STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Robin B. Stilwell, Circuit Court Judge
Appellate Case No. 2014-001639

THE STATE,

Respondent,

v.

ROY LEE JONES,

Appellant.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The circuit court properly qualified the State's witness as an expert in child sex abuse dynamics, and the subject matter of her testimony was outside the realm of a lay juror, was more probative than prejudicial, and was not offered to bolster the victims' credibility. (Appellant's Issues I and II).

STATEMENT OF THE CASE

Respondent concurs with Appellant's procedural Statement of the Case.

STATEMENT OF FACTS

In June 2014, the Greenville County Grand Jury indicted Appellant Roy Lee Jones on two counts of first degree criminal sexual conduct with a minor, four counts of second degree criminal sexual conduct with a minor, two counts of lewd act, and one count of second degree criminal sexual conduct, arising from the molestation of two minor females over a significant period of time. The case was called for a jury trial on July 15, 2014, before the Honorable Robin B. Stilwell, Circuit Court Judge.

Prior to trial, Appellant informed the court he intended to object to the State's proposed expert on the grounds her testimony would improperly bolster the victims' credibility. The State advised the court the witness was not a forensic interviewer, she never met or talked with the victims, and she would testify about "disclosure, delayed disclosure and generalities regarding those issues." The court indicated it would hear the objection prior to the expert's testimony during trial. (Trial Transcript [TT], pp. 9-10; Record on Appeal [R.], pp. 6-7).

During jury qualification, the court asked if any jurors had either been a victim, or had a close relative who had been a victim, of a sex crime, and no jurors responded. The court then asked if any jurors had either been personally accused, or had a close relative who had been accused, of a sex crime, and again, no jurors responded. (TT, p. 17; Supplemental Record on Appeal [Supp. R., p. 1).

The victims, who were sisters, testified Appellant started dating their mother in 2003, and eventually moved into their home. The older victim ("SF") testified Appellant molested her from 2003 through 2009. The molestation began with fondling, and progressed to oral and vaginal intercourse. SF stated when she tried to stop him,

Appellant physically forced her to comply, threatened to harm her and her family using witchcraft, and frequently gave her gifts and money to keep her from reporting the abuse. SF testified she did not report the molestation until 2012, when her aunt confronted her after her younger sister ("TF") disclosed Appellant molested her. (TT, pp. 40-65; R., pp. 16-41).

TF testified Appellant sexually molested her from the age of nine or ten to fifteen. The molestation began with fondling and progressed to vaginal intercourse, and TF contracted a sexually transmitted disease from him. She stated the intercourse happened "[a]ny chance he got . . ., probably every day." TF finally told her mother about the molestation when Appellant beat her for refusing to have sex with him, but her mother let Appellant remain in the house and the molestation continued. She testified Appellant gave her money, and then took it back after he molested her. To keep her from telling about the molestation, Appellant threatened to harm her family using witchcraft, physically abused her, and took things like her phone away from her. (TT, pp. 74-104; R., pp. 49-79).

The victims' mother ("Mother") testified about her relationship with Appellant, and the victims' reports to her regarding Appellant's molestation. She stated Appellant denied the reports when she confronted him, and she wanted to believe him because she loved him. She further testified she did not report the allegations to authorities because she was afraid of losing her children.

In September 2008, Mother took TF to the doctor to get a physical required for school sports. The doctor informed them TF had a sexually transmitted disease, and asked if TF was sexually active. Rather than respond, TF just looked at Mother "like,

asking if she should say." When Mother later confronted Appellant at home, they got into an argument and she left the house. She finally kicked Appellant out of the house in 2010. (TT, pp. 105-132; R., pp. 80-107).

The State then proffered Shauna Galloway-Williams as an expert in child sex abuse dynamics to testify about delayed disclosure, the disclosure process, and behavioral characteristics of non-offending caregivers. During an in-camera hearing, Galloway-Williams testified she is the clinical director of the Julie Valentine Center, which works with children and adults impacted by abuse and other types of trauma. She has a Bachelor's Degree in psychology and a Master's Degree in counseling, and is a licensed professional mental health worker. During her extensive clinical career, she conducted 750 or more forensic interviews, and assessed and worked with an additional 800 or more clients. (TT, pp. 178-182; R., pp. 152-156).

Galloway-Williams further testified she is a professor in the University of South Carolina Upstate Child Advocacy Program, where she teaches a Child Maltreatment course. She is a past president of the South Carolina Children's Advocacy Centers, a member of the Silent Tears Foundation, and she served on the Silent Tears South Carolina Task Force She was also a board member for the South Carolina Professional Society on the Needs of Children. (TT, pp. 182-183; R., pp. 156-157).

Throughout her career, Galloway-Williams participated in more than 160 hours of skill-based training, which included lectures and actual practice of related skills, and received more than 125 hours of continuing education credit for attendance at conferences and workshops. She testified all Center employees are required to stay current with research, publications, and articles related to child sexual abuse. She also

provided training in the area of recognizing and responding to child sexual abuse and reporting, interviews and dynamics of sexual abuse, and was qualified as an expert in judicial proceedings nineteen times. (TT, pp. 183-185; R., pp. 157-159).

Galloway-Williams also testified the vast majority of people will not experience child sexual abuse, and there are some very unique issues related to such abuse, including the type of abuse, identity of the offenders, how abuse happens, how children disclose, and why they do not disclose right away, which are not common knowledge. In addition, there are issues and dynamics involved with non-offending caregivers and why they do not report the abuse. She stated these issues have been researched and discussed in published articles in professional journals, which are subject to peer review prior to publication, and are uniformly accepted and used by child sex abuse experts and professionals for counseling and treating child sex abuse victims. (TT, pp. 185-192; R., pp. 159-166).

On cross-examination, Galloway-Williams was unable to recall specific citations to studies or articles addressing the reliability of delayed disclosure issues, but stated she could provide them, and all her hours of training included the studies and articles as the basis of fact. In addition, the textbook she uses to teach the Child Maltreatment class at USC-Upstate includes references to articles about delayed disclosure and non-offending caregivers. She then detailed the methodology used in most studies on delayed disclosure, and stated she was not aware of any research indicating the well published data is unreliable. (TT, pp. 192-199; R., pp. 166-173).

Appellant objected to Galloway-Williams testifying as an expert in child sex abuse dynamics on the grounds there was no evidence the underlying studies were

reliable, and the substance of her testimony regarding delayed disclosure was not beyond the ordinary knowledge of the jury. In response, the State argued South Carolina courts allow behavioral characteristic testimony in child sex abuse cases, and it was clear from the jury qualification no one in the jury had any personal knowledge of child sex abuse. The circuit court overruled Appellant's objection, finding the proffered expert testimony is admissible in child sex abuse cases, and delayed reporting by victims and caregivers is outside the common knowledge of the public in general and the jury pool specifically. (TT, pp. 199-205; R., pp. 173-179).

Galloway-Williams testified before the jury about her credentials. and was qualified as an expert in child sex abuse dynamics over Appellant's objection. During her direct testimony, she testified in general terms about delayed disclosure, the disclosure process, and disclosure by non-offending caregivers, and did not make any specific references to the victims or Mother in this case. On cross-examination, she stated she never met with any of the witnesses in the case, including law enforcement, and she was contacted by the Solicitor's Office about testifying approximately one month prior to trial. (TT, pp. 206-221; R., pp. 180-198).

After the circuit court denied his directed verdict motion, Appellant testified and denied molesting either SF or TF, claiming the allegations were retaliation for him threatening to press charges against SF for stealing money from him. During a very contentious cross-examination, however, Appellant admitted he never filed any charges against SF, and acknowledged (albeit reluctantly) he had a prior conviction for second degree criminal sexual conduct. (TT, pp. 229-250, State's Exhibit 1; R., pp. 200-221, 252-253).

The jury found Appellant guilty of second degree criminal sexual conduct with a minor (TF), first degree criminal sexual conduct with a minor (TF), lewd act upon a child (TF), and lewd act upon a child (SF), but acquitted him of all other charges. The circuit court sentenced him to life in prison on the two criminal sexual conduct convictions, and fifteen years incarceration on the lewd act convictions, all to run concurrent. (TT, pp. 277-281; R., p. 247-251). This appeal followed.

ARGUMENT

The circuit court properly qualified the State's witness as an expert in child sex abuse dynamics, and the subject matter of her testimony was outside the realm of a lay juror, was more probative than prejudicial, and was not offered to bolster the victims' credibility (Appellant's Issues I and II).

Appellant contends the circuit court erred in qualifying Galloway-Williams as an expert on child abuse dynamics because there was insufficient evidence of reliability, the subject matter of her testimony was within the realm of lay knowledge, and it was highly prejudicial because it improperly bolstered the victims' credibility. These issues were clearly resolved in recent cases, and are meritless.

A. Expert Qualification

Relying exclusively on State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), Appellant asserts the circuit court erred in admitting Galloway-Williams' testimony because she was unable to identify or name a "single publication or study that supported her statements nor whether any of the articles, publications or studies she relied on had been peer reviewed," and thus, there was no evidence her conclusions and claims were accurate and reliable.[1] In making this assertion, Appellant grossly overstates the applicability of Chavis, and blatantly ignores evidence in the record.

In Chavis, the trial court qualified two witnesses (Elliott and Griggs) as experts in child abuse assessment. Elliott, who had significant training and experience with the RATAC protocol for forensic interviews, and conducted a forensic interview of the victim, testified it was her expert opinion the victim's disclosures reflected in a report

[1]Appellant does not contend Galloway-Williams' qualifications, as reflected by her vast knowledge, experience and training, were insufficient.

issued by another forensic interviewer, who was unavailable to testify at trial, constituted disclosures of sexual abuse. 771 S.E.2d at 338-339.

The Supreme Court affirmed, with two justices finding Elliott was sufficiently trained in RATAC protocol, which she used during her forensic interviews, but there was no evidence her conclusions or impressions from those interviews were accurate, and therefore, the trial court erred in qualifying her as an expert. As to Griggs, who also conducted a forensic interview of the victim, the two justices assumed there was sufficient evidence of reliability as to her expert qualification, but held her testimony about recommending the victim not be around the defendant for any reason improperly bolstered the victim's credibility. *Id.* at 339-340. Ultimately, however, the two justices concluded both errors were harmless beyond a reasonable doubt. *Id.* at 340-341.[2]

Unlike the expert testimony at issue in Chavis, Galloway-Williams never interviewed the victims, Mother or law enforcement, and did not render any opinions or recommendations that could even remotely be regarded as specific to the victims, Mother, or the allegations against Appellant in this case. In fact, she never expressed any conclusions specific to the case at all. Therefore, the discussion of individual reliability referenced in Chavis simply does not apply to this case.

Even if evidence of individual reliability was required, however, there is ample evidence in the record regarding the basis for, and reliability of, Galloway-Williams' expert testimony. In addition to her indisputably extensive knowledge, education, training and experience in the area of assessing and treating child sex abuse victims,

[2]Two justices concurred in the result, but disagreed with the conclusions of error as to both Elliott and Griggs. *Id.* at 342-343 (Toal, CJ, concurring in part and dissenting in part). The fifth justice dissented, finding the errors were not harmless and the conviction should be reversed. *Id.* at 343-345 (Hearn, AJ, dissenting).

Galloway-Williams is a professor at USC-Upstate and teaches a college level course entitled Child Maltreatment. She testified the textbook she uses to teach the course includes citation to studies and articles on the issue of delayed disclosure by child victims, as well as issues related to non-offending caregivers. She also testified the Center conducts groups for non-offending caregivers who did not initially act to protect the child, and she recently participated in a conference on that issue. (TT, pp. 181-196; R., pp. 155-170)

The primary focus of Appellant's argument regarding reliability is Galloway-Williams' inability to recall from memory the citations to specific studies and articles regarding delayed disclosure and non-offending caregivers. This argument completely ignores her testimony regarding the textbook (discussed above), which is obviously a published authority. It also ignores her testimony about the specific methodology used in studies on the subjects, as well as the lack of any studies indicating all the studies supporting her testimony were unreliable. (TT, pp. 193-196; R., pp. 167-170). Considering her testimony in its entirety, it is clear Galloway-Williams' expert testimony was based on accepted principles in the field of child sex abuse assessment and treatment, and inherently reliable.[3]

[3]This type of expert testimony is recognized and admissible in numerous jurisdictions, and discussed in legal publications. *See* John E. B. Meyers, Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion, 14 U.C. Davis J. Juv. L. & Pol'y 1, 45-46 (2010) ("[F]rom a psychological point of view, expert testimony about delay, inconsistency, and recantation is not controversial. From the legal perspective, such testimony is not worrisome." [footnotes omitted]); *see also* Elizabeth Trainor, Admissibility of Expert Testimony on Child Sexual Abuse Accommodation Syndrome (CSAAS) in Criminal Case, 85 A.L.R. 5th 595 §3 (Originally published in 2001) (discussion of testimony regarding general behavioral characteristics of sex abuse victims and list of cases addressing the issue).

B. Necessity of Expert Testimony

Expert testimony concerning common behavioral characteristics of sexual assault victims, and the range of responses to sexual assault encountered by experts, is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault. State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787, 794 (Ct.App.1999). It assists the jury in understanding some of the aspects of victims' behavior, and provides insight into a sexually abused child's often strange demeanor. *Id. See also* State v. Anderson, 413 S.C. 212, 776 S.E.2d 76, 79 (2015) ("Certainly we recognize that there is such an expertise [child abuse assessment]: this is the type of expert who can, for example testify to the behavioral characteristics of sex abuse victims.") (*citing* State v. Schumpert, 312 S.C. 502, 435 S.E.2d 859, 862 [1993]; Weaverling, and State v. White, 361 S.E. 407, 605 S.E.2d 540 [2004]); State v. Smith, 411 S.C. 161, 767 S.E.2d 212, 217-18 (Ct. App. 2015) *(cert. denied* June 17, 2015) ("When sexual abuse occurs, particularly if the victim is a child, the victim may not be able to immediately disclose the abuse for numerous reasons, including the victim's feelings of shame over what happened and the victim's fear of or intimidation by the perpetrator. We find this was an appropriately general explanation [by an expert witness] of the medical or scientific reasons a child might not immediately disclose sexual trauma.")

Contrary to Appellant's assertions, as expressly recognized by the Supreme Court in Anderson, the behavioral characteristics of child sex abuse victims is **not** a subject familiar to the common juror. Specifically in this case, based on responses to the court's questions during jury qualification, the seated jurors had no personal experience or

knowledge from family members or otherwise as to child sex abuse, directly or indirectly. (TT, pp. 17, 202; Supp. R., p. 1, R., p. 176).

In the absence of experience dealing with child sex abuse, it is unreasonable to think a lay person has sufficient knowledge regarding the impact of sex abuse on children and their behavior for even a basic understanding of how abused children may respond to the abuse and/or the perpetrator. It is equally unreasonable to think a lay person has sufficient knowledge of non-offender caregiver behavior to understand how they may respond in such situations. Indeed, much of victims' and caregivers' actions seem counter-intuitive to people who have never experienced the horror of sexual abuse. Therefore, an expert with specialized training and experience dealing with child sex abuse victims and non-offending caregivers, such as Galloway-Williams, can assist the jury in understanding their behavior, particularly a delay in disclosing the abuse, partial disclosures, and reasons why a non-offending caregiver may not act to protect a child victim.[4] *See* White, 605 S.E.2d at 544 (expert testimony and behavioral evidence may be **more** crucial when the victims are children, whose inexperience and impressionability often render them unable to effectively articulate events giving rise to criminal sexual behavior); State v. Brown, 411 S.C. 332, 768 S.E.2d 246, 250-251 (Ct. App. 2015) (*cert. denied* August 6, 2015) (expert testimony regarding common behavioral characteristic of sexual assault victims is helpful in explaining typical behavior patterns of adolescent sex abuse victims).

[4]A Texas court aptly described this type of testimony as "educator expert" evidence. Coble v. State, 330 S.W.3d 253 (Tx. Crim. App. 2010) (testimony about Texas prison classification system and prison violence was admissible as "educator-expert" evidence even though it did not relate to the defendant personally).

Galloway-Williams' testimony in this case is the type of expert behavioral testimony expressly approved in Schumpert, Weaverling, and White, cases Appellant does not even cite in his Brief. Despite Appellant's continued insistence the substance of her testimony was not outside the realm of ordinary lay jurors, a contention already soundly rejected by South Carolina courts, Galloway-Williams' testimony was relevant, and assisted the jury in understanding the evidence and determining a fact in issue. *See* Rule 702, SCRE (expert with specialized knowledge may testify if it will assist the trier of fact to understand the evidence or determine a fact in issue). Therefore, the circuit court properly exercised its discretion in allowing her testimony.

C. Bolstering

Appellant also contends "the **only** purpose of Galloway-Williams' testimony was to improperly bolster the [victims'] testimony. (Brief of Appellant, p. 20) (emphasis in original). As discussed above, however, the **only** purpose of Galloway-Williams' testimony was to educate and assist the jury on issues unique to child sex abuse victims and their non-offending caregivers. Her testimony was couched in general terms, and never mentioned or alluded to the victims, Mother, or any allegations in the case.

All relevant evidence in some way bolsters the strength of the offering party's case, and a trial court may not exclude evidence that bolsters other evidence absent a constitutional, statutory or rule-based principle of law providing for exclusion. State v. Perry, 410 S.C. 191, 763 S.E.2d 603, 611 (Ct. App. 2014) (Few, C.J., concurring in part and dissenting in part), (*cert. denied*, February 4, 2015). "'Improper bolstering occurs when an expert witness is allowed to give his or her opinion as to whether the complaining witness is telling the truth, because that is an ultimate issue of fact and the inference to be drawn is not beyond the ken of the average juror.'" State v. Taylor, 404 S.C. 506, 745 S.E.2d 124, 128 (Ct.App. 2013) (*quoting* State v. Douglas, 367 S.C. 498, 626 S.E.2d 59 [Ct.App.2006], *rev'd in part on other grounds*, 380 S.C. 499, 671 S.E.2d 606 [2009]) (emphasis added). Generally, bolstering is prohibited to prevent a witness from testifying whether another witness is credible, which is exclusively within the province of the jury. *Id.*

Petitioner relies on Kromah, Smith v. State, 386 S.C. 562, 689 S.E.2d 629 (2010), and State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012), as support for his contention Galloway-Williams' testimony improperly bolstered the victims' testimony.

Those cases involved forensic interviewers who actually interviewed the victims, and their testimony in some way indicated they believed the victims' allegations of sex abuse. Therefore, those cases are factually and legally inapplicable to the instant case. *See* Brown, 768 S.E.2d at 252-253 (finding these same cases were factually and legally distinguishable because the expert at issue was not a forensic interviewer, she did not interview the victims, prepare a report, express an opinion regarding the credibility of child sex abuse victims' allegations, or express an opinion regarding the victims in that case).

Similarly, Appellant's reliance on State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011), State v. Dawkins, 297 S.C. 386, 377 S.E.2d 298 (1989), and State v. Dempsey, 340 S.C. 565, 532 S.E.2d 306 (Ct. App. 2000), is misplaced. In Jennings, a report prepared by a forensic interviewer (Ms. Galloway-Williams) regarding her interviews of the victims was inadmissible hearsay, and impermissibly vouched for the victims' credibility by concluding the victims "provided a 'compelling disclosure of abuse.'" 716 S.E.2d at 94. Both Dawkins and Dempsey involved testimony from therapists who were actually treating the victims, and their testimony clearly indicated they believed the victims were telling the truth. Dawkins, 377 S.E.2d at 302 (therapist testified his impression was that victim's symptoms were genuine); Dempsey, 532 S.E.2d at 308-310 (therapist testified children alleging sexual abuse were truthful 95% to 99% of the time, and he concluded victim was reliable). .

In this case, Galloway-Williams did not testify as a forensic interviewer, she never interviewed the victims or any other witness, did not prepare a report, and did not express any opinion or belief regarding the credibility of victims' allegations in general,

or these victims in particular. Therefore, the analysis and holdings in Jennings, Dawkins and Dempsey clearly do not apply to this case.

Appellant accuses the State of trying to circumvent recent case law (presumably Kromah and Jennings) "by presenting a witness who had **not met** with the [victims], but who was familiar with the case, and presumably the [victims'] testimony and specific allegations, as a result of discussions with the Solicitor's Office." (Brief of Appellant, p. 22) (emphasis in original). Ironically, in the face of this accusation, Appellant neither cites nor distinguishes Shumpert and Weaverling, which clearly apply to this case, and were not even cited in the Kromah and Jennings opinions, much less overruled. Indeed, the viability of Schumpert and Weaverling was recently reaffirmed in Anderson and Brown.

Brown, and Weaverling are factually and legally on point with this case. In Brown, the State presented Galloway-Williams as an expert in child sex abuse dynamics, and her testimony in that case was substantially the same as her testimony in this case. This Court affirmed, finding she was properly qualified as an expert, she never commented on the credibility of the victims, but only testified about general behavioral characteristics of child sex abuse victims and non-offending caregivers, and her testimony did not improperly bolster the victims' or Mother's testimony. 768 S.E.2d at 252-253.[5]

[5]Appellant was "constrained" to acknowledge Brown, but noted a petition for writ of certiorari was pending in the Supreme Court, and asked this Court to reconsider Brown as it applied to this case. (Brief of Appellant, p. 23). This Court denied the petition for rehearing in Brown, and the Supreme Court denied the petition for writ of certiorari on August 6, 2015, thereby affirming this Court's holding. Thus, Brown is good law directly on point with this case.

In Weaverling, again as in this case, the testifying expert on sexual abuse victims did not meet or interview the victim, her knowledge of the case was limited to discussions with the solicitor, and she did not testify specifically regarding the victim or the facts of the case. This Court held the expert testimony was properly admitted, finding it was relevant and simply explained the effect of molestation on a person's subsequent conduct, provided insight into a sexually abused child's often strange demeanor, and the fact the expert did not personally interview the victim goes to the weight of the evidence, not its admissibility. 523 S.E.2d at 794.[6]

Appellant contends the jury "very likely interpreted" Ms. Galloway-Williams' testimony as expressing her belief the jury should believe the victims, which is nothing more than rank speculation with no support in the record. Again, Galloway-Williams never related her testimony to the victims' allegations or testimony. Rather, as in Brown, she testified in very general terms regarding various reasons child sex abuse victims delay disclosing the abuse, how the disclosure process generally progresses, and the reasons a non-offending caregiver may not report abuse disclosed by a child.

Finally, Appellant's claims Galloway-Williams' testimony was "cumulative" and "highly prejudicial" are specious. It is undisputed Galloway-Williams did not talk to the victims, Mother or law enforcement prior to trial, and there is no evidence she even knew the substance of the victims' and Mother's trial testimony. Thus, her testimony could not be "cumulative" to their testimony, and she did not, and could not, bolster the substance

[6]The Supreme Court re-affirmed the admissibility of expert testimony and behavioral evidence in White. The victim in White was an adult, and the Court held behavioral evidence is relevant regardless of the victim's age. Significantly, the Court then noted expert testimony "may be **more** crucial" when children are victims, because their inexperience and impressionability often render them unable to effectively relay incidents of criminal sexual behavior. 605 S.E.2d at 544 (emphasis added).

of their testimony, or express any opinion regarding their credibility. The jury heard the victims' and Mother's testimony, including intense cross-examination, and saw their demeanor on the witness stand and in the courtroom, which are significant factors in judging credibility.

Further, Galloway-Williams' testimony was probative to cure laypeople's misconceptions about sexually abused children and their non-offending caregivers, and explain the phenomenon of their behaviors. The primary prejudice to Appellant was the limitation on his ability to mislead the jury, or rely on a juror's misconceptions about child abuse, but it was not **unfairly** prejudicial.

The mere fact Galloway-Williams' testimony may have provided insight and context for the jury regarding the behavior of sex abuse victims and non-offending caregivers, and delayed and partial disclosure in general, does not make it improper bolstering or unfairly prejudicial, even if some of her testimony ultimately corroborated parts of the victims' testimony. Such is the nature of all evidence - parts of it tend to corroborate other evidence submitted by the party, including the party's own testimony, and in that regard, all evidence could always be considered cumulative and bolstering to a certain extent.[7] Indeed, the party offering an expert asks questions designed to elicit testimony the party can then argue supports his case. If corroboration becomes the equivalent of improper bolstering, however, expert testimony, and arguably any other evidence tending to corroborate a party's case, will virtually never be admissible in any case.

[7]If the evidence does not tend to corroborate the party's case, it is arguably irrelevant and inadmissible.

In essence, Appellant and other defendants continue to seek judicial approval of the proposition that the victim's testimony in a child sex abuse case must stand alone, with defendants able to attack any delay in disclosure, however slight, and inconsistencies in statements and testimony, however minor, while the jury has no context for such delays and inconsistencies, leaving defendants free to perpetuate myths surrounding child sex abuse. As recently confirmed in Anderson and Brown, that is not, and never has been, the law in South Carolina. To adopt such a proposition would judicially sanction continued harm to victims, who have already suffered untold horror, shame and degradation, but had the courage to speak up.

The circuit court properly qualified Galloway-Williams as an expert on child sex abuse dynamics, and allowed her testimony regarding general behavioral characteristics of child sex abuse victims and non-offending caregivers, including the reasons for delayed disclosure, and the disclosure process. The court's rulings were based on the law of South Carolina regarding such testimony, and should be affirmed.

CONCLUSION

Based on the foregoing, Respondent submits Appellant's convictions and sentences should be affirmed.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent coomplies with Rule 211(b), SCACR, and the August 13, 2007, order of the South Carolina Supreme Court entitled, "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Rulings."

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PROOF OF SERVICE

I, Sally B. Ellison, certify I served the Final Brief of Respondent on Appellant by depositing two copies in the United States mail, postage prepaid, addressed to:

Lara M. Caudy
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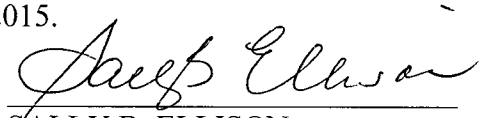
I further certify all parties required by Rule to be served have been served.

This 29th day of September, 2015.



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