 2 OR Minor

19 Q Minor

20 A I DO NOT REMEMBER.

21 Q NOW, I BELIEVE YOU ALSO TALKED TO PAM ABOUT
22 BEING CONCERNED THAT MAYBE JEREMIAH MAY HAVE DONE
23 SOMETHING TO HER CHILDREN?

24 A YES.

25 Q WAS THERE ANY ALLEGATION THAT HE DID ANYTHING TO

1 HER CHILDREN?

2 A THERE WERE NO ALLEGATIONS MADE, NO.

3 Q NOW, GOING BACK TO THE INTERVIEW A LITTLE BIT,
4 DID YOU RUN ANY KIND OF LIKE CRIMINAL HISTORY ON MR.
5 TURNER?

6 A YES.

7 Q AND IT CAME UP AS CLEAR?

8 A I DON'T REMEMBER. IT'S -- IT'S HARD BECAUSE I
9 DIDN'T HAVE -- BECAUSE I'M NO LONGER EMPLOYED AT NORTH
10 CHARLESTON, I DIDN'T HAVE THE FULL RECORD FOR ME TO GO
11 BACK AND REVIEW THAT BEFORE I CAME HERE, SO I DON'T
12 REMEMBER.

13 Q LET ME JUST ASK YOU THIS TO GET A BETTER IDEA OF
14 YOUR ROLE IN THE CASE, ARE YOU SORT OF THE LEAD DETECTIVE
15 IN THIS CASE --

16 A YES.

17 Q -- OR WAS THAT DETECTIVE RAMSEY?

18 A I WAS. I WAS THE LEAD DETECTIVE.

19 Q BUT SOMETIMES -- I KNOW THE DETECTIVE MAY SAY,
20 WELL, THAT'S A QUESTION FOR THE LEAD DETECTIVE?

21 A RIGHT.

22 Q AND I DON'T WANT TO GET CAUGHT IN THAT.

23 A NO. I UNDERSTAND.

24 Q ARE YOU AWARE OF HIM BEING ARRESTED FOR ANYTHING
25 IN HIS PAST?

1 A NO, I DON'T. I DON'T BELIEVE THAT HE WAS.

2 Q NOW, I'M GOING TO ASK YOU A FEW QUESTIONS ABOUT
3 TALKING TO Minor AT THE SCHOOL. YOU SAID THERE WERE
4 CERTAIN QUESTIONS THAT WOULD BE HARD FOR HER TO ANSWER
5 BECAUSE OF HER AGE, AND THAT'S PERFECTLY UNDERSTANDABLE.
6 DID YOU TRY TO GET A TIME FRAME, THOUGH, WHEN THIS -- WHEN
7 THESE ALLEGATIONS MAY HAVE OCCURRED?

8 A NO. THOSE ARE MORE OF THE QUESTIONS THAT I
9 MEANT WHEN I SAID THEY'RE TYPICALLY QUESTIONS THAT A SIX
10 YEAR OLD DOESN'T ANSWER FROM WHAT I'VE BEEN TAUGHT IN MY
11 EXPERIENCE. SO, I DIDN'T PRESS HER FURTHER AFTER SHE TOLD
12 ME THAT IT HAPPENED IN THE HOUSE SHE HAD PREVIOUSLY BEEN
13 LIVING IN.

14 Q OKAY. BUT -- YOU FOUND OUT THAT JEREMIAH MOVED
15 IN THERE AROUND JUNE?

16 A YES.

17 Q OF 2008?

18 A YES.

19 Q AT THAT TIME, WAS THE MOTHER EMPLOYED?

20 A YES.

21 Q WHERE WAS SHE WORKING AT THAT TIME?

22 A I BELIEVE IN JUNE, I DON'T -- I BELIEVE SHE
23 MIGHT HAVE BEEN WORKING AT SHONEYS. I DON'T REMEMBER IF
24 SHE HAD SWITCHED TO DENNYS IN JUNE OR WHEN SHE HAD MADE
25 THAT SWITCH, BUT.

1 Q IF I SHOWED YOU HER -- I GUESS HER START DATE AT
2 DENNYS OR SUPPOSEDLY HER START DATE AT DENNYS --

3 A I THINK THAT WAS OBVIOUS, YEAH.

4 Q WOULD THAT REFRESH YOUR MEMORY?

5 A I THINK SHE WAS STILL WORKING AT SHONEYS.

6 Q SO, IT'S YOUR UNDERSTANDING THAT SHE WAS WORKING
7 AT SHONEYS AND WENT FROM SHONEYS TO DENNYS?

8 A YES, I'M SURE THERE WAS -- THERE WAS A TIMEFRAME
9 IN BETWEEN. LIKE, IT WASN'T SHE QUIT SHONEYS ON FRIDAY
10 AND STARTED SATURDAY AT DENNYS. I THINK THERE WAS A
11 COUPLE OF MONTHS IN BETWEEN THAT --

12 Q NOW --

13 A I THINK IN JUNE, I BELIEVE, SHE WAS WORKING AT
14 SHONEYS.

15 Q OKAY. AND DO YOU KNOW FOR HOW LONG IN JUNE SHE
16 MAY HAVE BEEN WORKING AT SHONEYS?

17 A I DON'T.

18 Q DO YOU HAVE SHONEYS TIME RECORDS OR ANYTHING?

19 A I DO NOT.

20 Q A LOT OF THESE ALLEGATIONS ARE SAYING THEY
21 HAPPENED AT NIGHT WHEN THE MOTHER WAS WORKING, CORRECT?

22 A CORRECT.

23 Q AND IF SHE IS UNEMPLOYED FOR A LOT OF -- PART OF
24 THIS TIMEFRAME, THAT WOULD UNDERCUT SOME OF THESE
25 ALLEGATIONS, CORRECT?

1 A WELL, UNDERCUT MAYBE SOME OF THE TIME THAT HE
2 WAS --

3 Q HE --

4 A -- THESE ALLEGATIONS COULD HAVE OCCURRED, BUT
5 THAT'S WHY THERE'S A TIME FRAME.

6 Q AND IN YOUR TIME FRAME, YOU PUT JUNE THROUGH, I
7 BELIEVE, SEPTEMBER?

8 A YES.

9 Q DO YOU KNOW WHY THE SOLICITOR'S OFFICE CHANGED
10 THAT?

11 A I WASN'T AWARE THAT THE SOLICITOR'S OFFICE DID
12 CHANGE THAT.

13 Q DID YOU TESTIFY BEFORE A GRAND JURY?

14 A I'M SORRY?

15 Q DID YOU TESTIFY BEFORE A GRAND JURY TO HAVE MR.
16 TURNER INDICTED?

17 A DID I TESTIFY AT A GRAND JURY?

18 Q YES, MA'AM.

19 A I DON'T REMEMBER ME GOING TO THE GRAND JURY FOR
20 THIS.

21 Q IS YOUR -- IS YOUR HUSBAND JONATHAN BURNEM?

22 A YES.

23 Q DID HE HAVE ANY INVOLVEMENT IN THIS CASE?

24 A NO. NOT THAT I'M AWARE OF.

25 MR. GRIMES: YOUR HONOR, MAY I APPROACH AND MARK

1 THIS AS A DEFENDANT'S EXHIBIT FOR IDENTIFICATION?

2 THE COURT: YES, SIR.

3 (DEFENDANT'S EXHIBIT NO. 2 MARKED FOR
4 IDENTIFICATION.)

5 BY MR. GRIMES:

6 Q LET ME SHOW YOU WHAT HAS BEEN MARKED AS
7 DEFENDANT'S EXHIBIT FOR IDENTIFICATION NO. 2. DO YOU KNOW
8 WHAT THAT DOCUMENT IS?

9 A THAT'S A TRUE BILL.

10 Q IS THAT -- DOES THAT RESEMBLE AN INDICTMENT?

11 A YES.

12 Q AND WHOSE NAME IS LISTED AS THE WITNESS?

13 A JONATHAN BURNEM.

14 Q AND HE HAD NO DEALINGS WITH THIS CASE?

15 A I --

16 Q IT COULD HAVE BEEN A TYPO? THEY MEANT TO PUT
17 YOUR NAME AND MAYBE YOU OVERLOOKED TESTIFYING?

18 A IT COULD HAVE BEEN A TYPO OR -- WITH GRAND JURY,
19 I MEAN, NORMALLY THEY WILL SEND AN OFFICER FROM THE
20 DEPARTMENT TO COVER NUMEROUS CASES.

21 Q OH, OKAY.

22 A SO, I DON'T KNOW. HE MAY HAVE BEEN THE ONE THAT
23 CAME THAT DAY.

24 Q AND THEY WOULD READ MAYBE YOUR REPORT AND
25 DETECTIVE RAMSEY'S REPORT?

1 A THE SUMMARY IS NORMALLY ALL THEY READ.

2 Q OKAY. AND WHAT'S THE TIMEFRAME IN THE
3 INDICTMENT THAT IS ALLEGED?

4 A IS IT IN HERE?

5 Q YES, MA'AM.

6 A FEBRUARY 2008 TO SEPTEMBER 2008.

7 Q AND IN YOUR INVESTIGATION, YOU HAD NOTHING SHOWN
8 THAT HE HAD ACCESS TO Minor IN FEBRUARY -- OR WAS ABUSING
9 Minor IN FEBRUARY?

10 A IN MY INVESTIGATION, HE KNEW MS. DAVISON. I'M
11 SURE HE COULD HAVE BEEN AT THE HOME, I DON'T -- BUT HE WAS
12 NOT LIVING THERE AS FAR AS I WAS AWARE OF.

13 Q OKAY. BUT IN -- AND YOU DID AN AFFIDAVIT TO THE
14 JUDGE?

15 A I DID AN AFFIDAVIT, YES. IT WAS PRESENTED TO
16 THE JUDGE BY OUR WARRANTS OFFICER.

17 Q OKAY. AND THERE -- YOU -- THE AFFIDAVITS ARE
18 GENERALLY UNDER OATH?

19 A YES.

20 Q AND YOU -- EITHER YOU OR THE WARRANTS OFFICER
21 SWORE THAT IT WAS JUNE THROUGH SEPTEMBER?

22 A THE WARRANTS OFFICER, YES.

23 Q OKAY. HE RELIED UPON WHAT YOU TOLD HIM?

24 A YES.

25 Q AND YOU'VE, I THINK, SEEN -- YOU HAVE BEEN

1 WATCHING THROUGHOUT THE TRIAL?

2 A YES.

3 Q HAVE YOU SEEN ANY EVIDENCE THAT THIS HAPPENED --
4 ANY OF THESE ALLEGATIONS HAPPENED IN FEBRUARY?

5 A HE KNEW MS. DAVISON IN FEBRUARY. I'M NOT ONE TO
6 SAY IT -- THAT COULDN'T HAVE HAPPENED.

7 Q OKAY. BUT IT WOULD BE SPECULATION?

8 A PROBABLY.

9 Q OKAY. I'M TRYING TO THINK OF A COUPLE MORE
10 QUESTIONS, BUT I APOLOGIZE IF I GO OVER -- DID YOU GIVE
11 MS. DAVISON, THE MOTHER, LIKE YOUR CARD OR ANY INFORMATION
12 HOW TO KEEP IN CONTACT WITH YOU?

13 A YES.

14 Q AND DID SHE KEEP IN CONTACT WITH YOU AFTER SHE
15 MOVED TO FLORIDA?

16 A NO.

17 Q AND YOU HAD TO TRACK HER DOWN?

18 A YES.

19 MR. GRIMES: ONE MOMENT PLEASE.

20 (PAUSE.)

21 MR. GRIMES: I DO HAVE A COUPLE MORE, ABOUT THREE.

22 BY MR. GRIMES:

23 Q DID YOU TAKE A FORMAL STATEMENT FROM MS.
24 DAVISON?

25 A NO. I DID NOT HAVE A CHANCE.

1 Q DID YOU QUESTION HER ABOUT THE TIME FRAME IN
2 THIS CASE?

3 A COULD YOU BE MORE SPECIFIC?

4 Q WHEN THESE ALLEGATIONS MAY HAVE OCCURRED?

5 A I -- I QUESTIONED HER AS TO WHEN HE -- WHEN SHE
6 KNEW HIM, WHEN HE BEGAN LIVING IN THE HOME. I'M NOT SO
7 SURE WHAT EXACTLY YOU WANT OR WHAT EXACTLY YOU'RE ASKING.

8 Q I GUESS WHEN YOU QUESTIONED HER ABOUT THE TIME
9 FRAME, DID YOU QUESTION HER ABOUT WHEN HE WAS ALONE WITH
10 THE CHILDREN?

11 A YES.

12 Q AND WHEN WAS THAT?

13 A SHE SAID THAT HE WAS -- HE WAS ALONE OFTEN WITH
14 THE CHILDREN AT NIGHT WHEN SHE WOULD WORK DURING THE DAY
15 WHEN SHE WOULD RUN ERRANDS.

16 Q NOW, IS THAT FROM FEBRUARY THROUGH SEPTEMBER OR
17 JUNE THROUGH SEPTEMBER?

18 A AT DIFFERENT TIMES. I DIDN'T ASK SPECIFICALLY.

19 Q OKAY. AND DID YOU QUESTION HER TO SEE IF THE
20 CHILDREN RESIDED IN THE HOUSE THE ENTIRE TIME FROM
21 FEBRUARY THROUGH SEPTEMBER OF 2008?

22 A I DID NOT ASK THAT QUESTION SPECIFICALLY, NO.

23 MR. GRIMES: THANK YOU. NO FURTHER QUESTIONS.

24 THE WITNESS: THANK YOU.

25 THE COURT: ANY REDIRECT?

1 MR. DURANT: THANK YOU, YOUR HONOR.

2 REDIRECT EXAMINATION BY MR. DURANT:

3 Q Minor TOLD YOU NUMEROUS TIMES, DIDN'T SHE?

4 A YES.

5 Q IT'S KIND OF HARD TO KNOW EXACTLY WHEN IT

6 HAPPENED?

7 A YES.

8 Q ARE YOU AWARE THAT MS. DAVISON AND MR. TURNER

9 BEGAN A RELATIONSHIP IN FEBRUARY?

10 A YES.

11 Q AND THIS HAPPENED IN SEPTEMBER WHEN IT WAS

12 REPORTED?

13 A YES.

14 Q NOW, LET ME ASK YOU ABOUT DNA. IN YOUR ROLE AS
15 DETECTIVE, HAVE YOU LOOKED FOR DNA IN THESE KINDS OF CASES

16 BEFORE?

17 A YES.

18 Q AND IN WHAT SITUATIONS WOULD YOU DO THAT?

19 A NORMALLY WHEN THE ASSAULT HAD OCCURRED WITHIN 72
20 HOURS OF THE TIME IT WAS RECORDED.

21 Q NOW, IS 72 HOURS A STANDARD NUMBER?

22 A YES.

23 Q AND -- AND THAT'S WHEN WE'RE LOOKING FOR DNA ON

24 A PERSON?

25 A YES.

1 Q NOW, WHAT ABOUT LOOKING FOR DNA IN A HOME OR IN
2 AN AREA WHERE AN ASSAULT MAY HAVE HAPPENED?

3 A YOU CAN -- YOU CAN CHECK FOR THAT PAST THAT.

4 Q NOW, IN YOUR UNDERSTANDING, THIS ASSAULT DIDN'T
5 HAPPEN IN THE HOME THAT THEY WERE LIVING IN ON THE 8TH?

6 A CORRECT.

7 Q IT HAPPENED IN THE HOME THEY WERE LIVING IN
8 BEFORE THEY MOVED ON THE 4TH?

9 A YES.

10 Q WAS THERE ANY INDICATION TO YOU THAT SHEETS HAD
11 BEEN LEFT BEHIND AT THE OLD HOME?

12 A NO.

13 Q OR ANY CLOTHING?

14 A NO.

15 Q AND IT WAS ALSO YOUR UNDERSTANDING THAT MR.
16 TURNER LIVED IN THAT HOME WITH THEM, RIGHT?

17 A YES.

18 Q SO IF YOU DID CHECK FOR DNA, IT'S PROBABLY GOING
19 TO BE SOMEWHERE IN THAT HOUSE?

20 A YES.

21 Q LET ME ASK YOU ABOUT THIS: YOU SAID THAT THE
22 CALL CAME TELLING YOU THAT MR. TURNER HAD CONFESSED WHILE
23 YOU WERE AT THE HOUSE WITH MS. DAVISON AND MS. JONES?

24 A YES.

25 Q YOU SAID THAT IT CAME IN ABOUT 20 MINUTES AFTER

1 -- 20 TO 30 MINUTES AFTER YOU ARRIVED AT THE HOME?

2 A YES.

3 Q YOU SAID THAT MR. TURNER WAS TAKEN TO THE NORTH
4 CHARLESTON POLICE DEPARTMENT?

5 A YES.

6 Q ABOUT HOW FAR IS THE NORTH CHARLESTON POLICE
7 DEPARTMENT FROM THAT RESIDENCE?

8 A FIVE OR TEN MINUTES.

9 Q PRETTY CLOSE?

10 A YES.

11 MR. DURANT: THANK YOU.

12 THE WITNESS: THANK YOU.

13 THE COURT: RECROSS?

14 MR. GRIMES: JUST ONE MOMENT. (PAUSE.) NO
15 QUESTIONS, YOUR HONOR.

16 THE COURT: OKAY. THANK YOU, MA'AM. YOU MAY STEP
17 DOWN. THANK YOU SO VERY MUCH.

18 THE WITNESS: THANK YOU.

19 THE COURT: ANY REASON SHE CAN'T BE EXCUSED?

20 MS. HERRING-LASH: NO, YOUR HONOR.

21 THE COURT: ANYTHING FROM THE DEFENSE?

22 MR. GRIMES: NOTHING.

23 THE COURT: YOU MAY BE EXCUSED. THANK YOU VERY
24 MUCH.

25 THE WITNESS: THANK YOU, JUDGE.

1 THE COURT: CALL YOUR NEXT WITNESS.

2 MS. HERRING-LASH: THE STATE WOULD CALL DR. ANNE
3 ABEL.

4 (WITNESS FORWARD.)

5 THE CLERK: IF YOU WOULD, PLEASE, PLACE YOUR LEFT
6 HAND ON THE BIBLE, AND RAISE YOUR RIGHT HAND.

7 DR. ANNE ABEL, HAVING BEEN
8 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: MA'AM, PLEASE STATE YOUR FULL NAME TO
10 THE COURT AND SPELL IT AS WELL.

11 THE WITNESS: MY NAME IS DR. ANNE ABEL, A-N-N-E
12 A-B-E-L.

13 DIRECT EXAMINATION BY MS. HERRING-LASH:

14 Q DR. ABEL, WHERE ARE YOU EMPLOYED?

15 A MEDICAL UNIVERSITY OF SOUTH CAROLINA.

16 Q AND WHAT IS YOUR POSITION THERE?

17 A I'M IN THE PEDIATRIC DEPARTMENT. I'M THE
18 DIRECTOR OF VIOLENCE, INTERVENTION AND PREVENTION
19 DIVISION.

20 Q AND WHAT IS THAT?

21 A IT'S A DIVISION IN THE DEPARTMENT OF PEDIATRICS
22 THAT IS ASSIGNED THE TASK OF EVALUATING CHILDREN AND
23 TEENAGERS WHEN THERE'S BEEN AN ALLEGATION OF MISTREATMENT
24 OF ANY KIND.

25 Q AND WHAT IS YOUR EDUCATIONAL BACKGROUND?

1 A I'M A COLLEGE GRADUATE FROM PASADENA COLLEGE. I
2 DID MEDICAL SCHOOL AT INDIANA UNIVERSITY SCHOOL OF
3 MEDICINE. I DID A MASTERS DEGREE IN PHYSIOLOGY AT INDIANA
4 UNIVERSITY GRADUATE SCHOOL. I DID A RESIDENCY TRAINING IN
5 PEDIATRICS AT METHODIST HOSPITAL IN INDIANAPOLIS FOR TWO
6 YEARS. AND I COMPLETED MY TRAINING AT RICHLAND MEMORIAL
7 HOSPITAL IN COLUMBIA, SOUTH CAROLINA. LATER, I DID TWO
8 YEARS OF TRAINING IN CHILD AND ADOLESCENCE PSYCHIATRY AT
9 WILLIAM S. HALL PSYCHIATRIC --

10 COURT REPORTER: I'M SORRY, AT WHERE?

11 A WILLIAM S. HALL PSYCHIATRIC INSTITUTE. LATER I
12 DID A FELLOWSHIP IN FORENSIC PEDIATRICS AT BROWN
13 UNIVERSITY.

14 Q WHAT IS FORENSIC PEDIATRICS?

15 A THE FIELD IS NOW NAMED CHILD ABUSE PEDIATRICS.
16 FORENSIC PEDIATRICS WAS ANOTHER NAME THAT WAS CONSIDERED
17 IN THE PAST. THE FIELD OF CHILD ABUSE PEDIATRICS IS A
18 SUB-SPECIALTY, THE NEW SUB-SPECIALTY, AND IT'S A FIELD
19 WHERE TO BE BOARD CERTIFIED IN THIS FIELD, YOU HAVE TO BE
20 A BOARD CERTIFIED PEDIATRICIAN FIRST.

21 THEN YOU HAVE TO DO TRAINING AND HAVE EXPERIENCE
22 AND TAKE A TEST. AND THE FIELD HAS TO DO WITH EVALUATING
23 CHILDREN AND ADOLESCENTS FOR ABUSE OR NEGLECT, DOING
24 FORENSICALLY MEDICAL REPORTS, INTERACTING WITH
25 INVESTIGATORS AND SOCIAL WORKERS AND PRIMARY CARE DOCTORS.

1 AND SHARING THE INFORMATION AS APPROPRIATELY RELEASED TO
2 THESE PEOPLE THAT THEY NEED IN THEIR JOBS. TESTIFYING IN
3 COURT WHEN NEEDED. PROVIDING CARE RELATED TO THE -- ANY
4 ALLEGED -- ANY ABUSE OR NEGLECT THAT'S DETECTED,
5 SPECIALIZED CARE. AND THEN COORDINATING THAT CARE WITH A
6 PRIMARY CARE DOCTOR.

7 Q AND ARE YOU BOARD CERTIFIED?

8 A YES.

9 Q WHAT AREAS?

10 A I'M BOARD CERTIFIED IN GENERAL PEDIATRICS. AND
11 I'M BOARD CERTIFIED IN CHILD ABUSE PEDIATRICS.

12 Q AND YOU MENTIONED THAT YOU WORK AT THE MEDICAL
13 UNIVERSITY?

14 A YES.

15 Q DO YOU HAVE A CLINIC AT THE LOWCOUNTRY
16 CHILDREN'S CLINIC THAT YOU RUN ALSO?

17 A YES. THAT'S ONE OF THE SITES WHERE WE PROVIDE A
18 SERVICE.

19 Q AND WHAT IS LOWCOUNTRY CHILDREN'S CENTER?

20 A IT'S A PRIVATE, NON-PROFIT -- THAT'S IN
21 CHARLESTON THAT WAS ESTABLISHED, I BELIEVE, IN THE EARLY
22 '90'S, FOR MULTIDISCIPLINARY ASSESSMENTS OF CHILDREN WHEN
23 THEY'RE REFERRED FOR QUESTIONS OF ABUSE OR NEGLECT. AND
24 IT'S A PLACE WHERE THERE ARE PSYCHOLOGISTS, SOCIAL
25 WORKERS, DOCTORS, NURSES, EDUCATIONAL SPECIALISTS THAT DO

1 EVALUATIONS AND PROVIDE A TEAM MEETING WHERE A -- THE
2 INFORMATION IS SHARED WITH THE APPROPRIATE INVESTIGATORS
3 AND THE APPROPRIATE PEOPLE INVOLVED.

4 Q AND, DR. ABEL, HAVE YOU BEEN QUALIFIED TO
5 TESTIFY AS AN EXPERT IN COURT BEFORE?

6 A YES.

7 Q HOW MANY TIMES?

8 A MANY HUNDREDS.

9 MS. HERRING-LASH: YOUR HONOR, AT THIS TIME, I
10 WOULD OFFER DR. ABEL AS AN EXPERT IN PEDIATRICS AND IN
11 CHILD ABUSE PEDIATRICS.

12 THE COURT: ANY OBJECTION?

13 MR. GRIMES: NO, SIR.

14 THE COURT: ALL RIGHT. THE COURT SO FINDS. THANK
15 YOU VERY MUCH.

16 BY MS. HERRING-LASH:

17 Q DR. ABEL, DID YOU SEE Minor ?

18 A YES, I SAW HER.

19 Q AND WHAT IS HER DATE OF BIRTH?

20 A I'M GOING TO REFER TO THE RECORD. SHE WAS SIX
21 YEARS OLD. HER DATE OF BIRTH IS

22 Q AND WHERE DID YOU SEE HER?

23 A AT THE DEE NORTON LOWCOUNTRY CHILDREN'S CENTER.

24 Q AND THAT'S THE CLINIC YOU REFERRED TO A MOMENT
25 AGO, WHERE THE NON-PROFIT IS?

DR. ABEL -- DIRECT BY MS. HERRING-LASH

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1 A YES.

2 Q WHAT WAS THE DATE THAT YOU SAW HER?

3 A I SAW HER ON SEPTEMBER 15, 2008.

4 Q AND WHEN WAS THE REFERRAL MADE FOR HER TO BE
5 SEEN?

6 A THE MEDICAL RECORDS SAID THAT THE REFERRAL CAME
7 ON SEPTEMBER 9, 2008.

8 Q AND YOU SAW HER ON THE 15TH?

9 A CORRECT.

10 Q AND ARE THERE TWO KINDS OF -- I WOULD CALL THEM
11 PROTOCOLS -- THAT ARE PERFORMED WHEN THERE HAS BEEN A
12 SEXUAL ASSAULT?

13 A YES.

14 Q WHAT ARE THEY?

15 A THERE IS AN ACUTE PROTOCOL WHERE YOU DO A RAPE
16 KIT AND YOU COLLECT DNA, AND YOU DO A MEDICAL EVALUATION
17 TOO. AND THAT'S THE ACUTE SEXUAL ASSAULT PROTOCOL. AND
18 IT HAS A BOX -- A SPECIFIC BOX. AND ALL THE EVIDENCE IS
19 COLLECTED BY THE DESIGNATED MEDICAL PROVIDER, AND IT'S
20 PICKED UP UNDER CHAIN OF CUSTODY BY LAW ENFORCEMENT. AND
21 THAT EVIDENCE GOES TO THE SLED LAB IN COLUMBIA FOR
22 EVALUATION OF DNA.

23 Q AND THAT EVIDENCE WOULD BE YOU DOING THE EXAM,
24 SWABBING THE BODY FOR TRACES OF SEMEN OR OTHER BODY
25 FLUIDS?

1 A THAT'S PART OF WHAT'S IN THEIR KIT, YES.

2 Q NOW, WHAT IS THE OTHER KIND OF PROTOCOL THAT IS
3 DONE?

4 A THE OTHER KIND OF PROTOCOL IS WHEN THERE'S AN
5 ALLEGATION OF ABUSE. AND IN THIS CASE, WE'RE TALKING
6 ABOUT SEXUAL ABUSE. AND IT'S -- AFTER 72 HOURS GOING ON
7 -- AND SO IN THAT PARTICULAR PROTOCOL, DNA IS NOT
8 COLLECTED, BUT THE BODY IS CAREFULLY EXAMINED. AND WE USE
9 A COLPOSCOPE TO MAGNIFY THE AREA OF THE GENITALIA TO LOOK
10 FOR ANY SIGN OF RESULTING TRAUMA OR -- OR DISEASE. AND
11 TESTS ARE DONE FOR INFECTIONS, SEXUALLY TRANSMITTED
12 INFECTIONS. THAT KIND OF THING.

13 Q BUT THE 72 HOURS IS THE STATE LAW ENFORCEMENT
14 CUT OFF TO EVEN ATTEMPT TO LOOK FOR DNA?

15 A THAT IS CORRECT.

16 Q AND IF -- I GUESS, BASICALLY, YOU'RE LOOKING FOR
17 SEMEN, AND THAT'S SOMETHING THAT CAN BE WIPED OFF, RUBBED
18 OFF, DROPPED OFF?

19 A ACTUALLY THE RECENT LITERATURE INDICATES, AND MY
20 EXPERIENCE BACKS THIS UP, THAT EVEN AFTER 24 HOURS IN A
21 CHILD THIS YOUNG, ANY DNA THAT -- EVEN IF IT'S UP IN THE
22 VAGINA IS SECRETED OUT. AND SO THAT THEY'VE DONE MANY
23 TESTS LOOKING FOR DNA IN CHILDREN, WHO HAVE ALLEGED SEXUAL
24 ASSAULT THAT ARE OF THIS AGE. AND BETWEEN 24 AND 72
25 HOURS, THEY FIND NOTHING ON THE CHILD'S BODY IN TERMS OF

1 DNA.

2 BETWEEN 24 AND 72, THEY DO SOMETIMES FIND IT --
3 RARELY, BUT SOMETIMES UNDER 24 HOURS. BUT AFTER 72 HOURS,
4 THERE'S NO REASON TO THINK THERE WOULD BE ANY DNA IN THE
5 CHILD'S VAGINA OR ON THE OUTSIDE ON HER SKIN. IT WOULD
6 HAVE ALL BEEN NATURALLY FLUSHED -- FLUSHED AWAY OR WASHED
7 AWAY OR WIPED AWAY.

8 Q AND I GUESS THERE'S A DIFFERENCE IN THE INTERNAL
9 PART OF AN ADULT AND A CHILD, THAT -- THE ADULT'S BODY MAY
10 RETAIN DNA A LITTLE BIT LONGER?

11 A YES. THERE'S -- THERE'S A GREATER DISTANCE IN A
12 FEMALE BETWEEN THE OUTSIDE OF THE GENITALIA AND THE
13 CERVIX, IT'S MUCH GREATER IN AN ADULT. AND SOMETIMES DNA
14 CAN BE DETECTED UP NEAR THE CERVIX AT 72 HOURS.

15 Q AND THAT BEING SAID, IN THIS CASE SINCE YOUR
16 EXAM WAS ON THE 15TH, AND THE -- THE APPOINTMENT WAS OUT,
17 I GUESS, SEVERAL DAYS FROM THAT, AND THEN THE ALLEGATIONS
18 SEVERAL DAYS FROM THAT, YOU DID A CHRONIC EXAM?

19 A YEAH, I DID -- I DID THE CHRONIC -- IT'S CALLED
20 CHRONIC EXAM.

21 Q AND WHEN YOU BEGAN YOUR -- YOUR EXAM, DID YOU
22 TALK TO THE FAMILY MEMBERS FIRST?

23 A I TALK TO FAMILY MEMBERS AND GET THE MEDICAL
24 HISTORY OF THE CHILD, THE SOCIAL HISTORY. I LOOK AT THE
25 REFERRAL INFORMATION FROM THE PERSON WHO MADE THE

1 APPOINTMENT, WHICH IS IN WRITING, SO I READ THAT.

2 Q AND IN THIS CASE, DID YOU TALK TO Minor 'S
3 MOTHER BEFORE YOU STARTED THE EXAM?

4 A YES.

5 Q AND WHO -- DID YOU JUST GET A MEDICALLY -- A
6 MEDICAL HISTORY FROM HER?

7 A WELL, I GOT A MEDICAL HISTORY ON THE CHILD AND I
8 GOT THIS SOCIAL HISTORY. AND SHE EXPLAINED TO ME WHY THEY
9 WERE THERE AND WHAT WAS GOING ON.

10 Q WAS THERE ANYTHING MEDICALLY PERTINENT IN
11 Minor 'S HISTORY?

12 A SHE WAS A HEALTHY CHILD BY MY RECOLLECTION. LET
13 ME JUST GLANCE AT MY MEDICAL RECORD JUST A SECOND. SHE
14 HAD NO INJURIES. SHE HAD AN ALLERGIC REACTION TO
15 SOMETHING IN THE PAST AND SHE RESPONDED WELL TO BENADRYL.

16 THERE WAS SOME DESCRIPTIONS IN THE BEHAVIORAL
17 HISTORY, WHICH IS PART OF THE MEDICAL HISTORY, THAT SHE
18 HAD HAD SOME KIND OF ADVERSE BEHAVIOR TOWARD HER LITTLE
19 SISTER. THERE WAS SOMETHING ABOUT SHE HAD BEEN -- SHE HAD
20 TOLD SOMEBODY THAT SHE HURT HER SISTER, THAT GOT A BROKEN
21 COLLAR BONE. THE MOTHER HAD REASON TO BELIEVE THAT WASN'T
22 SO. SO, THAT WAS A LITTLE NOT CLEAR.

23 SHE DID HAVE A HISTORY OF A SMALL RASH ON HER RIGHT
24 INNER THIGH. AND THAT WAS THE EXTENT OF WHAT I GOT -- SHE
25 HAD BEEN TO THE DENTIST AND SHE HAD SOME CAPS.

1 Q AND AFTER PERFORMING -- AND THEN WHEN YOU SAW
2 Minor DID YOU FIRST PERFORM A PHYSICAL EXAMINATION OF
3 HER BODY?

4 A YES. I PERFORMED AN EXAM HEAD TO TOE WITH THE
5 MOTHER IN THE ROOM, AS WELL AS AN ADVOCATE FROM PEOPLE
6 AGAINST RAPE, WHO ROUTINELY IS MY ASSISTANT.

7 Q AND WHAT WERE THE RESULTS OF THE PHYSICAL EXAM?

8 A HER GENERAL PHYSICAL WAS NORMAL. THERE WAS NO
9 LIKE RASH ON HER INNER THIGH ANYMORE. ON HER GENITAL
10 EXAM, SHE HAD SOME RED, SHINY SKIN ON HER EXTERNAL
11 GENITALIA --

12 Q LET'S --

13 A YOU DON'T WANT TO DO THAT?

14 Q NO. I JUST WANT THE PHYSICAL EXAM, AND THEN
15 WE'LL GO INTO THE GENITAL.

16 A SHE HAD CAPS ON SEVERAL TEETH. HER RIGHT EAR
17 DRUM WAS A LITTLE BIT SCARRED, SUCH AS WHAT YOU CAN GET
18 FROM PAST INFECTIONS OF YOUR MIDDLE EAR.

19 Q AND AFTER THE PHYSICAL EXAM, DO YOU THEN PERFORM
20 A GENITAL EXAM?

21 A THE LAST PART OF THE PHYSICAL EXAM IS THE
22 GENITAL EXAM. THAT'S WHERE WE USE THE COLPOSCOPE.

23 Q AND WOULD IT BE HELPFUL, WOULD IT AID YOUR
24 TESTIMONY IF YOU WERE TO -- AND PERHAPS THE JURY -- IF YOU
25 WERE TO BE ABLE TO DRAW THE GENITAL AREA AND EXPLAIN WHAT

1 WE'RE TALKING ABOUT?

2 A YES. THAT WOULD BE HELPFUL.

3 Q DR. ABEL, BEHIND YOU --

4 MS. HERRING-LASH: YOUR HONOR, MAY I?

5 THE COURT: OKAY.

6 MS. HERRING-LASH: THERE IS A DRY ERASE BOARD.

7 THERE IS DRY ERASE MARKERS.

8 BY MS. HERRING-LASH:

9 Q SINCE YOU'RE STANDING AT THE BOARD, YOU MAY HAVE
10 TO SPEAK EXTRA LOUD FOR THE COURT REPORTER.

11 A (WITNESS DRAWING). OKAY. SO, THIS IS THE VIEW
12 THAT THE DOCTOR GETS WHEN THEY LOOK AT THE PRIVATE PART OF
13 THE PERSON, A FEMALE GIRL. ALL RIGHT. SO, THE -- THE
14 OPENINGS TO THE PRIVATE PARTS ARE RIGHT HERE. AND THEN
15 THE ANUS IS RIGHT HERE. SO WHERE SHE URINATES FROM IS UP
16 HERE. AND THEN THE OPENING TO THE VAGINA IS HERE.

17 WHEN I LOOKED AT HER, SHE HAD SOME REDNESS OF THE
18 SKIN, RIGHT AT THE EDGES HERE, AROUND THE OPENING TO THE
19 VAGINA, AND A LITTLE BIT OF REDNESS RIGHT THERE INSIDE
20 OF THE -- THEY CALL THE HYMEN, WHICH IS THE -- THE RING
21 TISSUE THAT ALL FEMALES HAVE. IT'S AT THE OUTSIDE EDGE OF
22 THE VAGINA. AND IT'S CALLED A HYMEN. AND THE OLD FASHION
23 LANGUAGE, THE STREET LANGUAGE, THEY CALLED IT THE CHERRY.
24 AND IT'S A DELICATE LITTLE TISSUE. AND IN HER CASE, THERE
25 WAS HYMEN. IT WAS CRESCENT SHAPED, AND THERE WAS A LITTLE

1 BIT OF REDNESS RIGHT THERE. AND -- BUT THERE WAS A LOT OF
2 REDNESS HERE AND A LITTLE FAINT REDNESS AROUND HER ANUS.
3 AND IT WAS A LITTLE SHINNY, IT LOOKED WHITISH.

4 Q LET ME STOP YOU FOR ONE MOMENT. WHEN YOU TALK
5 ABOUT THE HYMAN, THERE IS SOME MISCONCEPTION. THE HYMEN
6 IS THE TISSUE AROUND THE OPENING, IS THAT CORRECT?

7 A THE HYMEN IS TISSUE. IT'S LIKE -- THE VAGINA IS
8 LIKE HERE AND ABOVE IT IS THE UTERUS. THE CERVIX IS RIGHT
9 AT THE TOP THERE, RIGHT AT THE TOP OF THE VAGINA. HERE'S
10 THE VAGINA COMING DOWN. THE HYMEN IS A -- A LITTLE BIT OF
11 A TISSUE HERE, THAT IT CAN BE LIKE ROUND SHAPE. IT CAN BE
12 SHAPED LIKE A HALF MOON --

13 Q BUT THERE'S AN OPENING THERE?

14 A AND THE OPENING -- YES. THERE'S AN OPENING
15 THROUGH THE HYMEN INTO THE VAGINA.

16 Q IF A CHILD OR SOMEONE IS BORN WITH A KNOLL, A
17 SHEATH, WHICH IS WHAT SOME PEOPLE THINK A HYMEN IS, IS
18 THAT A MEDICAL CONDITION THAT HAS TO BE CORRECTED?

19 A YES. THAT'S CALLED IMPERFORATE, OR LACK OF AN
20 OPENING IN THE HYMEN. IMPERFORATE HYMEN IS AN
21 ABNORMALITY. THAT'S NOT A NORMAL FINDING.

22 Q NOW, WERE YOU -- DID YOU DETERMINE WHAT THE
23 REDNESS WAS?

24 A YES. I DIAGNOSED IT AS LICHEN SCLEROSIS, WHICH
25 IS A SKIN CONDITION OF THE GENITALS THAT'S MORE COMMON IN

1 YOUNG CHILDREN AND IN OLDER LADIES. AND IT'S
2 INDETERMINATE FOR ABUSE. IT OFTEN IS NOT ASSOCIATED WITH
3 ABUSE. IT'S A SKIN CONDITION.

4 Q NOW, CAN YOU EXPLAIN WHAT THE GENITAL AREA IS AS
5 OPPOSED TO THE CLITORIS AND INTO THE VAGINAL AREA?

6 A WELL, AS DOCTORS, GENITAL AREAS CAN INCLUDE
7 BREASTS -- OR IN THE BOYS, THEIR SCROTUM AND THEIR PENIS.
8 IN GIRLS, FEMALES, WOULD BE THE LABIA, THE OUTSIDE LIPS,
9 THE INNER LIPS, THE LABIA MINORA. THE OPENING TO THE
10 VAGINA. THE HYMEN. THAT'S ALL GENITALIA.

11 Q SO, IF THERE IS PENETRATION WITHIN THE LIPS,
12 THAT IS GENITAL PENETRATION?

13 A YES.

14 Q NOW, AFTER YOUR -- DO YOU HAVE ANYTHING ELSE TO
15 ADD ABOUT THE GENITAL EXAM?

16 A NO.

17 Q AND WOULD YOU DETER -- CALL THAT, I GUESS, A
18 NORMAL GENITAL EXAM EXCEPT FOR THE INFECTION, THE DISEASE
19 THAT SHE HAS?

20 A I -- I WOULDN'T CALL IT NORMAL BECAUSE THERE IS
21 A MEDICAL CONDITION, BUT THERE'S NO PHYSICAL EVIDENCE OF
22 VISIBLE TRAUMA.

23 Q AND DID YOU ALSO TAKE A MEDICAL HISTORY FROM

24 Minor

25 A YES, I DID.

1 Q AND WHAT JUST WAS THE MEDICALLY PERTINENT PART
2 OF THAT WITHOUT ANY NAMES THAT SHE MAY HAVE USED?

3 A IT WAS IMPORTANT FOR ME TO KNOW WHAT TESTS I
4 NEEDED TO DO. WE -- WE DECIDE WHAT TESTS TO DO BASED ON
5 THE INFORMATION WE HAVE. IF THERE'S PENIS TO VAGINA
6 PENETRATION OR PENETRATION OF THE ANUS, WE DO TRY TO DO
7 MORE TESTS THAN IF, AS A MEDICAL DOCTOR, WE DON'T HAVE
8 STRONG EVIDENCE THAT SUCH OCCURRED. SO, I TALK TO HER
9 PRIVATELY TO FIND OUT THAT PART.

10 AND I WAS TOLD BY THE GIRL THAT THERE WAS PENIS TO
11 VAGINA PENETRATION, PENIS TO ANUS PENETRATION, AND THAT IT
12 HURT, BUT THAT IT DIDN'T BLEED. AND THE PART "DIDN'T
13 BLEED" IS IMPORTANT. WE -- THAT'S IMPORTANT IN THE WORK I
14 DO TO DECIDE HOW -- HOW LIKELY IF THERE WAS PHYSICAL
15 TRAUMA, THAT MAY HAVE RESOLVED. BUT SHE SAID THERE WAS NO
16 BLEEDING, BUT THAT IT HURT.

17 Q AND DID YOU SEE ANY TRAUMA -- I THINK YOU'VE
18 ALREADY SAID YOU SAW NO TRAUMA ON HER?

19 A NO. I SAW NO TRAUMA TO THE HYMEN, VAGINA OR TO
20 THE ANUS.

21 Q HAVE YOU EXAMINED CHILDREN WHEN YOU ARE DOING AN
22 ACUTE EXAM?

23 A YES.

24 Q HAVE -- ON THOSE CASES, HAVE THERE BEEN TIMES
25 THAT YOU DID SEE TRAUMA?

1 A YES.

2 Q AND ROUTINELY ARE PATIENTS SCHEDULED TO COME
3 BACK FOR A FOLLOW-UP?

4 A YES. WE SEE CHILDREN BACK -- DEPENDING ON --
5 LIKE, MY TEAM RUNS THE ACUTE SEXUAL ASSAULT EXAMS IN THE
6 EMERGENCY ROOM FOR CHILDREN AND TEENAGERS. IF THERE IS
7 SIGNIFICANT PHYSICAL TRAUMA, WE OFTEN MAY SEE THEM BACK
8 WITHIN A FEW DAYS, TO MAKE SURE THEY'RE HEALING. OUR
9 ROUTINE IS TO CHECK THEM IN TWO WEEKS, SIX WEEKS, THREE
10 MONTHS AND SIX MONTHS TO MAKE SURE WE CHECK THEM FOR ALL
11 THE -- ALL THE INFECTIONS THAT COULD SHOW UP LATER AND
12 THAT KIND OF THING.

13 Q HAVE YOU, IN THE PAST, HAD INSTANCES WHERE YOU
14 SAW A CHILD THAT EXHIBITED TRAUMA AT THE ACUTE EXAM, AND
15 AT A FOLLOW-UP, THEY HAVE A COMPLETELY NORMAL EXAM?

16 A YES. AND WE HAVE PHOTOGRAPHIC EVIDENCE OF SUCH
17 CASES. WE'RE GOING TO PRESENT SOME OF THOSE PHOTOGRAPHS
18 IN A TRAINING -- A TRAINING SESSION HERE IN CHARLESTON AT
19 THE END OF THIS MONTH.

20 Q SO, THE -- IT IS NOT UNCOMMON FOR YOU TO SEE
21 TRAUMA AND THEN IN TWO WEEKS OR LESS OR MORE, IT BECOME
22 COMPLETELY RESOLVED AND BE A NORMAL EXAM?

23 A YES. THAT IS NOT UNCOMMON. THAT PART OF THE
24 BODY HEALS VERY FAST IF THERE IS PHYSICAL INJURY AT THE
25 TIME OF SOME KIND OF PENETRATION.

1 Q HAVE YOU SEEN ACUTE -- OR HAVE YOU PERFORMED
2 ACUTE EXAMS WHERE EVEN THOUGH THE EXAM WAS ACUTE, THERE
3 WAS NO EVIDENCE OF PHYSICAL TRAUMA?

4 A YES.

5 Q IS IT -- BUT IF -- IS IT NECESSARY -- DOES
6 PENETRATION OF THE GENITAL AREA NECESSARILY CAUSE TRAUMA?

7 A NO. OTHERWISE, WOMEN WOULD BE IN DEEP TROUBLE.
8 BUT THAT PART OF THE BODY STRETCHES. THE ANUS STRETCHES A
9 LOT. YOU THINK HOW MUCH IT CAN STRETCH -- STRETCH DURING
10 CHILD BIRTH. IT EVEN STRETCHES IN YOUNG CHILDREN. AND IF
11 -- AND IF PENETRATION IS PARTIAL, OR IF IT'S DONE VERY
12 SLOWLY ALLOWING FOR THE CHILD'S BODY TO STRETCH, THERE CAN
13 BE NO VISIBLE EVIDENCE OF TRAUMA HOURS LATER IF THEY
14 HAPPENED TO BE EXAMINED HOURS LATER.

15 Q AND JUST AS A HYPOTHETICAL, PERHAPS, IF A PERSON
16 WHO HAD PENETRATED THE CHILD HAS A HISTORY OF NOT BEING
17 ABLE TO MAINTAIN AN ERECTION, BUT GETTING SOFT, WOULD THAT
18 BE LESS LIKELY TO CAUSE TRAUMA?

19 A YES. AND -- AND THERE'S A LOT OF EVIDENCE OF
20 VIDEOTAPE CASES WHERE THERE'S DIGITAL PENETRATION -- OF
21 COURSE, THE FINGER IS GENERALLY THE LESS -- A SMALLER
22 DIAMETER THAN AN ERECT PENIS --

23 MR. GRIMES: OBJECTION, YOUR HONOR. IT'S NOT
24 RESPONSIVE TO THE QUESTION.

25 THE COURT: OVERRULED.

1 **THE WITNESS:** AND THERE'S NO PHYSICAL EVIDENCE IN
2 MOST CASES OF DIGITAL PENETRATION. THE EXCEPTION BEING IF
3 SOMEONE HAD A VERY UNUSUAL LONG FINGERNAIL THAT HAPPENED
4 TO GOUGE THE VICTIM.

5 **BY MS. HERRING-LASH:**

6 **Q** AND NOW THE CONDITION SHE HAD -- AND I'M SORRY,
7 I DON'T REMEMBER WHAT YOU CALLED IT.

8 **A** LICHEN SCLEROSIS.

9 **Q** LICHEN SCLEROSIS. WOULD THAT HAVE CAUSED HER --
10 WOULD THAT BE PAINFUL OR PAINFUL --

11 **A** IT CAN BE PAINFUL, YES.

12 **Q** AND WOULD IT AFFECT THE TISSUE AT ALL?

13 **A** YES. THE TISSUE IS THIN AND IT BLEEDS EASILY.

14 **Q** AND IN YOUR EXPERIENCE, WAS THERE ANYTHING ABOUT
15 HER EXAM THAT WAS INCONSISTENT WITH THE HISTORY SHE GAVE
16 YOU?

17 **A** NO.

18 **Q** NOW, DID YOU ALSO SET A FOLLOW-UP?

19 **A** YES. I ASKED THAT -- I DID SOME OF THE TESTING
20 ON THE FIRST DAY AND I ASKED THAT SHE HAVE BLOOD TESTING
21 THE NEXT DAY AND -- AND THAT WASN'T DONE.

22 **Q** SO, THERE WAS NO FOLLOW-UP -- HER FOLLOW-UP WAS
23 --

24 **A** RIGHT. SHE DIDN'T GET FOLLOW-UP. SO I MADE A
25 PHONE CALL TO THE MOTHER, TO SEE WHAT'S GOING ON SOME DAYS

1 LATER.

2 Q DID THEY EVER COME BACK?

3 A NO. AT THE TIME I MADE THE PHONE CALLS TO SEE
4 WHAT WAS HAPPENING, THE MOTHER HAD RELOCATED OUT OF STATE

5 --

6 Q AND --

7 A -- WITH THE CHILDREN.

8 Q -- WHAT WAS THE DATE --

9 A I HAVE THE DATE OF THE PHONE CALL. OCTOBER 1ST.

10 Q AND SHE HAD ALREADY GONE?

11 A YES. SHE HAD LEFT. I ENDED UP NOT BEING ABLE
12 TO TALK TO HER, I ENDED UP TALKING TO HER EX-ROOMMATE,
13 PAMELA JONES.

14 Q DID YOU ALSO DO SOME LAB TESTS?

15 A YES.

16 Q AND WHAT WERE THE RESULTS OF THOSE TESTS?

17 A NORMAL. I DID GONORRHEA TESTS AND CHLAMYDIA
18 TESTS ON THE URINE OF THIS CHILD AND THEY WERE NEGATIVE.

19 Q AND IS THAT SOMETHING YOU DO AS A MATTER OF
20 COURSE?

21 A YES.

22 MS. HERRING-LASH: THE COURT'S INDULGENCE FOR ONE
23 MOMENT.

24 THE COURT: YES, MA'AM.

25 MS. HERRING-LASH: THANKS ALL THE QUESTIONS I HAVE,

1 DR. ABEL. THANK YOU.

2 THE COURT: ALL RIGHT. MADAM FORELADY, LADIES AND
3 GENTLEMEN OF THE JURY, WE'VE BEEN IN THE COURTROOM FOR
4 ABOUT AN HOUR AND A HALF, WE'RE GOING TO TAKE A BREAK AT
5 THIS TIME, A MORNING BREAK. IF ANYBODY NEEDS TO SMOKE,
6 SEE THE BAILIFF AND THEY WILL TAKE YOU TO A PLACE FOR
7 THAT. IF YOU NEED ANYTHING, LET THE BAILIFFS KNOW. AND
8 WE'LL GET YOU BACK IN THE COURTROOM IN ABOUT 20 MINUTES.

9 PLEASE DON'T DISCUSS THE CASE AMONGST YOURSELVES.

10 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 11:09
11 A.M.)

12 THE COURT: CAN I SEE THE ATTORNEYS UP HERE JUST A
13 SECOND.

14 (WHEREUPON, THERE WAS A BENCH CONFERENCE BETWEEN
15 THE COURT AND COUNSEL.)

16 THE COURT: DR. ABEL.

17 THE WITNESS: YES.

18 THE COURT: WE'RE GOING TO TAKE ABOUT A 20 MINUTE
19 BREAK. IF YOU WOULD, PLEASE DON'T DISCUSS THE CASE WITH
20 ANYBODY DURING THE BREAK. OKAY?

21 THE WITNESS: OKAY.

22 THE COURT: THANK YOU VERY MUCH.

23 (WHEREUPON, THE COURT RECESSED AT 11:12 P.M.)

24 (WHEREUPON, THE COURT RECONVENED AT 11:32 P.M.)

25 THE COURT: ALL RIGHT. IS IT SAFE -- IS IT SAFE TO

1 SAY WE ARE GOING TO PROCEED ON CROSS. IS THERE ANYTHING
2 BEFORE WE BRING THE JURY?

3 MR. GRIMES: NO, SIR.

4 THE COURT: ANYTHING FROM THE STATE BEFORE WE BRING
5 THE JURY IN?

6 MS. HERRING-LASH: NO, YOUR HONOR.

7 THE COURT: BRING US THE JURY, PLEASE, SIR.

8 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 11:32
9 A.M.)

10 BAILIFF: THE JURY IS ALL PRESENT AND SEATED.

11 THE COURT: THANK YOU VERY MUCH. CROSS
12 EXAMINATION.

13 MR. GRIMES: THANK YOU, YOUR HONOR. MAY IT PLEASE
14 THE COURT.

15 CROSS EXAMINATION BY MR. GRIMES:

16 Q GOOD MORNING, DR. ABEL.

17 A GOOD MORNING.

18 Q YOU'VE PREPARED A REPORT IN THIS CASE?

19 A YES.

20 Q AND A 12 PAGE REPORT?

21 A I'LL HAVE TO LOOK. THIRTEEN.

22 Q THIRTEEN?

23 A YEAH. THE FIRST PAGE IS WHO THE AGENCIES ARE
24 INVOLVED, YES.

25 Q EXCUSE ME. IT'S IMPORTANT WHEN YOU DO A REPORT

1 TO BE VERY COMPLETE, ISN'T IT, CORRECT?

2 A I PUT ALL THE INFORMATION I KNOW.

3 Q IT'S IMPORTANT TO BE COMPLETE, CORRECT?

4 A I DON'T KNOW WHAT YOU'RE GETTING AT, SIR.

5 Q YOU DON'T -- YOU DON'T WANT TO LEAVE SOMETHING
6 IMPORTANT OUT OF THE REPORT, DO YOU?

7 A I PUT EVERYTHING I KNOW THAT I THINK IS
8 IMPORTANT IN THE REPORT.

9 Q OKAY.

10 A THAT I KNOW.

11 Q ALL RIGHT. AND I WANT TO DIRECT YOUR ATTENTION
12 -- WELL, BEFORE I DO THAT -- AND ONE OF THE REASONS IS
13 THAT YOU WANT TO MAKE SURE EVERYONE GETS A FAIR TRIAL, IS
14 THAT --

15 A I'M NOT A JUROR. I'M A MEDICAL PERSON. I DO MY
16 BEST TO DO PROPER MEDICAL WORK THAT CAN BE USED IN COURT
17 IF NEEDED.

18 Q I MEAN, IS IT FAIR -- YOU'RE DOING A GOOD
19 MEDICAL EVALUATION AND DOING A GOOD REPORT TO HELP THE
20 VICTIM, RIGHT?

21 A MY REPORTS ARE NEUTRAL. I PUT THE FACTS AS I
22 SEE THEM AND THE DIAGNOSIS AS I SEE IT. IT'S UP TO THE
23 COURT TO MAKE JUDGMENTS.

24 Q NOW, TURNING TO PAGE 2 OF YOUR REPORT, THE --
25 THE REFERRAL OF BACKGROUND, THE CAPTION ON THAT PAGE.

1 A IS IT THE PAGE THAT STARTS AT THE TOP

2 "DEMOGRAPHICS"?

3 Q NO. I GUESS IT WOULD BE PAGE THREE ON YOURS.

4 A ALL RIGHT. PAGE THREE.

5 Q I APOLOGIZE. IT HAS REFERRAL SOURCE AND IT --

6 IT HAS SEVERAL BOXES THERE?

7 A YES.

8 Q INCLUDING DSS, LAW ENFORCEMENT?

9 A YES.

10 Q PEDIATRICIAN?

11 A YES.

12 Q AND YOU CHECKED THE DSS BOX?

13 A YES.

14 Q THE SECOND AREA HAS A -- A REASON FOR REFERRAL?

15 A YES.

16 Q AND IT HAS A BOX FOR SEXUAL ABUSE?

17 A YES.

18 Q AND IT HAS -- DESCRIBE THE TYPE OF SEXUAL ABUSE,

19 SUCH AS ANAL, PENILE PENETRATION?

20 A YES.

21 Q DIGITAL PENETRATION?

22 A YES.

23 Q AM I BOTHERING YOU?

24 A WHAT'S THE QUESTION?

25 Q THERE'S A BOX FOR DIGITAL PENETRATION, CORRECT?

1 A YES.

2 Q FONDLING, A BOX FOR FONDLING?

3 A YES.

4 Q AND THERE'S A BOX FOR PHYSICAL ABUSE?

5 A YES.

6 Q NOW, YOU CHECKED THE BOX FOR SEXUAL ABUSE,
7 CORRECT?

8 A YES.

9 Q AND UNDER THE PART FOR ANAL/PENILE PENETRATION,
10 YOU DIDN'T CHECK THAT BOX, DID YOU?

11 A I DIDN'T HAVE THAT INFORMATION. THIS -- THIS
12 REFERS TO WHAT I WAS TOLD BEFORE I EVER SAW THE PATIENT.
13 THIS IS REFERRAL INFORMATION. IN OTHER WORDS, THIS IS
14 INFORMATION THAT CAME TO ME FROM AN OUTSIDE AGENCY. AND
15 IN THIS CASE IT WAS DSS THAT GAVE ME THIS INFORMATION.

16 Q OKAY. BUT THAT BOX ISN'T CHECKED, IS IT?

17 A THE BOXES I CHECKED WERE SEXUAL ABUSE, DIGITAL
18 PENETRATION BETWEEN 72 AND 10 HOURS. PHYSICAL ABUSE,
19 THREAT OF HARM.

20 Q AND HOW --

21 A THOSE ARE THE BOXES I CHECKED.

22 Q TEN HOURS OR TEN DAYS?

23 A EXCUSE ME?

24 Q I THINK YOU SAID "10 HOURS"..

25 A SEVENTY-TWO -- GREATER THAN 72 HOURS TO TEN

1 DAYS, YEAH.

2 Q OKAY.

3 A YEAH.

4 Q AND YOU SAID YOU HAD SORT OF GOT A MEDICAL
5 HISTORY FROM THE CHILD?

6 A NO. I GOT THE MEDICAL HISTORY ON THE CHILD'S
7 HEALTH FROM THE MOTHER.

8 Q OKAY. AND THE -- DID YOU GET ANY OF THE POLICE
9 REPORTS IN THIS CASE?

10 A NO. I DID NOT HAVE THE POLICE REPORT TO MY
11 RECOLLECTION WHEN I WAS WRITING THIS. I DIDN'T KNOW THE
12 NAME OF THE DETECTIVE. I KNEW THE AGENCY.

13 Q DO YOU HAVE A COPY OF THE MATERIALS YOU GOT FROM
14 DSS?

15 A I HAVE -- I DON'T HAVE THAT. THE DSS REFERRAL
16 INFORMATION GOES TO THE PERSON WHO DOES THE SCHEDULING.
17 AND THAT'S IN THE DNLCC RECORD BASE. AND I DON'T HAVE
18 THAT. THAT'S NOT PART OF THE MEDICAL RECORD.

19 Q YOU DID RECEIVE A SUBPOENA FROM MY OFFICE,
20 CORRECT?

21 A YES.

22 Q AND IT DID ASK YOU TO BRING ANY RECORDS RELATING
23 TO YOUR EXAMINATION OF Minor ?

24 A I BROUGHT THE ENTIRE MEDICAL RECORD.

25 Q BUT IT SAYS ANY RECORDS, CORRECT?

1 A I -- I HAVE NO AUTHORITY TO BRING RECORDS FROM
2 DNLCC BECAUSE I DON'T WORK FOR THEM. AND IT'S ILLEGAL FOR
3 ME TO BRING THEIR RECORDS. IF YOU NEED THEIR RECORDS, YOU
4 HAVE TO SUBPOENA THEM.

5 Q DID YOU FILE A MOTION TO QUASH THE SUBPOENA OR
6 TAKE ANY STEPS TO TELL ME THIS WAS --

7 A SIR, I DIDN'T KNOW THAT WAS A PROBLEM AND YOU
8 NEVER CALLED ME. I DIDN'T KNOW THAT YOU WANTED DNLCC
9 RECORDS FROM ME.

10 Q SO --

11 A AND I WOULDN'T HAVE BEEN ABLE TO PRODUCE THEM
12 ANYWAY.

13 Q SO, YOU DIDN'T GET MY RETURN CALL ON YOUR EMAIL
14 LAST WEEK?

15 A NO, SIR. I'VE RESPONDED TO EVERYTHING I -- I
16 GOT FROM YOU.

17 Q OKAY. I -- IT MAY NOT HAVE GOTTEN TO YOU, BUT I
18 DID RETURN YOUR CALL. (PAUSE). NOW, THERE'S A LOT OF
19 TALK ABOUT, I GUESS, PENETRATION AND IT MAY NOT LEAD TO
20 PHYSICAL TRAUMA, DO YOU REMEMBER THAT TESTIMONY?

21 A ARE YOU -- ARE YOU -- ARE YOU ASKING ME IF I
22 REMEMBER TESTIMONY ALONG THOSE LINES? YES. I REMEMBER
23 THAT BEING SAID IN COURT.

24 Q OKAY. SO, THERE'S SORT OF -- SLIGHT PENETRATION
25 LIKE -- LIKE THE LENGTH OF YOUR FINGERNAIL, WE CAN

1 PROBABLY AGREE THAT THAT'S NOT GOING TO LEAVE ANY TRAUMA,
2 SIGN OF TRAUMA, IS THERE?

3 A DIGITAL OR FINGER PENETRATION, EVEN IF IT'S ALL
4 THE WAY, ONLY IN AN EXTREMELY RARE OCCASION LEAVES ANY
5 PHYSICAL EVIDENCE OF TRAUMA TO THE CHILD'S BODY.

6 Q ALL RIGHT. SO, YOU HAVE SOME SLIGHT PENETRATION
7 WITH NO TRAUMA, CORRECT -- NEVER MIND. THAT'S -- NOW,
8 SPEAKING HYPOTHETICALLY, IF -- IF A GROWN MAN WAS TO
9 INSERT HIS PENIS INTO A CHILD'S VAGINAL AREA, AT LEAST THE
10 LENGTH OF HIS INDEX FINGER, WOULD THAT BE MORE LIKELY TO
11 LEAVE TRAUMA THAN SORT OF A SLIGHT PENETRATION OR ORAL
12 PENETRATION?

13 A YES.

14 Q AND IF A CHILD HAS A CONDITION THAT MAKES HER
15 TISSUE OR HER SKIN A LOT MORE TENDER, IS THAT MORE LIKELY
16 TO LEAVE TRAUMA?

17 A YES.

18 Q AND IF THAT CONDITION MAY CAUSE A CHILD TO BLEED
19 EASILY, COULD THERE BE SIGNS OF BLOOD -- MORE LIKELY TO
20 HAVE BLOOD IN --

21 A IF THEY HAD THAT CONDITION AT THE TIME OF THE
22 PENIAL PENETRATION OF THE VAGINA, YES. BUT THAT'S AN IF.

23 Q OKAY. AND DOCTORS HAVEN'T BEEN ABLE TO FIGURE
24 OUT THE TRUE CAUSE OF WHAT CAUSES LICHEN SCLEROSIS, IS
25 THAT FAIR TO SAY?

1 A IT'S AN UNKNOWN IDEOLOGY, UNKNOWN CAUSE.

2 Q AND IF SOMEONE HAD A SEVERE CASE OF LICHEN
3 SCLEROSIS, SAY -- FOR EXAMPLE, THAT COULD MAKE SEXUAL
4 INTERCOURSE VERY UNCOMFORTABLE, CORRECT?

5 A IF -- YES. IF AN ADULT HAS A SEVERE CASE, YES.

6 MR. GRIMES: MAY I HAVE ONE MOMENT, YOUR HONOR?

7 THE COURT: YES, SIR.

8 MR. GRIMES: THANK YOU, YOUR HONOR. NO FURTHER
9 QUESTIONS.

10 THE COURT: THANK YOU. ALL RIGHT. ANY REDIRECT?

11 MS. HERRING-LASH: NO, YOUR HONOR.

12 THE COURT: THANK YOU. YOU MAY STEP DOWN. ANY
13 REASON THE DOCTOR CANNOT BE EXCUSED?

14 MS. HERRING-LASH: NO, YOUR HONOR.

15 MR. GRIMES: NO, YOUR HONOR.

16 THE COURT: YOU MAY BE EXCUSED. THANK YOU SO VERY
17 MUCH.

18 (WITNESS STEPPED DOWN.)

19 MR. DURANT: THANK YOU, YOUR HONOR. THE STATE
20 CALLS DETECTIVE TIMOTHY RAMSEY.

21 (WITNESS FORWARD.)

22 THE CLERK: I NEED FOR YOU TO PUT YOUR LEFT HAND ON
23 THE BIBLE AND RAISE YOUR RIGHT HAND.

24 TIMOTHY RAMSEY, HAVING BEEN
25 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DR. ABEL -- CROSS BY MR. GRIMES

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1 **THE CLERK:** BE SEATED. WOULD YOU STATE YOUR FULL
2 NAME AND SPELL IT?

3 **THE WITNESS:** TIMOTHY RAMSEY. TIMOTHY
4 T-I-M-O-T-H-Y. RAMSEY R-A-M-S-E-Y.

5 DIRECT EXAMINATION BY MR. DURANT:

6 **Q** DETECTIVE RAMSEY, WHERE ARE YOU EMPLOYED?

7 **A** THE CITY OF NORTH CHARLESTON POLICE DEPARTMENT.

8 **Q** HOW LONG HAVE YOU BEEN EMPLOYED WITH NORTH
9 CHARLESTON?

10 **A** ABOUT NINE AND A HALF YEARS.

11 **Q** WHAT IS YOUR CURRENT POSITION?

12 **A** PATROL OFFICER.

13 **Q** WAS THAT YOUR POSITION IN SEPTEMBER OF 2008?

14 **A** NO, IT WAS NOT.

15 **Q** WHAT WAS YOUR POSITION THEN?

16 **A** I WAS A DETECTIVE ASSIGNED TO THE JUVENILE
17 DIVISION.

18 **Q** WHAT ARE YOUR RESPONSIBILITIES AND DUTIES AS A
19 DETECTIVE IN THE JUVENILE DIVISION?

20 **A** AH, TO HANDLE ANY AND ALL CASES INVOLVING
21 JUVENILES, BOTH AS VICTIMS AS WELL AS SUSPECTS AND ANY
22 TYPE OF ABUSE TOWARDS THE ELDERLY OR MENTALLY HANDICAPPED.
23 IT'S A SPECIAL VICTIMS UNIT.

24 **Q** AND IN THAT CAPACITY, DID YOU HAVE THE OCCASION
25 TO BECOME INVOLVED IN THE INVESTIGATION OF JEREMIAH TURNER

1 IN SEPTEMBER OF 2008?

2 A YES, I DID.

3 Q DO YOU RECALL WHEN YOU WERE -- WHEN YOU BECAME
4 INVOLVED?

5 A INITIALLY OR WHEN I FIRST MET MR. TURNER.

6 Q WHEN YOU FIRST MET MR. TURNER?

7 A WHEN I FIRST MET MR. TURNER, PATROL OFFICERS HAD
8 BEEN DISPATCHED TO CATHEDRAL OF PRAISE CHURCH ON ASHLEY
9 PHOSPHATE ROAD. I HAPPEN TO BE OUT AND ABOUT AT THE TIME.
10 AND THE DISPATCHER ADVISED THAT IT WAS IN REFERENCE TO
11 POSSIBLE CHILD ABUSE.

12 I WENT AHEAD AND RESPONDED TO THE CHURCH WHERE MR.
13 TURNER HAD GONE WITH MRS. JONES TO REPORT OR INQUIRE FROM
14 THE PASTOR WHAT HE COULD DO ABOUT POSSIBLE CHILD ABUSE
15 INVOLVING THE CHILDREN.

16 Q DO YOU RECALL WHAT DAY THAT WAS?

17 A THAT WOULD HAVE BEEN ON AUGUST 27TH.

18 Q WHO WAS THE COMPLAINANT THAT DAY?

19 A MR. TURNER AND MRS. JONES.

20 Q ARE YOU AWARE OF WHO CALLED THE POLICE THAT DAY?

21 A THE PASTOR THAT THEY SPOKE WITH.

22 Q THE CHURCH CALLED THE POLICE?

23 A CORRECT.

24 Q YOU SAID THIS WAS IN REFERENCE TO POSSIBLE CHILD
25 ABUSE?

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 A THAT'S CORRECT.

2 Q WHO WAS THERE WHEN YOU ARRIVED?

3 A WHEN I FIRST GOT THERE, THERE WAS AN OFFICER
4 THERE BY THE NAME OF OFFICER BRAZIL AND THE PASTOR. AND
5 THEY WERE BOTH STANDING IN THE FOYER WHEN I WENT INTO THE
6 CHURCH.

7 Q YOU SAID JEREMIAH TURNER WAS THERE?

8 A AT -- WHEN I FIRST WALKED IN, HE WAS IN A
9 SEPARATE ROOM.

10 Q AND WHAT ABOUT PAMELA JONES?

11 A THEY -- EVERYBODY WAS IN A SEPARATE ROOM EXCEPT
12 FOR THE OFFICER AND THE PASTOR.

13 Q WERE ANY KIDS THERE?

14 A IN -- IN THAT ROOM AS WELL, YES.

15 Q DO YOU KNOW WHO?

16 A THERE WAS A YOUNG GIRL BY THE NAME OF Sister 2
17 AND A YOUNGER CHILD -- REAL YOUNG.

18 Q DO YOU RECALL ABOUT HOW OLD Sister 2 WAS?

19 A Sister 2 WAS ABOUT THREE.

20 Q WHAT DID YOU DO FIRST WHEN YOU ARRIVED THERE?

21 A I SPOKE WITH OFFICER BRAZIL AND I SPOKE WITH THE
22 PASTOR TO KIND OF INQUIRE WHAT -- WHAT WAS GOING ON, WHAT
23 THEY HAD HEARD, WHAT I WAS GETTING MYSELF INTO.

24 Q SO, YOU WERE KIND OF DEBRIEFED ON THE SITUATION?

25 A CORRECT.

1 Q AND AFTER YOU WERE APPRISED OF WHAT WAS GOING
2 ON, WHAT DID YOU DO?

3 A AT THAT POINT, I WENT INSIDE THE -- THE ROOM
4 WHERE EVERYBODY WAS AT. IT WAS A PRETTY GOOD SIZE ROOM,
5 EASILY THE SIZE OF THIS GENERAL AREA RIGHT HERE, BETWEEN
6 THE TWO HALF WALLS.

7 Q TWO HALF WALLS, ARE YOU TALKING ABOUT JUST
8 BEHIND THE DESKS HERE?

9 A CORRECT, TO ABOUT ME. AND THEN FROM WALL TO
10 WALL. A PRETTY GOOD SIZE ROOM.

11 Q THAT WAS AT THE CHURCH?

12 A THAT WAS AT THE CHURCH.

13 Q AND WHAT'S GOING ON?

14 A I WALKED IN AND I SPOKE WITH -- THE KIDS WERE
15 PLAYING, KIND OF OFF TO THE SIDE. AND I SPOKE WITH THE
16 TWO ADULTS THAT WERE THERE. AND INFORMED THEM, YOU KNOW,
17 THAT -- FIRST, I TRIED TO COMFORT THEM, LET THEM KNOW, YOU
18 KNOW, THE CHURCH HASN'T BETRAYED ANY OF THEIR TRUST.
19 THEY'RE KIND OF REQUIRED BY LAW TO REPORT CERTAIN
20 ALLEGATIONS. AND THEN I STARTED TALKING AS TO WHY WE WERE
21 THERE.

22 Q DID YOU SPEAK WITH Sister 2 ?

23 A YES, I DID.

24 Q WHERE DID YOU SPEAK WITH Sister 2 ?

25 A IN THAT ROOM, BUT OFF TO THE OTHER SIDE, BY

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 HERSELF.

2 Q WHERE WERE -- WHERE WAS MRS. JONES AND MR.
3 TURNER WHEN YOU SPOKE TO Sister 2 ?

4 A THEY WERE ON THE OTHER SIDE OF THE ROOM, SITTING
5 AT A TABLE. LIKE, IT WAS FULL ROUND TABLES, WITH THE
6 OFFICER, THE PASTOR, AND THE SMALLER CHILD.

7 Q DO YOU THINK THEY COULD HEAR WHAT YOU WERE
8 TALKING TO Sister 2 ABOUT?

9 A NO.

10 Q WHAT KIND OF THINGS DID YOU ASK Sister 2 ABOUT?
11 DON'T TELL ME WHAT SHE TOLD YOU, JUST WHAT YOU --

12 A CORRECT. I INITIALLY TRIED TO EVALUATE HER
13 MENTAL CAPACITY, WAS SHE ABLE TO TELL ME THINGS AND RELATE
14 TO CERTAIN THINGS IN LIFE AT A LEVEL THAT I COULD
15 INTERPRET AND PRESUME IT'S TRUTHFUL. THESE CONSISTED OF
16 HOW ARE YOU; DO YOU HAVE ANY BROTHERS OR SISTERS --
17 GENERAL THINGS LIKE THAT, NOT TOO IN DEPTH. SHE WAS ABOUT
18 THREE YEARS OLD.

19 Q HOW LONG DID THAT CONVERSATION LAST?

20 A NOT VERY LONG, VERY SHORT. SHE HAD A PRETTY
21 SHORT ATTENTION SPAN.

22 Q DID YOU SPEAK WITH ANYONE AFTER YOU TALKED TO
23 Sister 2 ?

24 A YES. I SPOKE WITH MR. TURNER AS WELL AS MRS.
25 JONES.

1 Q AND BASED ON YOUR CONVERSATIONS WITH Sister 2 MR.
2 TURNER, MRS. JONES, WHAT DID YOU DO?

3 A I DID NOTHING AT THE TIME CRIMINALLY, OTHER THAN
4 REFER THE SITUATION TO DSS.

5 Q WERE YOU EVER ABLE TO OBTAIN ANY SPECIFICS OF
6 CHILD ABUSE?

7 A NO. NOT SPECIFICS THAT I WOULD NEED TO DEVELOP
8 A CASE. TO DEVELOP A CASE, I'VE GOT TO HAVE SPECIFIC
9 INSTANCES, TIMES, IF POSSIBLE. BECAUSE WHEN IT COMES TIME
10 FOR ME TO MAKE A CHARGE, DROP AN AFFIDAVIT, I HAVE TO BE
11 ABLE TO GIVE THOSE SPECIFICS. IT WAS NOTHING LIKE THAT.
12 IT WAS CONCERN OF -- JUST GENERAL PARENTHOOD IS WHAT IT
13 WAS AND CLEANLINESS.

14 Q POSSIBLE NEGLECT?

15 A CORRECT.

16 Q SO, YOU OPENED A CASE, IS THAT RIGHT?

17 A WITH DSS. I ACTUALLY DID A SUPPLEMENT TO THE
18 OFFICER'S. I HAD THE OFFICER DO AN INITIAL -- WHAT WE
19 CALL LIKE THE INFORMATION REPORT, JUST TO GET IT
20 DOCUMENTED. THEN I DID A SUPPLEMENT AS TO WHAT I DID.
21 AND IT'S A WAY THAT WE CLOSE A CASE, WHERE YOU BASICALLY
22 REFER IT TO ANOTHER AGENCY. NOT A CRIMINAL CASE AT THIS
23 POINT, REFERRED IT TO DSS. HOWEVER, IF DSS' FINDINGS
24 BROUGHT IN CERTAIN ISSUES THAT COULD INVOLVE THE POLICE,
25 THEN WE WOULD REOPEN THAT CASE, CORRECT.

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 Q SO, YOU GOT DSS INVOLVED?

2 A YES, WE DID. WE MADE A PHONE CALL TO THEM RIGHT
3 THEN.

4 Q AND WAS ANYTHING ELSE DONE THAT DAY REGARDING
5 THIS CASE?

6 A NOT ON MY PART, NO, SIR.

7 Q ALL RIGHT. WHEN WAS THE NEXT TIME YOU HAD AN
8 INTERACTION WITH JEREMIAH TURNER?

9 A THE NEXT TIME WAS ON THE 8TH OF SEPTEMBER, ABOUT
10 A WEEK LATER, A WEEK AND A HALF LATER.

11 Q AND HOW DID YOU BECOME INVOLVED AT THAT POINT?

12 A I WAS AT THE CITY HALL AND I RECEIVED A CALL
13 FROM DETECTIVE BURNEM REQUESTING MY ASSISTANCE.

14 Q BASED ON THAT CALL, WHAT DID YOU DO?

15 A SHE HAD REQUESTED THAT I GO TO AN ADDRESS AND
16 MEET WITH HER IN REFERENCE TO A CHILD SHE HAD JUST SPOKE
17 WITH THAT WAS ALLEGING SEXUAL ABUSE. AND ADVISED ME THAT
18 THE PERPETRATOR WAS POSSIBLY AT THE ADDRESS SHE WAS
19 REQUESTING I WENT TO.

20 Q WHAT -- WHAT WAS THE ADDRESS?

21 A , LOT NUMBER .

22 Q DO YOU KNOW ABOUT APPROXIMATELY WHAT TIME YOU
23 WENT THERE?

24 A AFTER THREE, SHORTLY AFTER THREE.

25 Q ABOUT THREE IN THE AFTERNOON?

1 A CORRECT.

2 Q WHAT DID YOU OBSERVE WHEN YOU ARRIVED THERE?

3 A I OBSERVED -- I PULLED IN, THERE WERE SOME
4 TRAILERS. I CAN'T RECALL WHICH EXACT TRAILER IT WAS IN.
5 DETECTIVE BURNEM WAS ARRIVING ON SCENE. THERE WAS ANOTHER
6 CAR THERE THAT I DIDN'T RECOGNIZE. I BELIEVE WE HAD ONE
7 PATROL CAR THERE. AND I OBSERVED A LADY, WHO I LATER
8 IDENTIFIED AS MS. DAVISON, GETTING OUT OF THE CAR
9 CONFRONTING MR. TURNER -- JUST -- CONFRONTING HIM.

10 Q WAS DETECTIVE BURNEM THERE?

11 A YES.

12 Q AND MS. DAVISON WAS THERE?

13 A YES.

14 Q WHO DID YOU ARRIVE WITH?

15 A DETECTIVE BULLARD.

16 Q SO, WHAT DID YOU DO AT THIS POINT?

17 A WELL, INITIALLY WHEN WE GOT OUT OF THE CAR, WE
18 HAD TO HANDLE IT ALMOST LIKE A PATROL DOMESTIC CALL,
19 BECAUSE IT WAS GETTING A LITTLE BIT HEATED. THERE WAS A
20 CONFRONTATION GOING ON. SO, WE SEPARATED THEM. I TOOK
21 MR. TURNER TOWARDS MY VEHICLE. AND DETECTIVE BURNEM, I
22 BELIEVE, THE PATROL OFFICER, TOOK MS. DAVISON IN ANOTHER
23 DIRECTION.

24 Q DID YOU RECOGNIZE MR. TURNER AT THAT POINT?

25 A NO. NO. I DIDN'T REALLY RECOGNIZE HIM, UH-UH.

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 Q DID HE RECOGNIZE YOU?

2 A YES. HE RECOGNIZED ME.

3 Q DID HE TELL YOU SO?

4 A YES. HE SAID -- I BROUGHT HIM TO CAR. I SAID,
5 YOU KNOW, WHAT IS GOING ON HERE. AND HE SAID, DO YOU
6 REMEMBER ME? HE SAID, YEAH, I SAW YOU AT THE CHURCH LAST
7 WEEK. AND THEN IT -- IT CLICKED. THAT'S WHO HE WAS.

8 Q AND THEN YOU DID REMEMBER HIM?

9 A THEN I DID REMEMBER HIM.

10 Q WHAT DID YOU DO WITH HIM?

11 A I KIND OF ASKED HIM WHAT WAS GOING ON. AND IF
12 HE WANTED TO COME DOWN TO THE STATION AND TALK TO ME ABOUT
13 EXACTLY WHAT WAS GOING ON.

14 Q WHAT DID YOU KNOW ABOUT WHAT WAS GOING ON?

15 A NOTHING. NOTHING. I KNEW SEXUAL ABUSE. THAT
16 WAS IT.

17 Q YOU DIDN'T KNOW ANY DETAILS?

18 A NO DETAILS. AT THE TIME, I DON'T EVEN THINK
19 DETECTIVE BURNEM KNEW DETAILS.

20 Q BUT AS FAR AS YOU'RE CONCERNED, YOU REALLY
21 DIDN'T KNOW ANY DETAILS?

22 A NOTHING.

23 Q YOU JUST KNEW THAT THERE WAS AN ALLEGATION?

24 A ALLEGATION OF SEXUAL ABUSE AND HE WAS THE
25 PERPETRATOR.

1 Q DID HE COME WITH YOU?

2 A YES.

3 Q AND DID YOU PUT HIM IN CUFFS OR ANYTHING?

4 A NO. NO.

5 Q WAS HE ARRESTED --

6 A NO.

7 Q -- AT THAT TIME?

8 A NO, HE WAS NOT.

9 Q DID HE SIT -- DID HE COME WITH YOU IN YOUR
10 PATROL CAR?

11 A IT'S AN UNMARKED -- IT WAS AN UNMARKED
12 DETECTIVE'S CAR.

13 Q DID HE SIT IN THE FRONT SEAT, BACK SEAT?

14 A HE SAT IN THE FRONT SEAT.

15 Q YOU PUT HIM IN THE FRONT SEAT. DID HE COME
16 WILLINGLY?

17 A YES, HE DID.

18 Q AND YOU TOOK HIM TO THE NORTH CHARLESTON POLICE
19 DEPARTMENT?

20 A CORRECT.

21 Q ABOUT HOW FAR AWAY FROM THE NORTH CHARLESTON
22 POLICE DEPARTMENT IS THAT ADDRESS, THE ?

23 A TWO MILES. JUST AROUND PARK CIRCLE, UP
24 MONTAGUE, AND, BAM, YOU'RE THERE.

25 Q SO, IT'S A SHORT DISTANCE?

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 A UH-HUH, YES.

2 Q ABOUT HOW LONG WERE YOU AT THE SCENE UNTIL YOU
3 GOT MR. TURNER IN YOUR CAR?

4 A NOT VERY LONG AT ALL. EXCUSE ME. MAYBE AT THE
5 MOST TEN MINUTES. OKAY. LIKE I SAID, IT WAS GETTING A
6 LITTLE BIT HEATED AND I JUST WANTED TO GET THEM SEPARATED,
7 SO NOT VERY LONG AT ALL.

8 Q IT WAS GETTING HEATED, SO MS. DAVISON WAS
9 HEATED?

10 A INITIALLY WHEN SHE GOT OUT OF THE CAR, LIKE I
11 SAID, SHE WAS HEATED. SHE CONFRONTED HIM. AND
12 EMOTIONALLY HEATED, LOUD. SHE WAS LOUD.

13 Q SO, HE KIND OF WANTED TO GET OUT OF THERE?

14 A CORRECT.

15 Q WHERE DID YOU TAKE HIM AT THE NORTH CHARLESTON
16 POLICE DEPARTMENT?

17 A TO THE THIRD FLOOR, WHICH IS AT THE TIME --
18 BEFORE WE GOT THE NEW BUILDING -- WAS OUR DETECTIVE BAY
19 AND INTERVIEW ROOMS.

20 Q AND WILL YOU DESCRIBE THE INTERVIEW ROOM FOR THE
21 JURY?

22 A THE INTERVIEW ROOMS, WHEN YOU WALK IN THE
23 DETECTIVE BAY FROM THE DOOR WE CAME IN, THERE'S THREE
24 DOORS INITIALLY ON THAT WALL. INTERVIEW ROOM NUMBER ONE.
25 THE CENTER DOOR IS STRICTLY A DOOR FOR US TO VIEW BOTH

1 INTERVIEW ROOMS. AND THEN THE THIRD DOOR WAS INTERVIEW
2 ROOM NUMBER TWO. IN THAT MIDDLE DOOR, IS WHERE YOU CAN
3 WALK IN AND ON EITHER WALL, FACING EACH INTERVIEW ROOM, IS
4 GLASS. IT'S -- IT'S A TWO WAY MIRROR. FROM THE INTERVIEW
5 ROOM, IT LOOKS LIKE A MIRROR. FROM OUR VANTAGE POINT IN
6 THAT MIDDLE ROOM, IT'S A SEE THROUGH WINDOW.

7 Q AND SO THAT'S WHERE YOU TOOK HIM?

8 A INTO THE SECOND INTERVIEW ROOM.

9 Q WAS ANYONE ELSE WITH YOU?

10 A NO.

11 Q WHAT WAS HIS DEMEANOR LIKE AT THAT TIME?

12 A FRIENDLY. CORDIAL.

13 Q DID HE -- I MEAN, DID HE APPEAR TO BE INJURED IN
14 ANY WAY AT THIS TIME?

15 A NO.

16 Q WAS HE TELLING YOU HE WAS?

17 A NO.

18 Q DID HE APPEAR TO BE CONFUSED IN ANY WAY AT THIS
19 TIME?

20 A NO, HE DID NOT.

21 Q DID HE TELL YOU HE WAS?

22 A NO.

23 Q DID HE APPEAR TO BE UNDER THE INFLUENCE OF DRUGS
24 OR ALCOHOL?

25 A NO.

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 Q DID HE SAY HE WAS?

2 A NO.

3 Q DID YOU TELL HIM WHY Y'ALL WERE GOING INTO THIS
4 INTERVIEW ROOM?

5 A A VERY BROAD REASON. WE'RE GOING TO GO AND GET
6 THIS STRAIGHTENED OUT. THAT KIND OF -- KIND OF THING.
7 JUST, WE'RE GOING TO FIGURE OUT WHAT'S GOING ON HERE.

8 Q NOW, IS THERE VIDEO EQUIPMENT IN THIS ROOM?

9 A NO. NOT IN THE OLD BUILDING, THERE WAS NOT.

10 Q Y'ALL ARE IN A NEW BUILDING NOW?

11 A YES.

12 Q IS THERE VIDEO EQUIPMENT IN THE NEW BUILDING?

13 A YOU KNOW, I LEFT DETECTIVES JUST AS WE WERE
14 MOVING. I -- I THINK THERE IS. I THINK IT'S PRETTY
15 STATE-OF-THE-ART, UP-TO-DATE.

16 Q IT MIGHT BE NOW, RIGHT?

17 A YEAH.

18 Q SO, YOU WANTED TO TALK TO HIM?

19 A CORRECT.

20 Q AND IN ORDER TO TALK TO HIM, WHAT DID YOU DO?

21 A THAT'S A PROCESS. EVERY DETECTIVE HAS THEIR OWN
22 WAY TO TALK TO PEOPLE. I TEND TO CREATE A COMFORTABLE
23 ENVIRONMENT FOR THEM.

24 Q WHAT WAS THE FIRST THING YOU GUYS DID?

25 A I GOT ME A CUP OF COFFEE. THAT'S THE FIRST

1 THING I'VE GOT TO DO.

2 Q ALL RIGHT. TELL ME ABOUT THAT, IS THAT WHAT YOU
3 DID HERE?

4 A IT'S THE SAME EVERY TIME. I'VE FOUND THAT IF
5 YOU CREATE A ROUTINE, YOU DON'T FALTER FROM THAT ROUTINE.
6 I HAVE TO BE COMFORTABLE AND I HAVE TO MAKE THEM
7 COMFORTABLE. I ASKED HIM, "DO YOU WANT SOMETHING TO
8 DRINK, YOU KNOW, COFFEE, SODA" -- I USUALLY THROW IN THERE
9 A BEER. THAT'S THE FIRST THING I SAY TO -- TO -- PEOPLE
10 VIEW POLICE OFFICERS AS MACHINES. YOU'D BE SURPRISED HOW
11 MANY PEOPLE THINK THAT AT NIGHT WE GO HOME, WE PLUG IN, WE
12 RECHARGE AND COME BACK THE NEXT DAY. THAT'S THE FIRST
13 STEP I TAKE IN CREATING A HUMAN IMAGE TO THAT INDIVIDUAL.
14 HE STATED HE DIDN'T WANT ANYTHING. AND I SAID, "WELL, I'M
15 GOING TO GO GRAB ME A CUP OF COFFEE" AND I WENT AND GOT A
16 CUP OF COFFEE.

17 Q YOU LEFT HIM IN A ROOM BY HIMSELF?

18 A CORRECT.

19 Q ABOUT HOW LONG WAS HE IN THE ROOM BY HIMSELF?

20 A CUP OF COFFEE, ONE SUGAR, TWO CREAMS, MAYBE A
21 MINUTE, A MINUTE AND A HALF.

22 Q DID -- DID HE TELL YOU HE WANTED ANYTHING TO
23 DRINK OR EAT?

24 A HE -- HE DECLINED. HE SAID -- HE SAID HE WAS
25 FINE.

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1 Q DID YOU ADVISE HIM OF HIS RIGHTS?

2 A YES. UPON COMING BACK INTO THE ROOM, I SAT DOWN
3 WITH HIM AND I TOLD HIM, "OKAY. WE'RE GOING TO GET TO THE
4 BOTTOM OF THIS. WE ARE GOING TO FIND OUT EVERYTHING
5 THAT'S GOING ON. BUT BEFORE WE DO THAT, THERE'S A FEW
6 THINGS I'VE GOT TO GO OVER WITH YOU. WE'VE ALL WATCHED
7 TV. YOU KNOW THE ROUTINE." I SAID, "I NEED TO ADVISE YOU
8 OF YOUR RIGHTS."

9 Q HOW DID YOU DO THAT?

10 A IT'S A STANDARDIZED ADVISEMENT OF RIGHTS FORM
11 THAT THE DEPARTMENT HAS. THE FIRST PORTION IS I ASK HIM
12 JUST BASIC QUESTIONS AND I FILL THAT PART OUT. THAT'S HIS
13 NAME. HIS DATE OF BIRTH. HIS AGE. GRADE COMPLETED IN
14 SCHOOL.

15 Q ALL RIGHT. I'M SHOWING YOU WHAT'S LABELED FOR
16 IDENTIFICATION AS STATE'S 7. TAKE A LOOK AT IT. LET ME
17 KNOW IF YOU RECOGNIZE IT.

18 A I DO.

19 Q AND HOW DO YOU RECOGNIZE IT?

20 A THIS IS A STANDARDIZED ADVICE OF CONSTITUTIONAL
21 RIGHTS FORM THAT MYSELF AND MR. TURNER COMPLETED.

22 Q IS THIS THE ADVICE OF RIGHTS FROM THAT YOU USED
23 TO ADVISE MR. TURNER OF HIS RIGHTS?

24 A YES. THIS IS THE ACTUAL ONE.

25 Q OKAY. AND HOW DO YOU KNOW THAT?

1 A IT'S IN THE ORIGINAL HANDWRITING AS WELL AS MY
2 SIGNATURE IS ON IT.

3 Q ARE HIS SIGNATURES ON IT?

4 A YES, THEY ARE.

5 Q AND YOU SAID THAT THE TOP HALF -- YOU FILL OUT
6 THE TOP HALF. IT'S GOT A PLACE FOR NAME?

7 A CORRECT.

8 Q AND YOU WROTE HIS NAME THERE?

9 A I WROTE HIS NAME. I ASKED HIM, WHAT IS YOUR
10 FULL NAME.

11 Q OKAY. AND THEN HERE'S --

12 A DATE OF BIRTH.

13 Q HIS DATE OF BIRTH. AND DID HE TELL YOU?

14 A HE ADVISED ME

15 Q OKAY. DID YOU ASK HIM HOW OLD HE WAS?

16 A I THEN ASKED "HOW OLD ARE YOU". HE SAID "23".

17 Q AND DID THAT CORRESPOND WITH THE DATE OF BIRTH
18 HE HAD GIVEN YOU?

19 A YES, IT DID.

20 Q SO THAT MADE SENSE. YOU TOLD HIM WHO YOU WERE?

21 A CORRECT.

22 Q AND THEN WHAT'S -- WHAT'S RIGHT BELOW THAT HALF?

23 A WELL, PRIOR TO ME TELLING HIM WHO I WAS, THERE'S
24 A QUESTION, HOW FAR DID YOU MAKE IT IN SCHOOL. HE STATED
25 "ALL THE WAY".

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1 Q OKAY.

2 A BELOW THAT, BEGINS THE FIVE CONSTITUTIONAL
3 RIGHTS.

4 Q AND HIS RIGHTS ARE WRITTEN ON THAT FORM?

5 A CORRECT.

6 Q NOW, HOW DID YOU ADMINISTER THESE RIGHTS TO HIM?

7 A THE WAY I ADMINISTERED THE RIGHTS TO HIM, WAS I
8 TURNED THE PAGE AROUND FACING HIM, AND I UNDERLINED THE
9 FIRST FIVE WORDS OF THE FIRST ADVICE OF RIGHTS. I THEN
10 ASKED HIM, "COULD YOU READ ALOUD TO ME THE FIRST FIVE
11 WORDS THAT I'VE UNDERLINED". THAT IS TO DETERMINE IF HE
12 CAN READ.

13 Q WAS HE ABLE TO READ YOU THE FIRST FIVE WORDS?

14 A YES, HE WAS. VERY WELL.

15 Q WHAT ARE THE FIRST FIVE WORDS?

16 A "I HAVE THE ABSOLUTE RIGHT".

17 Q HE READ THAT ALOUD TO YOU?

18 A CORRECT.

19 Q DID HE HAVE ANY DIFFICULTY READING THOSE WORDS?

20 A NO, HE DIDN'T. AND ONE OF THE REASONS THAT I
21 ACTUALLY GO THE FIRST FIVE IS BECAUSE THE WORD "ABSOLUTE"
22 IS IN THERE. A LOT OF TIMES WHEN PEOPLE STRUGGLE WITH
23 THEIR READING, THEY'LL MESS THAT WORD UP. THEY'LL SAY
24 ABOLISH OR ABOLUTE (SIC) OR SOMETHING LIKE THAT. HE SAID
25 ABSOLUTE JUST FINE.

1 Q SO, YOU DIDN'T HAVE ANY CONCERNS THAT HE
2 COULDN'T READ?

3 A NO.

4 Q SO, HOW DID YOU PROCEED TO ADVISE HIM?

5 A AT THAT POINT, I PLACED AN UNDERLINE NEXT TO
6 EACH NUMBER OF EACH OF THE FIVE CONSTITUTIONALS RIGHTS. I
7 TOLD HIM, I SAID, "DO ME A FAVOR", I SAID, "READ EACH ONE
8 OF THESE RIGHTS. AFTER YOU'RE DONE READING IT, IF YOU
9 DON'T HAVE ANY QUESTIONS AND YOU UNDERSTAND EVERYTHING, IF
10 YOU'D JUST PLACE YOUR INITIALS NEXT TO EACH RIGHT WHERE I
11 PLACED THE UNDERLINED."

12 Q WAS HE ABLE TO DO THAT FOR THE FIRST RIGHT?

13 A YES, HE WAS.

14 Q DID HE PLACE HIS INITIALS NEXT TO THE FIRST
15 RIGHT?

16 A YES, HE DID.

17 Q DID YOU WATCH HIM READ THE FIRST RIGHT?

18 A YES, I DID?

19 Q NOW, THERE ARE FIVE RIGHTS ON THAT FORM?

20 A CORRECT.

21 Q AND HIS INITIALS, ACCORDING TO YOU, ARE ON THERE
22 FIVE TIMES?

23 A CORRECT.

24 Q NOW, YOU SAW HIM WRITE HIS INITIALS ON THAT
25 FORM?

DET. RAMSEY -- DIRECT BY MR. DURANT

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1 A THAT IS CORRECT. YES.

2 Q DID HE WRITE HIS INITIALS JUST RIGHT DOWN THE
3 LINE, INITIAL, INITIAL, INITIAL, INITIAL, INITIAL, OR DID
4 HE ACTUALLY TAKE HIS TIME, IN YOUR OBSERVATION, READ THE
5 RIGHT AND PLACE HIS INITIALS BESIDE IT?

6 A HE HAD THE PEN IN HIS HAND. AND HE WOULD -- YOU
7 COULD SEE HIM SCROLLING ACROSS THE WORDS AS HE READ. AND
8 THEN AFTER HE READ EACH RIGHT, HE WOULD GO TO THAT LINE,
9 AND INITIAL, AND MOVE ON TO THE NEXT ONE. SAME AGAIN,
10 INITIAL, AND MOVE ON TO THE NEXT ONE.

11 Q WHAT IS THE FIRST RIGHT? WILL YOU READ IT?

12 A "I HAVE THE ABSOLUTE RIGHT TO REMAIN SILENT. I
13 DO NOT HAVE TO ANSWER ANY QUESTIONS OR GIVE A STATEMENT
14 AND THIS FACT CANNOT BE USED AGAINST ME."

15 Q DID HE INITIAL IT HIMSELF?

16 A YES, HE DID.

17 Q WHAT IS THE SECOND ONE?

18 A "IF I DO ANSWER QUESTIONS OR GIVE A STATEMENT,
19 ANYTHING I SAY CAN AND WILL BE USED AGAINST ME IN A COURT
20 OF LAW."

21 Q AND DID HE MOVE HIS PEN UNDER THAT RIGHT AS HE
22 READ IT?

23 A CORRECT.

24 Q DID YOU OBSERVE THAT?

25 A YES.

1 Q AND DID HE, AGAIN, INITIAL THAT RIGHT?

2 A YES, HE DID.

3 Q WHAT IS THE THIRD RIGHT?

4 A "I HAVE THE RIGHT TO CONSULT WITH A LAWYER OF MY
5 CHOICE BEFORE I ANSWER QUESTIONS OR GIVE A STATEMENT AND
6 ALSO HAVE HIM PRESENT WHILE I'M BEING QUESTIONED."

7 Q DID HE INITIAL BESIDE THAT?

8 A YES, HE DID.

9 Q WHAT'S THE FOURTH RIGHT?

10 A "IF I WISH TO TALK TO A LAWYER AND HAVE HIM
11 PRESENT, BUT AM UNABLE TO AFFORD TO HIRE A LAWYER, ONE
12 WILL BE APPOINTED TO REPRESENT ME FREE OF CHARGE."

13 Q DID HE INITIAL BESIDE THAT?

14 A YES, HE DID.

15 Q WHAT IS THE FIFTH RIGHT?

16 A "IF I DECIDE TO ANSWER QUESTIONS OR GIVE A
17 STATEMENT WITHOUT HAVING A LAWYER PRESENT REPRESENTING ME,
18 I HAVE THE ABSOLUTE RIGHT DURING THIS INTERVIEW TO STOP
19 ANSWERING QUESTIONS AND TO REMAIN SILENT."

20 Q DID HE INITIAL AND SIGN THAT RIGHT?

21 A YES, HE DID.

22 Q AFTER HE INITIALED AND SIGNED ALL FIVE OF THESE
23 RIGHTS, DID HE, AGAIN, INDICATE TO YOU THAT HE UNDERSTOOD
24 HIS RIGHTS?

25 A CORRECT. I ASKED HIM AGAIN -- I MEAN, THERE'S A

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1 LINE THAT SAYS I FULLY UNDERSTAND EACH OF THESE RIGHTS
2 EXPLAINED TO ME. I THEN ASK HIM, "DO YOU UNDERSTAND
3 EVERYTHING YOU JUST READ?" "YES", HE REPLIED. "DO YOU
4 HAVE ANY QUESTIONS FOR ME?" "NO", HE REPLIED.

5 Q AND DID HE APPEAR TO UNDERSTAND ALL THOSE RIGHTS
6 AT THAT TIME?

7 A YES, HE DID.

8 Q DID HE SIGN HIS NAME SAYING THAT HE UNDERSTOOD
9 THOSE RIGHTS?

10 A YES, HE DID. HE SIGNED HIS SIGNATURE RIGHT
11 BELOW IT.

12 Q DID YOU, YOURSELF, SIGN IT?

13 A YES, I DID.

14 Q AND YOU SIGNED AS A WITNESS TO HIM SIGNING?

15 A CORRECT.

16 Q AND AGAIN, WHILE YOU ADVISED HIM OF HIS RIGHTS,
17 HE WASN'T CONFUSED AT ALL?

18 A NO.

19 Q DID HE EVER ASK FOR CLARIFICATION OF ANY OF HIS
20 RIGHTS?

21 A NO.

22 Q DID HE EVER ASK FOR A LAWYER AT ANY POINT WHEN
23 YOU WERE ADVISING HIM OF HIS RIGHTS?

24 A NO, HE DID NOT.

25 Q DID HE EVER TELL YOU THAT HE DIDN'T WANT TO TALK

1 TO YOU?

2 A NO.

3 Q AND AFTER YOU ADVISED HIM OF HIS RIGHTS, DID HE
4 WAIVE THESE RIGHTS TO YOU -- OR AFTER YOU ADVISED HIM, DID
5 HE WAIVE THESE RIGHTS AND WISHED TO SPEAK TO YOU?

6 A YES, HE DID.

7 Q AND HOW DID YOU GET TO THAT POINT?

8 A WE ACTUALLY HAVE -- AT THE TIME, THE FORM THAT
9 WE USED WENT ABOVE JUST THE STANDARDIZED ADVISEMENT OF
10 RIGHTS. WE ACTUALLY HAD A PORTION AT THE BOTTOM WHERE WE
11 HAD TO DISCLOSE TO THEM WHAT THEY WERE BEING QUESTIONED
12 ABOUT. KIND OF LIKE A SECONDARY OPTION FOR THEM TO MAYBE
13 RETHINK COUNSEL OR SOMETHING. AND I READ THAT TO HIM.
14 THAT PART I READ.

15 Q OKAY. AND DOES THAT APPEAR ON THAT FORM?

16 A YES, IT DOES.

17 Q AND HOW DID YOU READ IT TO HIM?

18 A I READ IT, I SAID, "HAVING THESE RIGHTS IN MIND,
19 I WISH TO WAIVE THESE RIGHTS AND ANSWER QUESTIONS
20 CONCERNING THE CHARGE OF CRIMINAL SEXUAL CONDUCT WITH A
21 MINOR IN THE FIRST DEGREE". ON THIS FORM, I WROTE CSC
22 WITH A MINOR JUST BECAUSE OF THE SPACE THAT'S ALLOWED TO
23 ME TO WRITE. HOWEVER, I DO ALWAYS READ OUT THE CHARGE TO
24 THEM. "NO THREATS, FORCE OR PROMISES OF ANY KIND HAVE
25 BEEN MADE TO ME BY ANYONE TO CAUSE ME TO WAIVE THESE

1 RIGHTS, AND/OR ANSWER QUESTIONS".

2 Q AND THAT WHOLE PART WAS READ OUT LOUD TO HIM?

3 A BY ME.

4 Q AND DID HE WAIVE HIS RIGHTS?

5 A YES, HE DID.

6 Q AND HOW DID HE DO THAT?

7 A I ASKED HIM, I SAID, "DO YOU STILL WANT TO TALK
8 TO ME". HE SAID, "YES". AND I SAID, "JUST SIGN RIGHT
9 HERE."

10 Q DID HE SIGN?

11 A YES, HE DID.

12 Q DID YOU SIGN AS WELL?

13 A AS A WITNESS.

14 Q DID ANYONE ELSE SIGN?

15 A NO, WE WERE THE ONLY TWO IN THE ROOM.

16 MR. DURANT: YOUR HONOR, AT THIS TIME, THE STATE
17 MOVES THE ADMISSION OF STATE'S, I BELIEVE, IT'S 7, THE
18 ADVICE OF RIGHTS --

19 THE COURT: BASED UPON PREVIOUS OBJECTIONS, THE
20 STATEMENTS WITH YOUR PREVIOUS OBJECTIONS, AT A PREVIOUS
21 HEARING, I ASSUME YOU'VE GOT THE SAME OBJECTION NOW, IS
22 THAT CORRECT?

23 MR. GRIMES: YES, SIR.

24 THE COURT: ALL RIGHT. THOSE OBJECTIONS ARE
25 OVERRULED. AND I THINK THEY WERE QUANTIFIED AND IN THE

1 RECORD PREVIOUSLY. AND I'LL -- I'LL ADOPT THOSE -- THOSE
2 ARGUMENTS NOW IN OVERRULING YOUR MOTION. OKAY.

3 MR. GRIMES: THANK YOU, YOUR HONOR.

4 THE COURT: EVEN THOUGH IT WAS MADE PRIOR TO TRIAL.
5 (STATE'S EXHIBIT NO. 7 RECEIVED INTO EVIDENCE.)

6 THE COURT: ALL RIGHT. THANK YOU, VERY MUCH.

7 MR. DURANT: THANK YOU, YOUR HONOR.

8 BY MR. DURANT:

9 Q DET. RAMSEY, WHAT TIME DID YOU ADVISE MR. TURNER
10 OF HIS RIGHTS?

11 A 15:45 HOURS, 3:45 IN THE AFTERNOON.

12 Q AND AFTER HE SIGNED WAIVING HIS RIGHTS, HOW DID
13 YOUR INTERVIEW PROCEED?

14 A JUST THE WAY I INTERVIEW, TALKING TO HIM ABOUT
15 WHAT'S GOING ON. YOU HAVE TO RECALL, I KNEW NOTHING
16 MYSELF, YOU KNOW. I JUST KIND OF LEANED BACK IN THE CHAIR
17 WITH MY CUP OF COFFEE, AND SAID "WHAT IS GOING ON"?

18 WHEN I -- WHEN I INTERVIEW, I -- THE INITIAL --
19 WHEN I'M FIRST MAKING THAT INITIAL CONTACT WITH HIM, I'M
20 TRYING TO GET A FEEL WITH WHO I'M TALKING TO, WHAT THEY'RE
21 DEMEANOR'S LIKE, SOME OF THEIR ACTIONS. BASIC QUESTIONS I
22 WILL ASK HIM, JUST TO DETERMINE HOW THEY RESPOND TO
23 TRUTHFUL QUESTIONS, TO EVALUATE LATER WHEN I'M ASKING HIM
24 MORE LIKE WHAT WE CALL STRESS QUESTIONS.

25 I MAY TALK TO YOU ABOUT YOUR SCHOOL, WHICH I DID

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1 WITH HIM. I JUST TALKED TO HIM ABOUT THE BASIC THINGS,
2 YOU KNOW. BECAUSE WHEN I FIRST ASKED HIM, I SAID, "WHAT
3 IS GOING ON". HE SAID, "I DON'T KNOW." I SAID, "OKAY,
4 WELL, APPARENTLY SOMETHING HAPPENED". "ARE YOU FROM
5 AROUND HERE?" AND I JUST GO INTO JUST ASKING HIM
6 QUESTIONS TO FAMILIARIZE ME WITH THEIR DEMEANOR.

7 AND I'LL ASK THEM QUESTIONS THAT THEY HAVE TO USE
8 THEIR MEMORY TO THINK OF, BUT THAT THERE IS NO REASON TO
9 DECEIVE ME. HAVE YOU LIVED IN CHARLESTON YOUR WHOLE LIFE?
10 YES. HAVE YOU MOVED A COUPLE OF TIMES IN AND OUT -- YEAH,
11 A FEW TIMES. HOW MANY TIMES DO YOU THINK YOU'VE MOVED.
12 WELL, HE'S GOING TO HAVE TO THINK ABOUT HOW MANY TIMES
13 HE'S MOVED. BUT THERE IS NO REASON TO LIE. SO, I'LL
14 WATCH HOW HE RESPONDS TO TRUTHFUL RECOLLECTION. THAT KIND
15 OF THING. JUST START OFF VERY CASUAL.

16 Q SO, IN YOUR EXPERIENCE AS A DETECTIVE,
17 INTERVIEWING SOMEONE IS A PROCESS?

18 A IT IS.

19 Q WAS HE EVENTUALLY ABLE TO PROVIDE YOU WITH A
20 WRITTEN STATEMENT?

21 A YES, HE WAS.

22 Q ABOUT HOW LONG AFTER YOU BEGAN SPEAKING WITH
23 HIM, DID HE REDUCE HIS STATEMENT TO WRITING?

24 A I SPOKE TO HIM ABOUT 30 MINUTES DURING THE
25 ACTUAL INTERVIEW.

1 Q AND WHEN YOU WERE JUST SPEAKING WITH HIM, WERE
2 YOU ABLE TO OBTAIN AN ORAL CONFESSION?

3 A YES, I WAS. WHEN I INITIALLY BEGAN SPEAKING
4 WITH HIM ABOUT THE INCIDENT, AND I -- OBVIOUSLY HE HAD
5 BEEN TOLD DURING HIS ADVICE OF RIGHTS WHAT HE WAS BEING
6 QUESTIONED ABOUT, HE MADE A STATEMENT TO ME, HE SAID, "I
7 CAN'T SEE MYSELF DOING THAT BECAUSE I KNOW THE LAW".

8 AT THAT POINT, THAT OPENED THE DOOR FOR ME TO
9 ACTUALLY MOVE INTO THE ACTUAL INTERVIEW PORTION BECAUSE
10 THAT WAS A SERIOUS FLASHING RED LIGHT FOR ME.

11 Q I'M SHOWING YOU WHAT THE STATE HAS LABELED
12 STATE'S 8 FOR IDENTIFICATION. I ASK YOU TO TAKE A LOOK AT
13 IT. DO YOU RECOGNIZE THAT STATEMENT?

14 A I DO.

15 Q HOW DO YOU RECOGNIZE IT?

16 A THIS IS THE HANDWRITTEN STATEMENT THAT THE
17 DEFENDANT, MR. TURNER, PROVIDED TO ME AFTER OUR FORMAL
18 INTERVIEW.

19 Q HOW DID THIS STATEMENT BEGIN TO BE REDUCED TO
20 WRITING?

21 A AS I SPOKE WITH HIM IN THE INTERVIEW ROOM,
22 AGAIN, VERY CALM, VERY CASUAL TYPE INTERVIEW, HE
23 COMPLETELY OPENED UP TO ME ABOUT WHAT HAD HAPPENED. AND
24 THAT'S WHAT WE SPOKE ABOUT OVER THE NEXT 30 MINUTES. AND
25 AT THE END OF THAT, I -- I ASKED HIM IF HE WOULD PUT IT ON

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1 PAPER FOR ME AND HE SAID YEAH.

2 Q DID YOU PROVIDE HIM WITH THE PAPER?

3 A YES, I DID.

4 Q WHAT'S AT THE TOP OF THAT PAPER?

5 A AT THE TOP OF THAT PAPER IS JUST HIS BASIC
6 INFORMATION, THAT PORTION I FILLED OUT. NAME, ADDRESS,
7 OCCUPATION, WHERE THE INTERVIEW WAS CONDUCTED AND WHEN.

8 Q WAS ANYONE ELSE IN THE ROOM WITH YOU AT THAT
9 TIME?

10 A NOT AT THIS TIME. ONCE THE INTERVIEW STARTS, I
11 KEEP IT VERY, VERY STERILE.

12 Q DID ANYONE ELSE EVER COME INTO THE ROOM?

13 A NOT UP TO THIS POINT, NO. TOWARDS THE END OF IT
14 WHEN HE WAS PROVIDING ME WITH THE WRITTEN STATEMENT,
15 SOMEBODY ELSE DID COME INTO THE ROOM, YES.

16 Q AND YOU SAID YOU FILLED OUT THE TOP PART OF THAT
17 FORM?

18 A CORRECT.

19 Q BASED ON HIS ANSWERS?

20 A CORRECT, YES.

21 Q WHAT WAS HIS OCCUPATION ON THERE?

22 A HE HAD HIS OCCUPATION AS GRAPHIC DESIGNER.

23 Q AND WHEN IT CAME TIME TO WRITE THIS STATEMENT,
24 WHO WROTE IT?

25 A HE WROTE IT. I ALWAYS HAVE THEM WRITE IT IF

1 IT'S LEGIBLE.

2 Q WHERE YOU ABLE TO DETERMINE IF IT'S LEGIBLE?

3 A YES. ONCE HE STARTED WRITING HIS FIRST SENTENCE
4 OR TWO, APPARENTLY HE HAD PRETTY GOOD HANDWRITING FOR A
5 MAN.

6 Q DID YOU STAY IN THE ROOM THE WHOLE TIME HE WROTE
7 HIS STATEMENT?

8 A NO, I DID NOT. HE STARTED WRITING. I WATCHED
9 HIM WRITE THE FIRST FEW LINES TO MAKE SURE THAT IT WAS
10 SOMETHING I WAS GOING TO BE ABLE TO READ AFTERWARDS. AND
11 I ASKED HIM IF HE WANTED SOMETHING TO DRINK. HE SAID
12 "NO". AND I SAID, "WELL, I'M READY FOR ANOTHER CUP OF
13 COFFEE. JUST KEEP ON WRITING. I'LL BE BACK IN A MINUTE".

14 Q AFTER HE FINISHED WRITING, YOU KNOW, HIS WRITTEN
15 PART, WHAT HAPPENED THEN?

16 A ONCE HE FINISHED WRITING HIS WRITTEN PART --
17 AND, YOU KNOW, I WOULD -- CHECKED IN PERIODICALLY, I'D
18 CRACK THE DOOR OPEN AND SAY, 'HOW ARE WE DOING, JEREMIAH'.
19 HE'S LIKE, "I'M GOOD". I'D SAY, "DO YOU NEED ANYTHING TO
20 DRINK", AND HE'D SAY "NO". AND THEN I'D VIEW HIM FROM THE
21 TWO WAY MIRROR TO DETERMINE THAT HE WAS DONE.

22 AND I -- I WENT IN. I READ HIS STATEMENT. AND
23 THEN I BEGAN A QUESTION AND ANSWER PORTION OF THAT
24 STATEMENT, WHICH I WROTE.

25 Q SO, THE QUESTIONS AND THE ANSWERS IN THE

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1 QUESTION AND ANSWER QUESTION SECTION WERE -- THEY WERE
2 BOTH IN YOUR HANDWRITING?

3 A THAT IS CORRECT.

4 Q WHAT TIME WAS HIS STATEMENT REDUCED TO WRITING?

5 A HE BEGAN READING AT 16:15 HOURS, AT 4:15 IN THE
6 AFTERNOON.

7 Q DID YOU THREATEN HIM AT ALL IN ORDER TO GET HIM
8 TO WRITE THIS STATEMENT?

9 A NOT AT ALL.

10 Q DID YOU OFFER HIM ANY PROMISE OR HOPE OF A
11 REWARD?

12 A NO, I DID NOT.

13 Q DID ANYONE ELSE TO YOUR KNOWLEDGE?

14 A NO. IT WAS JUST ME AND HIM THERE.

15 Q DID YOU OFFER HIM ANY LENIENCY?

16 A NO.

17 Q TELL HIM YOU WOULD TALK TO A JUDGE?

18 A NO.

19 Q TELL HIM YOU WOULD TALK TO THE PROSECUTION?

20 A NO.

21 Q DID YOU EVER HIT HIM?

22 A NO.

23 Q DID YOU EVER SAY YOU WOULD?

24 A NO.

25 Q DID HE GIVE YOU THIS STATEMENT FREELY AND

1 VOLUNTARILY?

2 A ABSOLUTELY.

3 MR. GRIMES: OBJECTION. THAT CALLS FOR A LEGAL
4 CONCLUSION.

5 THE COURT: OVERRULED. GO AHEAD.

6 MR. DURANT: THANK YOU.

7 BY MR. DURANT:

8 Q AND ONCE YOU WENT THROUGH THE QUESTION AND
9 ANSWER SECTION, --

10 A CORRECT.

11 Q -- WAS HE GIVEN AN OPPORTUNITY TO REVIEW THIS
12 STATEMENT IN FULL?

13 A YES, HE WAS.

14 Q HOW MANY PAGES WAS THIS STATEMENT?

15 A THE TOTAL STATEMENT, FROM BEGINNING TO THE LAST
16 PAGE, WAS THREE PAGES LONG.

17 Q WAS HE GIVEN AN OPPORTUNITY TO MAKE ANY
18 CORRECTIONS OR ADD ANYTHING THAT HE FELT MIGHT NEED TO BE
19 ADDED?

20 A YES, HE WAS.

21 Q DID HE MAKE ANY CORRECTIONS?

22 A NO, HE DID NOT. I SHOWED HIM ONE CORRECTION I
23 MADE.

24 Q WHEN DID YOU MAKE A CORRECTION?

25 A IN MY QUESTION AND ANSWER, I MISSPELLED Minor

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1 NAME. AND I SCRIBBLED IT OUT AND INITIALED ABOVE IT. AND
2 UPON REVIEWING IT, I SHOWED THAT TO HIM. I -- I SAID,
3 RIGHT THERE, THAT'S WHERE I MISPELLED Minor NAME. AND
4 I INITIALLED IT RIGHT THERE.

5 Q AND AFTER HE HAD A CHANCE TO REVIEW HIS
6 STATEMENT, DID HE AFFIRM THAT THIS WAS, INDEED, THE
7 STATEMENT THAT HE -- THAT HE HAD WRITTEN -- IT WAS HIS?

8 A YES.

9 Q AND HOW DID HE DO THAT?

10 A I LET HIM READ IT. I SAID -- AND I LET HIM READ
11 THE QUESTION AND ANSWER PORTION AS WELL BECAUSE THAT HAD
12 BEEN COMPLETED. AND WHEN HE WAS DONE, YOU KNOW, HE
13 INDICATED THAT HE WAS DONE. I SAID, "IS EVERYTHING ON
14 THERE CORRECT?", AND HE SAID "YES". I SAID, "IS THERE
15 ANYTHING YOU CARE TO ADD?" HE SAID, "NO".

16 Q AND DID HE SIGN THIS STATEMENT INDICATING IT WAS
17 HIS?

18 A YES, HE DID. AFTER HE STATED THERE WAS NOTHING
19 MORE FOR HIM TO ADD, I HAD HIM DRAW A LINE FROM THE LAST
20 PART THAT I HAD WRITTEN, ACROSS THE LINE AND THEN INITIAL
21 IN THE MIDDLE OF THAT. AND I ADVISED HIM THAT'S SO NOBODY
22 CAN GO BACK AFTERWARDS AND ADD ANYTHING TO YOUR STATEMENT.
23 HE THEN SIGNED EACH PAGE.

24 Q DID HE SIGN EACH PAGE IN FRONT OF YOU?

25 A YES, HE DID.

1 Q DID YOU ALSO SIGN EACH PAGE?

2 A AT THE CONCLUSION OF HIM SIGNING, I SIGNED EACH
3 PAGE.

4 THE COURT: SOLICITOR, COULD I SEE YOU UP HERE JUST
5 A SECOND?

6 MR. DURANT: YES, SIR.

7 (WHEREUPON, THERE WAS A BENCH CONFERENCE BETWEEN
8 THE COURT AND BOTH COUNSEL IN THE PRESENCE OF THE JURY,
9 BUT OUTSIDE THE HEARING OF THE JURY.)

10 THE COURT: ALL RIGHT. MADAM FORELADY AND LADIES
11 AND GENTLEMEN OF THE JURY, I'M GOING TO HAVE TO BREAK AT
12 THIS TIME. PLEASE DON'T DISCUSS THE CASE WITH ANYONE. BE
13 BACK IN THE JURY ROOM AT 2:00 AND WE'LL GET STARTED AT
14 THAT TIME. I'LL SEE YOU AT 2:00.

15 (WHEREUPON, THE JURY LEFT THE COURTROOM AT 12:19
16 P.M.)

17 THE COURT: WE'LL ADJOURN UNTIL 2:00.

18 (WHEREUPON, COURT RECESSED AT 12:19 P.M.)

19 (WHEREUPON, COURT RECONVENED AT 2:19 P.M.)

20 THE COURT: PLEASE BE SEATED. ANYTHING FROM THE
21 STATE BEFORE WE BRING THE JURY?

22 MS. HERRING-LASH: NO, YOUR HONOR.

23 THE COURT: ANYTHING FROM THE DEFENSE?

24 MR. GRIMES: NO, SIR.

25 THE COURT: ALL RIGHT. BRING US THE JURY PLEASE,

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1 SIR.

2 MR. DURANT: DO YOU WANT THE WITNESS TO RESUME HIS
3 SEAT?

4 THE COURT: YES. PLEASE.

5 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT 2:20
6 P.M.)

7 BAILIFF: ALL SEATED, YOUR HONOR.

8 THE COURT: OKAY. YOU MAY CONTINUE.

9 MR. DURANT: THANK YOU, MAY IT PLEASE THE COURT.

10 BY MR. DURANT:

11 Q DETECTIVE RAMSEY, WHEN WE LEFT OFF BEFORE THE
12 LUNCH BREAK, I WAS ASKING YOU ABOUT YOUR STATEMENT, AND
13 YOU WERE TELLING US THAT YOU HAD SIGNED THE STATEMENT
14 AFTER MR. TURNER HAD SIGNED IT?

15 A CORRECT.

16 Q DID ANYONE ELSE SIGN THIS STATEMENT?

17 A YES.

18 Q WHO?

19 A DETECTIVE BURNEM.

20 Q AND DO YOU KNOW WHY DETECTIVE BURNEM SIGNED THIS
21 STATEMENT?

22 A SHE HAD COME INTO THE INTERVIEW ROOM JUST AS HE
23 WAS READING THE -- HIS -- HIS STATEMENT OVER. AND SHE HAD
24 SOME FORMS OF HER OWN OR SOMETHING AND I JUST ASKED HER TO
25 WITNESS HIS SIGNING AND MY SIGNING, WHICH IS WHAT SHE DID.

1 Q OKAY. SO, THERE ARE THREE PEOPLE WHO SIGNED
2 THIS STATEMENT?

3 A CORRECT.

4 Q ON ALL THREE PAGES?

5 A CORRECT.

6 Q AND AFTER EVERYBODY SIGNED THIS STATEMENT, WAS
7 MR. TURNER PROVIDED WITH A COPY OF IT?

8 A YES. THE STANDARDIZED STATEMENT FORM HAS A
9 YELLOW COPY ON THE BACK THAT IS TORN OFF, ALONG WITH A
10 COPY -- WHICH IS ALSO YELLOW -- OF HIS ADVICE OF RIGHTS
11 FORM. HE WAS GIVEN ALL THAT.

12 Q I THINK YOU PREVIOUSLY TESTIFIED THAT STATE'S
13 EXHIBIT 8 IS THE STATEMENT THAT MR. TURNER WROTE IN HIS
14 OWN HANDWRITING IN FRONT OF YOU, TO YOU, AND SIGNED IT?

15 A THAT IS CORRECT.

16 MR. DURANT: YOUR HONOR, AT THIS TIME, THE STATE
17 MOVES FOR THE ADMISSION OF STATE'S 8 INTO EVIDENCE.

18 THE COURT: ANY OBJECTION?

19 MR. GRIMES: SUBJECT TO OUR PREVIOUS OBJECTIONS.

20 THE COURT: ALL RIGHT. THOSE OBJECTIONS ARE
21 OVERRULED. I'LL ADMIT IT AS -- NUMBER WHAT?

22 MR. DURANT: EIGHT.

23 THE COURT: NUMBER 8. STATE'S EXHIBIT NO. 8
24 ADMITTED WITH OBJECTIONS.

25 (STATE'S EXHIBIT NO. 8 RECEIVED INTO EVIDENCE.)

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1 BY MR. DURANT:

2 Q DETECTIVE RAMSEY, IF YOU WOULD, WOULD YOU PLEASE
3 READ THAT STATE EXACTLY AS HOW MR. TURNER GAVE IT TO YOU?

4 A THIS IS THE STATEMENT THAT HE GAVE TO ME IN HIS
5 OWN HANDWRITING.

6 IT BEGINS: "I AM HEREBY STATING THAT THE FIRST
7 INCIDENT HAPPENED IN JUNE OF THIS YEAR. THE FIRST TIME
8 THIS HAPPENED WHEN I WAS WRESTLING ON THE FLOOR. I FELT
9 Minor TOUCH MY PENIS WHEN I WAS HALF ASLEEP. SHE THEN
10 WENT ON TO TAKING HER SKIRT OFF. SHE WENT TO THE BATHROOM
11 TO PUT PERFUME ON AND RETURNED WITH ONLY HER BATHING SUIT
12 ON. SHE HESITATED TO MAKE SURE MY EYES WERE CLOSED BEFORE
13 SHE COULD RESUME WHAT SHE WAS DOING. SHE STARTED TO USE
14 HER HANDS TO MASTURBATE ME. SHE WENT ON TO GET ON TOP OF
15 ME AS SHE WAS REALLY -- AS SHE WAS READY TO DO SOMETHING.
16 SHE WOULD STOP WHENEVER I WOULD MAKE ANY MOVEMENT OF
17 WAKING UP. SHE -- THEN SHE WOULD RESUME WITH THE
18 GRINDING. THAT WAS THE FIRST TIME SHE'D EVER DONE
19 ANYTHING TO ME LIKE THAT."

20 "THE SECOND TIME THIS OCCURRED, SHE WENT ON TO GIVING ME
21 A BLOW JOB. THIS ONLY OCCURS WHEN HER MOTHER IS NOT AROUND
22 AND HER SISTERS ARE ASLEEP. SHE WOULD ALWAYS TRY TO MAKE
23 SURE THAT I AM HALF ASLEEP OR IN A RESTING STATE. IF I AM
24 FULLY AWAKE, SHE WOULD NOT TRY ANYTHING SEXUALLY IN THAT
25 NATURE."

1 "AS IT STARTED TO OCCUR MORE OFTEN, MY CURIOSITY
2 AND MY SPITE FOR HER MOTHER MADE ME WONDER HOW MUCH SHE
3 KNEW ABOUT SEX. I ASKED HER AND SHE TOLD ME ON MANY TIMES
4 THAT SHE HAD A BOYFRIEND AND WE HAVE SEX. WHEN THE LAST
5 INCIDENT OCCURRED, SHE WAITED UNTIL THE MIDDLE OF THE
6 NIGHT. THIS WAS THE ONLY TIME THAT THERE WAS AN ACTUAL
7 PENETRATION. SHE WAS VERY KNOWLEDGEABLE ON WHAT POSITION
8 SHE WANTED TO DO IT IN. IT SHOCKED ME. BUT WHEN IT WAS
9 ALL DONE, OR THE FACT THAT SHE COULDN'T GET ME TO GET OFF,
10 SHE WOULD GO BACK TO SLEEP. THOSE ARE THE ONLY TIMES I
11 REMEMBER WHEN I HAD SOMEWHAT OF A FULL AWARENESS OF WHAT
12 WAS GOING ON."

13 "I FIND IT VERY HARD TO TALK ABOUT EVEN AS I WRITE
14 THIS STATEMENT. I FEEL LIKE ALL OF THIS COULD HAVE BEEN
15 PREVENTED. I FEEL VERY UPSET WITH MYSELF FOR LETTING IT
16 HAPPEN. THIS IS MY STATEMENT FOR BEING ACCUSED AND I AM
17 READY TO TAKE ANY RESPONSIBILITY TO THE ACTIONS THAT
18 OCCURRED." WOULD YOU LIKE ME TO GO ON WITH THE Q AND A?

19 Q WOULD YOU PLEASE GO ON WITH THE Q AND A?

20 A AT THAT POINT, I BEGAN TO QUESTION MR. TURNER.
21 I WOULD WRITE THE QUESTION AND I WOULD ASK HIM TO WRITE
22 HIS ANSWER.

23 "QUESTION: HOW MANY TIMES A WEEK WERE YOU AND
24 Minor ENGAGED IN SEXUAL ACTIVITY?

25 ANSWER: ONCE OR TWICE A WEEK, BUT SOMETIMES THREE.

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1 QUESTION: YOU STATED THAT YOU ONLY HAD SEX WITH
2 Minor ONCE AND THAT SHE WAS KNOWLEDGABLE ABOUT POSITIONS;
3 WHAT POSITION AND HOW LONG DID YOU HAVE SEX WITH HER?

4 ANSWER: MISSIONARY AND DOGGIE STYLE.

5 WAS IT LONG?

6 ABOUT TEN MINUTES. I COULDN'T STAY HARD AND I
7 COULD ONLY GET IT IN ABOUT THIS FAR". HE THEN INDICATED
8 THE LENGTH OF HIS INDEX FINGER.

9 "QUESTION: ON THE OTHER OCCASIONS, WHAT SEXUAL
10 ACTS WERE PERFORMED IF NOT SEX?

11 ANSWER: HAND JOBS AND BLOW JOBS.

12 QUESTION: ON ANY OCCASION, DID YOU EXPERIENCE AN
13 ORGASM?

14 ANSWER: NEVER.

15 QUESTION: DURING SEX WITH Minor DID SHE APPEAR
16 TO ENJOY IT? HOW DID SHE EXPRESS THIS?

17 ANSWER: YEAH. BY THE EMOTIONS IN HER FACE AND THE
18 WAY SHE WOULD PULL ME CLOSER TO HER.

19 QUESTION: HOW DID YOU HAVE SEX WITH Minor DOGGIE
20 STYLE IF YOU WERE ALWAYS ASLEEP OR YOUR EYES WERE CLOSED?

21 ANSWER: THAT WAS THE ONE TIME I WAS FULLY AWAKE.

22 QUESTION: WHERE DID THESE INCIDENTS OCCUR AT?

23 ANSWER: AT THE HOUSE IN THE BEDROOM,
24 MY BEDROOM."

25 Q IS THAT THE END OF THE STATEMENT?

1 A THAT IS.

2 MR. DURANT: PLEASE ANSWER ANY QUESTIONS THE
3 DEFENSE MAY HAVE. THANK YOU.

4 MR. GRIMES: MAY IT PLEASE THE COURT?

5 THE COURT: YES, SIR.

6 MR. GRIMES: THANK YOU, YOUR HONOR.

7 CROSS EXAMINATION BY MR. GRIMES:

8 Q I'M GOING TO GO OUT OF ORDER A LITTLE BIT.
9 THAT'S CERTAINLY SOME TESTIMONY THAT SOUNDS PRETTY
10 POWERFUL AGAINST MR. TURNER, DOESN'T IT?

11 A YOU COULD SAY THAT.

12 Q AND JUST -- IF YOU READ THE STATEMENT AND YOU
13 DON'T KNOW Minor AGE, IT SOUNDS LIKE TWO TEENAGERS
14 MAYBE HAVING SEX AND TRYING TO HIDE IT FROM THEIR PARENTS,
15 IS THAT FAIR TO SAY?

16 A IT'S FAIR TO SAY, YES.

17 Q BUT ONCE WE LEARN THAT Minor IS SIX YEARS OLD,
18 IT'S QUITE FRANKLY VERY DISTURBING, ISN'T IT?

19 A I FOUND IT THAT WAY, YES.

20 Q PERHAPS EVEN SICK?

21 A YES.

22 Q YOU HAVE TO ANSWER YES FOR THE COURT REPORTER.

23 A YES. I KEPT FORGETTING.

24 Q AND IN SOME WAYS IT EVEN SOUNDS CRAZY FOR
25 SOMEONE TO SAY THAT A SIX YEAR OLD IS BASICALLY COMING ON

1 TO THEM, SEDUCING THEM?

2 A YES.

3 Q PERHAPS EVEN DELUSIONAL?

4 A I DON'T KNOW ABOUT DELUSIONAL.

5 Q WOULD IT BE FAIR TO SAY BIZARRE FOR SOMEONE TO
6 SAY A SIX YEAR OLD IS COMING ON TO THEM, ENJOYING THE
7 SEXUAL ACTIVITY?

8 A IN MY TIME AS AN INVESTIGATOR AND DOING
9 INTERVIEWS, IT'S NOT BIZARRE BECAUSE THAT TENDS TO BE HOW
10 A LOT OF PERPETRATORS, THEY MINIMIZE THEIR GUILT BY
11 PUTTING SOME OF THE BLAME ACTUALLY ON THE VICTIM. AND
12 IT'S ALSO AN OUT FOR THEM.

13 Q AND YOU DID SAY IT'S KIND OF VERY DISTURBING?

14 A TO ME, YES.

15 Q DID YOU TRY TO CONDUCT ANY TEST TO SEE IF MR.
16 TURNER WAS SUFFERING FROM ANY TYPE OF MENTAL DISTURBANCE?

17 A I'M NOT QUALIFIED TO DO THAT.

18 Q DID YOU REFER HIM TO SOMEONE WHO MAY HAVE BEEN
19 QUALIFIED TO DO THAT?

20 A THAT'S NOT -- THAT'S NOT REALLY MY JOB TO DO
21 THAT.

22 Q OKAY. DID YOU LOOK IN HIS BACKGROUND TO SEE IF
23 HAS SUFFERED FROM ANY TYPE OF DEPRESSION?

24 A NOT THAT I WOULD HAVE ACCESS TO THAT TO BEGIN
25 WITH, BUT, NO, I ONLY LOOK AT CRIMINAL BACKGROUNDS.

1 Q AND DID YOU CHECK TO SEE IF HE HAD ANY MENTAL
2 HEALTH PROBLEMS?

3 A AGAIN, I DON'T EVEN KNOW IF I WOULD HAVE ACCESS
4 TO THAT. I -- I DIDN'T, I MEAN.

5 Q WELL, YOU HAVE TO DETERMINE WHETHER SOMEONE
6 UNDERSTANDS THEIR MIRANDA RIGHTS, RIGHT?

7 A CORRECT.

8 Q AND IF THEY VOLUNTARILY WAIVE THEIR RIGHTS,
9 RIGHT?

10 A CORRECT.

11 Q AND IF SOMEONE IS SUFFERING FROM A DEPRESSION,
12 THAT MIGHT AFFECT THEIR ABILITY TO WAIVE THEIR RIGHTS, IS
13 THAT FAIR TO SAY?

14 A I WOULDN'T THINK SO, NO.

15 Q IF THEY WERE SUFFERING -- IF THEY WERE SUFFERING
16 FROM A MENTAL HEALTH SICKNESS OR PROBLEMS, COULD THAT
17 AFFECT THEIR ABILITY TO WAIVE THEIR MIRANDA RIGHTS?

18 A I'M NOT -- I'M NOT A PSYCHIATRIST, COUNSELOR. I
19 DON'T KNOW. HE PORTRAYED TO ME EVERY INDICATION THAT HE
20 UNDERSTOOD EXACTLY WHAT HE WAS DOING.

21 Q OKAY. NOW, YOU KNOW, I HAD A NICE LITTLE
22 OUTLINE, BUT I'M GOING TO SKIP AROUND A LITTLE BIT. WHEN
23 I WAS ASKING YOU ABOUT WHETHER HIS STATEMENT STRUCK YOU AS
24 BIZARRE, YOU SAID NOT REALLY, BECAUSE THEY TEND TO
25 MINIMIZE GUILT -- PEOPLE TEND TO MINIMIZE THEIR GUILT BY

1 PUTTING THE BLAME ON THE VICTIM?

2 A YEAH.

3 Q NOW, IN YOUR CONVERSATIONS WITH HIM BEFORE HE
4 GAVE HIS STATEMENT, INITIALLY HE DENIED DOING ANYTHING
5 WITH Minor CORRECT?

6 A HE DID NOT INITIALLY DENY IN THE SENSE THAT "NO,
7 I DIDN'T DO THIS". HE GAVE ME A SINGLE PHRASE THAT SET
8 OFF EVERY ALARM, AS AN INVESTIGATOR, TO ME THAT -- TO
9 WHERE I COULD VERY, VERY CONFIDENTLY SAY SOMETHING HAD
10 OCCURRED.

11 Q AND THAT SINGLE PHRASE WAS "I KNOW THE LAW, I
12 WOULDN'T DO THIS"?

13 A "I CAN'T SEE MYSELF DOING THAT. I KNOW THE
14 LAW." THAT INDICATES TO ME THAT IF IT WEREN'T AGAINST THE
15 LAW, HE DOESN'T SEE A PROBLEM.

16 Q SO, BEFORE HE SAID THAT, HE MADE NO DENIALS OF
17 THIS ACTIVITY, IS THAT WHAT YOU'RE TELLING THE JURY?

18 A THAT WAS LITERALLY LIKE RIGHT AT THE BEGINNING
19 OF THE CONVERSATION, WHEN I FIRST INITIATED A CONVERSATION
20 TELLING HIM, YOU KNOW -- AFTER I HAD READ HIS MIRANDA AND
21 HE HEARD CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST
22 DEGREE, WE BEGAN TO DISCUSS IT. AND I SAID, "SO NOW WE
23 KNOW WHY YOU'RE HERE. WHAT -- WHAT HAPPENED"? AND I
24 SAID, WHY WOULD THESE ALLEGATIONS COME AGAINST YOU? HE
25 SAID, "I CAN'T SEE MYSELF DOING THAT. I KNOW THE LAW."

1 Q YOU DID PREPARE A SUPPLEMENTAL REPORT?

2 A CORRECT.

3 Q AND ONE MOMENT. I APOLOGIZE. THE -- SO, ARE
4 YOU SAYING HE JUST -- AS SOON AS YOU TOLD HIM THE CHARGE,
5 HE GOES, "I DON'T SEE MYSELF DOING THAT BECAUSE I KNOW THE
6 LAW"?

7 A NO, NOT LIKE -- I TOLD HIM THE CHARGE INITIALLY
8 DURING THE READING OF HIS MIRANDA, WHICH YOU'VE KIND OF
9 ALREADY BEEN OVER THAT. ONCE THE INTERVIEW BEGAN AND I
10 KIND OF LEANED BACK, AND SAID, "WHAT'S GOING ON", YOU KNOW
11 WHY -- HE SAID, "I DON'T KNOW". I SAID, "WHY -- WHY --
12 WHY DO YOU THINK THIS LITTLE GIRL IS SAYING THIS STUFF"?
13 HE SAYS, "I DON'T KNOW. I COULDN'T SEE MYSELF DOING THAT.
14 I KNOW THE LAW." SO, HE NEVER DENIED IT. HE DIDN'T SAY
15 HE DIDN'T DO IT. HE SAID HE COULDN'T SEE HIMSELF DOING
16 IT. THAT'S NOT A COMMON REACTION WHEN YOU'RE TALKING
17 ABOUT SEX WITH A SIX YEAR OLD.

18 Q NOW, I'M A LITTLE -- LITTLE CONFUSED KIND OF
19 WHAT YOU TESTIFIED TODAY AND MAYBE WHAT YOU TESTIFIED
20 PREVIOUSLY ABOUT, BECAUSE TODAY -- I UNDERSTAND IT -- YOU
21 COME INTO THE INTERVIEW ROOM -- YOU GET YOUR CUP OF COFFEE
22 AND COME IN THE INTERVIEW ROOM, YOUR FEET UP KIND OF THIS?

23 A SIMILAR TO THAT.

24 Q AND ASKED HIM "WHAT'S GOING ON"?

25 A NOW, THIS IS AFTER MIRANDA, OF COURSE.

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1 Q YEAH.

2 A UH-HUH.

3 Q AND WHAT DID HE SAY AFTER YOU -- YOU ASKED HIM
4 WHAT'S GOING ON?

5 A INITIALLY, STARTED SIMILAR TO WHAT YOU'RE SAYING
6 -- ONCE MIRANDA IS OUT OF THE WAY, YOU KNOW, FEET UP, SO
7 WHAT'S -- WHAT'S GOING ON. I DON'T KNOW. I MEAN, WHAT --
8 WHAT I JUST TOLD YOU.

9 Q I DON'T KNOW. I WOULDN'T DO THIS BECAUSE I KNOW
10 WHAT THE LAW IS?

11 A WELL, THEN I ASKED HIM WHAT THE REASON -- WHY
12 DID HE THINK THIS YOUNG GIRL WOULD SAY THIS. AGAIN, "I
13 DON'T KNOW", AND THEN THIS PHRASE.

14 Q NOW, YOU -- GOING BACK TO HIM SORT OF MINIMIZING
15 HIS GUILT, PUTTING THE BLAME ON THE VICTIM, DID YOU DO
16 ANYTHING TO SUGGEST THAT TO HIM?

17 A I'M NOT SURE I REALLY UNDERSTAND -- LIKE, HOW
18 WOULD I SUGGEST IT?

19 Q I WANT YOU TO THINK CAREFULLY BEFORE YOU ANSWER
20 THE QUESTIONS. YOU REALIZE YOU'RE UNDER OATH, OKAY?

21 A YES.

22 Q AND YOU'RE HERE TO TELL THE TRUTH AND THE WHOLE
23 TRUTH?

24 A CORRECT.

25 Q AND YOU'VE TESTIFIED ABOUT THIS MATTER BEFORE?

1 A YES, I HAVE.

2 Q AND YOU ELABORATED ON IT WITH MORE DETAIL BEFORE
3 THAN YOU DID TODAY?

4 A UH-HUH.

5 Q AND DID YOU DO ANYTHING TO SUGGEST TO HIM, THAT
6 MIGHT HELP MINIMIZE HIS GUILT IN THE CASE, TO GIVE HIM A
7 WAY OUT?

8 A YES.

9 Q AND THAT WAS WHEN -- SOMETHING TO THE EFFECT,
10 WELL, WE'RE BOTH MEN. WE HAVE HORMONES?

11 A CORRECT.

12 Q DID YOU SAY THAT YOU GET TURNED ON BY YOUR WIFE
13 OR BY -- YOU TALKED ABOUT GETTING TURNED ON BY OTHER
14 WOMEN?

15 A HE MENTIONED, I THINK, IN HIS PREVIOUS TESTIMONY
16 --

17 Q NO. I'M ASKING WHAT YOU SAID.

18 A WELL, I DIDN'T SAY MY WIFE BECAUSE I WASN'T
19 MARRIED.

20 Q OKAY. BUT DID YOU SAY ABOUT OTHER WOMEN OR
21 ABOUT WOMEN IN GENERAL?

22 A I POSSIBLY DID. IT'S A COMMON PRACTICE.

23 Q AND WHEN YOU TESTIFIED, YOU KNOW, TO THE JURY A
24 FEW MINUTES AGO ON DIRECT, YOU DIDN'T SAY ANYTHING ABOUT
25 THAT, DID YOU? THAT YOU GAVE HIM A WAY OUT?

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1 A NO. I WASN'T ASKED ABOUT IT.

2 Q MR. DURANT DIDN'T ASK YOU QUESTIONS ABOUT WHAT
3 YOU TOLD HIM AND WHAT YOU SAID TO HIM?

4 A HE ASKED ME HOW THE INTERVIEW WENT. HE REALLY
5 DIDN'T ASK ME TOO MUCH ABOUT THE INTERVIEW PROCESS.

6 Q WELL, I GUESS HOW THE INTERVIEW WENT TO ME WOULD
7 HAVE SORT OF COVERED ALL OF THAT. I GUESS, YOU SAID, KIND
8 OF ALL YOUR TRICKS?

9 A I -- I DIDN'T -- IF THAT'S WHAT HE WAS ASKING
10 ME, I DIDN'T PICK UP THAT HE WANTED DETAILS OF THE
11 INTERVIEW.

12 Q OKAY.

13 A I -- I DIDN'T.

14 Q AND IF SOMETHING LIKE THAT HAPPENS, LET ME KNOW.
15 THE LAST WITNESS I THINK WE HEARD, WE ALMOST GOT IN AN
16 ARGUMENT -- SO, YOU KNOW, IF IT'S SOMETHING LIKE THAT, LET
17 ME KNOW BECAUSE I THINK WE GET ALONG PRETTY WELL.

18 A MR. GRIMES, ARE YOU ASKING ME FOR DETAILS OF THE
19 INTERVIEW?

20 Q YES.

21 A OKAY.

22 Q BUT FIRST OFF, I WANT TO GO IN ORDER. SO, YOU
23 BASICALLY SAID SOMETHING TO HIM LIKE WE BOTH GET -- MEN
24 GET TURNED ON BY WOMEN?

25 A YES.

1 Q AND THAT CAME FROM YOU FIRST?

2 A POSSIBLY -- PROBABLY, -- PROBABLY, YES.

3 Q AND SAYING WE BOTH -- YOU KNOW, MEN -- TRYING TO
4 SPEAK MAN-TO-MAN, I THINK LIKE YOU DESCRIBED BEFORE, LIKE
5 IN A BAR?

6 A CORRECT.

7 Q AND IS THAT WHAT SPURRED HIM -- IS THAT WHAT
8 SPURRED HIM NEXT JUST TO SAY THIS OR DID HE KEEP DENYING
9 IT?

10 A IT WASN'T JUST THAT. IT WAS A COMBINATION OF
11 THINGS.

12 Q AND I THINK ONE EXAMPLE THAT YOU GAVE WAS A
13 CALCULUS EXAMPLE?

14 A CORRECT.

15 Q AND TELL THE JURY WAS THE CALCULUS EXAMPLE WAS?

16 A OKAY. DURING THE COURSE OF THIS INTERVIEW, AS I
17 SPOKE WITH MR. TURNER, I DEVELOPED A -- AS MR. GRIMES
18 SAID, ALMOST A BAR ROOM SETTING COMFORT LEVEL WITH HIM. I
19 TALKED TO HIM VERY NORMAL, VERY RELAXED, VERY CASUAL.
20 WHEN I ASKED HIM ABOUT THE INITIAL ALLEGATION, AND HE
21 DIDN'T REALLY DENY IT, BUT WE'VE ALREADY GONE OVER ALL
22 THAT -- WHAT HE SAID ABOUT "I COULDN'T SEE MYSELF DOING
23 THAT." I USED FOR HIM THE EXAMPLE, I SAID, MR. GRIMES --
24 I'M SORRY.

25 Q THAT'S OKAY.

1 A I SAID, "JEREMIAH, I SAID LISTEN TO ME VERY
2 CAREFULLY HERE. WE'RE TALKING ABOUT A SIX YEAR OLD LITTLE
3 GIRL", I SAID, "WHO IS DESCRIBING SEXUAL THINGS." I SAID,
4 "THAT IS NOT POSSIBLE FOR A SIX YEAR OLD LITTLE GIRL WHO
5 HAS NOT EXPERIENCED THOSE THINGS." I USED THE EXAMPLE OF
6 CALCULUS. I SAID, "IF I WERE TO ASK YOU TO GIVE ME THE
7 DETAILS OF A CALCULUS PROBLEM, YOU WOULDN'T BE ABLE TO DO
8 IT BECAUSE YOU'VE NEVER EXPERIENCED CALCULUS -- CALCULUS."

9 Q HAVE YOU TAKEN PHYSICS?

10 A I -- I WAS THERE.

11 Q WELL, THAT MIGHT NOT BE A GOOD EXAMPLE THEN.
12 I'M TRYING TO THINK OF MY OWN SCIENCE QUESTION. DID YOU
13 STUDY EINSTEIN?

14 A NO.

15 Q I'M NOT EVEN SURE THAT'S RIGHT. ARE YOU
16 FAMILIAR WITH WHAT $E = MC^2$ IS?

17 A THEORY OF RELATIVITY.

18 Q EINSTEIN CAME UP WITH THAT?

19 A HE DISCOVERED IT, I THINK.

20 Q AND YOU CAN GET THAT FROM WATCHING SOMETHING ON
21 THE SCIENCE CHANNEL?

22 A CORRECT.

23 Q DISCOVERY CHANNEL?

24 A CORRECT.

25 Q AND YOU'VE BEEN IN HERE FOR MOST OF THIS TRIAL,

1 CORRECT?

2 A CORRECT.

3 Q YOU'VE HEARD ME -- YOU'VE HEARD ABOUT THE
4 CONDITIONS OF THE HOUSEHOLD, THE DAVISON'S HOUSEHOLD?

5 A YES, I HAVE.

6 Q IT SOUNDS LIKE AT LEAST THREE MEN HAVE BEEN
7 INVOLVED IN HER LIFE, PLUS HECTER, IS THAT FAIR TO SAY?

8 A I KNEW -- I -- I GUESS AFTER HEARING THE THING,
9 TWO TO MY KNOWLEDGE, AT LEAST.

10 Q OKAY. AND IS IT FAIR TO SAY, I GUESS FROM HER
11 TESTIMONY AND FROM WHAT YOU SAW, THAT WHEN SHE WENT TO
12 FLORIDA, SHE HAD TIME TO FIND A BOYFRIEND BEFORE SHE TOOK
13 HER CHILD TO THE FORENSIC INTERVIEW?

14 A FROM WHAT I HEARD, IT SOUNDS LIKE THAT'S WHAT
15 HAPPENED, YES.

16 Q OKAY. BUT, QUITE FRANKLY, Minor COULD HAVE
17 BEEN EXPOSED TO SEX FROM HER MOM AND OTHER MEN, CORRECT?

18 A IT'S POSSIBLE.

19 Q IF THEY'RE WATCHING JERRY SPRINGER IN THERE,
20 THEY CAN GET EXPOSED TO ALL SORTS OF THINGS?

21 A I WASN'T TELLING HIM THESE ARE THE FACTS. THAT
22 WAS THE EXAMPLE I USED TO HIM. I KNEW NOTHING ABOUT THIS
23 LITTLE GIRL. I NEVER MET HER.

24 Q TRUE. I UNDERSTAND THAT. BUT SHE COULD BE
25 EXPOSED TO SEXUAL DETAILS THAT MAYBE ARE INAPPROPRIATE FOR

1 SOMEONE HER AGE, BECAUSE HER MOM'S A BAD PARENT, IS THAT
2 FAIR TO SAY?

3 A IT'S FAIR TO SAY.

4 Q RATHER THAN MR. TURNER DOING SOMETHING TO HER?

5 A YES. BUT I DIDN'T SAY IT WAS A FACT. IT'S JUST
6 THE EXAMPLE I USED.

7 Q I UNDERSTAND. I'M JUST TRYING TO COUNTER YOUR
8 EXAMPLE WITH ANOTHER EXAMPLE. YOU ALSO TOLD ME HE USED
9 TO, LIKE, WHAT WAS BEHIND HIS NAME, JUST YOU KNOW THE
10 HUMAN BEING SIDE OF IT, CORRECT?

11 A CORRECT.

12 Q AND I BELIEVE YOU PREVIOUSLY TESTIFIED THAT'S
13 THE TIME WHEN HE BECAME MORE RECEPTIVE AND OPENED UP?

14 A CORRECT.

15 Q AND THAT'S WHEN YOU TOLD HIM, YOU KNOW, WE'RE
16 BOTH HUMAN, WE'RE BOTH GUYS, WE BOTH HAVE TEMPTATIONS --

17 A I --

18 Q -- AFTER THESE --

19 A IT WAS AFTER A COMBINATION OF ALL THOSE, YEAH.
20 UH-HUH.

21 Q NOW, MR. DURANT ASKED YOU WHETHER THIS INTERVIEW
22 WAS VIDEOTAPED?

23 A CORRECT.

24 Q I TAKE IT, IT WASN'T?

25 A NO, IT WAS NOT.

1 Q AND WAS IT AUDIOTAPED?

2 A NO, IT WAS NOT.

3 Q AND THIS HAPPENED IN 2008?

4 A YES.

5 Q AND NORTH CHARLESTON IS -- IS IT THE LARGEST
6 POLICE DEPARTMENT IN THE STATE OR MAYBE TOP -- TOP FIVE?

7 A TOP THREE, I THINK. TOP THREE.

8 Q AND YOU GUYS ARE ON A TIGHT BUDGET FOR AUDIO
9 TAPES, AUDIO RECORDINGS?

10 A IT'S WAY ABOVE MY PAY GRADE, I DON'T KNOW. I
11 DON'T.

12 Q DO YOU KNOW ANY REASON WHY NORTH CHARLESTON --
13 PEOPLE ABOVE YOUR PAY GRADE DON'T WANT THESE INTERVIEWS --
14 FOR THE JURY HEAR WHAT HAPPENED IN THESE INTERVIEWS?

15 A I DON'T.

16 Q LET ME ASK YOU WHAT -- IT MAY BE A DUMB
17 QUESTION, BUT WHAT IS YOUR UNDERSTANDING OF WHAT A
18 CONFESSION IS?

19 A A CONFESSION TO ME IS TELLING ME WHAT HAPPENED.

20 Q THE TRUTH?

21 A THAT'S WHAT I AIM FOR, YES.

22 Q SO, JUST BECAUSE SOMEONE SAYS, YEAH, I DID THIS.
23 THAT DOESN'T NECESSARILY MAKE IT TRUE, DOES IT?

24 A I GUESS NOT.

25 Q LIKE IF I SAID I SHOT JOHN KENNEDY, YOU'D

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1 PROBABLY AGREE THAT WASN'T TRUE?

2 A I WOULD PROBABLY AGREE ON THAT.

3 Q PEOPLE MAY SAY OUR PRESIDENT WAS BORN OUT OF THE
4 COUNTRY, NOT IN HAWAII, AND THAT DOESN'T NECESSARILY MAKE
5 IT TRUE, DOES IT?

6 A I GUESS.

7 Q UNLESS YOU'RE ONE OF THOSE PEOPLE WHO BELIEVES
8 HE WAS BORN OUT OF THE COUNTRY -- I'LL STRIKE THAT, YOUR
9 HONOR.

10 A ARE YOU GOING INTO MY POLITICAL VIEWS HERE?

11 Q MAYBE A LITTLE BIT. AND NOW I GUESS YOU'RE --
12 YOU'RE A FIELD TRAINED OFFICER?

13 A CORRECT.

14 Q CURRENTLY IN DETECTIVE -- JUVENILE DETECTIVE?

15 A CORRECT.

16 Q DID YOU HAVE TO TAKE ANY SPECIAL TRAINING
17 CLASSES TO LEARN HOW TO INTERVIEW THE CHILDREN OR TO
18 INTERVIEW PERPETRATORS OF CRIMES AGAINST CHILDREN?

19 A NOT CHILDREN. I'VE ATTENDED MULTIPLE COURSES,
20 BOTH PUT ON BY THE STATE OF FLORIDA, LOCAL AGENCIES, THE
21 FBI, FOR INTERVIEW AND INTERROGATION. PRIOR TO BECOMING A
22 POLICE OFFICER, I ATTENDED THE REID INTERROGATION SCHOOL.
23 ONE OF THE 40 HOUR COURSES I ATTENDED WITH THE POLICE
24 DEPARTMENT WAS PUT ON BY A SUBSIDIARY OF WHAT'S CALLED
25 WHITLANDER MCCOSKEY, WHICH ALONG WITH REID, ARE CONSIDERED

1 THE TWO FOREMOST INTERVIEW SCHOOLS IN THE NATION, ASIDE
2 FROM THE FBI INTERROGATION SCHOOL.

3 Q ALL RIGHT. AND DURING THAT TRAINING, DID YOU
4 LEARN THAT THERE ARE FALSE CONFESSIONS?

5 A YES.

6 Q AND THERE COULD BE A VARIETY OF FACTORS THAT
7 LEAD TO A FALSE CONFESSION?

8 A CORRECT.

9 Q DON'T TAKE THIS THE WRONG WAY, BUT SOMETIMES
10 POLICE MAKE MISCONDUCT --

11 A MISS WHAT?

12 Q POLICE MISCONDUCT?

13 A CORRECT.

14 Q SUSPECT'S LOW INTELLIGENCE?

15 A CORRECT.

16 Q YOU MIGHT -- SOMEONE NOT WANTING TO BE LABELED A
17 SNITCH, SO THEY MIGHT NOT TELL WHO REALLY DID IT, THEY
18 MIGHT TAKE RESPONSIBILITY FOR IT OR WHATEVER?

19 A CORRECT.

20 Q SOMEONE PROTECTING SOMEBODY? A MOTHER
21 PROTECTING HER SON, A SON PROTECTING HIS GIRLFRIEND?

22 A YES.

23 Q -- HIS MOTHER -- NOW, ARE YOU FAMILIAR WITH SOME
24 OF THE FALSE CONFESSIONS, AS THE MCMARTIN PRESCHOOL CASE
25 IN CALIFORNIA?

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1 A NO.

2 Q NOW, JEREMIAH HAD BASICALLY TOLD YOU, YEAH, I
3 HAD SEX WITH HER. AND THEN AFTER THAT, THE ALIENS BEAMED
4 US UP --

5 COURT REPORTER: I'M SORRY, AND THEN?

6 Q THE ALIENS BEAMED US UP AND TOOK US TO MARS, AND
7 MADE ME HAVE MORE SEX WITH HER, AND THEN BROUGHT US BACK,
8 WOULD YOU CONSIDER THAT A CONFESSION?

9 A NO.

10 Q BECAUSE IT'S SO OVER THE TOP?

11 A CORRECT.

12 Q I MEAN, IT'S CRAZY?

13 A CORRECT, YEAH.

14 Q AND HIS CONFESSION IS PRETTY MUCH OVER THE TOP,
15 ISN'T IT?

16 A I DON'T BELIEVE IT IS.

17 Q SO, YOU BELIEVE EVERYTHING HE STATED IN HIS
18 STATEMENT?

19 A IT WAS FROM -- I HAD -- YOU HAVE TO REMEMBER, I
20 HAD NO DETAILS. I KNEW NOTHING ABOUT THE CASE. THERE'S
21 NO WAY I COULD HAVE -- THIS IS - I WASN'T EVEN IN THE ROOM
22 WHEN HE WROTE HALF OF IT. I SAID --

23 Q WELL -- DO YOU -- I'M ASKING YOU, AT THAT POINT
24 IN TIME, YOU KNOW NOTHING ABOUT THE CASE REALLY EXCEPT THE
25 GENERAL ALLEGATIONS, YOU HAD TALKED WITH DETECTIVE BURNEM

1 -- SHE CALLED YOU UP, RIGHT?

2 A THAT WAS A "GET OVER TO THIS HOUSE QUICK" TYPE
3 OF THING.

4 Q NOTHING ELSE?

5 A NO.

6 Q OKAY. AND WHEN YOU SAW MS. DAVISON WITH THE
7 DOMESTIC SITUATION, YOU KNEW WHAT THE CHARGE WAS, I THINK
8 -- YOU KNEW SOMETHING HAD HAPPENED INAPPROPRIATELY TO THE
9 CHILD?

10 A I KNEW IT WAS A SEXUAL ASSAULT.

11 Q AND JUST KNOWING THAT, AND YOU READ MR. TURNER'S
12 STATEMENT, DO YOU BELIEVE WHAT HE'S SAYING IN THERE IS
13 TRUE?

14 A YES.

15 Q YOU BELIEVE THAT LITTLE Minor INSTIGATED THIS?

16 A I BELIEVE HIS PERCEPTION --

17 Q NO, I'M GOING TO ASK --

18 A -- WAS --

19 Q DO YOU BELIEVE WHAT HE SAID --

20 THE COURT: HOLD ON A SECOND. GIVE HIM A CHANCE TO
21 ANSWER THE QUESTION. DON'T INTERRUPT HIM. OKAY?

22 MR. GRIMES: THANK YOU, YOUR HONOR.

23 THE COURT: ALL RIGHT. IF YOU REMEMBER WHAT YOU
24 WERE GOING TO SAY, PLEASE SAY IT.

25 THE WITNESS: I BELIEVE HIS PERCEPTION, AFTER

1 CONDUCTING THE ORAL INTERVIEW WITH HIM, AND OFFERING HIM
2 THAT -- WHAT WE CALL "AN OUT", A MINIMIZATION, IS WHAT HE
3 WROTE IN HIS STATEMENT.

4 BY MR. GRIMES:

5 Q OKAY. THAT MAY BE WHAT YOU BELIEVE ABOUT HIS
6 PERCEPTION. I'M ASKING -- WHAT I ASKED YOU WAS, DO YOU
7 BELIEVE WHAT HE WROTE IN THAT STATEMENT IS TRUE?

8 A I BELIEVE ABOUT WHAT HE DID TO Minor YES, IT'S
9 TRUE.

10 Q AND -- WHAT I'M ASKING YOU IS -- LISTEN
11 CAREFULLY TO THE QUESTION. I UNDERSTAND YOUR POSITION.
12 WHAT I'M ASKING YOU IS, WHEN HE WROTE THAT STATEMENT, IS
13 THAT THE TRUTH?

14 A YES. I BELIEVE IT IS.

15 Q OKAY. SO, YOU BELIEVE --

16 A -- I KNOW -- LIKE, DO I BELIEVE SHE PUT ON
17 PERFUME AND ALL THAT STUFF LIKE THAT --

18 Q AND --

19 A IS THAT WHAT YOU'RE SAYING?

20 Q -- YOU DON'T BELIEVE THAT, DO YOU?

21 A I DO NOT BELIEVE THAT PART. THAT IS PART OF HIS
22 MINIMIZATION.

23 Q DO YOU BELIEVE IT HAPPENED IN HIS ROOM OR HER
24 ROOM?

25 A I DON'T KNOW WHERE I BELIEVE IT HAPPENED AT.

1 Q DO YOU BELIEVE THIS STARTED IN JUNE?

2 A I -- I DIDN'T KNOW. I KNEW NOTHING.

3 Q WELL, PART -- HIS STATEMENT SAYS IT STARTED IN
4 JUNE, CORRECT?

5 A OH, YOU MEAN, DID I BELIEVE -- WHEN HE WROTE IT
6 ON THE STATEMENT, THAT'S WHEN I ASSUMED IT, YEAH.

7 Q AND -- BUT YOU DIDN'T KNOW ABOUT THE MOM BEING
8 UNEMPLOYED AT THAT TIME OR NOT WORKING AT THAT TIME?

9 A NOTHING. I KNEW NOTHING.

10 Q IF I'M MUMBLING ANY, LET ME KNOW, ALL RIGHT?

11 A I WILL.

12 Q YOU DIDN'T BELIEVE THE PART ABOUT HER GIVING HIM
13 A BLOW JOB WHILE HE WAS ASLEEP?

14 A HE TOLD ME SHE GAVE HIM A BLOW JOB. I BELIEVE
15 THAT.

16 Q DID YOU FIND OUT WHO HER BOYFRIEND WAS?

17 A Minor

18 Q UH-HUH.

19 A NO.

20 Q DID DETECTIVE BURNEM EVEN ASK HER ABOUT THAT?

21 A NO.

22 Q YOU DIDN'T YOU BELIEVE IT, THAT SHE HAD A
23 BOYFRIEND?

24 A IT WASN'T MY BIGGEST CONCERN.

25 Q NOW, OBVIOUSLY THE STATEMENT IS VERY DISTURBING,

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1 EVERYONE CAN AGREE ON THAT. APART FROM Minor
2 TESTIMONY, IS THERE ANY EVIDENCE THAT CORROBORATES HIS
3 TESTIMONY -- OR HIS STATEMENT?

4 A ASIDE FROM HIM WRITING DOWN HIMSELF WHAT
5 HAPPENED?

6 Q YES.

7 A AND IT MATCHING PRETTY CLOSELY TO WHAT SHE HAS
8 SAID, YES.

9 Q APART FROM WHAT SHE SAYS, IS THERE ANYTHING THAT
10 CORROBORATES HIS STATEMENT?

11 A NO. HIS STATEMENT CORROBORATES -- NO.

12 Q DID YOU MAKE ANY ATTEMPT TO FIND ANY TYPE OF DNA
13 EVIDENCE IN THIS CASE?

14 A I DID NOT -- I HAD NO INVOLVEMENT IN THIS CASE
15 OTHER THAN THE PHONE CALL, PICKING HIM UP, AND THE
16 INTERVIEW.

17 Q SO, ONCE THE INTERVIEW WAS DONE, YOUR ROLE IN
18 THIS CASE WAS OVER?

19 A CORRECT.

20 Q LET ME SPEAK TO YOU MORE GENERALLY THEN ABOUT
21 INVESTIGATIONS. YOU SAID YOU'VE BEEN AN OFFICER NINE --
22 NINE YEARS, NINE AND A HALF YEARS?

23 A ABOUT NINE AND A HALF YEARS.

24 Q AND BEFORE THAT, YOU WERE IN FLORIDA?

25 A NO.

1 Q OKAY. I THOUGHT YOU SAID YOU --

2 A THE SCHOOL WAS PUT ON BY A CORPORATION DOWN
3 THERE -- A UNIVERSITY IN FLORIDA. THEY BROUGHT IT HERE.

4 Q OKAY. NOW, I UNDERSTAND, YOU KNOW, IF I -- IF
5 ME AND YOU GET IN A WRESTLING MATCH, MY DNA MAY BE ON YOU
6 FOR A LITTLE BIT?

7 A YES.

8 Q AND THEN YOU'LL TAKE A SHOWER AND WASH OFF THE
9 NEXT DAY, MY DNA IS PROBABLY NOT ON YOU?

10 A CORRECT.

11 Q IF I GO HOME TONIGHT, TAKE MY SHIRT OFF AND I
12 THROW IT ON THE CLOTHES HAMPER, MY DNA WILL PROBABLY BE ON
13 THERE UNTIL IT'S WASHED, RIGHT?

14 A OUR STANDARD TIMEFRAME IS 72 HOURS. THE DNA
15 BEGINS TO REALLY EITHER BE REMOVED FROM JUST CONTACT WITH
16 OTHER MATERIAL, DETERIORATION. 72 HOURS -- WE'RE PROBABLY
17 NOT GOING TO SEND A DNA KIT TO SLED IF IT'S PAST 72 HOURS.

18 Q ARE YOU SURE DNA EVIDENCE GOES AWAY AFTER 72
19 HOURS, THAT SEEMS --

20 A I DON'T KNOW EXACTLY. I JUST KNOW IT'S 72 HOURS
21 IS WHAT THEY TELL US.

22 Q OKAY. THAT'S WHAT THEY TELL YOU?

23 A I'VE HEARD MAKING DINOSAURS OUT OF DNA AND
24 STUFF. BUT I DON'T KNOW. I JUST KNOW AT 72 HOURS IS WHAT
25 WE -- IF THE CASE HAS GONE BEYOND 72 HOURS, WE'RE HESITANT

1 OF ANY COLLECTION. IT CAN BE TAINTED.

2 Q I UNDERSTAND THAT.

3 A ALL THAT STUFF.

4 Q BUT, GENERALLY THOUGH -- NEVER MIND. YOU'VE
5 ANSWERED THE QUESTION. NOW I APOLOGIZE FOR JUMPING AROUND
6 -- I KIND OF WENT OUT OF ORDER FROM WHAT I HAD LINED UP --
7 I THINK YOU HAVE ALREADY ANSWERED SOME OF THESE QUESTIONS.
8 I WAS GOING TO ASK YOU A FEW QUESTIONS ABOUT YOUR ROLE
9 WITH Minor BUT IT SOUNDS LIKE YOU NEVER TALKED TO HER?

10 A I JUST MET HER FOR THE FIRST TIME.

11 Q OKAY. BUT YOU FIRST LEARNED ABOUT Minor ON
12 AUGUST 27, 2008?

13 A CORRECT. AT THE CATHEDRAL OF PRAISE.

14 Q AND YOU LEARNED ABOUT HER FROM JEREMIAH AND
15 PAMELA JONES?

16 A CORRECT.

17 Q AND THE CATHEDRAL OF PRAISE, THAT'S ON ASHLEY
18 PHOSPHATE?

19 A YES.

20 Q IT'S SORT OF -- KIND OF BETWEEN WINDSOR HILL AND
21 FRANKIE'S FUN PARK?

22 A RIGHT IN THAT AREA, YES.

23 Q AND YOU SAID Sister 2 WAS THERE?

24 A YES, BRIEFLY.

25 Q AND -- THE YOUNGER BABY WAS THERE?

1 A YES.

2 Q AND Minor WASN'T THERE?

3 A NO. I ASKED ABOUT Minor SHE WAS IN SCHOOL.

4 Q AND MS. DAVISON WASN'T THERE?

5 A NO.

6 Q AND CHARLENE PENDERGAST WAS THERE?

7 A WHO?

8 Q CHARLENE PENDERGAST?

9 A I DON'T -- I HAVE NO IDEA WHO THAT IS.

10 Q YOU SAID YOU SPOKE TO A PASTOR, WAS IT A MALE OR
11 FEMALE?

12 A I WANT TO SAY IT WAS A MALE THAT WAS OUT IN THE
13 LOBBY. NOW, HE MAY HAVE -- HE MAY HAVE DIRECTED ME INTO
14 THE ROOM. AND -- I -- I REMEMBER IT WAS A -- IT WAS A
15 MALE THAT WAS IN THERE. I CAN'T RECALL EXACTLY.

16 Q AND THERE AT THIS MEETING, JEREMIAH TOLD YOU
17 THAT Minor HAD PUSHED Sister 2 OFF THE CHAIR AND BEGAN
18 KICKING HER?

19 A I CAN'T REMEMBER IF HE SAID KICKING OR NOT --
20 (PAUSE) -- NO, SHE JUST SAID, "Minor PUSHED ME DOWN AND
21 IT HURT".

22 Q WHAT I ASKED YOU WAS WHAT JEREMIAH TOLD YOU.

23 A YEAH -- YES, YES, I GUESS HE DID SAY THAT.

24 Q YOU GUESS OR HE DID?

25 A YES, UH-HUH. YES, HE DID.

1 Q AND THAT WAS BECAUSE Sister 2 WASN'T EATING HER
2 DINNER?

3 A CORRECT. THAT'S WHAT HE HAD -- HE TOLD ME.

4 Q AND HE WAS WORRIED THAT SHAWNA WAS KIND OF
5 COPYING HER MOTHER'S EXAMPLE?

6 A THAT'S WHAT HE TOLD ME, YES.

7 Q AND THAT HE, I THINK, TRIED TO ANSWER THE
8 QUESTIONS -- Sister 2 TOLD YOU THAT Minor HAD PUSHED HER?

9 A YES.

10 Q AND THEN JEREMIAH -- AFTER HE TOLD YOU ABOUT
11 Minor HE -- HIM AND PAM TOLD YOU SOME THINGS ABOUT MS.
12 DAVISON?

13 A YES.

14 Q AND THEIR CONCERNS ABOUT HOW SHE TREATED HER
15 CHILDREN?

16 A CORRECT.

17 Q AND TOLD YOU THE HOUSE WAS PRETTY UNSANITARY?

18 A CORRECT.

19 Q AND YOU WERE -- LIKE I SAID -- YOU WERE ABLE TO
20 CORROBORATE THAT?

21 A Sister 2 -- SOMEBODY TOLD ME THAT ONE -- ONE OF
22 THE CHILDREN HAD LICE -- ONE OR MORE OF THE CHILDREN HAD
23 LICE. I -- I --

24 Q WELL, DID YOU SEE THAT Sister 2 WAS INFECTED WITH
25 HEAD LICE?

1 A NO.

2 Q DID YOU PUT THAT IN YOUR REPORT?

3 A YEAH. I PUT IT IN MY REPORT.

4 Q AND ALSO PUT IN YOUR REPORT, THE LICE...

5 COURT REPORTER: I'M SORRY. AND ALSO PUT IN YOUR
6 REPORT...

7 BY MR. GRIMES:

8 Q THAT THE LICE PROBLEMS HAD NOT BEEN TREATED?

9 A THAT IS WHAT I HAD BEEN TOLD ABOUT THE LICE.

10 Q OKAY.

11 A AND, YES, THAT WAS IN MY REPORT.

12 Q AND THEN YOU CALLED DSS AFTER THAT?

13 A CORRECT.

14 Q YOU FILED FOR A LIFESTYLE OR PARENTING ISSUE?

15 A CORRECT. THERE WAS NO REAL ACTUAL CRIMINAL
16 ACTION, AS I EXPLAINED BEFORE, THAT HAD HAPPENED. YOU
17 CAN'T -- IT'S NOT AGAINST THE LAW TO BE DIRTY. IT'S NOT
18 AGAINST THE LAW TO REALLY BE A LOUSY PARENT UNFORTUNATELY.
19 IT'S A FAMILY LIFESTYLE ISSUE. THERE WAS NO ACTUAL ABUSE
20 THAT WE COULD ASCERTAIN AND PUT OUR FINGER ON THAT WE
21 COULD COME UP WITH A CHARGE.

22 Q I MEAN, I HEAR WHAT YOU'RE SAYING. IF YOU GO IN
23 MY PLACE RIGHT NOW, IT'S NOT CLEAN, BUT I DON'T HAVE
24 ROACHES RUNNING AROUND --

25 A RIGHT.

1 Q -- OR LICE -- I MEAN, I DON'T HAVE CHILDREN.

2 A RIGHT.

3 Q BUT IF MY HOUSE IS SO UNSANITARY THAT IT COULD
4 AFFECT THE HEALTH OF MY CHILDREN, THAT COULD BE CONSIDERED
5 CRUELTY TO CHILDREN, CORRECT?

6 A I WOULD SAY MORE NEGLECT. IT -- IT -- DUE TO
7 YOUR NEGLECT, THOUGH, THE SANITY CONDITIONS. BUT IT'S --
8 IT'S TOUGH. IT'S A TOUGH CASE. YOU KNOW, I'VE BEEN IN
9 SOME DIRTY, DIRTY HOUSES. WE JUST HAVE TO SHAKE OUR HEADS
10 AND THANK GOD WE DON'T LIVE THAT WAY.

11 Q THERE IS AN INVESTIGATION -- OR DID YOU TRY TO
12 VERIFY WHAT Sister 2 -- WHO BROKE Sister 2 S CLAVICLE OR
13 COLLAR BONE?

14 A NO. I ASKED Sister 2 Sister 2 TOLD ME Minor
15 PUSHED ME DOWN AND IT HURT. IT WAS CORROBORATED BY --
16 EVEN WHAT, YOU KNOW, MR. TURNER HAD TOLD ME.

17 Q DID YOU EVER GET A CHANCE TO REVIEW Sister 2 I'S
18 MEDICAL RECORDS?

19 A NO, I DIDN'T.

20 Q IF YOU HAD LEARNED THAT MS. DAVISON HAD Sister 2
21 LIE TO THE DOCTOR ABOUT HOW HER ARM (SIC) WAS BROKEN,
22 WOULD THAT -- WOULD YOU HAVE DONE A MORE THOROUGH
23 FOLLOW-UP OR MAYBE STARTED A CRIMINAL INVESTIGATION?

24 A I PROBABLY WOULD HAVE FOLLOW-UP A LITTLE BIT
25 MORE IF I FOUND OUT THAT SHE HAD HER LIE. I WOULD HAVE

1 WANTED TO KNOW THE REASON.

2 Q NOW, WHEN YOU WERE AT THE CHURCH, DID YOU
3 QUESTION JEREMIAH OR MAYBE THE PASTOR ABOUT WHETHER HIM
4 AND PAM WERE A COUPLE?

5 A YEAH, I ASKED.

6 Q BECAUSE SOMETIMES PEOPLE MIGHT USE DSS TO GET
7 LEVERAGE --

8 A A LOT OF TIMES.

9 Q SPEAKING OF USING DSS FOR SORT OF IMPROPER
10 PURPOSES, HAVE YOU EVER SEEN PEOPLE WHO WOULD TRY TO GET
11 OUT OF DSS INVESTIGATIONS?

12 A I MEAN, NO, BECAUSE IF IT'S A DSS INVESTIGATION,
13 IT'S --

14 Q YOU'RE NOT INVOLVED WITH IT AT ALL?

15 A NOT UNLESS THEY FIND SOMETHING CRIMINAL.

16 Q OKAY. DURING YOUR INVESTIGATION, DID YOU LEARN
17 OR LOOK INTO MS. DAVISON'S RELATIONSHIP WITH HECTER AS
18 PRE-EXISTING, THESE ALLEGATIONS, OR DID IT HAPPEN AFTER
19 THESE ALLEGATIONS?

20 MR. DURANT: YOUR HONOR, I'M GOING TO OBJECT. IT
21 HAS NOTHING TO DO WITH HIS TESTIMONY OR ANYTHING TO DO
22 WITH THIS CASE.

23 THE COURT: WHAT'S YOUR LEGAL OBJECTION?

24 MR. DURANT: RELEVANCE.

25 THE COURT: COME AROUND HERE.

1 (WHEREUPON, THERE WAS BENCH CONFERENCE BETWEEN THE
2 COURT AND COUNSEL IN THE PRESENCE OF THE JURY, BUT OUTSIDE
3 THE HEARING OF THE JURY.)

4 THE COURT: ALL RIGHT. THE OBJECTION IS SUSTAINED.

5 MR. DURANT: THANK YOU, YOUR HONOR.

6 BY MR. GRIMES:

7 Q LET ME JUST ASK YOU A COUPLE MORE QUESTIONS --
8 AND THEN I'LL CHECK WITH MS. EHRlich AND I SHOULD BE
9 FINISHED.

10 A OKAY.

11 Q HAVE YOU HEARD THE PHRASE SUICIDE BY OFFICER?

12 A SUICIDE BY COP...

13 Q YES --

14 COURT REPORTER: I'M SORRY? SUICIDE BY?

15 Q I SAID OFFICER. THAT'S WHEN SOMEONE MAY DO
16 SOMETHING REALLY CRAZY TO GET THEMSELF SHOT BY THE POLICE?

17 A YES.

18 Q HAVE YOU EVER HEARD THE PHRASE OR SEEN SOMETHING
19 QUOTED AS SUICIDE BY CONFESSION?

20 A NO.

21 MR. GRIMES: CAN I HAVE ONE MOMENT, YOUR HONOR?

22 THE COURT: YES, SIR.

23 BY MR. GRIMES:

24 Q IN -- IN YOUR REPORT, DO YOU MAKE -- KEEP A
25 RECORD OF SORT OF THE TIME -- OR TIMEFRAMES OF -- OF WHEN

1 MR. TURNER STARTS TO DISCLOSE AS IT HAPPENS?

2 A I WILL ON A LONG TURN -- LIKE SOME OF OUR LONGER
3 INTERVIEWS. YOU KNOW, I WILL KEEP NOTES ON INTERVIEWS --
4 ESPECIALLY INTERVIEWS THAT -- EXCUSE ME -- THAT I'M IN
5 THERE FOR A GOOD AMOUNT OF TIME. YOU KNOW, I'LL DOCUMENT
6 WHEN HE'S BEEN ASKED, DO YOU WANT SOMETHING TO DRINK. AT
7 WHAT TIME HE FINALLY, YOU KNOW, ADMITTED TO THE CRIME,
8 WHATEVER. THIS WAS A LIKE A 30 MINUTE INTERVIEW. IT WAS
9 OVER QUICK.

10 Q DIDN'T YOU PREVIOUSLY TESTIFY IT TOOK ABOUT TWO
11 HOURS FOR THIS --

12 A OH, MY CONTACT WITH HIM WAS PROBABLY -- FROM THE
13 TIME I PICKED HIM UP 'TILL THE TIME HE FINISHED WRITING
14 THE STATEMENT, AND THE QUESTION AND ANSWER, WAS MAYBE TWO
15 HOURS, MAYBE. I DON'T KNOW.

16 Q DID YOU PICK HIM UP ROUGHLY ABOUT 3:00?

17 A ROUGHLY ABOUT 3:00, I -- NO. NO. NO. I GOT A
18 CALL SOMEWHERE AROUND THE 3:00 -- 3:15 TIME SPAN AND
19 STARTED HEADING THAT WAY.

20 Q AND THEN YOU ADVISED HIM OF HIS RIGHTS AT 3:45?

21 A I BELIEVE THAT'S WHAT'S ON -- YES.

22 Q AND THEN AT 4:15 IS WHEN HE STARTED -- THAT'S
23 WHEN HE STARTED WRITING HIS STATEMENT?

24 A THAT'S -- YES.

25 Q AND YOU DON'T HAVE THE TIME FRAME ON HOW LONG IT

1 TOOK HIM TO WRITE IT?

2 A NOT -- NOT AN EXACT, NO -- NOT AN EXACT TIME. I
3 MEAN, IT'S INDICATED IN THE SUPPLEMENT, SO I CAN TELL YOU
4 BASED ON WHAT MY SUPPLEMENT SAYS.

5 Q I WAS GOING TO ASK YOU THAT. LET ME MAKE SURE I
6 HAVE THE RIGHT SUPPLEMENT. I DON'T WANT TO GUESS, BUT I
7 THINK YESTERDAY OR MONDAY -- YOU'VE TALKED ABOUT THE TWO
8 HOURS OF WRITING --

9 A I'VE GOT IT NOTED IN HERE, WOULD YOU LIKE ME TO
10 READ IT?

11 Q YES, SIR.

12 A "THE INTERVIEW AND THE TIME THE SUSPECT TOOK TO
13 WRITE HIS STATEMENT WAS APPROXIMATELY TWO HOURS".

14 Q OKAY. AND I THINK YOU WOULD AGREE IT'S VERY
15 IMPORTANT FOR YOU TO WRITE AN ACCURATE SUPPLEMENTAL REPORT
16 AND INCIDENT REPORTS?

17 A YES.

18 Q BECAUSE THE CASE CAN TAKE A LONG TIME TO COME TO
19 TRIAL?

20 A CORRECT?

21 Q AND THE TIMEFRAME AND WHAT HAPPENED AND WHEN IT
22 HAPPENED ARE IMPORTANT FOR THE JURY TO KNOW?

23 A CORRECT.

24 Q THAT'S WHY YOU WOULD BE ACCURATE IN YOUR REPORT?

25 A CORRECT.

1 Q AND YOUR REPORT DOESN'T SAY ANYTHING ABOUT US
2 BEING BUDDY-BUDDY, DOES IT?

3 A NO.

4 Q IT DOES SAY ANYTHING ABOUT A BAR ROOM
5 ATMOSPHERE?

6 A NO.

7 Q IT DOESN'T SAY ANYTHING ABOUT HIS HORMONES?

8 A ABOUT WHAT?

9 Q ABOUT THE HORMONES?

10 A OH, NO. UH-UH.

11 Q ABOUT MAN TO MAN, WE ALL HAVE URGES?

12 A I DON'T -- I DON'T WRITE THE DETAILS OF MY
13 INTERVIEW IN MY SUPPLEMENT LIKE THAT.

14 Q YOU DIDN'T SUGGEST ANY WORDS FOR HIM TO WRITE,
15 THESE ARE ALL HIS OWN WORDS?

16 A IT'S ALL HIS OWN WORDS.

17 Q WHEN IS THE LAST TIME YOU HEARD "HEREBY" USED IN
18 A BAR?

19 A I DON'T HEAR IT VERY OFTEN.

20 Q YOU'VE ACTUALLY HEARD IT IN A BAR?

21 A OH, IN A BAR?

22 Q IN A BAR.

23 A OH? I DON'T THINK I'VE EVER HEARD THAT.

24 Q A GUY SAYS, MAY I HEREBY BUY YOU A DRINK?

25 A I DON'T THINK I'VE EVER HEARD IT IN A BAR.