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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County

Edgar W. Dickson, Circuit Court Judge

ROBERT SINGLETARY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000883

APPENDIX

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STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

STATE,)

v.)

ROBERT SINGLETARY,)

DEFENDANT.)

TRANSCRIPT OF RECORD

09-GS-21-1350

June 21, 2010

Florence, South Carolina

BEFORE:

THE HONORABLE D. CRAIG BROWN, JUDGE;
AND JURY

APPEARANCES:

E. L. CLEMENTS, III, ESQ., SOLICITOR
ROBERT N. WELLS, JR., ESQ.
CATHERINE J. ANDERSON, ESQ.
Assistant Solicitors

VICK MEETZE, ESQ.
Assistant Public Defender

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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Qualification of the jury **3**

1 THE COURT: Call your first case please.

2 MS. ANDERSON: Your Honor, we call State versus
3 Robert A. Singletary. This is indictment number
4 09-GS-21-1350 and 1358. Your Honor, may I please approach.
5 Here's the State's list of witnesses voir dire.

6 THE COURT: Have you seen these, Mr. Meetze?

7 THE DEFENSE: Yes, Your Honor, I have.

8 THE COURT: Any objections? I mean, don't -- if so,
9 y'all need to approach.

10 MR. MEETZE: Sure. Your Honor, no objection other
11 than I think some of them will be cumulative, and other
12 than that...

13 THE COURT: Okay. Thank you, Mr. Meetze.

14 Ladies and gentlemen, we're about to begin the trial
15 of the case State of South Carolina versus Robert Albrecht
16 Singletary. Mr. Singletary has been charged in a two
17 count indictment, and this indictment is not evidence. In
18 fact, the defendant is presumed not guilty. The State
19 must prove each element of each offense that he is charged
20 with beyond a reasonable doubt. The indictment is simply
21 the charging document and what allows this case to be
22 brought into this court. In this indictment
23 Mr. Singletary is charged with, count one is a lewd act on
24 a minor. States that Robert Albrecht Singletary being
25 over the age of 14 years, did in Florence County during a

1 time period from August 5 to August 12, 2003, willfully
2 and lewdly commit a lewd or lascivious act upon or with
3 the body of a child less than 16 years of age, to wit:
4 L.W. with the intent of arousing, appealing
5 to, or gratifying the lust or passions or sexual desires
6 of said defendant or of the victim, including but not
7 limited to improperly touching her vaginal area, rubbing
8 up against her with his penis in violation of 16-5-140
9 Code of Laws as amended.

10 Count two, criminal sexual conduct with a minor
11 first degree, that Robert Albrecht Singletary did in
12 Florence County during a time period from August 5, 2000
13 to August 12, 2003, willfully and unlawfully commit or
14 attempt to commit the crime of criminal sexual conduct
15 with a minor in the first degree by engaging in a sexual
16 battery in and upon one L.W. with a minor child
17 who is less than 11 years of age by having sexual
18 intercourse with said child on multiple occasions in
19 violation of Section 16-3-655(a)(1), South Carolina Code
20 of Laws 1976 as amended.

21 Again, ladies and gentlemen, Mr. Singletary has been
22 charged with these offenses in an indictment, and this
23 indictment is not evidence. And again, the defendant is
24 presumed not guilty. He is presumed not guilty. The
25 State, ladies and gentlemen, must prove beyond a

1 reasonable doubt each element to each of these charges.
2 There are certain questions, ladies and gentlemen, before
3 we select the jury, certain questions which I will ask of
4 you before we pick a jury. Beforehand though, I would
5 like the State to stand and introduce itself, along with
6 the lawyers and any other parties involved in this case.

7 MR CLEMENTS: If it please the Court, Your Honor.

8 THE COURT: Yes, sir.

9 MR CLEMENTS: I'm Solicitor Ed Clements. My office
10 will be prosecuting this case. I'm the Solicitor for the
11 Twelfth Judicial Circuit which is Florence and Marion
12 counties. Anna Braddock Meetze is our victim witness
13 advocate. She's been here during the qualification of the
14 jury. And I'm going to pass this on now to Senior
15 Assistant Solicitor Mr. Bob Wells and Assistant Solicitor
16 Katherine Anderson. They will be trying this case today.

17 MR. WELLS: My name is Bob Wells and this is
18 Katherine Anderson. She's gonna be the primary attorney
19 in this case and I'm going to be assisting her.

20 THE COURT: Is anyone related by blood, connected by
21 marriage, or have a close, personal relationship or
22 friendship with Ms. Anderson, Ms. Katherine Anderson, who
23 is one of the prosecutors in this case with Mr. Wells who
24 is the other prosecutor in this case, if so, please stand.

25 (There was no response.)

1 **THE COURT:** Mr. Meetze, you want to stand and...

2 **MR. MEETZE:** Ladies and gentlemen, my name
3 is Vick Meetze and I work as Assistant Public Defender in
4 the Florence County Public Defender's Office. We're part
5 of the Twelfth Circuit in this state. The head circuit
6 defender in our office is Jack Lawson. We also have
7 attorneys Karen Parrott, Grayson Smith, Scott Suggs,
8 Carrington Wingard, and Scott Floyd all in our office as
9 well. And I will be representing the defendant Robert
10 Singletary in this case.

11 **THE COURT:** All right. Any member of the jury panel
12 have a close, personal relationship related by blood or
13 connected by marriage to Mr. Meetze or Mr. Singletary or
14 any other party in the Public Defender's Office, if so,
15 please stand.

16 (There was no response.)

17 **THE COURT:** Ladies and gentlemen, the following is a
18 list of possible witnesses in this case. On behalf of the
19 State Lieutenant Roger Tilton with the Lake City Police
20 Department; Officer Jason Plowden, Florence County
21 Sheriff's Office; Doctor Kathy Saunders, Carehouse;
22 Ms. Debbie Elliott, The Carehouse; Ms. Linda Williams,
23 Florence County Department of Juvenile Justice;
24 Ms. Melinda Lynn from the Florence County Department of
25 Social Services; Agent Craig Townsend, Bureau of Alcohol

1 Tobacco and Firearms; Mr. Arthur Wilson, Edgefield Prison
2 Farm; Ms. [REDACTED] Ms. Erica King, Ms. Viola
3 Williams, Ms. Ella Graham.

4 On behalf of the Defense, Mr. Robert Singletary? Is
5 that correct?

6 MR. MEETZE: That's correct, Your Honor.

7 THE COURT: And Mr. Jerry Hannah possibly?

8 MR. MEETZE: That's correct, Judge.

9 THE COURT: All right. Anyone ever been related by
10 blood or marriage to any of the people I've just listed,
11 or has anyone ever had a close, personal or social
12 relationship with any of those individuals, if so, please
13 stand.

14 (There was no response.)

15 THE COURT: Can the attorneys approach for just a
16 minute please.

17 (WHEREUPON, counsel approached the Bench for an
18 off-the-record discussion.)

19 THE COURT: All right. Is there any member of the
20 jury panel employed by any city, county, state, or federal
21 law enforcement agency either at the present time or in
22 the past, if so, please stand.

23 (There was no response.)

24 THE COURT: Is any member of the panel related by
25 blood or marriage or have a close friendship to any person

1 employed by any city, county, state, or federal law
2 enforcement agent either in the present or in the past, if
3 so, please stand.

4 Yes, sir, your name and number.

5 THE POTENTIAL JUROR: Lawton Evans, number 46. I
6 have a brother-in-law, exbrother-in-law who is a
7 lieutenant with the city/county, City Police Department.

8 THE COURT: Okay, the fact that he was -- he
9 currently is?

10 THE POTENTIAL JUROR: He currently is.

11 THE COURT: The fact that he is currently employed in
12 that capacity, would that effect your ability to be fair
13 and impartial in this case to the State and to the
14 Defense?

15 THE POTENTIAL JUROR: I don't think so.

16 THE COURT: Okay. All right, sir. You can have a
17 seat.

18 Yes, ma'am, your name and number.

19 THE POTENTIAL JUROR: Kaleen Crutcher, number 34.
20 My brother-in-law is employed with the Highway Patrol.

21 THE COURT: Would that effect your ability to be fair
22 and give the State a fair and impartial trial as well as
23 the Defense in this case?

24 THE POTENTIAL JUROR: No, sir.

25 THE COURT: Okay, thank you, ma'am.

1 Yes, sir, your name and number.

2 THE POTENTIAL JUROR: 66. Brother-in-law is a
3 lieutenant with the Florence Police Department.

4 THE COURT: Florence Police Department?

5 THE POTENTIAL JUROR: Yes, sir.

6 THE COURT: Okay.

7 MR. MEETZE: Your Honor, can I get the number of the
8 lady that just stood.

9 DEPUTY CLERK OF COURT: Number 34.

10 THE COURT: Would that effect your ability, sir, to
11 be fair and impartial in this case both to the State and
12 to the Defense?

13 THE POTENTIAL JUROR: No, sir.

14 THE COURT: Okay, thank you, sir.

15 Is any member of the panel employed by any city,
16 county, state, or federal prosecutor's office either at
17 the present time or in the past, if so, please stand.

18 (There was no response.)

19 THE COURT: Is there any member of the panel related
20 by blood or marriage or close friends to any person
21 employed by the city, county, state, or federal
22 prosecutor's office either at the present time or in the
23 past, if so, please stand.

24 (There was no response.)

25 THE COURT: Does any member of the panel volunteer

1 with any law enforcement agency or prosecutor's office
2 either at the present time or in the past, if so, please
3 stand.

4 (There was no response.)

5 THE COURT: Is there any member of the panel related
6 to or close friends to any person who volunteers with any
7 law enforcement agency or prosecutor's office either at
8 the present time or in the past, if so, please stand.

9 (There was no response.)

10 THE COURT: Does any member of the jury panel or any
11 member of your family have any criminal charges currently
12 pending in Marion County or Florence County, if so, please
13 stand.

14 Just tell me your name and number, sir.

15 THE POTENTIAL JUROR: David Hall, 66.

16 THE COURT: Yes, ma'am, your name and number.

17 THE POTENTIAL JUROR: Vanna Freeman, 53.

18 THE COURT: 53.

19 THE POTENTIAL JUROR: Yes, sir.

20 THE COURT: Yes, sir, your name and number.

21 THE POTENTIAL JUROR: Your Honor, can you repeat
22 that statement, question?

23 THE COURT: Yes, sir. Any member of the jury panel
24 or any member of your family have any criminal charges
25 pending in Marion County or Florence County, if so, please

1 stand.

2 THE POTENTIAL JUROR: Yes.

3 THE COURT: Okay.

4 THE POTENTIAL JUROR: 81.

5 THE COURT: Number 81? Okay. If the attorneys would
6 approach for just a minute.

7 (WHEREUPON, counsel approached the Bench for an
8 off-the-record discussion.)

9 THE COURT: If juror number 66, 53 and 81 would stand
10 again. Mr. Hall, the fact that you or a family member
11 have charges pending in Florence or Marion County, would
12 that affect your ability to be fair and impartial in this
13 case for the State and for the Defense?

14 THE POTENTIAL JUROR: No, sir.

15 THE COURT: Okay, thank you, sir.

16 Ms. Freeman, the fact that you or one of your family
17 members has charges currently pending in Marion or
18 Florence County, would that affect your ability to be fair
19 and impartial to both the State and Defendant in this
20 case?

21 THE POTENTIAL JUROR: No.

22 THE COURT: Thank you, ma'am, you may be seated.

23 Mr. James, the fact that you or a family member have
24 charges currently pending in Florence County or Marion
25 County, would that affect your ability to be fair and

1 impartial to both the State and the Defense in this case?

2 THE POTENTIAL JUROR: No, Your Honor.

3 THE COURT: Thank you, sir. You may be seated.

4 All right. Has any member of the jury panel formed
5 or expressed an opinion about any issue or matter involved
6 in this case, if so, please stand.

7 (There was no response.)

8 THE COURT: Is any member of the jury panel aware of
9 any bias or prejudice toward either the State or the
10 Defendant in this case, if so, please stand.

11 (There was no response.)

12 THE COURT: I've already somewhat asked this question
13 before with regards to prior jury service, but I'm gonna
14 ask this question again. Is there any member of the jury
15 panel that was a member of the grand jury which issued the
16 indictment in this case, if so, please stand.

17 (There was no response.)

18 THE COURT: Is there any member of the jury panel who
19 is a member of, a contributor to, any group which has as
20 its primary concern the promotion of law enforcement or
21 victim's rights? These groups would include but certainly
22 not be limited to, MADD, SADD, CAVE, Citizens Against
23 Violent Crimes, Fraternal Order of Police, or South
24 Carolina Law Enforcement Officers Association. If so,
25 please stand.

1 Yes, sir, your name and number again.

2 THE POTENTIAL JUROR: 46, Lawton Evans.

3 THE COURT: The fact that you're a member or
4 contributor to one of these organizations, would that
5 affect your ability to be fair and impartial to both the
6 State and the Defense in this case?

7 THE POTENTIAL JUROR: No, sir.

8 THE COURT: Thank you, sir, you may be seated.

9 Does any member of the jury panel know of any reason
10 whatsoever why he or she should not serve as a juror in
11 this case with a particular emphasis being placed on your
12 ability to be fair and impartial to both the State and the
13 Defendant, if so, please stand.

14 (There was no response.)

15 THE COURT: Does the State have any additional
16 questions that would like to have asked, or the Defense?
17 If so, please approach.

18 MS. ANDERSON: No, sir, Your Honor.

19 MR. MEETZE: No, Your Honor.

20 THE COURT: If the attorneys would approach real
21 quick please, sorry.

22 (WHEREUPON, counsel approached the Bench for an
23 off-the-record discussion.)

24 DEPUTY CLERK OF COURT: Members of the jury, as I
25 call your name please bring all your belongings. Come to

1 the side railing. Come to the middle of the courtroom and
2 face the back of the courtroom.

3 78, Mark Jackson (white male). What say the State?

4 MS. ANDERSON: Please present the juror.

5 DEPUTY CLERK OF COURT: What say Defendant?

6 MR. MEETZE: Please swear Mr. Jackson.

7 DEPUTY CLERK OF COURT: Please have a seat in the
8 jury box, sir.

9 112, Eric McLam (white male). What say the State?

10 MS. ANDERSON: Please present the juror.

11 DEPUTY CLERK OF COURT: What say Defendant?

12 MR. MEETZE: Please swear Mr. McLam.

13 DEPUTY CLERK OF COURT: Please have a seat in the
14 jury box, sir.

15 62, Mary Grantham (white female). What say the
16 State?

17 MS. ANDERSON: One second please, Your Honor.
18 Thank you. Please present the juror.

19 DEPUTY CLERK OF COURT: What say Defendant?

20 THE DEFENSE: Please excuse this juror.

21 DEPUTY CLERK OF COURT: You've been excused for
22 this trial only. You may return to your seat.

23 166, Keron Williams (black male). What say the
24 State?

25 MS. ANDERSON: Please present the juror.

1 DEPUTY CLERK OF COURT: What say the Defendant?

2 MR. MEETZE: Please swear the juror.

3 DEPUTY CLERK OF COURT: Please have a seat in the
4 jury box, sir.

5 85, Harold Jensen (white male). What say the State?

6 MS. ANDERSON: Please present the juror.

7 DEPUTY CLERK OF COURT: What say Defendant?

8 MR. MEETZE: Please swear Mr. Jensen.

9 DEPUTY CLERK OF COURT: Please have a seat in the
10 jury box, sir.

11 167, Tiffany Williams (black female). What say the
12 State?

13 MS. ANDERSON: Please present the juror.

14 DEPUTY CLERK OF COURT: What say the Defendant?

15 MR. MEETZE: Please swear Ms. Williams.

16 DEPUTY CLERK OF COURT: Please have a seat in the
17 jury box.

18 52, Lawrence Fox (white male). What say the State?

19 MS. ANDERSON: Please present the juror.

20 DEPUTY CLERK OF COURT: What say Defendant?

21 MR. MEETZE: Please excuse this juror for this trial.

22 DEPUTY CLERK OF COURT: You've been excused
23 for this trial only, sir. You may return to your seat.

24 80, John Jacobs (white male). What say the State?

25 MS. ANDERSON: Please present the juror.

1 DEPUTY CLERK OF COURT: What say Defendant?

2 MR. MEETZE: Please swear Mr. Jacobs.

3 DEPUTY CLERK OF COURT: Please have a seat in the
4 jury box, sir.

5 53, Devonda Freeman, (black female). What say the
6 State?

7 MS. ANDERSON: Please excuse this juror for purposes
8 of this trial only.

9 DEPUTY CLERK OF COURT: You've been excused for
10 this trial only, ma'am. You may return to your seat.

11 17, Alvin Brazell (white male). What say the State?

12 MS. ANDERSON: Please excuse this juror for purposes
13 of this trial only.

14 DEPUTY CLERK OF COURT: You've been excused for
15 this trial only, sir. You may return to your seat.

16 89, Teresa Jowers (white female). What say the
17 State?

18 MS. ANDERSON: Please present the juror.

19 DEPUTY CLERK OF COURT: What say Defendant?

20 MR. MEETZE: Please excuse Ms. Jowers.

21 DEPUTY CLERK OF COURT: You've been excused for
22 this trial only.

23 10, Chad Bass (white male). What say the State?

24 MS. ANDERSON: Please present the juror.

25 DEPUTY CLERK OF COURT: What say Defendant?

1 MR. MEETZE: Please swear Mr. Bass.

2 DEPUTY CLERK OF COURT: Please have a seat in the
3 jury box, sir.

4 169, Terry Woodcock (white female). What say the
5 State?

6 MS. ANDERSON: Please present the juror.

7 DEPUTY CLERK OF COURT: What say Defendant?

8 MR. MEETZE: I'm sorry, what number again?

9 DEPUTY CLERK OF COURT: 169.

10 MR. MEETZE: Please swear Ms. Woodcock.

11 DEPUTY CLERK OF COURT: Please have a seat in the
12 jury box.

13 135, Sedaris Reed (black female). What say the
14 State?

15 MS. ANDERSON: Please present this juror.

16 DEPUTY CLERK OF COURT: What say Defendant?

17 MR. MEETZE: Please swear Ms. Reed.

18 DEPUTY CLERK OF COURT: Please have a seat in the
19 jury box ma'am.

20 39, Alice Driggers (white female). What say the
21 State?

22 MS. ANDERSON: Please present the juror.

23 DEPUTY CLERK OF COURT: What say Defendant?

24 MR. MEETZE: Please swear Ms. Driggers.

25 DEPUTY CLERK OF COURT: Please have a seat in the

1 jury box.

2 141, Crystal Russ (white female). What say the
3 State?

4 MS. ANDERSON: Please present the juror.

5 DEPUTY CLERK OF COURT: What say Defendant?

6 MR. MEETZE: Please swear Ms. Russ.

7 DEPUTY CLERK OF COURT: Please have a seat in the
8 jury box.

9 117, Steve Mikell (white male). What say the State?

10 MS. ANDERSON: Please present the juror.

11 DEPUTY CLERK OF COURT: What say Defendant?

12 MR. MEETZE: Please swear Mr. Mikell.

13 DEPUTY CLERK OF COURT: Please have a seat in the
14 jury box.

15 THE COURT: Two alternates please.

16 DEPUTY CLERK OF COURT: Strikes one and two?

17 THE COURT: Yes, ma'am. Strikes one and two, two
18 alternates.

19 DEPUTY CLERK OF COURT: 151, Maxie Springs (white
20 male). What say the State?

21 MS. ANDERSON: Please present the juror.

22 DEPUTY CLERK OF COURT: What say Defendant?

23 MR. MEETZE: Please swear Mr. Springs.

24 DEPUTY CLERK OF COURT: Please have a seat in the
25 jury box.

1 Alternate number two, 54, Pamela Frick (white
2 female). What say the State?
3 MS. ANDERSON: Please present the juror.
4 DEPUTY CLERK OF COURT: What say Defendant?
5 MR. MEETZE: Please swear Ms. Frick.
6 DEPUTY CLERK OF COURT: Please have a seat in the
7 jury box, ma'am. That's it.
8 THE COURT: Any matters of law we need to take up
9 from the State?
10 MS. ANDERSON: None from the State, Your Honor.
11 THE COURT: From the Defense?
12 MR. MEETZE: No, Your Honor.
13 THE COURT: All right. For scheduling purposes y'all
14 want to come here, I think we got this straightened out
15 already. I just want to confirm this.
16 (WHEREUPON, counsel approached the Bench for an
17 off-the-record discussion.)
18 THE COURT: All right. Ladies and gentlemen of the
19 jury, you all have been selected as fair and impartial
20 jurors in this case. What we were talking about is some
21 scheduling purposes. The trial of this case is going to
22 start in the morning. It's going to start in the morning.
23 We've got some legal issues that we need to address, some
24 things that we need to handle before we can start this
25 trial. The trial of this case is going to take place on

1 the tenth floor, the tenth floor courtroom. I am going to
2 excuse you for the balance of today, and I guess that's
3 some good news for you. You don't have to sit here any
4 longer today. And with the bad news, or good news, could
5 be good or bad depending on how you look at it, you do
6 have to be back here in the morning at 10:00, at 10:00.

7 Ms. Frances, if you would take them and show them
8 where they need to report back to in the morning at 10:00
9 we will start this case at 10:00 in the morning.

10 Ladies and gentlemen of the jury, I will tell you,
11 you've not heard any testimony in this case as of yet.
12 You're not to discuss this case at all with anybody.
13 Don't go out trying to do any research on your own.
14 You're to decide this case simply based upon the testimony
15 and the evidence as presented during the trial of the
16 case, nothing else, nothing else. And so I would caution
17 you not to go out and do any investigation on your own,
18 not to discuss this matter with anyone, not to discuss it
19 with anyone. And I will ask that you be back here
20 promptly in the morning at 10:00 and we'll get this case
21 started.

22 At this time I'm gonna ask you, Ms. Stone, if you
23 will show them where they need to be back in the morning
24 at 10 a.m. Again, please do not discuss the case. Thank
25 you.

1 (WHEREUPON, the jury was removed from the
2 courtroom at 11:53 a.m., and trial resumed on June 22,
3 2010 with a different court reporter).
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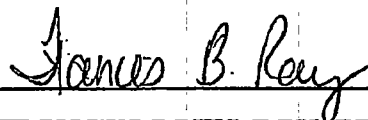
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, **FRANCES BAKIS-RAY**, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina,
this 3rd day of April, 2011.



FRANCES BAKIS-RAY, RPR
My Commission Expires: 9-13-2014

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF FLORENCE	)	
	)	
THE STATE	)	June 21, 2010
	)	
PLAINTIFF,	)	
	)	
VERSUS	)	
	)	
ROBERT A. SINGLETARY,	)	2009-GS-21-01350
	)	
DEFENDANT.	)	
_____	)	

BEFORE

THE HONORABLE D. CRAIG BROWN

APPEARANCES

CATHERINE J. ANDERSON, ESQUIRE
 ROBERT N. WELLS, Jr. ESQUIRE
 ATTORNEYS FOR THE STATE

WILLIAM VICKERY MEETZ, ESQUIRE
 ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee
 Circuit Court Reporter

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THE STATE VERSUS ROBERT A. SINGLETARY

4

1 (Whereupon, court was called to order at 12:30
2 p.m. on Monday, June 21, 2010.)

3 -- DAY ONE OF TRIAL --

4 THE COURT: Be seated please. Thank you. Sir, you
5 need to stand up when he calls the Court to order. It is
6 not for me. It is for the process. You understand? You
7 understand?

8 UNKNOWN PERSON: Yeah, I understand.

9 THE COURT: Okay. We are on the record with regard
10 to State versus Robert A. Singletary. The jury has already
11 been selected in this matter. The case is to begin trial at
12 10:00 a.m. in the morning. Like I said, the jury was
13 selected upstairs. The attorney for the State as well as
14 the Defense, indicated after jury selection there were no
15 matters of law with regards to jury selection. Is that
16 correct, Mr. Wells?

17 MR. WELLS: That's correct, Your Honor.

18 THE COURT: Is that correct, Mr. Meetz?

19 MR. MEETZ: That is correct, Your Honor.

20 THE COURT: What we are here on now are some matters
21 that need to be taken up prior to the beginning of trial in
22 the morning, pursuant to document motion provided to me by
23 Mr. Meetz on behalf of his client. Mr. Meetz, did you
24 provide a copy of this to the State?

25 MR. MEETZ: I did, Your Honor.

THE STATE VERSUS ROBERT A. SINGLETARY

5

1 THE COURT: Okay. I will just go down them
2 numerically and we can address them accordingly. I know
3 that the Jackson v Denno, which is listed as number six on
4 here, we have decided, I think, to hear that first thing in
5 the morning at 9:00 a.m. Is that correct, Mr. Meetz?

6 MR. MEETZ: Yes, Your Honor.

7 THE COURT: Mr. Wells, Ms. Anderson?

8 MR. WELLS: Yes, Your Honor.

9 THE COURT: First matter on this list is Motion with
10 regard to Rule 5 and Brady. Has the State provided
11 everything?

12 MR. WELLS: Your Honor, I would state for the record,
13 to my knowledge, the State has provided what would come
14 under Rule 5 or Brady that I'm aware of.

15 THE COURT: Mr. Meetz, do you know of anything, have
16 any indication there may be some exculpatory or something
17 that you have not been provided in this matter?

18 MR. MEETZ: No, Your Honor.

19 THE COURT: And you're satisfied with Mr. Wells'
20 response of that?

21 MR. MEETZ: Yes, Your Honor.

22 THE COURT: How about number two, the Motion for the
23 prior record of Defendant the State intends to introduce,
24 should he choose to testify?

25 MR. WELLS: Can I just reply to that in the morning?

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6

1 THE COURT: Yes. Mr. Meetz, is that okay with you?

2 MR. MEETZ: No objection to taking that up when and
3 if Mr. Singletary were to testify.

4 THE COURT: I would like to deal with that before
5 trial starts. I want to keep this matter rolling once we
6 start at 10:00 a.m. in the morning. Don't want to have to
7 send the jury out so we can address something that could be
8 addressed before we start the trial. Okay?

9 List of witnesses, I think that has already been
10 provided, and I've named the witnesses prior to jury
11 selection.

12 MR. WELLS: That's correct, Your Honor.

13 THE COURT: All right. Number 4, Existence and
14 Admissibility of any prior bad acts, or Lyle testimony the
15 State would intend to introduce.

16 MR. WELLS: Your Honor, to my knowledge, I don't
17 anticipate that we will introduce any other things. I know
18 he's been charged on two other indictments regarding two
19 other females, but I don't intend to get into that, or does
20 Ms. Anderson at this trial. I would say if something
21 happens and that changed we would call the Court's attention
22 and let the jury be excused. But, to my knowledge, we don't
23 intend to introduce anything of that sort.

24 THE COURT: I would also add, for you to caution any
25 of your witnesses that may have any knowledge about any

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1 prior or other charges that may come under that, caution
2 your witnesses, caution those witnesses about tainting this
3 process here once we start this trial tomorrow. Okay? Is
4 that clear?

5 MS. ANDERSON: Yes, Your Honor.

6 THE COURT: Mr. Wells?

7 MR. WELLS: Yes, sir.

8 THE COURT: Okay. Next number, number five, prior
9 record of any lay witnesses the State would intend to call.

10 MR. WELLS: Your Honor, at this time if we determine
11 a witness has a prior record --- I don't know that we'll be
12 calling anybody that would have a record, but if we do, we
13 will provide ---

14 THE COURT: Provide that to Mr. Meetz?

15 MR. WELLS: Yes.

16 MR. MEETZ: And certainly, Your Honor, we have one
17 other besides Mr. Singletary on our witness list. And
18 certainly we would provide the State with information so
19 they could determine that as well. Don't have that
20 information handy right now, but will provide that
21 information.

22 THE COURT: Okay. Number 6, Jackson v Denno, which
23 we decided to address in the morning. Next number, number
24 seven, Motion excluding testimony regarding Mr. Singletary
25 having been to prison.

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1 MR. WELLS: I think that's something that would be
2 taken up with Jackson v Denno hearing, because they are
3 basically trying to use that as an alibi that he was in
4 prison at the time. I think it would be relevant to this
5 trial. I think it is something that needs to be taken up
6 with the Jackson v Denno hearing.

7 THE COURT: Mr. Meetz?

8 MR. MEETZ: I would agree with that, Your Honor.

9 THE COURT: Okay, so we will address that in the
10 morning as well, correct?

11 MR. WELLS: Correct.

12 THE COURT: Number eight, Motion excluding evidence
13 or either testimony through the CARE House video referencing
14 allegations of sexual abuse committed upon any individual
15 other than Ms. LW. Mr. Wells?

16 MR. WELLS: Similar to the other issue. At this time
17 we don't intend to go into that.

18 THE COURT: And again, I would ask that you caution
19 any of the State's witnesses with regards to any of that
20 testimony. Mr. Meetz, anything else?

21 MR. MEETZ: Not at this time, Your Honor.

22 THE COURT: Anything else from the State?

23 MR. WELLS: Not at this time, Your Honor.

24 THE COURT: We will address questions number two,
25 six, and seven in the morning; is that correct?

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1 MR. WELLS: That's correct, Your Honor.

2 MR. MEETZ: Yes, correct, Your Honor.

3 THE COURT: Okay. This matter is in adjournment
4 until in the morning at 9:00 a.m. I want the attorneys here
5 at 9:00 a.m.

6 MR. MEETZ: The only other thing I guess for the
7 record is, if the Defendant would just stay on the same
8 bond. He's not in jail.

9 THE COURT: No objection from the State on that?

10 MR. WELLS: As long as it's cautioned there should be
11 no contact with any witnesses, that's my only concern, and
12 assume stay on the same bond.

13 MR. MEETZ: I think with the jury not having been
14 sworn yet ---

15 MR. WELLS: That's true, they have not been sworn.
16 So I would say, you know, that ---

17 THE COURT: Mr. Singletary, you're to have, and I
18 don't expect you to, but by Order of this Court, and I would
19 assume it was part of your Bond Order that you're not to
20 have any contact directly or indirectly with the victims and
21 the alleged victims in this case. I'm adding the condition
22 that you've heard the witness list. Your attorney knows the
23 witness list. And you are not to have any contact directly
24 or indirectly with any potential witnesses in this case. Do
25 you understand that, sir?

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1 THE DEFENDANT, ROBERT A. SINGLETARY: I understand,
2 Your Honor.

3 THE COURT: And you understand that the jury is to be
4 here at 10:00 a.m. in the morning, you understand that?

5 THE DEFENDANT, ROBERT A. SINGLETARY: Yes, sir.

6 THE COURT: And you're going to remain out on bond.
7 And you understand whether you return here in the morning or
8 not this case is going to go forward; do you understand
9 that?

10 THE DEFENDANT, ROBERT A. SINGLETARY: Yes, sir.

11 THE COURT: Which allows us, we can try you in your
12 absence. You understand that?

13 THE DEFENDANT, ROBERT A. SINGLETARY: Yes, sir.

14 THE COURT: If you do not return here in the morning
15 you will be tried in your absence, and a bench warrant will
16 be issued for your arrest at that time; do you understand
17 that?

18 THE DEFENDANT, ROBERT A. SINGLETARY: Yes, sir.

19 THE COURT: Any questions about that?

20 THE DEFENDANT, ROBERT A. SINGLETARY: No, sir.

21 THE COURT: I'm sure your lawyer can fill you in on
22 that as well. But I just want to make sure you don't have
23 any questions of this Court before we adjourn here today.
24 Okay?

25 THE DEFENDANT, ROBERT A. SINGLETARY: Thank you, sir.

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1 THE COURT: The lawyers need to be here at 10:00,
2 excuse me, 9:00 a.m. in the morning, lawyers need to be here
3 at 9:00 a.m. in the morning. The case is to begin at 10:00
4 a.m. We will stand in adjournment on this matter, The State
5 v Robert A. Singletary, until 9:00 a.m. in the morning.

6 MS. ANDERSON: Thank you, Your Honor.

7 MR. MEETZ: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 (Whereupon, Court is adjourned for the day at
10 12:39 p.m. on Monday, June 21, 2010.)

11 -- END OF DAY ONE --

ROGER TILTON -- DIRECT EXAMINATION

12

1 (Whereupon, court comes to order at 9:00 a.m. on
2 Tuesday, June 22, 2010.)

3 -- DAY TWO OF TRIAL --

4 THE COURT: Good morning, everybody. I was cutting
5 it kind of close this morning. I chastize some others about
6 being on time and I was about late myself. But I think we
7 have a Jackson v Denno matter to take up; is that first,
8 what's the plan here?

9 MR. WELLS: We can go ahead and call our witness on
10 that at this time. Investigator Roger Tilton.

11 WHEREUPON, ROGER TILTON,

12 AFTER BEING DULY SWORN, TESTIFIES AS FOLLOWS:

13 THE CLERK: Please have a seat and state your full
14 name for the record.

15 MR. TILTON: Roger Tilton.

16 DIRECT EXAMINATION BY MR. WELLS

17 Q. Investigator Tilton, where are you employed?

18 A. Lake City Police Department.

19 Q. And how long have you been employed with them and in
20 law enforcement?

21 A. Fourteen years.

22 Q. Was there one period of time in 2007/2008 you left, you
23 left to go to Afghanistan?

24 A. I went to Iraq.

25 Q. When did you get back from Iraq?

ROGER TILTON -- DIRECT EXAMINATION

13

1 A. I came back from Iraq in late 2005/2006.

2 Q. Now, looking at this case as far as Mr. Singletary on
3 this case, where did you get involved in investigating
4 this particular matter as far as the allegations?

5 A. The report was actually filed on the 13th of March
6 2008. I first met with the victim and her grandmother
7 at the CARE House in Florence on March 19th.

8 Q. What did you then do as far as investigating the
9 matter?

10 A. I watched the interview that she gave at the Care
11 House, got copies of the interview, went back to my
12 office, watched the interview again on computer. On
13 March 26th I went out started trying to find any
14 witnesses, anything I could find on the case. I went
15 to the home the victim said she was staying in at the
16 time, tried to speak with that lady, Ms. Ella Graham.

17 Q. At the foster home; is that correct?

18 A. Yes, sir.

19 Q. All right. Go ahead.

20 A. She stated she didn't know anything about it. I then
21 went to Lincoln Avenue, [REDACTED] which is
22 the home of the Defendant. His father lives there, his
23 parents. The victim had made allegations that an ice
24 cream truck was in the yard that she had been abused
25 in. I found that ice cream truck in that yard. I

ROGER TILTON -- DIRECT EXAMINATION

14

1 spoke to the homeowner. While I was speaking with him
2 the Defendant drove up asked me what was going on. I
3 told the Defendant that I couldn't speak with him. I
4 knew he was out on bond and had an attorney for other
5 charges. He told me not to worry about that. I told
6 him that he had been accused of --- another victim had
7 come forward and made accusations and I couldn't talk
8 to him without his attorney. He said, don't worry
9 about that, I was in prison during that time, and I
10 didn't touch those girls. At which time I left, didn't
11 speak to him anymore. The next time I saw him was on
12 April 8th when he was arrested at his store on John
13 Street.

14 Q. So at that time when he came up and talked to you he
15 had not been arrested on these charges; is that
16 correct?

17 A. No.

18 Q. In fact, you had not even spoken to him on these
19 charges ---

20 A. No.

21 Q. So really there was no questioning involved. He just
22 came up and volunteered an answer.

23 A. Yes, sir.

24 Q. All right. Answer any questions Mr. Meetz has.

25 CROSS EXAMINATION BY MR. MEETZ

ROGER TILTON -- CROSS EXAMINATION

15

1 Q. Investigator Tilton, you went over to the home at [REDACTED]

2 [REDACTED]

3 A. Yes, sir.

4 Q. That's where you went. And that was the home where Mr.
5 Singletary lived?

6 A. That was the home where his father lived and where the
7 ice cream truck was at.

8 Q. You don't know whether Mr. Singletary lived there or
9 not?

10 A. The information I had was he lived at the John Street
11 address, which is the store.

12 Q. But Mr. Singletary arrived while ---

13 A. He pulled up while I was speaking with his father.

14 Q. Okay. And you were aware that he was the individual
15 that was being accused in this case?

16 A. Yes, sir.

17 Q. So he was certainly a suspect in this case?

18 A. Yes, sir.

19 Q. You were aware that he had obviously, as you testified,
20 you were aware that he had other charges pending?

21 A. Yes, sir.

22 Q. Different individuals involved but allegations of a
23 similar nature?

24 A. Yes, sir.

25 Q. You were aware of that.

ROGER TILTON -- CROSS EXAMINATION

16

1 A. Yes, sir.

2 Q. You were certainly aware that anything he said at that
3 time --- Well, I think you testified that at this time
4 he was not in custody.

5 A. Yes, sir.

6 Q. But you were aware that any statement that he made, or
7 at least in your mind, any statement he made you would
8 certainly intend to use against him if that opportunity
9 arose.

10 A. I didn't have any intention of speaking to him at all.
11 He spoke to me. I didn't go there to talk to him.

12 Q. Well, but he showed up there and you did talk to him.

13 A. I answered his questions. He didn't answer any of my
14 questions, I didn't ask him questions.

15 Q. You didn't ask him any questions, but you did make a
16 statement to him, which was there's been another
17 individual that's came up with more allegations.

18 A. He asked me what's going on and that's when I told him.

19 Q. And you said that elicited the response that he
20 questioned you?

21 A. Yes, sir.

22 Q. Okay. So it wasn't in question form, but at the same
23 time you did let him know that potentially there's
24 another charge coming down the road.

25 A. I let him know I was investigating something.

ROGER TILTON -- CROSS EXAMINATION

17

1 Q. That's fine, six to one, half dozen of another. If
2 you're investigating something potentially there's
3 another charge coming down the road, correct?

4 A. Possibly, yes, sir.

5 Q. That's right. That statement though that you testified
6 in regards to here is the only statement that he has
7 made ---

8 A. That's the only conversation that we've had besides
9 booking procedures.

10 Q. And when you got there you told him that you realized
11 that he had other pending charges, that he was out on
12 bond on, and that he had an attorney.

13 A. And that I couldn't talk to him.

14 Q. Of course, there's more to the Miranda Warnings than
15 just your right to an attorney.

16 A. Yes, sir.

17 Q. You have to let them know that they have the right to
18 remain silent; is that correct?

19 A. Yes, sir.

20 Q. And that any statement made to you that you could use
21 it against them in court?

22 A. Yes, sir.

23 Q. As well as the part in regard to having the right to an
24 attorney, and if they can't afford one, one will be
25 provided for them; is that correct?

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18

1 A. Yes, sir.

2 Q. And you didn't go over any of that with him. You let
3 him know that you couldn't talk to him because you knew
4 he had an attorney on other matters; is that correct?

5 A. Yes, sir.

6 Q. But you didn't mention to him any of the rights with
7 regards to the right to remain silent and that anything
8 he said could be used against him?

9 A. I didn't start the conversation, he did. I just
10 answered his questions.

11 Q. I understand. I don't have any further questions.

12 THE COURT: Anything else from the State?

13 MR. WELLS: That's all, Your Honor.

14 THE COURT: Sir, you may step down. Thanks for being
15 here this morning. Mr. Meetz?

16 MR. MEETZ: Thank you, Your Honor, may it please the
17 Court. Your Honor, we would make a Motion that the
18 statements that Mr. Singletary made to Officer Tilton would
19 be inadmissible in this matter on a couple of fronts.

20 First of all, in violation of his rights with regards
21 to Miranda versus Arizona. This did occur at his father's
22 home. Certainly he knew that Officer Tilton was a law
23 enforcement officer. And looking at this in the totality of
24 the circumstances, certainly Officer Tilton was aware that
25 Mr. Singletary had other charges pending of a similar

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1 nature: He knew that he was accused again. And that he was
2 investigating an incidence where Mr. Singletary was again
3 being accused of sexual assaults on the child, and certainly
4 knew, you know, that he was investigating that case. And
5 certainly knew that anything that was elicited, whether
6 through an actual question or through conversation, could be
7 used against Mr. Singletary in court. And did not advise
8 him of his rights prior to that.

9 I think the statement that Mr. Singletary made, based
10 on the testimony, was made after he was told that he was
11 investigating another allegation from another individual.
12 And that is at that time Mr. Singletary said that he was in
13 prison at the time and couldn't have done this, and that
14 would be the statement they would be intending to use.

15 And we would argue that under the totality of the
16 circumstances that that would be a violation of his rights
17 with regards of Miranda.

18 Your Honor, we would also further argue that the Court
19 should find it inadmissible based on any probative value
20 being outweighed by the prejudicial effect that the
21 statement may have. The statement that he was in jail
22 certainly lets the jury know, without him having to testify,
23 that he was in prison at some point in time for some kind of
24 charge. And, you know, the State may try to put forth that
25 it's relevant and that the probative value is not outweighed

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1 by the prejudicial effect because, you know, of him trying
2 to be dishonest and trying to be, you know, evasive about
3 things.

4 But, you know, this is a sentence that he got a
5 seventeen year sentence in 1992 on some drug charges. It
6 was before the 85 percent rule, so he didn't have to do 85
7 percent of seventeen years. He did about eight years. He
8 had been released, you know, eight years prior to this
9 statement. And he was mistaken about when it was when he
10 got out. But I think that the prejudice --- I don't think
11 he was intending to lie. I think he just didn't remember
12 when he got released. Also he had been in jail during part
13 of these allegations and that's what he told the police.

14 But I do think that on both fronts, just to sort of try
15 to cover both sides of the Motion of Jackson v Denno and ---
16 that's why I sort of had two things listed on the motions,
17 that it should be excluded based on both Jackson versus
18 Denno, and violation of his Miranda Rights, as well as the
19 probative value being outweighed by any prejudicial effect.

20 THE COURT: Mr. Wells?

21 MR. WELLS: Your Honor, the position of the State is,
22 of course, first, Miranda would not apply here. Miranda
23 only applies in custodial situations for questioning. In
24 this case, the Defendant was not in custody. In fact, he
25 was not put in custody. He was not arrested until over a

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1 week later. Really almost two weeks later.

2 So first, Miranda would clearly not apply. The officer
3 never had a chance to advise him of his Miranda Rights. He
4 was not questioning him in the first place. He never put
5 him into custody. In fact, the officer told him he could
6 not talk to him. The Defendant just volunteered this
7 statement.

8 There's certainly nothing that prevents the officer
9 listening when a person wants to volunteer a statement.
10 Obviously this Defendant was trying to help himself. And I
11 do think the probative value outweighs any prejudice.

12 I mean, any evidence you put into evidence is
13 prejudicial against the Defendant. But I think the
14 probative value here, the fact that the Defendant had not
15 been charged with this type of offense --- immediately he's
16 saying, well, you know, I didn't touch these girls, or I
17 didn't touch this girl because I was in prison at the time,
18 I think is very relevant when he hadn't even been charged
19 with the crime, don't know supposedly what he's going to be
20 charged with. He told him there had been an allegation made
21 involving this girl.

22 So I think clearly Miranda doesn't apply. And I think
23 based on the testimony the probative value does outweigh the
24 prejudice.

25 Now, I would say this, you know, if you prefer it can

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1 be handled this way. The officer could testify exactly what
2 he said, or as far as the fact that he had other charges.
3 And he can say, I told him I couldn't talk to him for other
4 legal matters, or something to that affect without bringing
5 up a lawyer, because that was concerning this other --- a
6 charge involving other girl back in, I think, 2005 or 2006
7 at the store.

8 THE COURT: Mr. Meetz, anything else?

9 MR. MEETZ: Your Honor, nothing with regards to the
10 statement. But certainly I would agree that any testimony
11 in regards to I know you have an attorney, and having other
12 charges would certainly I don't think be appropriate and
13 would be inadmissible. And we would just ask --- and
14 certainly I think we can agree to a way, if the Court is
15 going to admit the statement, I think we can agree to a way
16 to get that statement into evidence without going into that.
17 But in any event, I don't have anything further with regards
18 to this motion.

19 THE COURT: All right. Let me ask you this, Mr.
20 Meetz, based upon the testimony that was elicited here
21 today, the officer testified that your client told him that
22 he didn't do it because he was in jail.

23 MR. MEETZ: That's right.

24 THE COURT: What's the difference, in your opinion,
25 if your client said, I couldn't have done it, I was in

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1 Montana, or I was out of state, or I was at the store, or
2 somewhere else. What's the difference in that from the
3 standpoint of it's not being offered to prove or show that
4 he was, in fact, in jail, but more so being offered, put
5 forth out there for the State to look into the fact that
6 he's not being truthful with us about this. And why is that
7 not a jury issue as opposed to something else maybe. Does
8 that make sense?

9 MR. MEETZ: It does, Your Honor. The only thing I
10 would say in regard to that is the difference would be
11 obviously, you know, incarceration and being out in Montana,
12 or having lived in Montana, or somewhere like that. And I
13 understand what the Court's getting at obviously. But
14 that's to me the only difference. And the jury's mind can
15 wonder places that maybe the evidence wouldn't let them.
16 And that's certainly human nature, and that would be the
17 concern in the case.

18 THE COURT: I certainly understand that. But I'm
19 going to instruct the jury that they can only consider this
20 case, based upon the testimony that's heard from that stand,
21 any evidence that's put in. They are not asking that this
22 officer be allowed or testimony be allowed to come out to
23 say that he said I was in jail, and we looked back and sure
24 enough he was in jail at some point in time for drug
25 charges. He did a seven year sentence or whatever, and he

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1 was released on such and such date, so he could have done
2 this. Do you see what I'm saying? They're not going --- at
3 least, that's my understanding, they're not asking to go
4 into all the details and talk about the fact that he may or
5 may not --- excuse me, the fact that he may have been in
6 jail at that point in time, based upon what he told him, for
7 a drug offense, or whatever it was. Is that what it was, a
8 drug offense?

9 MR. MEETZ: That's correct.

10 THE COURT: I think they're putting it out there for
11 the point that he wasn't being truthful with them. Anything
12 else you want to say? I'm trying to get you to help me out
13 here. I understand your argument, Mr. Meetz, certainly
14 understand and respect your argument. And I understand your
15 concern about a jury's mind, I guess, wondering so to speak,
16 about what or if he ever was in jail. But by the same
17 token, my instructions to them are going to be that they
18 have got to consider this case based upon the evidence
19 presented here.

20 I would assume, based on what I've heard here today,
21 that the officer is going to say, I checked to see if he
22 was, in fact, incarcerated, and that's it.

23 MR. MEETZ: I certainly understand the State's
24 position as well. And if I were in their shoes I would be
25 making the same argument they are. Your Honor, but I think

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1 that's why we have a rule that puts this kind of an issue in
2 the Court's discretion. The rule that allows a judge to
3 exclude evidence if the Court feels like the probative value
4 is outweighed by any prejudicial effect. That's why we are
5 making that argument in that regard.

6 THE COURT: I think if I allowed them to go down the
7 road as to why he was in jail, when he was in jail, and how
8 much time he did, I think it would clearly get into
9 probative value being outweighed by any prejudicial effect.
10 But for simply for what he told them, and the fact they
11 followed up behind him on what he told them that day, I
12 don't think the probative value is outweighed by any
13 prejudicial effect. And I may be wrong. I just don't think
14 that's the case here.

15 As I thought about it last night --- In fact, somebody
16 mentioning jail in and of itself, I don't think any
17 probative value is outweighed by the prejudicial effect.

18 Now, with regards to your Jackson v Denno hearing, I do
19 not believe, based upon what I heard here today, first of
20 all Miranda Warnings are required only in my understanding
21 of the law triggered for Miranda is required when a
22 suspect's freedom of action must be curtailed to a degree
23 associated with a formal arrest. And that was in Burkemer v
24 versus McCarthy, 468 U.S. 420.

25 The testimony that I heard here today was that he was

1 already at this defendant's father's home speaking to the
2 defendant's father. The defendant actually drove up in the
3 yard, got out of the truck, and asked him some questions.
4 The officer responded to the defendant's questions. And the
5 officer told him he had been charged with --- or they were
6 looking into some other charges. The officer after stating
7 that didn't turn around and say to the defendant, what do
8 you have to say about. He didn't start questioning and
9 interrogating about that.

10 But even if he had at this point he was not in custody.
11 His freedom of movement was not hindered. The defendant
12 could have seen him at the house, could have driven on by
13 the house, could have driven up in the yard, could have sat
14 in his automobile while this investigator talked to the
15 father.

16 So I do not believe one, that Miranda would have been
17 invoked in this particular situation, because it was clearly
18 a noncustodial situation. In fact, the defendant was not
19 arrested until sometime later. And I believe based on the
20 totality of the circumstances one, Miranda was not even
21 triggered in this case. And two, the defendant's will, was
22 not overcome in any way, shape, or form. He initiated the
23 conversation based on what I heard today. I'm going to
24 allow the statement in.

25 MR. WELLS: Thank you, Your Honor.

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THE COURT: Anything else?

MR. WELLS: One other question.

THE COURT: Yes, sir.

MR. WELLS: When the officer testifies in front of the jury, do you want him to mention the fact that these other charges, or that he told him that he couldn't talk to him for legal reasons? Do you have any problem with him saying that?

THE COURT: I think that the best thing for him to say is that he told him that he couldn't talk to him right now for whatever reason. He was investigating the case, and that he was not in a position to talk to him at that time.

Mr. Meetz, I'll be happy to hear from you on that.

MR. MEETZ: The only thing I would say in that regard is I think the exact statement is, I was in jail during that period of time and I never touched those girls. Can we amend that?

MR. WELLS: That girl.

MR. MEETZ: That girl or whatever --- I mean ---

THE COURT: Are we clear on that, Officer?

MR. TILTON: Yes, sir.

THE COURT: Mr. Meetz, is that satisfactory?

MR. MEETZ: Yes, Your Honor. Of course, I'll let the Court know, for purposes down the line, that I will object at the time the statement is to be entered into evidence. I

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1 don't want the Court to feel like, you know, I'm doing
2 something frivolous or anything like that. I'm merely
3 preserving the record and all that.

4 THE COURT: You're doing your job, Mr. Meetz. I
5 understand that.

6 MR. WELLS: Your Honor, the next question and I don't
7 know if you want to take it up now or later. It's
8 concerning the admissibility of his prior record. Do you
9 want to go into that now, or do you want to wait and see if
10 he takes the stand and do it at that time?

11 THE COURT: Mr. Meetz?

12 MR. MEETZ: Do we have time now, Your Honor?

13 THE COURT: Let's do it now while we're here.

14 MR. WELLS: Your Honor, this will be the State's
15 position, the defendant has prior conviction for I believe
16 multiple counts of distribution of crack cocaine, which
17 actually occurred in August of 1992. He received a
18 seventeen year sentence. However, he was not released from
19 jail until August 2, 2000, which would be within the ten
20 year rule.

21 Basically, Rule 609, that we go under now says that if
22 the crime is punishable by one-year, which obviously this
23 does, and then the Court determines the probative value
24 admitting the evidence whether it outweighs its prejudicial
25 effect of the accused. And it also says time limits,

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1 whichever comes later, whether the conviction or whether
2 when he was released from jail, which is this case is when
3 he was released from jail, which was August 2, 2000, which
4 would be within the tens year period.

5 The Supreme Court and Court of Appeals on a number of
6 occasions said, that the Court should apply a five factor
7 balancing test, in determining whether or not the prior
8 conviction should be used. In other words, determining
9 whether or not its probative value outweighs the prejudicial
10 effect.

11 Just looking at the five things, and the reason the
12 State feels that it would be appropriate for him to be
13 impeached by this if he takes the stand:

14 One, impeachment value of a prior crime, while I'm sure
15 they could say well, this issue of crack cocaine doesn't
16 involve dishonesty. Certainly under the old law it was a
17 crime of moral turpitude.

18 Two, the point in time of conviction the witness'
19 subsequent history. Of course, while it's now close to ten
20 years, but the fact is all these crimes occurred shortly not
21 too long after he got out of jail, which was not long after
22 the 2000 period.

23 Third, the similarity between the past crime and the
24 charged crime. And that seems to be where the Court has
25 talked most about not admitting the crime itself if it's

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1 very similar to the crime that he's being tried for.

2 In this case there is not another drug charge. It's a
3 totally different crime. This case involves a lewd act on a
4 minor, criminal sexual conduct. It's a totally different
5 type crime.

6 And then four and five, the defendant's testimony ---
7 the credibility issue. In this case, of course, I think
8 credibility is extremely important. Really it's going to be
9 how the jury thinks about the victim's testimony, and then
10 you have the defendant's testimony. So certainly I think in
11 this case if he does take the stand certainly his
12 credibility, and what he says is extremely important.

13 This is not a case of a lot of physical evidence. It's
14 pretty much the victim saying what happened and the
15 defendant giving his side if he chooses to take the stand.

16 So I think when you consider all five of these factors,
17 it would be the State's position, should he take the stand,
18 that the probative value would outweigh the prejudicial
19 effect. And this particular offense should be allowed to be
20 impeached upon.

21 **THE COURT:** Mr. Meetz?

22 **MR. WELLS:** Actually let me just say it was multiple
23 counts at the same time of distribution of crack cocaine in
24 proximity of a school. Two counts of distribution of crack
25 within proximity of a school. I think that's another older

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1 record from Florida and we wouldn't be attempting to admit
2 that.

3 MR. MEETZ: First off, the sentence he received for
4 distribution of crack cocaine was seventeen years in 1992.
5 And the sentence he received for the proximity charge, which
6 was along with that was ten years.

7 Now, the ten year sentence I would argue was up outside
8 of the ten years. He wasn't released from prison until
9 2000. But the reason he was in prison until 2000 was
10 because of the seventeen year sentence on the distribution
11 of crack cocaine.

12 So I would say that of those two convictions he was
13 only in the Department of Corrections until 2000, which was
14 inside of the ten years on one of them, which would be the
15 distribution of crack cocaine where he got a seventeen year
16 sentence.

17 MR. WELLS: I see what Mr. Meetz is saying. The
18 distribution of crack cocaine. I think that's a valid
19 point.

20 THE COURT: Okay.

21 MR. MEETZ: Now, with regards to the --- whether it
22 should be used to impeach. Obviously, Your Honor, we have
23 the rule that says you can impeach on things as long as the
24 probative value is not outweighed by any prejudicial effect,
25 as long as it's a crime that carries more than a year in

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1 prison, and is within ten years. Either the conviction
2 within ten years, or release from prison within ten years,
3 or regardless of the punishment if it's something that goes
4 towards truthfulness, which is, I think, the way our law is
5 now.

6 At one point and time the law did indicate that if it
7 was considered to be a crime of moral turpitude, then the
8 punishment wouldn't be a factor in determining whether or
9 not a prior conviction is admissible for impeachment
10 purposes. But I don't think the moral turpitude law is the
11 law today. I think it goes towards truthfulness.

12 And there's a case from I think around 2004 that
13 indicates that drug charges are not charges that go towards
14 truthfulness. So with regards to the factors that Mr. Wells
15 indicated it's not one of those. It would certainly be a
16 charge if the Court were going to admit it for impeachment
17 purposes would be doing so, in my opinion, based on being a
18 charge that carries more than a year, and being a charge
19 that either happened or was convicted within the ten year or
20 was released.

21 Certainly he was released about nine years and ten and
22 a half months ago. So albeit, it is within. But, Your
23 Honor, the reason we have that rule and the way it has those
24 dates and time limits on it is, because once charges get to
25 be remote to a certain extent I believe that the lawmakers

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1 feel like it is inherently prejudicial. And I think
2 inherently over prejudicial once the charge gets to be of a
3 certain age.

4 And I think that that would be the case with regard to
5 this conviction. It's a conviction from 1992. The charge
6 itself is also from 1992, February of 1992. The conviction
7 was in August of the same year. So we're talking the
8 conviction is almost 18 years ago. And he was released, you
9 know, in 2000. He got seventeen years.

10 So it's only a couple of months from not fitting under
11 the rule at all. But under the circumstances with the
12 conviction and the charge having been so long ago, almost
13 twenty years, and the fact that almost he was released
14 almost ten years ago, but not quite, admittedly, we would
15 just ask the Court to find that charge inadmissible for
16 impeachment purposes, based on the fact that with regard to
17 the age, with regard to the fact that I believe under our
18 law drug charges do not go towards truthfulness or anything
19 like that. That it would be remote to a point where the
20 prejudicial effect outweighs any probative value.

21 THE COURT: Anything else?

22 MR. WELLS: Your Honor, the only thing I would just
23 add. I think the case referred in Cheeseboro I think
24 whenever the Supreme Court has had problems with drug
25 convictions is when they have been tried on another drug

1 case, and it's been the same type thing.

2 And again, he was released in August of 2000 --- I
3 mean, these offenses actually occurred within the next few
4 years after that. He was arrested in 2008. It has just
5 taken awhile to get the case to trial.

6 It's still within the ten years. And there's
7 provisions in the Statute with the proper showing, even if
8 the offense is more than ten years, to be used. Of course,
9 that's not the case here. But based on I think all these
10 five factors, and in accordance of the victim and the
11 defendant's as seen by the jury I think the probative value
12 would outweigh the prejudicial effect using these five
13 factors.

14 THE COURT: Mr. Meetz, anything further?

15 MR. MEETZ: No, Your Honor.

16 THE COURT: I'm going to go look at a couple cases on
17 that. I'll make a ruling before we start. Anything else
18 before we start at 10?

19 MR. WELLS: I don't know of anything else, Your
20 Honor.

21 MR. MEETZ: Your Honor, I've just got one other
22 matter that sort of came to my mind. It wasn't on my
23 Motions. One of the allegations in this case centers around
24 an allegation that one of these assaults, or maybe more than
25 one of these assaults occurred at a location in Florence,

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1 certainly outside the jurisdiction of Lake City. I don't
2 think that he was arrested on that charge. I think with
3 that being the charge that certainly I don't think that Lake
4 City would have the jurisdiction to arrest Mr. Singletary
5 on, but I think the testimony in this case should center
6 around only allegations that happened within the
7 jurisdiction of the Lake City Police Department. There are
8 allegations that would qualify in that regard. But I don't
9 think it would be appropriate to enter testimony with regard
10 to an allegation outside of the Lake City Police
11 Department's jurisdiction in this matter.

12 MR. WELLS: The State's position would be --- I think
13 he could testify on all the things that happened. I mean,
14 while some may have happened in Lake City, some may have
15 happened not in Lake City, but it was all in Florence
16 County. While he arrested him in Lake City I still think he
17 can testify about criminal conduct which occurred during
18 this time period, which he has been charged with in Florence
19 County.

20 The Defendant is certainly aware of what all he's been
21 charged with and allegations. Whether they occurred in the
22 City of Florence I don't think is a requirement --- I mean,
23 what Mr. Meetz is saying is that he should be arrested again
24 by the Florence Police Department for something else that
25 happened in the City of Florence during that same time

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1 period. I think we need to get this thing resolved one way
2 or the other right now. I think the girl's got the right to
3 testify about anything that occurred in Florence County
4 concerning the Defendant during this time period alleged.

5 MR. MEETZ: I'm certainly not encouraging that to
6 happen, but I think Mr. Wells is right. I think that based
7 on that if the Florence Police Department investigated those
8 allegations and determined there was enough there to charge
9 Mr. Singletary, I think it could. I think that would need
10 to be done if they want to pursue those allegations. I
11 think otherwise its --- the State's trying to get that
12 evidence in as prior bad act and Lyle testimony. And
13 certainly on yesterday they indicated they wouldn't be doing
14 that unless he opened the door.

15 I just think from jurisdictional purposes Lake City is
16 not, you know --- If that had been the only investigation,
17 the only charge, the only allegation against him, then Lake
18 City wouldn't have been able to even make a case against
19 him. And I don't think that they should be able to enter
20 testimony in regards to any allegations that occurred at
21 that location.

22 MR. WELLS: I think what he's indicted for says the
23 allegations occurred during this time period in Florence
24 County. Lake City is part of Florence County. Florence is
25 part of Florence County. I don't think you need to have

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1 multiple arrest. You have an arrest. When we were talking
2 about Lyle, I was talking about other victims.

3 THE COURT: I'm looking at the indictment here. It
4 says in Florence County during the time period of August 5,
5 --- and August 12, 2003. It happens to be he's charged with
6 an offense that occurred in Florence County and Lake City
7 happens to be part of Florence County. It's a broad
8 spectrum of time over which these incidents, this incident
9 allegedly occurred. I don't have any --- I don't think
10 we're running with any Lyle or any issues with her
11 testifying about incidences that occurred here.

12 Nothing catches him off guard here with regard to the
13 charges. I assume this officer is going to testify about
14 his investigation of what happened within Lake City and
15 that's what led to his arrest. I don't think that Florence
16 County --- there would have had had to have been separate
17 warrants on each incident, unless of course they had charged
18 with multiple counts here. So I'm going to allow that
19 testimony. Anything else?

20 MR. WELLS: Nothing further from the State, Your
21 Honor.

22 MR. MEETZ: No, Your Honor.

23 THE COURT: We will stand at ease until 10:00-
24 o'clock. Well, about ten til ten.

25 (Whereupon, a recess was taken from 9:35 a.m.)

1 until 10:00 a.m.)

2 THE COURT: Be seated please. Thank you. We are
3 back on the record. I have not ruled on this issue
4 pertaining to prior conviction of this Defendant for the
5 distribution of the crack cocaine charge.

6 Under Rule 609 A-1, it states that a witness, other
7 than the accused, having been convicted of a crime shall be
8 admitted, subject to Rule 403, if the crime was punishable
9 by death or imprisonment in excess of one-year under the law
10 under which the witness was convicted.

11 And evidence that an accused has been convicted of such
12 a crime, shall be admitted if the Court determines that the
13 probative value of admitting this evidence outweighs its
14 prejudicial effect to the accused.

15 My reading of that rule is that this Court simply looks
16 at probative value versus the prejudicial effect. And I
17 have listened to the arguments of the attorneys here. I
18 realize the Defendant was convicted in 1992, if I heard
19 correctly, August of 1992, and was subsequently released
20 sometime in 2000, don't remember exactly the date, August of
21 2000. And these charges were against him in 2008, I believe
22 it was, from what I heard here today.

23 I've also looked at these factors that Mr. Wells set
24 forth, these five factors, impeachment value of prior crime,
25 point in time of the conviction of the witness' subsequent

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1 history, the similarity of the past crime and the charged
2 crime, the importance of the defendant's testimony, his
3 centrality of the credibility issue.

4 Under Rule 609, and Mr. Meetz properly stated
5 previously that we were no longer under the moral turpitude
6 I guess balancing test, so to speak. And in looking back at
7 case law, narcotic offenses are typically not prior evidence
8 of untrustworthiness or untruthfulness. I do not believe
9 that the impeachment value of this prior crime --- I just
10 think that the prejudicial effect of any impeachment value
11 of it would outweigh any probative value here, based on what
12 I've heard.

13 There is a fine line there I think when you get into
14 similar crimes on which the defendant is being tried versus
15 what the similar prior convictions were. We don't have that
16 here. But I just don't believe that the impeachment value
17 or the probative value here --- I do believe the probative
18 value is outweighed by the prejudicial effect. At the point
19 in time of conviction it was almost ten years from the time
20 he was released until the time he was arrested, pushing up
21 on that ten year limit there.

22 And I will note for the record, that even on
23 convictions that are in excess of ten years could be
24 admissible in certain situations if the State were to
25 properly notice the Defendant. And give the Defendant, I

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1 believe, under Rule 609B an opportunity, a fair opportunity
2 to contest the use of such evidence. Convictions in excess
3 of ten years under the rules could be admitted.

4 As I stated previously, there is no similarity between
5 the offense charged here, the two counts that he is charged
6 here and the prior conviction.

7 The importance of the Defendant's testimony is going to
8 be, and I think it's been stated here whether it's been on
9 the record or not, it's going to boil down to whether or not
10 the jury believes the victim in this case or believes the
11 Defendant in this case.

12 While I do believe that the credibility issue comes
13 into play. I do not believe, based upon prior case law,
14 that narcotic offenses necessarily have to do with
15 truthfulness or dishonesty. Based upon that I'm not going
16 to allow prior conviction to come in. Anything further?

17 MR. MEETZ: Your Honor, the only other thing I would
18 have, and I apologize. We have mentioned this outside the
19 courtroom yesterday. And it would be with regards to what
20 law should be dealt with in this case --- allegations
21 occurred, which was in 2000 - 2003, or the one that was in
22 place at the time of his arrest. And I would submit to the
23 Court in that regard, that the law at the time was that the
24 charge carried, if convicted for CSC with a minor first
25 degree, and that's what would be at issue here, lewd act is

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1 what he's also indicted for, and I don't think there has
2 been any change in that regard with regard to the lewd act.

3 But at the time the offenses took place, which carry
4 punishment of zero to thirty years, the law that's in place
5 from 2008 and forward the charge carried twenty-five to
6 life, the way I read the Statute. It says, a minimum of
7 twenty-five years or life. I think when it's saying minimum
8 of twenty-five I think I can see where somebody could read
9 where that would mean twenty-five to life even though the
10 way I think it's written it does say a minimum of twenty-
11 five or life.

12 But in any event, I think to use that law with the
13 punishment being more severe than it was at the time the
14 allegations --- the incidences allegedly took place, would
15 be violation one of the expofacto clause in the
16 Constitution. It says the United States Supreme Court has
17 set forth what constitutes an expofacto law one:

18 Every law that makes an action done before the passing
19 of the law, and that was innocent when done criminal and
20 punishes such action. That one would not be the case here.

21 Number two is, every law that aggravates a crime or
22 makes it greater than it was when committed.

23 And three, every law that changes the punishment and
24 inflicts a greater punishment than the law and adds to the
25 crime when committed.

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1 I think those two would certainly apply in this case.
2 And I think it would violate the expos facto clause, and
3 would therefore be appropriate in this case for this case to
4 be dealt with under the old law and the old punishment for
5 the charge.

6 Also, Your Honor, there is a State case, State versus
7 Varner, that just indicates that in the absence of the
8 controlling Statute, the common law requires a convicted
9 criminal receive the punishment in effect at the time he is
10 sentenced, unless it is greater than the punishment provided
11 for when the offense was committed.

12 I think Mr. Wells had indicated that the distinction is
13 here and if you use the one at the time of the offense being
14 committed or at the time of the arrest. But I think the law
15 with regard to expofacto, and in the case law that I found,
16 only indicates that when the offense was committed should be
17 taken into consideration, if the punishment is more severe
18 when an individual actually is prosecuted than when the
19 offense was actually committed. And I think that's the law
20 that should be used. I can certainly hand forward any copy
21 of any case you want.

22 THE COURT: Mr. Wells?

23 MR. WELLS: Your Honor, this seems kind of premature
24 right now. If he's convicted of the crime can we at that
25 point ---

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1 THE COURT: That's kind of what I was thinking. This
2 isn't really going to come to light until if and when he's
3 convicted of these charges. And I think it would come into
4 --- unless there's some language within the charge that may
5 need to be amended. But I don't think anything has changed
6 other than the possible penalty. Is that correct, Mr.
7 Meetz?

8 MR. MEETZ: Your Honor, I don't think that there's
9 language in the charge that --- I don't think there's been
10 any change.

11 THE COURT: I don't think there has been any language
12 within the actual offense. I think just the penalty
13 provisions under that have changed. And if that is the
14 case, which I believe it to be, then it wouldn't really come
15 into play, unless or if and when this young man is convicted
16 of these offenses.

17 MR. MEETZ: I agree. I don't have any problem. I
18 guess I just wanted to put that out there for consideration
19 in the event that it would come into play. I don't have
20 anything further, Your Honor.

21 THE COURT: Anything further before we bring the jury
22 in?

23 MR. WELLS: Nothing from the State, Your Honor. I
24 will say hereafter I'll refer to Ms. Anderson.

25 THE COURT: Ms. Anderson, anything further before we

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1 bring the jury in?

2 MS. ANDERSON: Nothing from the State, Your Honor,
3 that I'm aware of.

4 THE COURT: Mr. Meetz?

5 MR. MEETZ: Nothing from the defense, Your Honor.

6 THE COURT: Okay. Bring the jury in please, sir.

7 (Whereupon the jury enters the courtroom at 10:00
8 a.m..)

9 THE COURT: Good morning, ladies and gentlemen. I
10 apologize for keeping you back there the last few minutes. I
11 told you we would start at 10:00-o'clock, but we've been here
12 since 9:00-o'clock working. We had some pretrial matters
13 that we had to resolve before you-all came in here. We have
14 been here and trying to get these matters resolved so we can
15 make this matter, once we start, make it go as smoothly as
16 possible. Can y'all hear me okay in the back back there?
17 Okay.

18 Ladies and gentlemen, before we picked the jury
19 yesterday I read you the indictment. And told you at that
20 time, and will tell you once again, that that indictment is
21 simply a charging document. It is simply what brings this
22 case to trial here. That's how it gets here. We are about
23 to begin the trial of this case, the State versus Robert
24 Albre Singletary.

25 Before we begin this trial, I want to tell you that this

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1 trial will probably be different from what you might expect.
2 Many people do not have the chance to attend actual Court
3 sessions, as you're doing now. You may think from watching
4 television, or movies, or reading books that trials are
5 always full of high drama, intense action, and ribbiting
6 circumstances. While all of these things may be true at
7 times, this trial is not for entertainment. It is a
8 fundamental part of our democracy. A search for the truth,
9 in an effort to make sure that justice is done between the
10 parties before the Court. Searching for the truth in making
11 sure that justice is done is often slow, deliberate, and
12 repetitive. The opposite of what you may have seen on
13 television, or movies, or read in books.

14 This courtroom is a place of honor dedicated to the
15 protection and preservation of citizens rights, to what many
16 have called the greatest justice system ever created.

17 The attorneys appearing before you are advocates for the
18 parties they represent. But first and foremost, they are
19 officers of the Court, sworn to uphold the integrity and
20 fairness of our judicial system, and to help you in the
21 search for the truth.

22 You should expect them to be professional, competent,
23 and ethical in the representation of their client's interest.
24 Remember, that you have taken an oath to try this case and
25 reach a fair and just verdict. And you are also expected to

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1 be professional, reasonable and ethical. Thank you for
2 accepting the important responsibility of jury service and
3 for your contributions today to our justice system.

4 Please swear the jury.

5 (Whereupon the jury is sworn at 10:14 a.m.)

6 THE COURT: Now you have taken an oath, ladies and
7 gentlemen, and you have taken this oath to try this case and
8 reach a fair and just verdict. You are also expected to be
9 professional, reasonable, and ethical.

10 What I will now say is intended to serve as an
11 introduction to the trial of this case. These remarks are
12 not a charge on the law in this case. I will instruct you on
13 the law, applicable to this case, at the end of the trial
14 before you retire to consider your verdict.

15 This is merely an explanation of the procedure, that we
16 will follow in the trial of this case, so that you may better
17 understand what may be happening.

18 The Defendant is charged by an indictment, filed in this
19 Court, with the crimes of lewd act on a minor, and criminal
20 sexual conduct with a minor first degree. The elements of
21 which will be explained to you later.

22 The indictment is simply the charge by which the case
23 was brought into Court. And it is not, in any sense,
24 evidence of any of the allegations it contains.

25 The Defendant has pled not guilty to this indictment.

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1 The State therefore has the burden of proving each of the
2 elements of the indictment, beyond a reasonable doubt.

3 And it will be your duty, ladies and gentlemen, to
4 decide whether the State has met that burden. Your purpose,
5 as jurors, is to find and determine the facts. You are the
6 sole judge of the facts. If, at anytime, I make any comment
7 regarding the facts, you must disregard it.

8 You are to determine the facts from the testimony you
9 hear and the other evidence introduced in Court. It is up to
10 you to determine the inference of which you feel may properly
11 be drawn from the evidence.

12 It is especially important that you perform your duty of
13 determining the facts diligently and conscientiously, because
14 ordinarily there is no way to correct an erroneous
15 determination of facts by a jury.

16 On the other hand, and with equal emphasis, the same law
17 that makes you the judge of the facts makes me the judge of
18 the law.

19 The law as given by the Court is the only law you may
20 consider. You must accept and follow it even though you may
21 disagree with it. I cannot tell you what the facts are, and
22 you cannot disagree with me about what the law is or should
23 be. Your job is to take the law as I give it to you, and
24 apply it to the facts as you find them from the testimony of
25 the witnesses, and any other evidence that is introduced.

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1 After doing that, you will render your verdict. A true
2 and just verdict under the solemn oath that you just took as
3 jurors.

4 Until I advise you to begin your deliberations you must
5 not discuss this case with anyone, including your fellow
6 jurors, friends, family members, and anyone involved in the
7 case. After the case is submitted to you, you must discuss
8 it only in the jury room with your fellow jurors.

9 The attorneys and parties in this case have been advised
10 that they are not to talk to you at all. So if you see
11 anyone involved in the case and they do not even say hello,
12 they are not being unfriendly. They are just following my
13 instructions.

14 During the trial, do not read, listen to, or watch any
15 news reports about this case. This includes anything that
16 may be in the newspapers, or on the internet, radio, or
17 television. You must not consider anything you may have read
18 or heard about the case outside the courtroom, whether before
19 or during the trial.

20 It is important that you keep an open mind and not
21 decide any issue in the case until all of the evidence has
22 been presented, the parties have made their closing
23 arguments, and I have instructed you on the law in this case.

24 It is your solemn responsibility to determine the guilt

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1 or innocence of the Defendant. And your verdict must be
2 based solely on the evidence as it is presented to you in
3 this trial, and on the law as I instruct you during and at
4 the close of the trial.

5 Now, in just a moment a Solicitor will make what is
6 called an opening statement, in which the Solicitor will
7 explain to you the issues in this case, or, at least, what
8 the Solicitor thinks the issues are in this case.

9 The attorney for the Defendant may also make an opening
10 statement, although he is not required to do so.

11 What the attorneys tell you during their opening
12 statements is not evidence in this case. It is only their
13 contention as to what the issues are.

14 The evidence in this case will be presented to you by
15 the testimony of sworn witnesses from this witness stand,
16 and/or by exhibits that may be introduced into evidence.

17 From time to time during the trial you may hear one of
18 the lawyers say something like, Your Honor, I believe we have
19 a question of law, or a matter of law to discuss with you;
20 or, Your Honor, may be approach the bench, or sometimes I
21 might myself find it necessary to excuse you from the
22 courtroom for a short while so the attorneys and I can
23 discuss a matter of law. The reason for this is because you
24 are the judges of the facts in this case, and sometimes when
25 I am discussing matters of law with the attorneys it may be

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1 necessary for me to make some comment as to the facts in
2 connection with a ruling whether or not a particular law
3 applies.

4 I am not supposed to tell you what I think the facts
5 are, so I will excuse you from the courtroom while these
6 discussions take place so that in no way will you be
7 influenced by anything that I might say or do in connection
8 with the facts.

9 In determining what the true facts are in this case, you
10 must decide whether or not the testimony of the witnesses is
11 believable.

12 It will be my responsibility to rule as a matter of law
13 as to whether certain testimony is admissible at all or not.
14 But once the testimony is admitted whether or not you believe
15 it is solely for you to determine.

16 In deciding whether to believe a witness you have the
17 right to consider the interest of any witness, the bias of
18 any witness, the prejudice of any witness, the opportunity
19 for the witness to have seen the matters and things about
20 which the witness may testify, and the way the witness acts
21 on the witness stand.

22 You have the right to consider anything that is in the
23 record that will help you evaluate the testimony of the
24 witness. That means that it is your duty to pay close
25 attention to these witnesses, to observe the witnesses, to

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1 listen to the witnesses, and to pay close attention to the
2 attorneys and to the Court.

3 Don't let your thoughts wonder. Give strict attention
4 to the testimony in this case, so that at the end of all of
5 the testimony, after the arguments of counsel, and the charge
6 on the law by the Court, you will then be in a position to
7 determine what the true facts are, and to apply the law to
8 those facts, and thus render a true and just verdict.

9 It is your added duty, madame forelady or mister
10 foreman, and I will appoint a foreperson here at some point
11 this morning, it will be your duty, whoever that foreperson,
12 is, to preside in the jury room and be the jury spokesperson
13 here in the Court. It will also be your duty to write the
14 verdict. But I will give you further instruction about that
15 at the conclusion of this case.

16 In order to preserve everyone's rights I will give the
17 parties an opportunity to object to anything I have said, any
18 exceptions to anything that I have said to the jury. How
19 about the State, any objections?

20 MS. ANDERSON: None from the State, Your Honor.

21 THE COURT: Any from the Defense?

22 MR. MEETZ: No, Your Honor.

23 THE COURT: Ladies and gentlemen, we will now begin
24 the trial. Ms. Anderson.

25 OPENING STATEMENTS BY MS. ANDERSON

OPENING STATEMENTS BY MS. ANDERSON

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1 MS. ANDERSON: Thank you, Your Honor, may it please
2 the Court.

3 THE COURT: Yes, ma'am.

4 MS. ANDERSON: Ladies and gentlemen, today I'm here to
5 tell you the story of LW. I'm going to tell you
6 about her life, and I'm going to tell you about what the last
7 seventeen years have been like for her. As I've already
8 said, Latona Williams is seventeen. And if I were to tell
9 you that she had a tragic childhood that would be a gross
10 understatement.

11 She was taken by DSS from her mother when she was about
12 five or six years old, she and her little brother. Her
13 mother could not take care of her. She was under the
14 influence of drugs and alcohol, could not provide for Latoya
15 and her little brother. If it gives you any indication it
16 was bad that DSS had to remove her.

17 So she went to her first foster home. You're going to
18 hear from [REDACTED] and she's going to tell you she
19 went to a foster home. She didn't just go to one foster
20 home. Because the foster mother, in that first foster home,
21 could not balance two jobs and take care of her and her
22 little brother, so she went to a second foster home, where
23 she was separated from her brother.

24 Ladies and gentlemen, she didn't just stay at that
25 second foster home, she went to a third foster home. And

OPENING STATEMENTS BY MS. ANDERSON

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1 that third foster home was in Lake City. She went to live
2 with a lady by the name of Ella Graham.

3 . Ladies and gentlemen, if you think L.W. life
4 was hard up to that point it became much worse, because Ella
5 Graham's brother is Robert Singletary.

6 Now, you see L.W. did not have much as a
7 child. When she was five or six years old, as I stated
8 earlier, she was taken from her mother for circumstances
9 beyond her control. She didn't have much in that first
10 foster home. She didn't have much in that second foster
11 home. So when she got to that third foster home, met Mr.
12 Singletary, first time she ever met him, or one of the first
13 times she ever met him, he took her to Wal-Mart and they went
14 shopping. She didn't have hardly any school clothes. She
15 didn't have toys to speak of. She was thinking that she had
16 finally arrived.

17 She was about eight or nine years old. She had never
18 stayed in one place long enough to really develop a
19 friendship, to really develop a sense of who she can trust.
20 She never had the ability to form a loving relationship with
21 a mother figure or a father figure.

22 Ladies and gentlemen, let me tell you what happened.
23 Robert Singletary started off as a nice person. He took her
24 places and bought her clothes, bought her dolls, things to
25 play with.

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1 [REDACTED] went to Robert Singletary's parent's
2 home, and this is the mother also of Ella Graham. There was
3 an old ice cream truck in the backyard. L.W. [REDACTED]
4 played hide and go seek with some of the other children in
5 the neighborhood. And while the other child was counting,
6 Robert Singletary and L.W. [REDACTED] went and hid in the ice
7 cream truck. And L.W. [REDACTED] first sexual experience was
8 at the age of eight or nine. No, wait, she was raped at the
9 age of eight or nine by Robert Singletary.

10 You're going to hear from her that he didn't just touch
11 her, but that he placed his penis within her vagina. You're
12 also going to hear from the witness, and she's going to tell
13 you, that it didn't just happen one time. Because, ladies
14 and gentlemen, it would be tragic if that were the case. But
15 her life isn't just tragic. It is far worse than that.

16 Now, ladies and gentlemen, unfortunately I don't have
17 ESP. I don't know what the Defense is going to say to you.
18 I don't know what kind of evidence they are going to display.
19 All I know is the questions that I'm going to ask the
20 witnesses that are going to testify. I have a pretty good
21 idea of what their answers will be, but I don't even know
22 exactly how they are going to answer.

23 But you are going to hear from the witnesses. You're
24 going to hear from the victim. You're going to hear from
25 Latoya and you're going to hear from her aunt. You're going

OPENING STATEMENTS BY MS. ANDERSON

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1 to hear from the investigators who investigated the case.
2 And you're going to hear from the forensic interviewer who
3 interviewed Ms. Williams. You're going to hear from quite
4 possibly a doctor who actually was able to examine her.

5 And since I don't have ESP and I don't know what the
6 Defense is going to do, I know what I would do if I were at
7 the Defendant's chair.

8 MR. MEETZ: Objection.

9 THE COURT: Only comment on what your view of the
10 evidence is in opening statements.

11 MS. ANDERSON: Ladies and gentlemen, while you're
12 listening to the testimony coming from the witness chair,
13 when you're listening to the evidence that's going to be
14 placed in front of you, keep your eye on the ball.

15 When I was a little girl my daddy took me walking down a
16 dirt road, and there was a quarter in a puddle. I was so
17 excited. I was about seven and believed everything my dad
18 said. And he said to me, Catherine, I know something that
19 you don't know, and I said, what; he said, I can make that
20 quarter disappear without ever touching the quarter. I was
21 just enthralled as to how he could possibly do this magic
22 trick. I said, okay, will you try to do that; he took a
23 stick dragged it around in the puddle, sure enough I couldn't
24 see the quarter. It had become cloudy and merky underwater.

25 Ladies and gentlemen, I'm from Florence, South Carolina.

OPENING STATEMENTS BY MR. MEETZ

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1 I was born here and I was raised here. Bob Wells is from
2 Florence, South Carolina. He was born here and he was raised
3 here, he lives here now. The two of us are going to do, to
4 the best of our ability, to present the State's evidence to
5 you that Mr. Singletary did, in fact, did rape Latoya
6 Williams.

7 The thing I'm going to ask you to do today is listen to
8 the Judge and his instructions. Listen to the evidence that
9 comes from that seat right there as the Judge will instruct
10 you to do. And I'm going to ask you not to lose sight of
11 what is important.

12 Thank you very much for your attention.

13 THE COURT: Mr. Meetz.

OPENING STATEMENTS BY MR. MEETZ

14
15 MR. MEETZ: Thank you, Your Honor, may it please the
16 Court.

17 THE COURT: Yes, sir.

18 MR. MEETZ: Ladies and gentlemen, my name is Vick
19 Meetz, and I work in the Public Defender's Office here in
20 Florence, and I represent Robert Singletary in this case.

21 As you've heard already, and you will hear other times
22 during the trial, these are serious matters. What the
23 lawyers say to you is not evidence. The only evidence that
24 you will hear in this case will come from this witness stand,
25 through sworn testimony, and possibly through exhibits,

OPENING STATEMENTS BY MR. MEETZ

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1 physical evidence that will be admitted as well. And that's
2 the evidence for you to consider in this case.

3 Mr. Singletary, has been indicted and charged with the
4 charge that brings us here today. The fact that he has been
5 indicted, as you're already been instructed, has absolutely
6 nothing in the evidence that will come from that witness
7 stand and come from any other exhibits. But because he's
8 been indicted, because he's been charged with these offenses,
9 several principles of law apply in the case.

10 And these principles of law are very important to all of
11 us. One of those is, the presumption of innocence. As Mr.
12 Singletary sits right over here, as he sits right there, he
13 is presumed innocent until he's proven guilty, beyond a
14 reasonable doubt.

15 Another principle that applies is proof beyond a
16 reasonable doubt. The burden is placed on the State. The
17 State has to convince you, the jury, of all of the evidence,
18 of all of the elements in this case, beyond any reasonable
19 doubt, in order for Mr. Singletary to be convicted.

20 It is most important to keep in mind, and that's a very
21 standard of proof that the State has to live up to in this
22 case. And that's because the criminal court, which is where
23 we are, we are dealing with people's lives. We're dealing
24 with people's very liberties. And there's nothing more
25 important than that. There's nothing more precious than

OPENING STATEMENTS BY MR. MEETZ

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1 that.

2 We're here in Circuit Court. Circuit Court has
3 jurisdiction over --- There are two divisions of Circuit
4 Court, let me put it that way. One is the Civil Division, or
5 Common Pleas where you hear lawsuits in cases involving
6 disputes over issues. And many times those disputes center
7 over money. Money is important to all of us. I wouldn't try
8 to put forth anything different than that.

9 When someone gets in a wreck and they are injured, or
10 whatever the example may be, or out of pocket, or out of
11 money, and they're trying to get that back. And that's very
12 important to them. There is no question about that. But it
13 doesn't rise to the level where someone's very liberty is at
14 stake. And that's why there is a difference in Civil Court,
15 Common Pleas Court, when you have a trial the burden of
16 proving, or finding someone at fault, or liable is called the
17 preponderance of the evidence, or it's got to be more than
18 likely than not. And that's a situation where if it's 51
19 percent to 49 percent sort of. You think of it as kind of a
20 scale of justice and you've got, you know, each side of the
21 scale in order for a jury to find the other side at fault.
22 The evidence when placed on each side of the scale would just
23 have to tilt ever so slightly in one direction or the other
24 in order for you to find somebody at fault.

25 A criminal case is much different. Because the burden

OPENING STATEMENTS BY MR. MEETZ

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1 of proof is so much higher. And the reason for the burden
2 being so much higher is because we are dealing with lives, or
3 we're dealing with people's very liberties.

4 If you think of those same set of scales, the State
5 would have to put evidence on those scales, continue to put
6 evidence on those scales until the scales tilted very much in
7 their favor before you would have proof beyond a reasonable
8 doubt. And it's because of the very issue that we deal with
9 here and because we deal with people's lives, people's very
10 liberties. Again, there's nothing more important than that.

11 Ladies and gentlemen, I'll also tell you that as you've
12 heard, and the Judge has gone over with you, the allegations
13 contained in the indictment in the case. And the prosecutor
14 has also had an opportunity to address you as well.

15 There's no hiding the fact that what you're going to be
16 hearing in this case are allegations of a horrific nature.
17 And, you know, sad stories affect all of us. There's no
18 question about that. And it's human nature to do so. And I
19 wouldn't try to take away anybody's human nature in that
20 regard. And I certainly understand that.

21 But as horrific as the allegations are that you will
22 hear, in order for somebody to be convicted, those
23 allegations have to be proved beyond a reasonable doubt.
24 Because as horrific as the allegations are, one of the only
25 things that I can think of that would be equally as horrific

ERICA WOODBERRY KING - DIRECT EXAMINATION

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1 is to be falsely accused of allegations such as these.

2 And that's why what we are doing is so important. And
3 that's why it is so important for you to adhere to your oath
4 that you've taken, and to weigh the evidence, and determine
5 whether or not the evidence presented rises to prove beyond a
6 reasonable doubt.

7 I appreciate your time and consideration in this case.
8 Again, I'll have an opportunity to address you at the close
9 of the case as well. At that time, I will be coming before
10 you and asking you for a finding of not guilty in this case,
11 as the Defense would indicate that the evidence that you will
12 hear will not rise to the level of proof beyond a reasonable
13 doubt. Thank you.

14 **THE COURT:** Ms. Anderson.

15 **MS. ANDERSON:** Thank you, Your Honor. The State calls
16 Erica King to the stand.

17 **WHEREUPON, ERICA WOODBERRY KING**

18 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

19 **THE CLERK:** Have a seat and state your name for the
20 record.

21 **DIRECT EXAMINATION BY MS. ANDERSON**

22 A. Erica Woodberry King.

23 Q. Good morning, Ms. King.

24 A. Good morning.

25 Q. If you would, would you please scoot your chair up as

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1 close as possible and speak into that microphone.

2 A. I don't think it's on.

3 MS. ANDERSON: May I approach the witness?

4 THE COURT: Yes, ma'am.

5 Q. Would you try speaking into the microphone again?

6 A. Erica Woodberry King.

7 THE COURT: Can everyone in the jury box hear? Okay.

8 Q. Ms. King, where do you work?

9 A. At Applebee's.

10 Q. What do you do at Applebee's?

11 A. I'm a cook.

12 Q. Where were you last night, Ms. King?

13 A. At the emergency room. My father got sick.

14 MR. MEETZ: Objection, Your Honor.

15 THE COURT: Go ahead. I don't know where you're going
16 with this, but go ahead.

17 MS. ANDERSON: Thank you, Your Honor.

18 Q. Are you married, Ms. King?

19 A. Yes, I am.

20 Q. And to whom are you married?

21 A. Phillip King.

22 Q. Does Phillip King have any nieces or nephews?

23 A. Yes, he do.

24 Q. Can you tell me if [REDACTED] is one of those?

25 A. Yes, she is.

ERICA WOODBERRY KING - DIRECT EXAMINATION

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- 1 Q. So she your niece by marriage.
- 2 A. Yes.
- 3 Q. Are you aware of whether or not Latoya has been placed
- 4 in foster care?
- 5 A. Yes.
- 6 Q. Can you tell us why?
- 7 A. Well, her mother couldn't take care of them anymore, so
- 8 that's when DSS came in and took her and her little
- 9 brother.
- 10 Q. Do you know how many foster homes she went into?
- 11 A. It was a couple. I'm not sure of the exact, but a
- 12 couple.
- 13 Q. Has she ever had the chance to live with Ms. Veola
- 14 Williams?
- 15 A. Yes, that's the grandmother.
- 16 Q. In fact, your husband's mother?
- 17 A. Her dad's.
- 18 Q. Her dad's mother. And that would be ---
- 19 A. My husband's brother. Her daddy and my husband they are
- 20 brothers.
- 21 Q. So she was with her paternal grandfather?
- 22 A. Grandmother.
- 23 Q. Grandmother, okay. Thank you. Now, did Latoya ever
- 24 live with you?
- 25 A. Yes.

ERICA WOODBERRY KING - DIRECT EXAMINATION

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1 Q. Why did you get Latoya?

2 A. Her grandmother wasn't able to keep her anymore. She
3 was getting older and she was having some medical
4 problems, so we took her.

5 Q. Does Latoya still live with you?

6 A. No, she lives with a friend.

7 Q. Thank you. That's all the questions I have. If you
8 would please answer any questions the Public Defender
9 may have.

10 THE COURT: Mr. Meetz?

11 MR. MEETZ: I don't have any questions, Your Honor.

12 MS. ANDERSON: Your Honor, at this time the State
13 would ask that this witness be released from her subpoena and
14 allowed to go.

15 THE COURT: Any objection, Mr. Meetz?

16 MR. MEETZ: No, Your Honor.

17 THE COURT: Ma'am, you are released from your
18 obligations under the subpoena. You may leave.

19 MS. ANDERSON: The State would call [REDACTED] to
20 the stand.

21 WHEREUPON, [REDACTED]

22 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

23 THE CLERK: Please be seated and state your name for
24 the record.

25 MS. WILLIAMS: [REDACTED]

DIRECT EXAMINATION BY MS. ANDERSON

Q. Would you please move closer to the microphone and try again?

A. [REDACTED]

THE COURT: I'm not sure that microphone is working. Is it on, Ms. Anderson?

MS. ANDERSON: Your Honor, it is on.

THE COURT: Can everyone hear now? Okay.

A. [REDACTED]

Q. Latoya, you have already stated your name for the record. Can you tell us how old you are?

A. I'm seventeen years old.

Q. You're seventeen years old?

A. Yes.

Q. When is your birthday? Tell me what your date of birth is.

A. August 13, 1992.

Q. Okay. Do you have any brothers or sisters?

A. Yes, I have one brother.

Q. Where did you live when you were first born?

A. Florence, South Carolina.

Q. And with whom did you live?

A. My mother.

Q. Did you and your brother both live with your mother?

A. Yes.

[REDACTED] - DIRECT EXAMINATION

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- 1 Q. Do you know about how long you lived with your mother?
- 2 A. Up until I was about five or six.
- 3 Q. And do you know why you were taken from your mother?
- 4 A. Yes, my mother was hooked on drugs and alcohol, and she
- 5 could not take care of us so DSS took us.
- 6 Q. Do you remember whether or not you were placed in foster
- 7 care?
- 8 A. Yes.
- 9 THE COURT: Speak up please, Ms. Williams.
- 10 Q. Do you remember whether or not you were in foster care?
- 11 A. Yes.
- 12 Q. Do you remember how many different homes you lived in?
- 13 A. Three.
- 14 Q. Where was the last home that you stayed?
- 15 A. Lake City.
- 16 Q. Do you remember with whom you lived?
- 17 A. Ms. Ella Graham.
- 18 Q. Ms. Ella Graham?
- 19 A. Yes.
- 20 Q. How old were you when you lived with Ms. Ella Graham?
- 21 A. I was around eight.
- 22 Q. Around eight.
- 23 A. Seven or eight.
- 24 Q. Do you remember what grade you were in?
- 25 A. Yes, I was just like in the first grade.

1 Q. Okay. Did Ms. Ella Graham introduce you to any of her
2 family members?

3 A. Yes.

4 Q. I need you to speak up.

5 A. Yes.

6 Q. Do you remember who you met?

7 A. Yes.

8 Q. Can you tell us?

9 A. I met her brother, her mom, her dad, her son, her
10 daughter, her grandchild, and her adopted child.

11 Q. Okay. And you said you met her brother?

12 A. Yes.

13 Q. What was his name?

14 A. Robert Singletary.

15 Q. Do you remember about how old Robert Singletary was when
16 you met him?

17 A. No.

18 Q. Was he older than you?

19 A. Yes.

20 Q. Is he in the courtroom right now?

21 A. Yes.

22 Q. Can you identify him?

23 A. (Whereupon, the witness points to the defendant.)

24 Q. Let the record reflect that she's pointing to the
25 Defendant. Was he nice to you when you first met?

[REDACTED] - DIRECT EXAMINATION

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- 1 A. Yes, he was.
- 2 Q. Can you tell us about what he did for you when you first
3 met?
- 4 A. Well, when I first came he took my foster mom to get me
5 some school clothes, because when I first came I didn't
6 have much. I didn't come with anything, no school
7 clothes or nothing.
- 8 Q. I just want to remind you that you need to speak
9 directly into the microphone. So he did buy things for
10 you.
- 11 A. Yes.
- 12 Q. Now, do you remember where Robert Singletary lived?
- 13 A. Yes.
- 14 Q. Can you tell us where he lived?
- 15 A. He lived with his mom and his dad. He stayed at their
16 home.
- 17 Q. Did you ever go to that home?
- 18 A. Yes, many times.
- 19 Q. Many times. Do you remember about how often you went?
- 20 A. We were always going on Sundays and holidays.
- 21 Q. So you went there a lot of Sundays. Would Ms. Ella
22 Graham take you to see him?
- 23 A. No, he would come and get us.
- 24 Q. He would come and get you from Ella Graham's home?
- 25 A. Yes.

W. [REDACTED]

- DIRECT EXAMINATION

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1 Q. What would you do when you went and spent time with Mr.
2 Singletary?

3 A. He would take us riding.

4 Q. What do you mean by riding?

5 A. Like riding around in his truck.

6 Q. What kind of truck did he have, do you remember?

7 A. He had a green Expedition.

8 Q. Okay. So he took you riding around in his truck. Where
9 did he take you?

10 A. He had a business in Florence and sell clothes and CDs,
11 and he had a shop in Lake City that sells CDs and stuff
12 too.

13 Q. Now, do you ever remember going to his parent's home?

14 A. Yes.

15 Q. And do remember playing hide and seek with Mr.
16 Singletary?

17 A. Yes, I did.

18 Q. Would you please tell me about the first time you played
19 hide and seek with Mr. Singletary?

20 A. The first time we played hide and go seek was one
21 Sunday, and it was me and Ms. Ella Graham's adopted
22 child, Sheika. And he came and picked us up one Sunday,
23 And we went to --- we was supposed to go riding, but
24 instead we went to his parent's house. And in the back
25 it was an old, rusty ice cream truck. Inside the ice

[REDACTED] - DIRECT EXAMINATION

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1 cream truck it was a lot of boxes and junk and stuff
2 inside of it. So the ice cream truck was made --- the
3 windows was made so that you can see --- if you was in
4 the ice cream truck you can see whoever that was
5 outside, but they couldn't see in. So the adopted
6 child, Ms. Ella Graham's adopted child was made to
7 count. And me and Mr. Singletary was hiding in the ice
8 cream truck. And when we was sitting in the ice cream
9 truck I was --- he was sitting beside me. He took his
10 hand and he had --- he was brushing against my bottom.
11 I turned and looked and I asked him what was he doing.
12 That when he proceeded to push me down, climb on top and
13 took off my clothes, and took out his penis, and stuck
14 it in my vagina and began to rape me. After he was
15 finished Sheika, she was still counting trying to find
16 us. She never knew we was in the ice cream truck. As
17 we was in the ice cream truck and he finished he got up,
18 and he was like, don't tell nobody. He was like, so I
19 wasn't going to tell nobody because he said don't tell
20 nobody. I was very scared and at the same time, sad and
21 upset.

22 Q. Did it hurt?

23 A. Yes, it hurt.

24 Q. Did you cry?

25 A. Yes.

1 Q. You're doing good. Thank you.

2 MR. MEETZ: Objection.

3 MS. ANDERSON: Sorry, Your Honor, I won't do that
4 again.

5 THE COURT: Question and answer only.

6 Q. Did you tell anybody what happened in that ice cream
7 truck?

8 A. I had mentioned it to Ms. Ella Graham's adopted child.

9 Q. Did Mr. Singletary ever rape you again?

10 A. Yes.

11 Q. Can you tell us about that?

12 A. It was another Sunday and he took us to his shop in Lake
13 City. We made a stop there and instead of all of us
14 getting out ---

15 Q. I want to stop you for just a second. I only want you
16 to tell us about what happened to you. Just tell us
17 about you.

18 A. We was at his shop and it was a little room that had a
19 chair in there. He told me to bend over the chair and
20 pull my pants down. And he pulled his penis out and he
21 raped me. I goes to look down and there was a lot of
22 white stuff all over the chair, so I asked him what was
23 it. He told me nothing.

24 Q. Did that hurt?

25 A. Yes.

██████████ - DIRECT EXAMINATION

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1 Q. Now, what would happen when you would do good on your
2 report card?

3 A. He would take me out to eat sometimes, or get us some
4 burgers from McDonalds, or he would buy something from
5 Wal-Mart, prize or something.

6 Q. He would buy you something from Wal-Mart?

7 A. Yes.

8 Q. What happened when you did good on your report card?

9 A. He would take me out and get me a burger or buy me
10 something from Wal-Mart.

11 Q. So he did buy you things.

12 A. Yes.

13 Q. He did take you out to eat.

14 A. Yes.

15 Q. Were there any incidences that occurred at a fast food
16 restaurant?

17 A. Yes.

18 Q. Can you please tell us about it?

19 A. Well, one night Sheika had caught a seizure, and I went
20 to go wake my foster mom up. She called Mr. Singletary
21 and he came. He came and got us and took us to the
22 emergency room. He asked me was I hungry, and I told
23 him yes. So he took me to Sonic and got me something to
24 eat. That particular night he put his hand --- I was
25 sitting in the back seat because I was afraid if I sat

1 in the front seat he would do something worse to me, so
2 I was sitting in the back seat. And he took his hand
3 and he shoved it up my vagina. He shoved it --- it hurt
4 and I was begging telling him to stop.

5 Q. Did he stop?

6 A. Yes.

7 Q. He did stop?

8 A. Yes.

9 Q. Do you remember whether or not Mr. Singletary had a
10 moped?

11 A. Yes.

12 Q. Did you ever go riding on the moped?

13 A. Yes.

14 Q. Would you please tell us about that experience?

15 A. The moped, I think it was the 4th of July or Memorial
16 Day, and they had a cook out. And we was at the cook
17 out and it was --- he was riding the moped around, and
18 he asked me if I wanted to ride. I got on the moped ---
19 I said yes and I got on the moped and I was sitting in
20 front of him. I felt like he was kind of rubbing
21 against me as he was riding the moped.

22 Q. What could you feel in particular when you were in front
23 of him on the moped?

24 A. His penis.

25 Q. You could feel that rubbing against you?

L.W. [REDACTED] - DIRECT EXAMINATION

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1 A. Yes.

2 Q. I'm sorry to have to keep asking you this. Will you
3 please just make sure you speak directly into the
4 microphone?

5 A. Okay.

6 Q. Did you ever tell Ella Graham about what was happening?

7 A. No.

8 Q. Why?

9 A. Because I was afraid.

10 Q. Did you ever tell your DSS case worker?

11 A. No.

12 Q. Why?

13 A. Because I was afraid.

14 Q. Did you ever go over to Mr. Singletary's parent's house
15 later in the evening?

16 A. Yes.

17 Q. Do you remember any of those instances where he showed
18 you his car?

19 A. Yes. It was one night, we had, well, I had done good on
20 my report card --- it was one of those nights. He
21 promised to have took me to get something to eat or ---
22 no, take us to get ice cream. And before we went to get
23 ice cream I was in the truck, me and my foster sister at
24 the time, and he came to the truck and he asked me to
25 get out of the truck. I got out of the truck and he led

L.W. - DIRECT EXAMINATION

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1 me to --- it wasn't the daytime --- it's a gold car ---
2 I don't know what kind of car it is but it had tinted
3 windows. And at nighttime it would show like it was
4 black. They didn't have no street lights whatsoever,
5 and you couldn't see what was going on because it was so
6 dark. So I went to the car, he told me to bend down to
7 see what was in the bag. I didn't know it was a trick.
8 I goes to see what's in the bag and he pushes me into
9 the car. I goes to turn around quick, but it was too
10 late. He had already shut the door, and had already
11 pushed me down, and I couldn't get up, and had already
12 pulled down his pants and pulled my clothes off, and put
13 his penis in my vagina.

14 Q. Latoya, did you ever go live with your grandmother?

15 A. Yes, I did.

16 Q. Did you tell your grandmother what happened?

17 A. No, not at the time.

18 Q. Now, why did you leave your grandmother's home?

19 A. Because my grandma was getting sick and she was very
20 old, and she couldn't take care of me anymore.

21 Q. Now, when you went to live with your grandmother, did
22 you start to get into any trouble?

23 A. Yes.

24 Q. Can you tell us what kind of trouble you got into?

25 A. I used to get in fights in school and get put out of

L.W. [REDACTED] - DIRECT EXAMINATION

75

- 1 school a lot.
- 2 Q. Did you ever try to run away?
- 3 A. Yes.
- 4 Q. Latoya, were you involved in any gangs?
- 5 A. No.
- 6 Q. Do you have any tattoos or markings?
- 7 A. No.
- 8 Q. Do you know any gang symbols or signs?
- 9 A. No.
- 10 Q. Do you think your grandmother thought you might be in
- 11 gangs?
- 12 A. Yes.
- 13 Q. But you weren't?
- 14 A. No.
- 15 Q. Latoya, do you drink alcohol or do you take any illegal
- 16 drugs?
- 17 A. No, I don't smoke or drink.
- 18 Q. Okay. Where did you live after you left your
- 19 grandmother's house?
- 20 A. I went to live with my uncle, my daddy's brother,
- 21 Phillip King and his wife.
- 22 Q. Was that the woman who was up here earlier?
- 23 A. Yes.
- 24 Q. She's your aunt?
- 25 A. Yes.

L.W. [REDACTED] - DIRECT EXAMINATION

.76

1 Q. All right. Do you remember about how long you lived
2 with them?

3 A. About a year and a half.

4 Q. Okay. Now, I don't want you to tell me the address, but
5 where do you live now?

6 A. I stay with some friends.

7 Q. Are these close friends of yours?

8 A. Yes, they --- I call them family, friends that I call my
9 family.

10 Q. I couldn't quite understand you.

11 A. Friends that I call my family.

12 Q. Are you in school?

13 A. Yes.

14 Q. What grade did you just complete?

15 A. The tenth. I'll be in the eleventh this year.

16 Q. Where are you going to school now?

17 A. Wilson High School.

18 Q. So how many times, Latoya, have you moved in the last
19 seventeen years?

20 A. About five or six.

21 Q. When you were living with your grandmother ---

22 MS. ANDERSON: Your Honor, may I approach the Bench?

23 (Whereupon, a bench conference was held in the
24 presence of the jury but out of the hearing of the jury.)

25 THE COURT: You may proceed.

L.W. [REDACTED] - DIRECT EXAMINATION

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1 Q. Now, when you were living with your grandmother, did you
2 ever talk to law enforcement?

3 A. Yes.

4 Q. Was that because you were getting into some trouble?

5 A. Yes.

6 Q. At that point in time did you tell anybody about what
7 happened with Robert Singletary?

8 A. Yes.

9 Q. Do you remember who you told?

10 A. Yes.

11 Q. Will you tell me who you told?

12 A. I had told my aunt, and then I had went and told the
13 lady at the CARE House. I went and talked to the Lake
14 City Police Department. And then I had went and talked
15 to the lady at the CARE House.

16 Q. Can you tell me why you waited so long to tell anybody
17 about this?

18 A. Because I thought that if I could erase it out of my
19 life and just go on then it would not matter to me no
20 more.

21 Q. Are you telling me the truth today?

22 A. Yes, I am.

23 Q. You know you took an oath earlier that you would tell
24 only the truth. Have you done that?

25 A. Yes, I did.

L.W. [REDACTED] - DIRECT EXAMINATION

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1 Q. Is that the most important thing you can do?

2 A. Yes, it is.

3 Q. Did you make up any of this?

4 A. No, I didn't.

5 Q. Did you decide one day that you just didn't like Ella
6 Graham and you wanted to get her in trouble?

7 A. No, I didn't.

8 Q. Did you decide one day that you didn't like Robert
9 Singletary and just wanted to get him in trouble?

10 A. No, I didn't.

11 Q. When you talked to law enforcement or talked to the lady
12 at the CARE House, did you basically tell them the same
13 things that you've told us here today?

14 A. Yes, I did.

15 Q. How many times have you seen me?

16 A. About three or five times.

17 Q. Have you told me the same thing consistently?

18 A. Yes, I did.

19 Q. Why were you afraid of Mr. Singletary?

20 A. Because at the time I was very small.

21 Q. Did he ever threaten you?

22 A. He told me that wherever I go he would go find me.

23 Q. He told you that wherever you may go he would find you?

24 A. Yes.

25 MS. ANDERSON: Beg the Court's indulgence just one

L.W. [REDACTED] - CROSS EXAMINATION

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1 moment, please.

2 THE COURT: Yes, ma'am.

3 MS. ANDERSON: Your Honor, at this time I have no
4 further questions of this witness.

5 MS. ANDERSON: Please answer any questions Mr. Meetz
6 may have to ask you. Okay?

7 MS. WILLIAMS: Okay.

8 THE COURT: Mr. Meetz?

9 MR. MEETZ: Thank you, Your Honor.

10 CROSS EXAMINATION BY MR. MEETZ

11 Q. Ms. Williams, do you recall what years you lived with
12 Ella Graham, estimate?

13 A. Through my first grade year through the third.

14 Q. And do you remember what time of year you moved in, was
15 it summertime, was it wintertime?

16 A. I remember when I first moved in it was kind of cold,
17 kind of chilly.

18 Q. Okay. And so it was about a three year period?

19 A. Yes.

20 Q. Starting you said when you were about seven?

21 A. Yes.

22 Q. Is that right?

23 A. Yes.

24 Q. And you say you are seventeen now?

25 A. Yes.

L.W.

- CROSS EXAMINATION

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1 Q. So that would have been about ten years ago.

2 A. Yes.

3 Q. Is that right?

4 A. Yes, pretty much.

5 Q. So it was probably around 2000.

6 A. Yes.

7 Q. Is that what you would say? I don't want to put any
8 words in your mouth.

9 A. I don't know. I don't know.

10 Q. But if you were seven, and you are seventeen now it was
11 about ten years ago?

12 A. I don't know.

13 Q. You don't know?

14 A. It was a long time ago.

15 Q. And you said you lived there for about three years,
16 first grade, second grade, and third grade. Is that
17 right? And while you were there, you became acquainted
18 or you came to know Robert Singletary?

19 A. Yes, I did.

20 Q. And you have alleged in your testimony that he raped
21 you; is that right?

22 A. Yes, he did.

23 Q. And one of the places that you indicated that it took
24 place was at a store in Lake City; is that right?

25 A. Yes.

L.W. [REDACTED] - CROSS EXAMINATION

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1 Q. What kind of store was that?

2 A. It was a store, and the store in the front part had a
3 glass tint, but it had CD's, and some other stuff in
4 there that I can't remember. And then like you gon on
5 through --- before you get to the bathroom, there was a
6 chair, one little chair, and it was just sitting there.
7 And the bathroom was right there, and you could turn and
8 there was a room --- a dark room that had --- the window
9 was just glass right there. It was glass and you could
10 see in that room. There weren't no curtain nor nothing
11 there.

12 Q. Now, as you indicated you were living with Ms. Graham
13 for three years, first, second, and third grade; right?

14 A. Yes, I was.

15 Q. At what point in time during that three years did Mr.
16 Singletary take you to that store?

17 A. Can't remember.

18 Q. You don't know whether it was when you were in the first
19 grade?

20 A. Can't remember.

21 Q. Or second grade?

22 A. It was numerous times that he raped me. I can't
23 remember.

24 Q. So you don't specifically with regard to this you don't
25 remember if it happened in the first, second or third

1 grade?

2 A. No. All I know is he raped me.

3 Q. Okay. Now, do you recall speaking to --- well, I'll go
4 back to your testimony a little bit ago. One of the
5 last incidences that you talked about was an incident
6 you said was in a gold car?

7 A. Yes.

8 Q. And y'all were in the Expedition and driving around, but
9 went into the gold car at some point?

10 A. Yes.

11 Q. Do you recall speaking to a Natalia from the CARE HOUSE?

12 A. Yes, I did.

13 Q. Did you tell her about that incident?

14 A. Can't remember.

15 Q. You can't remember if you did or not?

16 A. I think I did. I think I did.

17 Q. Okay. Do you recall --- but you do recall talking to
18 Ms. Elliott?

19 A. Yes, I do.

20 Q. Okay. And she asked you questions?

21 A. Yes, she did.

22 Q. All right. She talked about some of the things that you
23 have already talked about today, like y'all talked about
24 your mother?

25 A. Yes.

L.W. [REDACTED] - CROSS EXAMINATION

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- 1 Q. And that when you were removed from her custody early on
2 in your life.
- 3 A. Yes.
- 4 Q. And that is because your mother had some problems?
- 5 A. Yes.
- 6 Q. She was on drugs and alcohol?
- 7 A. Yes.
- 8 Q. Things like that.
- 9 A. Yes.
- 10 Q. She also talked to you about your father, is that right?
- 11 A. Yes.
- 12 Q. And he had some --- he also had his own problems; is
13 that correct?
- 14 A. Yes.
- 15 Q. Did your mother live together?
- 16 A. No.
- 17 Q. Had he been in and out of prison?
- 18 A. I don't know. I really don't know.
- 19 Q. Okay. And she also asked you things about your behavior
20 after all this happened?
- 21 A. Yes, she did.
- 22 Q. She asked you if you had become aggressive, if you had
23 become angry and aggressive; is that correct?
- 24 A. Yes, she did.
- 25 Q. And you remember you told her no?

1 A. Yes. Yes, I did.

2 Q. And she asked you about any hyperactivity, whether you
3 had become hyperactive after this; is that correct?

4 A. Yes, she did.

5 Q. And you recall telling her no in regard to that as well?

6 A. Can't remember.

7 Q. You don't remember? But that is possible. Have you
8 been hyperactive as a child and since this happened?

9 A. Yes.

10 Q. You have? So if you told her no, and she asked you that
11 question, you would have been lying to her?

12 MS. ANDERSON: Objection, Your Honor. She stated that
13 she can't remember, so she wouldn't know.

14 THE COURT: Alright, Mr. Meetz. Rephrase your
15 question.

16 Q. You don't remember whether told her yes or no when she
17 asked you with regard to hyperactivity?

18 A. No.

19 Q. But you are telling me that you have become hyperactive
20 since these allegations took place; is that right?

21 A. Yes.

22 Q. She also asked you about your sleep patterns, and
23 whether you had any sleep disturbances like nightmares
24 and things like that; is that correct?

25 A. Yes, she did.

L.W. - CROSS EXAMINATION

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1 Q. And you told her no to that as well. That you didn't
2 have any sleep disturbances or nightmares; is that
3 correct?

4 A. I can't remember telling her that.

5 Q. You can't remember telling her that?

6 A. (No response.)

7 Q. Okay. She asked you if you had any problems with bed
8 wetting, or wetting your clothes as well; is that
9 correct?

10 A. No.

11 Q. You don't recall her asking you that question?

12 A. I don't remember.

13 THE COURT: Speak up, okay, Ms. Williams. Speak up in
14 that microphone. Thank you.

15 Q. She asked you about depression, is that correct?

16 A. Can't remember.

17 Q. You can't remember whether she asked you about
18 depression either? Okay. She asked you about whether
19 you had any headaches or stomachaches?

20 A. Can't remember.

21 Q. You don't remember that either? Okay. She asked you if
22 you had made any attempts to hurt yourself?

23 A. Yes, she did ask me that.

24 Q. She did ask you that? You remember that? Do you

1 remember what you answered to that question?

2 A. I told her no.

3 Q. Okay. And you testified to this already. She asked you
4 about alcohol, and drug use, and whether you recall
5 anything like that?

6 A. Yes, sir.

7 Q. And you told her at that time?

8 A. No.

9 Q. She asked you ---

10 MR. MEETZ: Your Honor, may we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was held in the
13 presence of the jury, but out of the hearing of the jury.)

14 THE COURT: All right. Ladies and gentlemen of the
15 jury I have had a legal matter that came up, and I told you
16 from the outset that there may be an issue where a legal
17 issue may come up, and I will need to ask you to go to your
18 jury room, while I talk to the attorneys with regard to
19 something.

20 I am going to ask that you go to your jury room now. We
21 have been out here for a little over an hour, and it is about
22 time to take a break anyway.

23 So I am going to ask you to go to your jury room, and
24 remind you again not to discuss this case at all. Not to
25 discuss this case at all. We will get you back out here as

LW. [REDACTED] - CROSS EXAMINATION

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1 soon as we can, okay. Please go to your jury room.

2 (Whereupon, the jury exits the courtroom at 11:17
3 a.m..)

4 THE COURT: All right. Mr. Meetz.

5 MR. MEETZ: Thank you, Your Honor. Your Honor, there
6 was testimony elicited under direct examination with regards
7 to when Ms. Williams disclosed to someone first these
8 allegations.

9 And the investigation that's contained in the incident
10 report indicates that she got in trouble for having sexual
11 relations with children her own age, and having them to come
12 to her room, and she got in trouble for that. And that that
13 is when she disclosed what she alleges occurred from 2000 to
14 2003 in regards to Mr. Singletary.

15 I understand that there is a Rape Shield Law that covers
16 that issue with regards to going into specifics with regards
17 to prior sexual activity in this matter. However, you know,
18 I do think there is certainly a level of relevance in this
19 case that would certainly allow me to go into aspects of the
20 trouble that she got into without going into details. And I
21 think asking her whether or not she got in trouble for having
22 friends coming over to her house when they weren't supposed
23 and sneaking them in, if that was the trouble she got into, I
24 think would be appropriate in this matter.

25 THE COURT: Ms. Anderson.

1 **MS. ANDERSON:** Your Honor, the Rape Shield Statute
2 found in §16-3-659, the first sentence of that Statute says
3 that evidence of specific incidences of the victim's sexual
4 conduct, opinion evidence of the victim's sexual conduct, and
5 reputation evidence of the victim's sexual conduct is not
6 admissible.

7 It goes on to say that those aren't admissible unless
8 she willingly had sex with Robert Singletary, or if she had
9 been medically examined and there was semen present.

10 You know, Your Honor, I think that we're just hitting a
11 little close to a slippery slope here, and to, you know, what
12 the victim's answer is going to be to the question that Mr.
13 Meetz asked her. It is not relevant according to or it is
14 not admissible according to the Rape Shield Statute.

15 Your Honor, she did get into trouble. She went into a
16 little bit of that. I just don't see how in the world Mr.
17 Meetz asking her whether or not she got in trouble with her
18 sneaking people into her room at night can --- I mean, how in
19 the world do we get around that with the Rape Shield Statute
20 in place?

21 **THE COURT:** Well, I'm looking at the Rape Shield
22 Statute here, §16-3-659 1.1, evidence of specific incidences
23 as to victim's sexual conduct, opinion evidence as to
24 victim's sexual conduct, and reputation evidence as to
25 victim's sexual conduct is not admissible for prosecution.

L.W. [REDACTED] - CROSS EXAMINATION

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1 Even if Mr. Meetz is simply asking her if she got in trouble
2 for sneaking people into the house when she wasn't supposed
3 to. Is that right, Mr. Meetz?

4 MR. MEETZ: That's right.

5 THE COURT: He's not asking her about any alleged
6 other sexual conduct. He's not asking.

7 MR. WELLS: Let her, since the jury is out, ask him
8 what questions he wants to ask so we can see where we are
9 whether we need to make a further objection.

10 THE COURT: Do you want to proffer that testimony?

11 PROFFERED EXAMINATION BY MR. MEETZ

12 Q. Ms. Williams, Ms. Elliott also asked you about whether
13 you had gotten into any trouble since this incident; is
14 that correct?

15 A. Yes.

16 Q. And you told her that you had.

17 A. Yes, I did.

18 Q. And you got into trouble before having friends come over
19 to your house, sneaking them in without your guardian
20 being aware, and without permission; is that correct?

21 A. Yes.

22 Q. And that was at the same time that you told them about
23 this incident?

24 A. Yes.

25 THE COURT: I don't see anything wrong with that line

L.W. [REDACTED] - CROSS EXAMINATION

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1 of questioning, Mr. Solicitor.

2 MR. WELLS: I think as long as he limits it to that.

3 THE COURT: I see absolutely nothing wrong with that.

4 MS. ANDERSON: Thank you, Your Honor.

5 THE COURT: Yes, ma'am. Do y'all want to take about
6 five minutes. Let's take about five or ten minutes. Ms.
7 Williams, I'm going to let you step down. Okay? Step down
8 and take a little break. You are not allowed to discuss your
9 testimony with anybody. I want to remind you of that. I
10 remind you, when you come back you will still be under oath.

11 (Whereupon, a recess was taken from 11:23 a.m.
12 until 11:32 a.m..)

13 THE COURT: Before we bring the jury in, Ms. Williams,
14 I want to remind you that you are still under oath. Okay.

15 MS. WILLIAMS: Yes, sir.

16 THE COURT: Mr. Meetz, you can come on back up here.
17 Mr. Sammy, you may bring the jury back in.

18 (Whereupon, the jury enters the courtroom at 11:34
19 a.m..)

20 THE COURT: Cross examination, Mr. Meetz.

21 MR. MEETZ: Thank you, Your Honor.

22 Q. Ms. Williams, before we took a break I was talking to
23 you about when you spoke with Ms. Elliott at the Care
24 House. Do you remember that?

25 A. Yes.

[REDACTED] - CROSS EXAMINATION

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1 Q. Okay. I'm going to continue asking you questions along
2 those lines. Alright?

3 A. Okay.

4 Q. She also asked you whether or not you had been in any
5 trouble after these incidents; is that correct?

6 A. Yes.

7 Q. And you told her that you had.

8 A. Yes.

9 Q. And that was trouble with friends coming over to your
10 house and you were sneaking them in to see you without
11 permission, and without your guardian knowing they were
12 coming over. Is that right?

13 A. Yes.

14 Q. And that's the time whenever you disclosed these
15 allegations to your aunt. Is that right?

16 A. Yes.

17 Q. Okay. Now, she also asked you, she and Ms. Elliott also
18 asked you if anytime after these allegation you had any
19 issues with harming animals or setting fires, or
20 anything like that; is that correct?

21 A. (No response)

22 Q. Do you recall her asking that question? Let me ask it
23 that way.

24 A. I don't remember her asking me that.

25 Q. Okay. And your exposure to pornography, do you remember

1 her asking you anything about that?

2 A. Yes.

3 Q. You do?

4 A. I think she did. I don't know.

5 Q. You're not sure?

6 A. I'm not sure.

7 Q. Okay. And any issues with you running away, do you
8 remember her asking you about that?

9 A. Yes, she did.

10 Q. Do you remember what you told her?

11 A. No.

12 Q. You don't remember what your answer was?

13 A. No.

14 Q. Okay. And after you lived with Ms. Graham you say you
15 lived with your grandmother for a period of time; is
16 that right?

17 A. Yes.

18 Q. That was who you lived with next?

19 A. Yes.

20 Q. So that would have started when you just finished the
21 third grade and going into the fourth grade?

22 A. Yes, I was in the fourth grade when I moved in with my
23 grandma.

24 Q. And do you remember how long you lived with your
25 grandmother?

[REDACTED] - CROSS EXAMINATION

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1 A. Up until I was in the eighth grade --- up until I was in
2 the ninth, not eighth, ninth.

3 Q. Okay. And that's when you moved in with your aunt and
4 uncle?

5 A. Yes, I was just starting --- I was in the middle of my
6 ninth grade year when I moved in with my uncle.

7 Q. Okay. And that's when you were how old?

8 A. About 16.

9 Q. Okay. And what grade are you in now?

10 A. I'm going to the eleventh.

11 Q. So you just finished the tenth?

12 A. Yes, I doubled up.

13 Q. I understand. All right. So it was around 2008, is
14 what you're saying when you moved in with your aunt and
15 uncle, sometime in 2008?

16 A. Pretty much, pretty much 2008 and 2009, I guess.

17 Q. And that's when you made these allegations and told your
18 aunt that these happened; is that correct?

19 A. I had been told my other aunt before I had moved with
20 this family, my uncle. I told my aunt, my other aunt.
21 And when I moved in with my uncle that's when I told
22 that aunt. She said I know about it, yes.

23 Q. And that was the same time you said in your testimony
24 that you hadn't told anybody and then you told the
25 police officer; is that right?

1 A. I was staying with my grandma then and I told my Aunt
2 Peggy.

3 Q. You were staying with your grandmother then?

4 A. Yes, I was still with my grandma when the allegations
5 came.

6 Q. That was in 2008, correct?

7 A. I can't remember dates.

8 Q. Does that seem right to you, to the best of your
9 knowledge?

10 A. I can't remember.

11 Q. Okay. Ms. Williams, I don't have any further questions.

12 THE COURT: Any redirect?

13 MS. ANDERSON: Briefly, Your Honor.

14 REDIRECT EXAMINATION BY MS. ANDERSON

15 Q. Latoya, how old are you?

16 A. Seventeen.

17 Q. And you were about five or six when you were taken from
18 your mother?

19 A. Yes.

20 Q. You said earlier about how many different places have
21 you lived.

22 A. About five.

23 Q. Is it easy for you to remember dates and specific times
24 of where you lived at those five different locations?

25 A. No, because I was very young.

JASON PLYER - DIRECT EXAMINATION

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1 Q. Thank you. I have no further questions.

2 THE COURT: Recross?

3 MR. MEETZ: No, Your Honor.

4 THE COURT: Ms. Williams, you may step down. Thank
5 you. Call your next witness.

6 MS. ANDERSON: Thank you, Your Honor. The State call
7 Officer Jason Plyer to the stand.

8 WHEREUPON, JASON PLYER

9 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

10 THE CLERK: Have a seat and state your full name for
11 the record.

12 MR. PLYLER: Jason Plyler.

13 DIRECT EXAMINATION BY MS. ANDERSON

14 Q. Mr. Plyer, please make sure that you speak directly into
15 the microphone, please.

16 A. I will.

17 Q. Okay. Thank you. Where do you work Mr. Plyer?

18 A. Currently with the Florence County Sheriff's Office.

19 Q. And what do you do with the Florence County Sheriff's
20 Office?

21 A. I'm a Deputy Sheriff.

22 Q. Would you please tell what, if any, previous experience
23 you have in law enforcement?

24 A. I have right at 15 years altogether. My career began
25 with the Lake City Police Department. Took me to the

JASON PLYER - DIRECT EXAMINATION

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1 Highway Patrol, and led me back to the Lake City Police
2 Department where I was employed from '07 to 08.

3 Q. Do you remember in what capacity you were employed at
4 the Lake City Police Department?

5 A. I was a secondary patrol supervisor at the time of this
6 incident. I started as a patrol officer and made it to
7 the rank of corporal.

8 Q. Congratulations. And you are no longer on patrol?

9 A. Correct.

10 Q. You are in --

11 A. -- Correct.

12 Q. Did you have an opportunity to get involved in a case
13 regarding Robert Singletary and L.W. [REDACTED]

14 A. I did.

15 Q. Can you briefly tell us how you got involved in the
16 case?

17 A. While on patrol shift one afternoon I was notified by -
18 -- in Lake City they have a dispatcher in the Lake City
19 Police Department, as well as central dispatch, which is
20 located Lake City. The dispatcher at the Lake City
21 Police Department called and said they needed somebody
22 to respond to the Department to take a report on a
23 particular case. When I arrived I was informed that
24 investigations had already talked with the victim and
25 that they needed a primary report done before they could

JASON FLYER - DIRECT EXAMINATION

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1 begin their investigation. So my job was to do the
2 initial incident report on the situation.

3 Q. Do you remember with whom you spoke that day?

4 A. As far as the victim?

5 Q. Yes, sir, anybody you spoke to. I have your incident
6 report here in case you need to see it and refresh your
7 memory.

8 A. I spoke with the victim.

9 Q. Okay. Did you speak with her guardian?

10 A. Her and Ms. Williams, who I think is her Grandmother or
11 her aunt.

12 Q. Thank you. Did [REDACTED] tell you what happened
13 to her?

14 A. It was kind of vague, due to the fact of the time frame.
15 But I was informed that over a period of time that she
16 had been, in her own words, raped repeatedly. I did not
17 have an exact location at that time, at the time of the
18 report. My initial report was kind of vague. But I did
19 document the fact of what she stated as far as she had
20 been raped numerous times. I apologize, I don't have a
21 very good memory of exactly what all went on. I can't
22 remember what was on my report and what was put in by
23 the investigator.

24 MS. ANDERSON: Your Honor, I would like to give the
25 officer his report to refresh his memory.

JASON PLYER - DIRECT EXAMINATION

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1 THE COURT: Sure.

2 MS. ANDERSON: May I approach the witness, Your Honor.

3 THE COURT: Mr. Meetz?

4 MR. MEETZ: No objection, Your Honor.

5 Q. You said that you met with [REDACTED] and another
6 lady. Do you recall when you were called by dispatch --
7 -- you were at what location at that time?

8 A. At the Lake City Police Department.

9 Q. Okay. And did [REDACTED] when these rapes, these
10 incidences did occur

11 A. She did. It was basically between August of 2000 and
12 June of 2003.

13 Q. Do you remember about how old Latoya was at that point
14 and time?

15 A. At the time of the report?

16 Q. At the time that she was talking to you.

17 A. She was around 15.

18 Q. Okay. Now, what did you as the result of taking that
19 incident report?

20 A. My job is the actual incident report. I took the report
21 and once the report is entered into the computer it is
22 handed off to the investigator.

23 Q. Is that the normal way you do things?

24 A. Yes, ma'am.

25 Q. Well, if there's an allegation of rape of a victim why

JASON PLYER - DIRECT EXAMINATION

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1 didn't you do anything else?

2 A. During the time frame that elapsed here it was going to
3 require a lot more leg work than what a patrol officer
4 can do, then we have an investigator and they can give
5 it the time and effort that it needs.

6 Q. So you didn't run out and ---

7 A. No.

8 Q. Your investigation began and ended with your
9 conversation with [REDACTED]

10 A. Right.

11 Q. Did you try to remove the victim from the home?

12 A. Why.

13 Q. Was she in danger at that point?

14 A. No, ma'am.

15 Q. She was not in any danger the night that you wrote that
16 incident?

17 A. No, ma'am.

18 Q. Did you go out and find the alleged perpetrator?

19 A. No, ma'am.

20 Q. Why did you not do that at that time?

21 A. To be honest with you, I didn't know where he was at.
22 And there was a lot of questions that needed to be
23 answered before that could be done. That was done by
24 Investigator Tilton.

25 Q. So after you took the report you turned it over to an

JASON PLYER - CROSS EXAMINATION

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1 investigator?

2 A. Yes, basically.

3 (PAUSE.)

4 Q. Officer Plyler, how did you write out the charge?

5 A. It was written up as criminal sexual conduct with a
6 minor. Basically when we take a report we hear what the
7 victim has to say and we have to label it as to what we
8 think it would be.

9 Q. Okay. Did the victim ever give you a name of the
10 suspect?

11 A. I would say so. It's on the report. I don't know at
12 the time of the report if I had a name or not.

13 Q. But you did receive a name at a later point in time?

14 A. At some point.

15 Q. Thank you. Please answer any questions by Mr. Meetz.

16 MR. MEETZ: Mr. Meetz.

17 CROSS EXAMINATION BY MR. MEETZ

18 Q. So you had very limited involvement in this case.

19 A. Very limited.

20 Q. Essentially you wrote up what is called and referred to
21 as the initial incident report?

22 A. Yes, sir.

23 Q. And sometimes those reports are written up by gathering
24 other information from other law enforcement officers
25 that work the case; is that right?

JASON PLYER - CROSS EXAMINATION

- 1 The initial report is actually done --- it's a one-on-one basis between myself and whoever is actually filling the report. I take whatever information they give and basically put it in writing on the incident report.
- 2 Q. And that's what you did in this case?
- 3 A. Correct.
- 4 Q. You spoke with Ms. Williams.
- 5 A. Correct.
- 6 Q. You didn't go out, as Ms. Anderson said, and do any investigating after you spoke with her.
- 7 A. No, sir.
- 8 Q. But you did speak with her.
- 9 A. Yes, sir.
- 10 Q. And you weren't rushing her through anything?
- 11 A. No, sir.
- 12 Q. You were prepared to sit there and listen to anything she had to tell you; is that correct?
- 13 A. Yes, sir.
- 14 Q. Because it's very important to a case to have that kind of patience in that regard; is that right?
- 15 A. Yes, sir.
- 16 Q. So it's helpful to gather as much information as possible.
- 17 A. Yes, sir.
- 18 Q. And evidence covers a vast array of things, correct?

JASON PLYER - CROSS EXAMINATION

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1 A. Yes, sir.

2 Q. And one of the main pieces of evidence that you get when
3 you're investigating cases and doing your job is
4 evidence from what people say happens.

5 A. Correct.

6 Q. And that's why a lot of times incident reports have to
7 be as thorough as possible.

8 A. Yes, sir.

9 Q. Because you need to be able to refresh your memory to go
10 testify, is that right?

11 A. Yes.

12 Q. And you did that here today.

13 A. Yes, sir.

14 Q. Also other folks at the Lake City Police Department at
15 the time would be reading your report; is that correct?

16 A. Yes, sir.

17 Q. And you want it to be as thorough as possible for them
18 to be able to get a good idea of what happened; is that
19 right?

20 A. Yes, sir.

21 Q. And you did all that. I mean, you spent as much time
22 with her and gave her every opportunity to tell you
23 exactly what happened.

24 A. Yes, sir.

25 Q. And you indicated that what was told you was the same.

JASON PLYER - CROSS EXAMINATION

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1 A. Yes, sir.

2 Q. Meaning, you didn't go into details.

3 A. No, sir.

4 Q. What is in the report is what's told you.

5 A. Yes, sir.

6 Q. And that's what, one, two, three, four, five, six lines?

7 A. Give or take.

8 Q. Typed.

9 A. Yes, sir.

10 Q. Okay. And you gave her an opportunity to give you
11 details.

12 A. Yes, sir.

13 Q. But she didn't; is that correct?

14 A. No, sir.

15 Q. I don't have any further questions.

16 THE COURT: Any redirect?

17 MS. ANDERSON: Nothing from the State, Your Honor.

18 THE COURT: Sir, you may step down. Thank you.

19 MS. ANDERSON: The State calls Debbie Elliott to the
20 stand.

21 WHEREUPON, DEBBIE ELLIOTT,

22 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

23 THE CLERK: Please be seated and state your full name
24 for the record.

25 MS. ELLIOTT: Debbie Elliott.

DEBBIE ELLIOTT - VOIR DIRE EXAMINATION

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1 MS. ANDERSON: Is it okay if we dismiss Officer Plyer
2 from his subpoena?

3 THE COURT: Any objection, Mr. Meetz?

4 MS. MEETZ: No, Your Honor.

5 THE COURT: You are released from your subpoena, sir.

6 VOIR DIRE EXAMINATION BY MS. ANDERSON

7 Q. Good morning.

8 A. Good morning.

9 Q. Please make sure that you sit real close to the
10 microphone, and make sure you speak directly into it.

11 We've been having some technical difficulties this
12 morning. Ms. Elliott, where did you go to college?

13 A. Clemson University.

14 Q. And what did you receive as a degree from Clemson?

15 A. Sociology.

16 Q. And were there any fields that you specialized in, or
17 just sociology?

18 A. A Bachelors of Arts in Sociology.

19 Q. Can you tell me about any training you took?

20 A. Training, I've completed Finding Words in 2002. And
21 that's specifically designed for forensic interviewers
22 to learn how to forensically interview children.

23 Q. Okay. And where are you working now?

24 A. I'm employed at the CARE HOUSE of the Pee Dee. We're a
25 child advocacy center, designed to do forensic

DEBBIE ELLIOTT - VOIR DIRE EXAMINATION

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1 interviews and forensic medical assessments on children.
2 I have worked there for four years.

3 Q. And where did you work prior to that?

4 A. Prior to that I worked at the Durant Children's Center
5 for two and a half, three years, also as a forensic
6 interviewer. And prior to that, the Florence County
7 Department of Social Services in the Child Protective
8 Services Treatment Unit. And I worked specifically with
9 children that were severely physically abused and
10 sexually abused, and co-facilitated a sex offenders
11 group there for a year and a half.

12 Q. So how many years of experience do you have with
13 sexually abused children?

14 A. It has been my career. I worked with adoptions prior to
15 that, two counties in Virginia in the Department of
16 Social Services. So, twenty-five years total.

17 Q. And I see here that you have been qualified in advanced
18 word training, and several training concerning the same
19 issues?

20 A. I have.

21 Q. Ms. Elliott, have you ever been qualified as an expert
22 in Court before?

23 A. I have.

24 Q. Would you please tell me in what areas you have been
25 qualified as an expert?

DEBBIE ELLIOTT - VOIR DIRE EXAMINATION

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1 A. In forensic interviewing and the assessment of children,
2 children of sexual and physical abuse.

3 Q. So you have been qualified in the area of assessment?

4 A. Assessment of children, that is correct.

5 Q. Of whom have been sexually abused?

6 A. And physically abused.

7 MS. ANDERSON: Your Honor, at this time I would like
8 to qualify Ms. Elliott as an expert in the area of children
9 who have been sexually and physically abused.

10 THE COURT: Mr. Meetz?

11 MR. MEETZ: No objection, Your Honor.

12 THE COURT: Ladies and gentlemen of the jury, normally
13 a person cannot give opinion testimony. Normally when a
14 person testifies they must testify as to what they saw,
15 heard, or sensed by smell, or something of that nature.

16 However, there is an exception when someone is qualified
17 because of education or experience. This witness will be
18 qualified in the area of an expert with children who have
19 been physically and or sexually abused, and give opinion
20 testimony in that area. That does not mean that you must
21 accept the opinion. But it is evidence for you to use any
22 way you may see fit, and give it the weight and credibility
23 you believe is appropriate.

24 And therefore, I would qualify her as an expert in that
25 field without objection. Ms. Anderson.

DEBBIE ELLIOTT - DIRECT EXAMINATION

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1 MS. ANDERSON: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MS. ANDERSON

3 Q. Ms. Elliott, if you wouldn't mind, please continue to
4 speak loud and clear so you can be heard all the way at
5 the back. Please explain to us what you do at the Care
6 House right now.

7 A. I am a forensic interviewer. I'm trained to interview
8 children that come into the center who are referred to
9 us from law enforcement throughout the Pee Dee, and
10 physicians throughout the Pee Dee. They come into the
11 center either with a guardian or with a DSS worker,
12 children that have already been taken into foster care,
13 investigators with law enforcement, as well as social
14 workers. We take an intake history of the family prior
15 to the interview. The child is not involved in that
16 part of the process. Once that intake information is
17 gathered the child is taken back to a child-friendly
18 interview room. We have two, where there's just me, the
19 interviewer and the child. We are trained specifically
20 to ask children questions about what's happened, to
21 gather information if anything has happened, to find out
22 if anything has happened. Sometimes nothing has
23 happened. If we get some information about an abuse or
24 an incident we try to gather as many facts as we can
25 about what's happened. That is the intake. We video

DEBBIE ELLIOTT - DIRECT EXAMINATION

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1 tape all the interviews. That is national protocol.
2 Then the child goes in the medical room, where they
3 receive a medical exam, and it is a complete head-to-
4 toe. After that, we get back with the guardian, or the
5 parent, or the DSS worker, or law enforcement personnel
6 and go over our findings, and make recommendations for
7 the children.

8 Q. Thank you, Ms. Elliott. Can you tell us at whose
9 request you performed this interview?

10 A. This specific interview?

11 Q. I'm sorry. Yes, with L.W. [REDACTED]

12 A. Investigator Roger Tilton with the Lake City Police
13 Department.

14 Q. And you worked with Investigator Tilton prior to this
15 interview?

16 A. I have.

17 Q. Was he present at the interview?

18 A. He came from part of it. Usually he is. For some
19 reason I think he had to leave that day. I usually tell
20 children if the investigator is in another room and
21 observing as we speak with the child. But I think he
22 wasn't present.

23 Q. So he wasn't in the room with you?

24 A. No.

25 Q. Did you tell her he was like maybe outside watching?

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1 A. I would tell her there was an observation window they
2 could see. No one was in the room but the child and the
3 interviewer.

4 Q. Can you please tell us about the nature of the questions
5 you ask the children?

6 A. The nature of the questions are open-ended and fact
7 finding, geared towards the child and the child's
8 developmental age. I ask a lot of different kinds of
9 questions. I usually started out narratively and tell
10 me about your family, tell me about me school, tell me
11 about your friends to get the child talking into more of
12 a narrative form, and to get as many details as possible
13 so that they will understand that we need to be talking
14 about. They aren't as capable as teenagers are, younger
15 children need kind of a more direct questioning. But
16 it's in a child-friendly room and a child-friendly
17 setting.

18 Q. You said earlier that you asked open-ended questions.
19 Would you please explain to us exactly what open-ended
20 questions are?

21 A. Open-ended are we are not really asking for a certain --
22 - you're not asking for a certain answer. It's pretty
23 much questions like, tell me about your family so the
24 child doesn't feel like they are caged into an answer.
25 They can tell me about what they want to talk about.

DEBBIE ELLIOTT - DIRECT EXAMINATION

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1 Q. So your questions are designed to not suggest an answer?

2 A. That's correct. If you kind of think about it as a
3 funnel, and you're starting out very wide, and then once
4 the child starts giving some information --- some do and
5 some don't, but if you start getting information about
6 incidences then you try to get more specific as to the
7 facts of what happened.

8 Q. About how long did this interview with L.W.
9 last?

10 A. The interview lasted about 45 minutes to an hour.

11 Q. And now I want to back track for just a second. Forgive
12 me for back tracking. You were talking about an intake
13 form earlier.

14 A. That is correct.

15 Q. And this is part of your protocol?

16 A. That's correct.

17 Q. This is something that you normally do?

18 A. It is.

19 Q. Will you, briefly, tell us what this intake form is,
20 explain to us to whom you ask these questions?

21 A. Okay. This intake specifically with Latoya was done
22 with Latoya's paternal grandmother Viola. And actually
23 Doctor Saunders did the intake with her. Sometimes when
24 we get backed up she'll do the intake, or I'll do the
25 intakes. It just depends. And questions were about

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1 school, who lives in the home, any kind of development
2 delayed specifically about the child so that I can gear
3 the interview towards those delays if necessary, school
4 placement, whether the child is getting counseling,
5 speech hearing difficulties, any kind of medication the
6 child's on, whether the child took medication that day
7 or not. And then also a criminal history of Mom and
8 Dad, drug abuse issues, psychiatric issues, DSS
9 involvement. And then lots of behavioral questions
10 about the child, sleep problems, bed-wetting, problems
11 in school; running away, hyperactivity, just a whole
12 list of behavioral questions. And then about
13 disclosure. Who the child is close to, what the
14 allegation history is, and information about the alleged
15 perpetrator.

16 Q. So let me get this clear. You never ask the child these
17 questions yourself?

18 A. I may ask some of these questions to the child. I may
19 ask a teenager specifically about drugs or alcohol,
20 whether they are sexually active or not. I may ask
21 children that. Normally, no. But this intake
22 information is done with the caretaker who knows the
23 child best. This is not done with the child.

24 Q. This information about headaches, attention problems,
25 grades, this information on L.W. [REDACTED] came from

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1 her grandmother; Is that correct?

2 A. The first four pages came from her grandmother, that's
3 correct.

4 Q. Thank you, that's all the questions I wanted to ask you.
5 Excuse me for backing up. Now, we're going to go back
6 to your interview. You said it lasted about 45 minutes
7 to an hour; is that correct?

8 A. Yes.

9 Q. How did Latoya act while she was in the interview room
10 with you?

11 A. She was soft-spoken. She was calm. She gave a good
12 many details about what had happened over a period of
13 time, and about multiple different incidences and
14 different locations.

15 Q. Did you find her to be consistent throughout the
16 interview?

17 A. Consistent --- I don't understand.

18 Q. That's okay. Ms. Elliott, did she tell you a specific
19 time when these alleged incidences occurred?

20 A. She did.

21 Q. And can you tell me about what those times were?

22 A. She talked about times happening from about first grade
23 through the third grade during the time that she lived
24 with her foster mom.

25 Q. And did she ever tell you the name of that foster

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1 mother?

2 A. She did.

3 Q. And what was the name of that foster mother?

4 A. Ms. Ella Williams.

5 Q. I think you need to look at page five?

6 A. I'm sorry, Ms. Ella Graham, I apologize.

7 Q. That's okay. Lots of names. And did she tell you where
8 these incidences occurred?

9 A. They occurred in different locations. They occurred at
10 the alleged perpetrator's parent's home in an ice cream
11 truck behind the home, an old ice cream truck behind the
12 home at a time she and another child, some other
13 children were playing hide and go seek. She talked
14 about a little store in Florence.

15 MR. MEETZ: Objection, Your Honor, pursuant to
16 previous objection.

17 THE COURT: Approach just a minute.

18 (Whereupon, a bench conference was held in the
19 presence of the jury but out of the hearing of the jury.)

20 THE COURT: Objection overruled. Your objection is
21 noted for the record.

22 Q. Ms. Elliott, will you please answer the question?

23 A. Yes. She talked about incidences occurring at the home
24 of the alleged perpetrator's parent's home, also at a
25 shop in Lake City, and at a shop in Florence, and at an

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1 abandoned building near a walking track.

2 Q. So she did tell you that these incidences occurred while
3 she was living with Ella Graham?

4 A. Yes.

5 Q. She identified a couple different locations?

6 A. She did.

7 Q. At the conclusion of your interview with L.W.

8 did you make any recommendations?

9 A. I did.

10 Q. Can you tell us what those recommendations were?

11 A. I recommended that Mr. Robert Singletary have no direct,
12 or indirect contact with this child, any child. I
13 recommended that he have complete sex offender
14 assessment, and follow through with the recommendation.
15 And I recommended that any child that had had any kind
16 of contact with him while in that foster home be
17 assessed to insure their safety. Also a recommendation
18 for Latoya to enter therapy to help her deal with the
19 chronic sexual victimization, and some high-risk
20 behavior.

21 Q. Ms. Elliott, you earlier qualified as an expert in the
22 area of child assessment regarding physical and sexual
23 assault. Can you briefly tell this jury what kind of
24 activities, kinds of things kids do when they are a
25 victim of sexual assault?

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1 A. Well, different children display their feelings and
2 emotions differently. Every child is an individual like
3 adults are. And as adults we have ways to cope with
4 things. Sometimes they are good ways to cope and
5 sometimes they are not such good ways to cope. But as
6 children, especially teenagers, they sometimes get into
7 promiscuity. They get into theft early. They get into
8 drugs, alcohol. They are looking for love in all the
9 wrong places. They are just more prone to cope and
10 reach out and kind of get into a lot of trouble. That's
11 not to say that perfect children from the perfect home,
12 if there is such a thing, kids don't get into trouble,
13 but --- especially kids where there's been no therapy,
14 or where they don't have the support of loving families,
15 and what happened to you is bad, is terrible, but we're
16 going to help you get through this. So that happens a
17 lot and is very common.

18 Q. And so is it normal behavior for a child who has been
19 abused to run away?

20 A. Certainly.

21 Q. To get into fights at school?

22 A. Certainly.

23 Q. Now, in your experience, you've stated that you've had
24 lots of years experience in this case, is it uncommon
25 for a child to wait a long period of time before they

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1 may disclose?

2 A. It is not uncommon at all. We call that delayed
3 disclosure. I can't tell you the number of times that I
4 have taken intake information, these first four pages,
5 from the caretaker of the child that is brought into our
6 center and ask the Mom or the Dad ---

7 MR. MEETZ: Objection, Your Honor. I think she should
8 center on this incident and not previous ---

9 THE COURT: She can testify with regards to her
10 experience. Ask the question again, Ms. Anderson.

11 MS. ANDERSON: Yes, sir, Your Honor.

12 Q. Can you please explain to us why, in your experience,
13 children may wait years, weeks, months to tell about an
14 alleged rape or physical abuse that they have had?

15 A. Sexual abuse especially is extremely humiliating. And
16 children are in fear lots of times as to disclosure.
17 They don't know what's going to happen if they tell.
18 Sometimes children will just tell a little bit. We call
19 that partial disclosure, minimizing incidences because
20 they really don't know what the outcome is going to be.
21 Perpatraters tell children all the time things about
22 what they will do if they tell. And lots of times those
23 things come true. So children are very fearful. It's
24 also a shameful thing. It is not something that is
25 discussed --- it is much easier for a child to go and

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1 tell Joe Blow that came out of the bushes and did
2 something to her than somebody that they are looking up
3 to and possibly respect, and possibly care about. As I
4 was saying, in the intake information I can't tell you
5 the number of times that mothers and dads have said to
6 me when I ask them if they were sexually victimized as
7 children they will say yes, and that they have never
8 told anybody in twenty or thirty years. So it not
9 uncommon. You can understand why children do wait to
10 tell. It is not uncommon at all.

11 Q. And, in your expert opinion, did you think that L.W.
12 [REDACTED] had done this?

13 A. Yes.

14 MR. MEETZ: Objection, Your Honor.

15 THE COURT: Sustained.

16 MR. MEETZ: May I make a Motion, Your Honor.

17 THE COURT: Ladies and gentlemen of the jury, an
18 objection was made by the Defense in this case, which I
19 sustained. I am at this time telling you as the Judge in
20 this case to disregard the question that was asked by the
21 Prosecutor in this case. You are not to consider that at
22 all, and any answer elicited from the witness stand. At this
23 time, I will ask you though to step to the jury room for just
24 a minute.

25 (Whereupon the jury exits the courtroom at 12:14

1 p.m.)

2 THE COURT: Mr. Meetz.

3 MR. MEETZ: Thank you, Your Honor. Your Honor, at
4 this time Defense would make a Motion for a mistrial in this
5 case based on the testimony that was just elicited from Ms.
6 Elliott. I think it was testimony that was in direct
7 contradiction to what had been discussed prior to her
8 testifying as far as what she couldn't go into. I think that
9 was addressed at the Bench very clearly. I think the words
10 at the Bench were, you know, you can't ask her whether or not
11 she believes [REDACTED] was telling the truth. And I
12 think the way the question was asked was just another another
13 way of asking the same thing, do you believe Mr. Singletary
14 did these things. I don't think there is any difference. I
15 think it's six to one and half dozen of another, as they say.
16 And certainly the Court can and has given a little bit of a
17 curative instruction, and certainly the Court can. But I
18 just think there's a situation where you can't unring that
19 bell. I think based on that the ability for Mr. Singletary
20 to get a fair trial in this matter has been compromised. And
21 based on that we would ask for a mistrial in this matter.

22 MR. WELLS: Let me say in listening to what was said
23 up at the Bench, you said, of course, that you would go into
24 observation. I think that's what Ms. Anderson was thinking
25 in asking the question, that based on her observation of the

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1 victim she felt the child had been abused, not whether or not
2 she believed her or not, but just based on her observation.
3 I certainly don't think it rises to the level that a mistrial
4 be necessary.

5 I think you certainly did the appropriate thing in
6 sustaining the objection and telling the jury to disregard
7 the question and answer.

8 MS. ANDERSON: Your Honor, I would like to state that
9 I certainly did not mean to disregard your --

10 THE COURT: Hold on just a minute. I've asked the
11 Court Reporter to do something. She working on that. Just a
12 minute.

13 (PAUSE.)

14 THE COURT: I wanted to go back and listen and make
15 sure I had the answer or had heard the testimony that I
16 thought I had heard. I went back and listened, and the
17 question from the prosecutor was whether or not this witness
18 had an opinion as to whether or not she believed Latoya
19 Williams had been abused. Whereupon, Mr. Meetz objected
20 right after she answered she believed she had been abused.
21 Mr. Meetz objected. I sustained that objection, and
22 instructed the jury they were to disregard the question and
23 they were to disregard the response. Is that correct, Mr.
24 Meetz?

25 MR. MEETZ: Yes, Your Honor.

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1 THE COURT: Mr. Meetz has made a Motion for a Mistrial
2 based upon the Solicitor's question and the response elicited
3 pursuant to that question. I have looked at the law
4 regarding the requested Motion for a Mistrial. And the law
5 is clear, to grant a refusal of a Mistrial Motion is within
6 my discretion. I think everybody realizes that.

7 Case law indicates this power ought to be used with the
8 greatest of caution and under circumstances of very plain and
9 obvious causes. In State v Prince, 279 S.C. 30, a mistrial
10 should not be granted unless absolutely necessary, State v
11 Counsel, 335 S.C. 1.

12 In order for a Defendant to receive a mistrial he must
13 show error in prejudice, and that's under State v Harris,
14 340-SC-59. State v Counsel also says that a trial court
15 should exhaust other methods to cure possible prejudice
16 before aborting the trial.

17 In this particular case, the Solicitor's question was
18 inappropriate. The question I think elicited testimony that
19 was specifically I think addressed at side-bar before this
20 witness took the stand. It was an improper question which
21 elicited an improper answer.

22 I have instructed the jury that they are to disregard
23 that question and disregard that answer. I will instruct the
24 jury once again when they come back in here that they are to
25 disregard that question, and disregard that answer.

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1 The State has asked the question to elicit an answer for
2 which the very jury that's empaneled to hear this case that's
3 what they are for, not for this witness. She can testify as
4 to, and we've discussed this before, her observations, her
5 experience. But she cannot testify to an issue in fact, and
6 questioned as to whether or not this young lady has been
7 abused.

8 I don't know how to make myself anymore clear about that
9 than what I said up at the side-bar and what I'm saying now.
10 Do I make myself abundantly clear, Mr. Wells and Ms.
11 Anderson?

12 **MS. ANDERSON:** Your Honor, you make yourself
13 abundantly clear and it will not happen again.

14 **THE COURT:** It should not have happened to begin with.
15 It shouldn't have happened to begin with.

16 I think that what I've done here in instructing the jury
17 I think that cures that. And I will instruct them again.
18 And, Mr. Meetz, I will note your objection, and certainly
19 note your objection for that Motion, but would respectfully
20 deny that at this time.

21 Anything else before we bring this jury back in?

22 **MR. MEETZ:** Your Honor, one other matter with regard
23 to scheduling. I've one particular witness that's coming
24 from Orangeburg. I don't know what time. They indicate to
25 me they anticipate finishing their testimony today. I have

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1 sent word for that witness to try and be here at 3:30.

2 THE COURT: Why don't we do this --- How much more do
3 you have with this witness, Ms. Anderson?

4 MS. ANDERSON: Your Honor, I'm done questioning her.

5 THE COURT: Do y'all want to stop and take a lunch
6 break right now? I'll bring the jury back in and tell them
7 once again, instruct them ---

8 MR. WELLS: Can we just finish with her? I think she
9 needs to be somewhere else this afternoon. And then stop
10 after her testimony for lunch.

11 THE COURT: Mr. Meetz?

12 MR. MEETZ: That's fine with me. In case they ---

13 MR. WELLS: We have no problem if we need to stop for
14 awhile --- motions after the State's case for his witness to
15 --

16 THE COURT: Okay. We can finish with this witness.
17 Any objection to me instructing the jury once again to
18 disregard?

19 MR. MEETZ: In light of the Court denying the Motion
20 for the Mistrial, no, sir, no objection whatsoever.

21 THE COURT: My only concern was I didn't want to ---
22 After I have already instructed them once I didn't want to
23 bring their attention back to it again. That's up to you. I
24 will do that if that's what you desire, Mr. Meetz.

25 MR. MEETZ: Yes, Your Honor, I think I would.

DEBBIE ELLIOTT - CROSS EXAMINATION

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1 THE COURT: Okay. Please bring the jury in.

2 (Whereupon the jury enters the courtroom at 12:28
3 p.m..)

4 THE COURT: I hope that was a quick enough break for
5 you, ladies and gentlemen. We are going to get started back
6 here right now.

7 But I want to just instruct you again, and I instructed
8 you before taking the break, that you were to disregard ---
9 Mr. Meetz made an objection to the question and answer. I
10 sustained his objection, which means that question and that
11 answer are stricken from the testimony. And you are in no
12 way, shape, or form to consider that when this case is given
13 to you to deliberate and make a decision in this particular
14 case. You are in no way to consider that. Mr. Meetz,
15 anything else?

16 MR. MEETZ: Nothing further, Your Honor.

17 THE COURT: Alright, Ms. Anderson.

18 MS. ANDERSON: Your Honor, at this time that's all the
19 questions of this witness. Please answer any questions that
20 Mr. Meetz has for you. Thank you.

21 CROSS EXAMINATION BY MR. MEETZ

22 Q. How are you doing?

23 A. Good.

24 Q. You've been in this line of work a long time.

25 A. Yes, sir.

DEBBIE ELLIOTT - CROSS EXAMINATION

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1 Q. You have a lot of experience.

2 A. Yes, sir.

3 Q. And, I guess I showed a little earlier my lack of
4 experience in a lot of these areas. You do a full
5 investigation whenever you get one of these cases?

6 A. I do a forensic interview.

7 Q. Forensic interview. That's what I mean. And in that
8 process you interview the victim; is that correct?

9 A. Yes.

10 Q. As well as other folks that may have insight into
11 relevant issues, family members and things like that.

12 A. We do an intake information, that's correct.

13 Q. And you did that in this case?

14 A. Actually Doctor Saunders did, that's correct.

15 MR. MEETZ: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 Q. Ms. Elliott, I'm going to hand you a document. Do you
18 recognize that document?

19 A. Yes.

20 Q. What is that document?

21 A. It's an intake history, the questions that I talked
22 about earlier that we ask prior to the interview and the
23 medical examination.

24 Q. And it indicates --- it's got your name at the top of
25 it.

DEBBIE ELLIOTT - CROSS EXAMINATION

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1 A. Interviewer Debbie Elliott.

2 Q. And so does that mean that you interviewed just L.W.

3 [REDACTED] or other folks as well?

4 A. I interviewed [REDACTED]

5 Q. So her family members that were interviewed and also
6 contributed to that document, that was done by another
7 individual?

8 A. Doctor Saunders, that's correct.

9 Q. So you just asked [REDACTED] questions?

10 A. That's correct. When we get back up sometimes Doctor
11 Saunders does intake or I do.

12 Q. Okay. And so when you talked to Latoya she told you
13 these allegations that she had come forward and told the
14 police, and told you, and I think she told a family
15 member as well; is that right? I mean, as far as she
16 told you what she said happened.

17 A. Yes, sir.

18 Q. And this was in March of 2008.

19 A. The interview was completed on March 19, 2008.

20 Q. Okay. And these are allegations that stem from a time
21 frame of 2000 through 2003?

22 A. That's correct, when she was in the first grade through
23 the third grade.

24 Q. And at any time did she indicate to you an incident, or
25 tell you about an incident that occurred in a gold car?

DEBBIE ELLIOTT - REDIRECT EXAMINATION

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1 A. She did not mention a gold car to me.

2 Q. She also mentioned to you the time frame of when she
3 disclosed these allegations was also a time frame that
4 was consistent with her getting into trouble; is that
5 correct?

6 A. That wasn't the first time disclosed, but we did talk
7 about some trouble she had been in, yes, sir.

8 Q. Okay. And in talking with her about that you asked her
9 if she was just saying this to get herself out of
10 trouble?

11 A. I did ask her that, yes, sir.

12 MR. MEETZ: I don't have any further questions, Your
13 Honor.

14 THE COURT: Any redirect?

15 MS. ANDERSON: Just briefly, Your Honor.

16 REDIRECT EXAMINATION BY MS. ANDERSON

17 Q. When you asked [REDACTED] whether or not she made
18 these allegations just to get herself out of trouble,
19 how did she answer?

20 A. She said, no, she did not do that. And that is not
21 anything uncommon that I do in interviews. I ask ---
22 I'm always looking for hypotocies as to why a child
23 might be lying about something. But she said that she
24 was not lying.

25 MS. ANDERSON: I have no further questions.

DEBBIE ELLIOTT - REDIRECT EXAMINATION

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1 MR. MEETZ: No recross, Your Honor.

2 MS. ANDERSON: Your Honor, may I at this time ask that
3 Ms. Elliott be excused and release from her subpoena?

4 THE COURT: Any objection, Mr. Meetz?

5 MR. MEETZ: No, Your Honor.

6 THE COURT: Ms. Elliott, you are excused from your
7 obligations under the subpoena. Thank you.

8 MR. WELLS: Your Honor, we were discussing and I think
9 this might be a good time for our lunch break.

10 THE COURT: Okay. Would the lawyers approach just a
11 minute.

12 (Whereupon, a bench conference was held in the
13 presence of the jury but out of the hearing of the jury.)

14 THE COURT: Ladies and gentlemen of the jury, we are
15 going to at this time take a lunch break. I'm going to ask
16 that you be back in your jury room at 2:30. We will start
17 back at 2:30. I know you are probably not accustomed to
18 having two hour lunch breaks, at least, you probably don't
19 get it at your jobs. We're not going to take a two hour
20 lunch break. There are some things that we have to take up
21 here before we take a break, or before we start back at 2:30.
22 I'm going to ask that you leave and go to lunch right now. I
23 would ask that you be back in your jury room at 2:30. And
24 would instruct you again not to instruct the case at all with
25 anybody, don't discuss the case. Please be back in your jury

DEBBIE ELLIOTT - REDIRECT EXAMINATION

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room at 2:30

(Whereupon the jury is dismissed for lunch at 12:35

p.m.)

Anything further before we take a lunch break, Ms.

Anderson?

MS. ANDERSON: Nothing from the State, Your Honor.

THE COURT: Mr. Meetz?

MR. MEETZ: No, Your Honor.

THE COURT: All right. We will stand at ease. Any

matters that we need to take up before we start back at 2:30?

MR. MEETZ: I don't believe so.

MS. ANDERSON: Nothing from the State.

THE COURT: All right. Ms. Anderson, I'm not going to

the you to this. But you indicated there may be two

additional witnesses the State has.

MS. ANDERSON: That is what we plan and intend, Your

Honor.

THE COURT: Mr. Meetz, I think you've given me your

potential witness list before trial. I think you have two

potential witnesses on there. I'm obviously not going to the

you to that either. I'm just trying to think how we are

going to schedule ---

MR. MEETZ: Assuming if the witnesses are ready, if we

could get all the testimony in today and argue charge in the

morning.

DEBBIE ELLIOTT - REDIRECT EXAMINATION

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1 **THE COURT:** That's what I was thinking. All of the
2 testimony that y'all are going to put up here today, maybe
3 have a charge conference first thing in the morning on what I
4 will be charging them once it goes to them, if it goes to
5 then. And then we will come in here and argue the charge.
6 Fair enough?

7 **MR. MEETZ:** Absolutely. I would think that would be
8 the best way to proceed.

9 **MS. ANDERSON:** That's fine, Your Honor.

10 **THE COURT:** We will stand at ease until 2:30. What
11 about the bond issue?

12 **MR. MEETZ:** Whatever the Court --- I will tell the
13 Court Mr. Singletary has never missed a court date. He's
14 actually had his case called for trial in the past and has
15 been here when that case ended prematurely for whatever
16 reason. But he was always here for that. He understands
17 should he not be back when we start back at 2:30 that we're
18 going to go forward without him. I certainly understand that
19 is all in the Court's discretion. We would ask that they not
20 have to take him into custody over the lunch break.

21 **THE COURT:** Mr. Wells?

22 **MR. WELLS:** Your Honor, I'll leave that to your
23 discretion. Of course, if he doesn't come back there's
24 nothing --- there's no bond actually out there now. Bond's
25 gone, the jury is sworn, unless you impose another bond.

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1 MR. MEETZ: There's no bond on this charge, Your
2 Honor. I think he's still got bonds out there.

3 THE COURT: Do what?

4 MR. WELLS: He's got a bond on another charge is what
5 he's saying.

6 MR. MEETZ: There's no bond on this charge.

7 THE COURT: I am going to leave him out. He's got
8 some other bonds right now. Ordinarily, I would not. But
9 due to the fact there are some additional bonds out there, I
10 am going to allow him to remain out. He has come here today
11 and faced these charges. I left him out on bond yesterday.
12 I will just instruct you again, Mr. Singletary, that if you
13 do not come back the trial will proceed in your absence.

14 MR. SINGLETARY: Yes, sir.

15 THE COURT: It will proceed in your absence
16 irregardless of whether or not you are here at 2:30.

17 MR. SINGLETARY: I am going to be here.

18 THE COURT: Understood?

19 MR. SINGLETARY: Understood. Thank you, sir.

20 THE COURT: Thank you, Mr. Singletary. Everybody be
21 back here at 2:30.

22 MR. WELLS: Thank you, Your Honor.

23 (Whereupon, a lunch recess was taken 12:38 p.m.
24 until 2:30 p.m..)

25 THE COURT: Please be seated. Thank you. Anything

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1 from the State before we settle back?

2 MS. ANDERSON: Nothing from the State, Your Honor. We
3 will only be calling one witness and then the State will
4 rest.

5 THE COURT: Anything from the Defense before we start
6 back?

7 MR. MEETZ: No, Your Honor.

8 THE COURT: Bring the jury in, please, sir.

9 (Whereupon the Jury Enters the Courtroom at 2:30
10 p.m..)

11 THE COURT: Will the lawyers approach just one moment?

12 (Whereupon, a bench conference was held in the
13 presence of the jury but out of the hearing of the jury.)

14 Ladies and gentlemen, I hope you had a good lunch,
15 relaxing lunch. I told you before we started today in my
16 initial charge to you before the trial started that I would
17 appoint a foreperson at some point in time.

18 I'm going to go ahead and do that. Mr. Michael I'm
19 going to appoint you as the foreperson in this case. And I'm
20 going to ask you if you will switch seats with this young man
21 seated right here in front of me. And if you will remain in
22 that seat throughout the remainder of this trial.

23 Again, I will tell you that you are the spokesperson for
24 this jury. You will be the spokesperson here on out for this
25 jury.

ROGER TILTON - DIRECT EXAMINATION

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1 Ms. Anderson, you may call your next witness.

2 MS. ANDERSON: May it please the Court, Your Honor.
3 The State calls Investigator Tilton.

4 WHEREUPON, ROGER TILTON

5 AFTER BEING DULY SWORN, TESTIFIES AS FOLLOWS

6 THE CLERK: Please have a seat and state your full
7 name for the record.

8 MR. TILTON: My name is Roger Tilton.

9 DIRECT EXAMINATION BY MS. ANDERSON

10 Q. Good afternoon. Where do you work now?

11 A. I work with the Lake City Police Department.

12 Q. And how are you employed at the Lake City Police
13 Department?

14 A. I'm the criminal investigation supervisor.

15 Q. How long have you been the criminal investigation
16 supervisor?

17 A. I've been the supervisor since 2005.

18 Q. And what prior law enforcement experience have you had
19 prior to that?

20 A. Been in law enforcement since '96 when I came out of the
21 Marine Corps. I was a military police in the Marine
22 Corps.

23 Q. You were a military police in the Marine Corps until
24 1996?

25 A. Yes, ma'am.

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1 Q. Then you went to Lake City?

2 A. I started off at the Sheriff's Office and then I ended
3 up in Lake City.

4 Q. During any of those times did you go anywhere else for
5 any significant amount of time?

6 A. I've been to Iraq for a year, worked with the Sheriff's
7 Office, worked with Coward PD for a short time, then
8 I've been in Lake City since '98.

9 Q. Where did you work in 2008?

10 A. Lake City Police Department.

11 Q. Did you have an opportunity to get involved in a case of
12 Robert Singletary?

13 A. I did.

14 Q. What was your capacity in 2008? You may have answered
15 that. If you have, I'm sorry.

16 A. I was the supervisor for the investigator's office and I
17 also worked cases.

18 Q. Okay. And did you receive an incident report or a case
19 from another officer?

20 A. I did.

21 Q. From whom did you receive that report?

22 A. Corporal Jason Plyer had filed an incident report on
23 March 13, 2008.

24 Q. When did you receive it?

25 A. I received it a few days later. After he write the

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1 report it gets entered into our system and then it comes
2 back to investigations, and I assign the cases out to
3 certain investigators. This case I assigned --- it was
4 my rotation so I took this case.

5 Q. Officer, I have a question. When a crime is committed
6 and reported, is it unusual for it to just sit there for
7 a few days?

8 A. It has to be entered into our system, and then it gets
9 sent back to --- if it needs further follow-up it gets
10 sent back to my division.

11 Q. And is that what you did?

12 A. Yes, ma'am.

13 Q. And is that unusual for the way you do things in Lake
14 City?

15 A. No, actually that's the daily routine.

16 Q. And is there any reason why Officer Plyer didn't go out
17 and do anything the very day?

18 A. No. He notified me of it. I told him to just file the
19 report and I would follow-up with the investigation.

20 Q. Okay. Thank you. How do you or any other officer, how
21 are y'all trained as to when you go pick up a defendant?

22 A. I never go pick a defendant up. I may go try to
23 question a defendant or may ask him to come in for
24 questioning. I never pick him up unless there is an
25 arrest warrant for him.

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1 Q. Okay. Now, what did you do after you read the report
2 that you received from Officer Plyer?

3 A. After I received the report I contacted the CARE House
4 in Florence, which deals with our children victims of
5 rape. This is who we use all the time. We have used
6 them several times in the past. I set up an appointment
7 to have the victim come in and be interviewed
8 forensically by Ms. Elliott, and also to have a physical
9 done, if needed. I set that date up, and that date was
10 set for March 19, 2008.

11 Q. Were you present during this interview?

12 A. I was.

13 Q. Were you present for the entire thing?

14 A. I was there for the interview of the Grandmother. I
15 watched from another room a little bit of the interview
16 with the victim. I was called to another incident and I
17 had to leave. I later received the CD copy of the
18 interview from Ms. Elliott.

19 Q. And did you review that CD copy?

20 A. I did.

21 Q. Officer Tilton, when were these allegations made?

22 A. March 13, 2008, is when it was brought to law
23 enforcement.

24 Q. And did you find out when these allegations supposedly
25 occurred?

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1 A. The way I found out about when they occurred is I
2 watched the video, and when she talked to the video she
3 described how old she was, where she was at, and I
4 concluded it was between 2000 and 2003.

5 Q. Okay. And was it within the jurisdiction of Florence?

6 A. It was in the jurisdiction of Florence, also within the
7 jurisdiction of Lake City.

8 Q. And can you just tell us for our jurisdictional purposes
9 how old was the victim approximately when these
10 allegations occurred?

11 A. She was fifteen years old --- When they occurred she
12 would have been eight years old when they occurred.

13 Q. Okay, thank you. And how old was she when she reported
14 this to you?

15 A. Fifteen.

16 Q. Did she tell you when these incidences took place?

17 A. She never told me personally. I never spoke --- She
18 spoke with Ms. Elliott.

19 Q. Correct. But did you find out where these incidences
20 took place as part of your investigation?

21 A. Yes, ma'am.

22 Q. And where did they take place?

23 A. One of the incidences was at ---

24 MR. MEETZ: Objection, Your Honor. No personal
25 knowledge.

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1 THE COURT: What was the question again?

2 MS. ANDERSON: I asked him if he found out where these
3 incidences took place as a part of his investigation, did he
4 ever find out where they took place.

5 THE COURT: If you found out through your
6 investigation you can answer the question.

7 A. Discovered that the Defendant's father lived at [REDACTED]
[REDACTED] which is in the jurisdiction of Lake
9 City. And that he at one point lived and worked at [REDACTED]
10 [REDACTED] [REDACTED] which is in Lake City, South
11 Carolina.

12 Q. So this is what you found out as a result of your
13 investigation?

14 A. That's right.

15 Q. And the dates that you told us earlier, between 2000 and
16 2003 were a result of your investigation?

17 A. That's correct.

18 Q. As a result of the information that you found out, what
19 did you do, who did you talk to? Tell us what you did.

20 A. On March 26th, I went to [REDACTED] to speak with
21 the Defendant's father and to look for this ice cream
22 truck that she made accusations of. I went to the
23 location and there was an ice cream truck, an older ice
24 cream truck in the backyard, not usable, just an old
25 vehicle there. While I was there I met with the

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1 homeowner and, you know, told him what I was there for,
2 what I was looking into. He started talking with me -

3 MR. MEETZ: Objection.

4 THE COURT: You can't testify as to what someone else
5 told you. Testify as to what you did.

6 A. I saw the truck there. As I was there the Defendant
7 approached me from --- he either drove up or somehow
8 came up in the yard. Never asked him anything. He
9 asked me something. I told him that I was investigating
10 a case. I could not speak to him for legal reasons. At
11 which point he told me that ---

12 MR. MEETZ: I would object.

13 THE COURT: Same objection as previously?

14 MR. MEETZ: Yes, Your Honor.

15 THE COURT: Objection is overruled.

16 Q. Please continue, Officer Tilton.

17 A. I told him that I could not speak to him for legal
18 reasons. At which point he told me that he didn't do
19 anything wrong, that he was in prison, that he didn't
20 mess with that girl.

21 Q. What did you do at that point in time?

22 A. At that point in time I left. Went back to my office,
23 went on line to the Department of Corrections contacted
24 some people to find out if this man, the Defendant, was
25 in prison, just to see if he was in prison during the

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1 time this incident occurred. And I find out that he had
2 been released from prison on August 2nd, 2000.

3 Q. Investigator Tilton, the fact that he was released on
4 August 2000, does that negate any of what the victim
5 told you as far as dates were concerned?

6 A. They occurred between 2000 and 2003.

7 Q. Okay. Thank you. Now, you said that you spoke briefly
8 to the Defendant and you also said that you were at his
9 house. Can you tell me, for jurisdictional purposes,
10 about how old you found out Mr. Singletary was?

11 A. fifty-six at the time.

12 Q. Thank you. Now, as a result of everything that you
13 learned throughout your investigation, what did you then
14 do?

15 A. I think went and spoke with the municipal judge, who
16 issued a warrant for the Defendant on the crime listed.
17 And then on April 8th I went to the place of business at
18 John Street, located the Defendant, place him under
19 arrest, and put him into the county jail.

20 Q. At that time did you ask him any questions?

21 A. Didn't ask him anything.

22 MS. ANDERSON: I beg the Court's indulgence just one
23 second.

24 THE COURT: Yes, ma'am.

25 (PAUSE.)

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1 Q. You mentioned a couple of things. The first being that
2 you did go to that John Street address.

3 A. That's right.

4 Q. Were you ever able to determine what type of business
5 that was?

6 A. At one point it was a cellular telephone business.

7 Q. Do you remember if that is what it was the day you
8 picked him up?

9 A. The day I picked him up I don't think it was cellular
10 phones in it. There may have been just odds and ends
11 inside the store. I don't recall what he was actually
12 selling.

13 Q. Okay, thank you. The last question I have to ask you
14 is, during your investigation of this case, were you
15 ever able to determine where L.W. [REDACTED] was living
16 during the dates that she gave you?

17 A. She was living at 537 Independence Avenue. DSS placed
18 her there on November 8, 2000. And she was removed on
19 July 16, 2003.

20 Q. So that does coincide with the dates the victim gave you
21 later on?

22 A. That's correct.

23 Q. Okay. Thank you very much.

24 MS. ANDERSON: Your Honor, I have no further questions
25 of this witness. Please answer any questions Mr. Meetz has

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1 to ask you.

2 THE COURT: Mr. Meetz?

3 CROSS EXAMINATION BY MR. MEETZ

4 Q. Investigator, when you spoke with --- You were at Mr.
5 Singletary's father's house you said at [REDACTED]

6 You said that Mr. Singletary drove up; is that correct?

7 A. Yes.

8 Q. And that he got out of the car and asked what was going
9 on?

10 A. Yes, sir.

11 Q. Okay. Now, I think you sort of glossed over this in
12 your testimony. I just want to be sure of exactly what
13 happened. You didn't ask him any questions?

14 A. Didn't ask him anything.

15 Q. You did indicate to him, however, that Ms. Williams had
16 come forward with allegations.

17 A. I didn't say Ms. Williams. I said an allegation had
18 been made.

19 Q. Got you. And that's fine. And that's what and when he
20 made his comment?

21 A. That's correct.

22 Q. Okay. You told him what the allegation was?

23 A. I told him that a victim had come forward and accused
24 him of assaulting her.

25 Q. Okay. And that's when he said that he was in prison at

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1 the time?

2 A. That's correct.

3 Q. Now, with regards to the investigation that you did in
4 the case, you indicate that you spoke with Ms. Williams
5 in regards.

6 A. I never actually spoke one-on-one with Ms. Williams. I
7 had her interviewed at the CARE House.

8 Q. I don't mean to repeat, but just to be clear again. You
9 did not speak one-on-one with Ms. Williams.

10 A. No.

11 Q. So the only person from the Lake City Police Department
12 that spoke one-on-one with Ms. Williams was Jason Plyer.

13 A. The originally responding officer, yes, sir.

14 Q. You were present for her interview at the CARE House, at
15 least, for part of it.

16 A. Yes, sir, partial, yes, sir.

17 Q. But you never spoke to her one-on-one.

18 A. I let the children victims be seen at the CARE House.

19 Q. And you weren't involved in the interview process there,
20 you were just an observer..

21 A. Just an observer.

22 Q. Now, with regards to the incident location at [REDACTED]

23 [REDACTED] you didn't take any photographs or
24 anything like that?

25 A. No, sir, I didn't take a photograph.

ROGER TILTON - REDIRECT EXAMINATION

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1 Q. Didn't look in the ice cream truck or anything like
2 that?

3 A. No.

4 Q. So you don't have any idea what the inside of that ice
5 cream truck looked like, or what was in there, or
6 anything like that?

7 A. No, sir.

8 MR. MEETZ: I don't have any further questions, Your
9 Honor.

10 THE COURT: Any redirect?

11 MS. ANDERSON: Briefly, Your Honor.

12 REDIRECT EXAMINATION BY MS. ANDERSON

13 Q. Officer Tilton, do you normally question child victims?

14 A. No.

15 Q. Why?

16 A. I've had limited training in the actual speaking with
17 children victims. We've been taught that children
18 victims, you know, require a special sort of attention.
19 And her being a female I didn't feel as though she would
20 talk to me. That's why I set her up at the CARE House.

21 Q. Is that what you normally do?

22 A. That's what I always do.

23 Q. Thank you very much. I have no further questions.

24 THE COURT: Mr. Meetz?

25 MR. MEETZ: Nothing further, Your Honor.

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1 **THE COURT:** Officer, you may step down. Call your
2 next witness.

3 **MS. ANDERSON:** Your Honor, at this time the State
4 rests.

5 **THE COURT:** Ladies and gentlemen of the jury, you have
6 heard all of the evidence you're going to hear from the State
7 in this case. There are some legal matters that we need to
8 take up. I'm going to ask you to step to the jury room at
9 this point. I apologize for shuffling you in and out of
10 here, but this is the way our process is set up. And this is
11 the way our process works.

12 We did start back at about 2:31. So I try to start when
13 I tell you I'm going to start. I don't keep you back there
14 any longer than I have to. I'm going to ask you to retire to
15 your jury room at this point.

16 Again, would instruct you not to discuss this case. Do
17 not discuss this case.

18 (Whereupon the jury exits the courtroom at 2:43
19 p.m..)

20 **THE COURT:** Mr. Meetz, I assume you have a Motion to
21 make.

22 **MR. MEETZ:** Yes, Your Honor. At this time I would
23 make a Motion for Directed Verdict in this matter of not
24 guilty, on the basis that the evidence presented does not
25 arise to the level where a reasonable jury would be able to

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1 find Mr. Singletary guilty beyond a reasonable doubt. At
2 this point and time we would also renew all of our previous
3 motions and objections throughout the trial, to include the
4 Motion for a Mistrial, as well as the Motion to Exclude the
5 Statement that was admitted through Officer Tilton regard to
6 having just gotten out --- having been in jail at the time
7 the incident took place, and all other objections that were
8 made and overruled in this matter.

9 THE COURT: Yes, ma'am.

10 MS. ANDERSON: Your Honor, it is the State's
11 understanding that the Judge is to view this light most
12 favorable to the nonmoving party. Your Honor, we did have
13 the victim on the stand. She did tell her date of birth, how
14 old she was, exactly what did occur between her and the
15 defendant. She also was able to testify to her age, which
16 meets the requirements of CSC with a minor.

17 And when investigator Tilton was on the stand I was able
18 to elicit testimony from him of the Defendant's age, as well
19 as verify through different sources of the age of the victim
20 at various times.

21 Your Honor, I do believe that the State has met its
22 burden to get past a Directed Verdict on both CSC with a
23 minor and lewd act on a child.

24 THE COURT: Ms. Anderson, I want to clarify. I think
25 I heard you wrong there.

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1 MS. ANDERSON: What did I say?

2 THE COURT: I thought you said that the State had not
3 met its burden to get past the Directed Verdict stage. I'm
4 going to give you an opportunity to clarify that. I didn't
5 see Mr. Meetz objecting or stand up and say anything over
6 there. That's why I asked my law clerk if that's what you
7 just said.

8 MR. MEETZ: I did not hear it that way. But if she
9 said that I would agree.

10 THE COURT: Me and my law clerk.

11 MS. ANDERSON: Your Honor, I would like to say for the
12 record that the State has met its burden to get past the
13 Directed Verdict.

14 THE COURT: That's what I thought you meant to say if
15 you didn't say it. Again, I questioned my law clerk because
16 I thought you said it the opposite way. He and I both may
17 have misunderstood you. That happens just like other things
18 happen I guess.

19 As you all know in ruling on a criminal defendant's
20 motion for Directed Verdict, the trial court is concerned
21 with the existence of the evidence, not it's weight.

22 If there is any direct or substantial circumstantial
23 evidence reasonably tendered to prove the guilt of the
24 accused from which guilt may be fairly and logically deduced
25 the case should be submitted to the jury.

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1 I've heard testimony in this case of which the Defendant
2 has been charged with lewd act on a minor. Under lewd act
3 the State is required to prove, if I'm reading the law
4 correctly, the Defendant was over the age of fourteen; that
5 the Defendant willfully and lewdly committed or attempted to
6 commit a lewd or lascivious act on or with the body parts of
7 a child under the age of sixteen, with the intent arouse,
8 appeal to or ratify the lust, passion, the sexual desires of
9 the defendant or the child.

10 The testimony that I've heard here today from the child,
11 as well as Officer Tilton:

12 One, that the Defendant was over the age of fourteen at
13 the time this alleged incident occurred; and based upon the
14 testimony that I heard from the child, Ms. Williams, I say
15 child, she's seventeen years old now, but from what I heard
16 from Ms. Williams that the defendant did willfully or attempt
17 to commit a lewd or lacevisous act on or with the body parts;
18 that he I think at one point touched her vaginal area, I
19 think with his hand as well as with his penis. And in
20 addition, I heard testimony here that at some point there was
21 ejaculation with one of the alleged incidences.

22 And so I would respectfully deny the Motion for Directed
23 Verdict on the lewd act charge which is count number one of
24 the Indictment.

25 On count two, criminal sexual conduct with a minor in

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1 the first degree, in that particular situation the State must
2 prove beyond a reasonable doubt that the Defendant engaged in
3 sexual battery with the victim.

4 Sexual battery is any intrusion, however slight, on any
5 part of a person's body, or to the genital or anal openings.
6 I've heard testimony here from Ms. Williams that there was a
7 sexual battery, there was a touching with the hand as well as
8 the penis of her body parts and of her genital area.

9 I have also heard from not only Ms. Williams, but as
10 well as Officer Tilton at the time this alleged incident took
11 place Ms. Williams was less than eleven years of age.

12 I would therefore respectfully deny, Mr. Meetz, your
13 motion for Directed Verdict on that charge as well.

14 MR. MEETZ: Thank you, Your Honor.

15 THE COURT: Do you want me to go ahead and advise your
16 client on his right to testify?

17 MR. MEETZ: I do, Your Honor. I believe he's reached
18 a decision on that. And I believe he's prepared to have you
19 question him in that regard.

20 THE COURT: If you will stand, Mr. Singletary. Madame
21 Clerk, would you place him under oath please.

22 WHEREUPON, ROBERT A. SINGLETARY

23 FIRST BEING DULY SWORN TESTIFIES AS FOLLOWS

24 THE COURT: Sir, you are Mr. Robert Albright
25 Singletary?

MR. SINGLETARY: Yes, sir.

THE COURT: At this time I'm going to explain to you

certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know. Do you understand that?

MR. SINGLETARY: Yes, sir.

THE COURT: We have now reached a stage in the trial

where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States.

This Amendment states in part that no person shall be compelled at any criminal case to be a witness against

himself.

This means that you cannot be required to testify in

this case. You have the right to testify on your own behalf. However, no one can make you testify. This is a personal right and no one can waive this right except you.

If you decide to testify, you will be subject to the

same rules that govern other witnesses. And you may be

examined and cross examined on any relevant issue in this

case.

In addition, if you have any convictions involving

dishonesty, or false statements, or for crimes punishable by

imprisonment for more than one-year, and this Court

determines that the probative value outweighs its prejudicial

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1 effect to you, the Solicitor will be able to introduce your
2 record to attack your credibility.

3 If you decide to testify the decision on your part must
4 be freely, voluntarily, and intelligently made with knowledge
5 of protections given to you by the Fifth Amendment, and the
6 consequences of your decision to testify.

7 If you decide not to testify, I will instruct the jurors
8 that they cannot give the fact that you did not testify any
9 consideration whatsoever. And that there's to be absolutely
10 no prejudice to you because you did not testify. It is left
11 entirely up to the Court you whether or not you testify.

12 You may talk with your attorney, your family, friends,
13 or anyone else. But the final decision will be left entirely
14 up to you. Do you understand what I have explained to you,
15 Mr. Singletary?

16 MR. SINGLETARY: Yes, Your Honor.

17 THE COURT: Do you have any questions, sir, about what
18 I have explained to you?

19 MR. SINGLETARY: No, Your Honor.

20 THE COURT: Have you discussed with your lawyer
21 whether you should or should not testify?

22 MR. SINGLETARY: Yeah.

23 THE COURT: Do you wish to talk with your lawyer
24 anymore at this time?

25 MR. SINGLETARY: No.

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1 THE COURT: Do you wish to testify, sir?

2 MR. SINGLETARY: No, Your Honor.

3 THE COURT: Anything further, Mr. Meetz?

4 MR. MEETZ: No, Your Honor.

5 THE COURT: I'm going to bring the jury back in. I
6 guess, Mr. Meetz, you're going to rests at this time?

7 MR. MEETZ: Yes, Your Honor.

8 THE COURT: At that time I'm going to let the jury go
9 for the day and will have them back here at 9:30 in the
10 morning. Any objection?

11 MR. MEETZ: None, Your Honor.

12 THE COURT: Ms. Anderson?

13 MS. ANDERSON: None from the State.

14 THE COURT: Mr. Sammy, please bring them back in, sir.

15 (Whereupon the jury enters the courtroom at 2:59
16 p.m..)

17 THE COURT: Mr. Meetz?

18 MR. MEETZ: Your Honor, at this time the Defense would
19 rest.

20 THE COURT: Ladies and gentlemen of the jury, you have
21 heard all the evidence that you are going to hear in this
22 case. There are some additional legal matters that we have
23 to take up. So what I'm going to do for today is I'm going
24 to let you retire home for the day, for the evening.

25 Again, even though the Defense has rested in this case,

1 you are not to discuss this case at all with anybody right
2 now. You are not to discuss this case with family, friends.
3 I, again, tell you not to do any investigation on your
4 part. While you have heard all of the testimony you're going
5 to hear in this case, you are not to start discussing this
6 matter and considering this case until I ask you to do so.
7 Tomorrow we will start back at 9:30 a.m.. We will start
8 as sharply on 9:30 as we can and we will finish this case
9 tomorrow.
10 So I'm going to let you go now at this time. Again, I
11 instruct you not to discuss this case and I will see you back
12 in the morning at 9:30 A.M. Thank you.
13 (Whereupon the jury is dismissed for the day at
14 3:01 p.m.)
15 Anything further from the State at this time?
16 MS. ANDERSON: Not at this time, Your Honor.
17 THE COURT: Mr. Meetz?
18 MR. MEETZ: No, Your Honor.
19 THE COURT: We will be in adjournment until 9:30 in
20 the morning. If one of the lawyers from the State can be in
21 here at 9:15.
22 MR. WELLS: Are we going to discuss then the charge?
23 For example --- obviously lewd act, criminal sexual conduct
24 first degree. I'm not sure now --- it may have changed --- I
25 know second and third would not be a lesser included defense

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1 here because it would be based solely on age. I think the
2 only other thing would possibly be aggravated assault and
3 battery. And I'm not totally sure --- I know at one time the
4 Supreme Court said that was a lesser offense. Then I think
5 at a later time they may have said it wasn't. I'm not
6 totally sure on that.

7 THE COURT: We're going to look at that. That's what
8 he's looking at right now. I want to make sure a potential
9 lesser included offense. Mr. Meetz, do you have anything to
10 say on that?

11 MR. MEETZ: I know, at least, I'm pretty sure that
12 ABHAN would not be a lesser of the lewd act. But I do
13 believe that it is, or, at least, it has been in the past the
14 lesser of the CSC charge. But I don't know if I'm up to date
15 on the most recent law in that regard. That's something I
16 would need to look up.

17 THE COURT: Let's look at that.

18 MR. WELLS: One other thing I guess I should bring up.
19 We're a little bit different now than what we were earlier.
20 I think the State would have to ask, considering what he's
21 potentially facing, that he be taken into custody since we're
22 just talking about overnight. Of course, he's looking at a
23 significant sentence if he's convicted. It just concerns me
24 now. I think he needs to be taken into custody overnight.

25 THE COURT: Mr. Meetz?

1 **MR. MEETZ:** Your Honor, I don't have any issues with
2 regard to whether or not he'll be here or not. I know those
3 are words. I mean, if he didn't show up, you know, that's
4 one thing. But I mean, he's been here numerous times in the
5 past on different incidences and matters, and he's always
6 been here before. Even yesterday when there was an oversight
7 to where he wasn't put on the list to be here yesterday and I
8 made a call, and he got here as fast as he could. He was
9 here before the Court needed him to be here on about as short
10 of notice as you can get. So I haven't ever had any problems
11 or questions about that. He understands, you know, that
12 that's a decision left up to the Court and understands
13 technically his bond is expired, or no longer in effect as a
14 result of this case having been called and a jury sworn.

15 **THE COURT:** This is what I'm going to do. I know he's
16 been here when you've asked him to be here. We are nearing
17 the finish line and I would just be taking him into custody
18 overnight. He's charged with some very serious crimes. I
19 appreciate him being here when I've asked him to be here. As
20 I said, I'm going to take him into custody overnight. This
21 case will be concluded tomorrow. This case will be concluded
22 tomorrow. Okay.

23 **MR. WELLS:** Thank you, Your Honor. And I'll make sure
24 he's back here by at least 9:00-o'clock in the morning.

25 (Whereupon, court is adjourned for the day at 3:09

1
2

(p.m..)

-- END OF DAY TWO OF TRIAL --

THE STATE VERSUS ROBERT A. SINGLETARY

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CERTIFICATE OF REPORTER

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I, the undersigned, Pamela Ozment-Cartee, official court reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the trial of the above captioned case, relative to appeal, in The Court of General Sessions in Florence South Carolina, on the 21st and 22nd day of June, 2010.

I do further certify that am neither, of kin, counsel, nor interest of any party hereto.

June 17, 2011

A handwritten signature in cursive script, appearing to read "Pamela Ozment-Cartee", is written over the printed name.

Pamela Ozment-Cartee
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2009-GS-21-1350
	)	2009-GS-21-1350A
	)	
	)	
State of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Robert A. Singletary	)	)
<u>DEFENDANT</u>	)	June 23, 2010
		Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE; and a jury.

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

ROBERT N. WELLS, DEPUTY SOLICITOR
 CATHERINE ANDERSON, ASSISTANT SOLICITOR
 Attorney for the State

VICK MEETZE, ASSISTANT PUBLIC DEFENDER
 Attorney for the Defendant

KESHIA REED
 Official Court Reporter

1		<u>I N D E X</u>			
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Closing Arguments				
4	Miss Anderson	7			
5	Mr. Meetze		26		
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7	Jury Charge	42			
8	Verdict of the Jury	60			
9	Sentence of the Court	66			
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E X H I B I T

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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3	C-1	Note from Jury		57
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1 (WHEREUPON, there was a different court reporter
2 for this trial on the dates of June 21-22, 2010.)

3 THE COURT: We are back on the record on State
4 vs. Robert Albrecht Singletary under indictment number
5 2009-GS-21-1350. It is approximately 9:46 a.m. Prior to
6 coming on the bench this morning, myself, Mr. Bob Wells,
7 Miss Catherine Anderson and Mr. Vick Meetze had a
8 conference with regards to the charge that I intend to
9 charge the jury at the conclusion of closing arguments
10 here today. I have also had an opportunity to review the
11 verdict form prepared for this case. And it is my
12 understanding that there is no objection by the State or
13 the defense as to proposed jury charge.

14 Is that correct, Miss Anderson?

15 MISS ANDERSON: That is correct, Your Honor.

16 THE COURT: Mr. Meetze?

17 MR. MEETZE: Yes, Your Honor, that's correct.

18 THE COURT: And there is no objection to the
19 proposed verdict form either.

20 Is that correct, Miss Anderson?

21 MISS ANDERSON: That is correct, Your Honor.

22 THE COURT: Mr. Meetze?

23 MR. MEETZE: It is.

24 THE COURT: All right. It has also been
25 brought -- it's come to my attention that I had instructed

1 the jury to be back here at 9:30 a.m. this morning, that
2 we would be starting at 9:30 a.m. It is now 9:47 a.m. and
3 we are still missing one juror. The assistant clerk has
4 indicated to me that we are not sure exactly which juror
5 is missing. It may, in fact, be an alternate that is
6 missing. If there is no objection by the State or the
7 defense, I'm going to let the clerk go to the door, I
8 guess, and call the roll and see which jurors are here and
9 which ones are not.

10 Is there any objection by the State as to that?

11 MISS ANDERSON: None, Your Honor.

12 THE COURT: Mr. Meetze?

13 MR. MEETZE: No, Your Honor.

14 THE COURT: It may very well be an alternate
15 that is missing and we don't need to address that issue.

16 Okay. I'm going to let you go do that.

17 (WHEREUPON, a break was taken.)

18 MR. MEETZE: Your Honor, since I didn't do this
19 yesterday, at this time, I would like to renew all the
20 motions that I made at the close of the State's case, to
21 include renew any objections that I had made during the
22 trial that were overruled. I would just like to renew
23 those.

24 THE COURT: So noted and my ruling with regards
25 to any previous motions, objections, et cetera, my rulings

1 remain the same. It's Mr. Eric McClam that's missing.
2 Let's go ahead and pick. What I will do is I will bring
3 the jury out and go ahead and advise which alternate it is
4 that's going to be seated and then we'll then move to
5 closing arguments. Okay.

6 MISS ANDERSON: Thank you, Your Honor.

7 THE COURT: Any objection to the deputy clerk
8 here pulling the name?

9 MISS ANDERSON: No objection.

10 MR. MEETZE: No, Your Honor.

11 THE COURT: Maxie Springs will be the alternate
12 that will be taking the place of the absent juror. Is
13 everything ready for the jury to come in? Anything
14 further before we bring the jury in?

15 MISS ANDERSON: We're ready, Your Honor.

16 THE COURT: All right.

17 Are you ready, Mr. Meetze?

18 MR. MEETZE: Yes, Your Honor.

19 (WHEREUPON, the jury came into open court.)

20 THE COURT: Good morning, ladies and gentlemen
21 of the jury, it is now 9:52. I indicated we would start
22 at 9:30, but there is a missing juror and we wanted to
23 wait as long as we could to see if that juror showed up.
24 I have not heard anything from that juror. And that's why
25 we pick alternates. I hope that other juror is okay, but

1 that's why we pick alternates. In this particular case,
2 Maxie Springs, who was one of the alternates in this
3 matter will take the place of that former juror, Mr.
4 McClam, who was chosen.

5 At this time, ladies and gentlemen, as I stated
6 to you yesterday, you've heard all the testimony and
7 evidence in this case. We will now move forward into
8 closing arguments. I will remind you once again that
9 closing arguments, just like opening statements, are not
10 evidence. Not evidence. They are the lawyers' perception
11 or their burden of the testimony and they have the right
12 to comment on that. At this time, I will recognize the
13 State for closing arguments.

14 Miss Anderson.

15 MISS ANDERSON: Thank you, Your Honor, may it
16 please the Court.

17 Good morning. Yesterday, I told you about the
18 tragic life of [REDACTED] But I told you if I were
19 to describe her childhood as a tragedy, it wouldn't quite
20 be everything it should be. Now, you have heard evidence
21 from the jury box in the form of testimony. And you're
22 going to hear a description of the law from the Judge. I
23 just want to say right now that if I say something during
24 this closing argument that you don't remember being said
25 and heard from that jury box or if I say something

1 different than what the Judge tells you to do, you are to
2 listen to the Judge and you are to remember as best you
3 can what was said yesterday in that -- on that witness
4 stand.

5 Now, ladies and gentlemen, you already know this
6 is the State vs. Robert Singletary. I want to talk to you
7 a little bit about the charges that have been brought
8 against him. One of the first charges that was brought is
9 a lewd act on a minor. Now, South Carolina law is written
10 by a bunch of lawyers and we don't always say things in
11 the most succinct and understandable way. So in order for
12 somebody to be found guilty of a lewd act on a minor, you
13 have to show that the person was over the age of 14 and
14 that they willfully and lewdly tried to commit or attempt
15 to commit a lewd or lascivious act upon or with the body
16 or its parts of a child who is under the age of 16 years
17 with the intent of arousing, appealing to or gratifying
18 lust or passion or sexual desires of the person or of the
19 child. That is what lewd act on a minor is.

20 The next charge you have is criminal sexual
21 conduct in the first degree. Now, that, of course, is
22 also defined by a section in our code of laws. A person
23 is guilty of criminal sexual conduct, you may hear us
24 refer to this as CSC, in the first degree with a minor if
25 the actor, that would be the Defendant in this case,

1 engages in sexual battery with a victim who is less than
2 11 years old at the age that she -- the victim when the
3 events occurred.

4 Sexual battery is defined, also, in our statute.
5 Just so you know, it is defined as sexual intercourse,
6 cunnilingus, fellatio, anal intercourse or any intrusion,
7 however slight of any part of a person's body or of any
8 object into the genital or anal openings of another
9 person's body except when that intrusion is, of course,
10 for medical reasons, like if you were having a baby, for
11 example.

12 Another charge you're going to hear about today
13 from the Judge is assault and battery of a high and
14 aggravated nature, which you're going to find out that
15 assault and battery of a high and aggravated nature is a
16 lesser-included offense of criminal sexual conduct in the
17 first degree. Now, assault and battery of a high and
18 aggravated nature, as I said is an unlawful act, a violent
19 injury, and it has to be accompanied by circumstances of
20 aggravation. The circumstances of aggravation are listed
21 below: Use of a deadly weapon, infliction of serious
22 bodily injury, great disparity in ages or sizes, there's a
23 difference in gender, purposeful infliction of shame and
24 disgrace.

25 Now, like I said, the first charge is a lewd act

1 on a minor. The second charge was CSC with a minor in the
2 first degree. Assault and battery of a high and
3 aggravated nature is a lesser-included offense of CSC with
4 a minor. And like I said, if anything I say right now
5 differs from what the Judge tells you later, listen to the
6 Judge, but he's going to explain this to you in a few
7 minutes.

8 I want to talk to you for just a second about
9 what a reasonable doubt is. It seems to be one of those
10 terms that you hear all the time when you turn on the TV
11 or when you read the newspaper. Reasonable doubt, the
12 Judge is going to give you a definition. I tried to break
13 it down into something that was very simple. It is doubt
14 that would cause a reasonable person to hesitate to act.
15 It does not mean that the State has to prove beyond all
16 doubt or even if you have just a little bit. It does not
17 mean that I have to prove my case beyond all doubt, just a
18 reasonable doubt. And, like I said, the Judge will later
19 define that for you.

20 There's been different kinds of evidence --
21 well, there are two different kinds of evidence. There is
22 evidence that is taken in the form of testimony, pictures,
23 911 calls. That's what we call direct evidence. Then
24 there's circumstantial evidence. And, you know, you hear
25 those words a lot, too, on Law & Order, CSI, all those

1 different shows. There is no less importance between
2 circumstantial evidence and direct evidence. They should
3 both be given equal weight. To give you an example of
4 what circumstantial evidence will be is if you go home
5 tonight and you lock your doors and it starts snowing
6 outside and you don't stand out there all night long and
7 you don't watch the snow fall to the ground, but you walk
8 out in the morning and there's snow. That's
9 circumstantial evidence that it snowed. That's kind of
10 what the difference is. No, you didn't sit there and
11 watch every single snowflake hit the ground, but you know
12 it must have snowed.

13 You heard from several different witnesses
14 yesterday. First of all, you heard from Erica King. You
15 heard from [REDACTED] You heard from Officer Jason
16 Plowden. You heard from Debbie Elliot and Investigator
17 Roger Tilton. And, ladies and gentlemen, I want you to
18 understand that the State gets it. It comes down to the
19 fact as to whether or not you believe [REDACTED]

20 The Judge is going to talk to you about
21 testimony, the credibility of witnesses, that is all
22 you've got. You are the ones who get to determine that.
23 And it does come down to whether or not you believe her.
24 I will say this, we had at least four witnesses get up on
25 that stand and they were able to testify that Latoya

1 Williams was at a certain place, exactly where she said
2 she was, between certain dates, exactly where she said she
3 was, when these alleged events occurred.

4 Now, there's another problem. The child waited
5 a couple years to disclose. Why in the world would she
6 trust anybody? This young lady was removed from her
7 mother's home when she was five years old because D.S.S.
8 thought it was so bad, D.S.S. got involved and took her
9 out. She was five or six years old. She didn't go to one
10 foster home. She didn't go to two foster homes. She went to
11 three. Between the ages of five and six, she was removed
12 from her home and she went to three foster homes.

13 And she finally stayed at the home of Ella
14 Graham. She thinks she was about eight or nine years old
15 when she got there, in the first grade. These events
16 started occurring between 2000 and 2003, that's the time
17 when she was in Ella Graham's home. She said she did have
18 kind of a relationship with her father. She never
19 testified to the fact that there was any other male
20 influences in her life. She was shuffled around from home
21 to home and she was in and out of different schools.

22 This little girl couldn't even talk to her own
23 mother. The State is not surprised that it took years for
24 this young lady to disclose. In fact, if you will
25 remember, Debbie Elliot got up on that stand. She's been

1 doing this her whole life. She said it is not unusual for
2 people to wait days, months, years, and sometimes a
3 lifetime will go by and they will never tell anybody about
4 what they went through. Who could she trust? Who could
5 she possibly know to trust to tell this information to?
6 There is no physical evidence. Of course, there's no
7 physical evidence. [REDACTED] is 17 years old. This
8 came to light when she was 16 -- about 15 or 16. This
9 happened when she was eight, nine and ten years old. Of
10 course, there's no physical evidence. Of course, there
11 isn't any. There's no blood. There's no semen. There's
12 no bodily fluids. It's been a long time. The State knows
13 that and we admit it and we throw it up there right up
14 front. You heard mention of a videotape, but I just want
15 you to understand for legal reasons, we can't enter that
16 videotape into evidence. I just want you to understand
17 that.

18 Erica King was the first witness that got up on
19 the stand. She was the aunt of the victim. She was the
20 one who confirmed that Latoya was removed by D.S.S. from
21 her mother -- from her mother by D.S.S. for drugs, alcohol
22 and who knows what else. She told us that Latoya went to
23 several different foster homes. She told us that,
24 eventually, Latoya moved in with her grandmother. Then
25 her grandmother began experiencing severe health problems,

1 she was older. Latoya started having some problems of her
2 own, so, eventually, Latoya went to live with Erica King
3 and her husband, who was her paternal uncle.

4 Next, you heard from [REDACTED] She was
5 up there and she testified for a good long time. You got
6 to look at her face. You got to watch her demeanor. Yes,
7 she's very soft-spoken, unbelievably soft-spoken. You
8 remember the trouble that we had with the microphone. She
9 told us that she was removed from her mom's home when she
10 was five or six. She lived in two other foster homes
11 before she began residing with Ella Graham. She moved in
12 with Ella around the age of eight, first grade, somewhere
13 in there. She met Robert Singletary after she moved in
14 with Ella Graham.

15 Let's think about this for a second, Robert
16 Singletary is mostly likely one of the nicest people she
17 had ever encountered. He bought her clothes. He bought
18 toys, took her out to eat. He was a good person in her
19 life in the beginning. She trusted him. She liked him.
20 She sat there and told you that she didn't have much when
21 she moved into Ella Graham's home. She hardly had any
22 school clothes. Robert used to pick her up on Sundays and
23 on special occasions. She told you that she remembered
24 Robert driving a green Expedition. Those are details,
25 ladies and gentlemen. Details that I think make Latoya --

1 THE COURT: Miss --

2 MISS ANDERSON: I'll move on, Your Honor.

3 Latoya was also able to tell you that she played
4 hide-and-go-seek in the ice cream truck. She told you
5 that it was old, it was abandoned, it was dirty, it was
6 full of boxes. You could see in the -- I mean, you could
7 see out of the windows from the inside, but you couldn't
8 see into the ice truck from the outside. Latoya remembers
9 those details. She remembers when he touched her behind.
10 And then, ladies and gentlemen, she sat there on that
11 witness stand and she told you that he put his penis in my
12 vagina. He pushed her down on the ground, took her
13 clothes off and he put his penis into her vagina. She
14 told you that it hurt. She told you that it made her
15 scared. She told you that she was upset. She also told
16 you that Robert Singletary told her not to tell anybody.
17 Who was she going to tell?

18 She told you about an incident in a shop in Lake
19 City. There's a glass table, a back room. There was a
20 back room with a chair. He told her to bend over the
21 chair, where, once again, he raped her. When she got up,
22 she saw there was white stuff, you know, like fluid all in
23 the chair. She was like, what is that? Don't worry about
24 that. That's what the Defendant told her.

25 There's an incident that took place at Sonic.

1 There was another child who had a seizure and the
2 Defendant took them to the emergency room. Now, he asked
3 Latoya if she was hungry, so he took her to Sonic. Once
4 again, ladies and gentlemen, he took her out to eat. He
5 bought her food. He probably treated her in some ways
6 better than she had ever been treated. He took Latoya to
7 Sonic. She sat in the back seat. She sat on that stand
8 and she told you that she sat in the back seat because she
9 was worried about sitting in the front seat. So she sat
10 in the back seat. He took his fingers and he shoved them
11 into her vagina. It hurt and she said, Stop. And, ladies
12 and gentlemen, she said that he did stop. She said, Stop,
13 that hurt, and he did. Why in the world would Latoya get
14 on the witness stand and tell you that she told the
15 Defendant to stop and that he did stop. Those are
16 details, ladies and gentlemen. They're the kind that you
17 don't forget.

18 She told you about a moped. She told you about
19 riding on the moped. She told you about sitting in front
20 of Mr. Singletary, as I can envision, based upon what she
21 told me. You know, he was on the moped and she was
22 sitting right here, eight, nine, ten years old. She said
23 she could feel him grinding up against her. And, in
24 particular, she could feel his penis in the back of her.
25 None of her clothes came off, but she knew exactly what

1 was going on. Eight, nine, ten years old. Three foster
2 homes.

3 She did good on her report card. So what did he
4 do, tell her he was going to come get her. He took her to
5 his parents' house. He took her to the gold car.
6 Details, ladies and gentlemen. He took her to the gold
7 car. He pushed her in. She tried to get away. It was
8 dark outside, nobody could see her. He pushed her down in
9 the back seat of that gold car and he raped her again. He
10 bought her toys and took her out to eat. It wasn't like
11 he was never nice to her. He did take her to Sonic. He
12 did buy her some school clothes. He did buy her other
13 things in return for her silence.

14 She moved in and out of foster homes, ladies and
15 gentlemen. She didn't even trust her own family. Who did
16 she have to trust? Who did she have to tell? She was
17 eight to ten when she was in her third foster home. Let's
18 talk about what she said on the stand. She was afraid to
19 tell anyone. Wherever you go, I will find you. Eight,
20 nine, ten years old. Moved out of her mom's home when she
21 was five, lived in three foster homes. Wherever you go, I
22 will find you. If I didn't tell anyone, I thought it
23 would go away. That's what [REDACTED] said yesterday
24 on that stand. If I didn't tell anyone, I thought it
25 would go away. She was incredibly vulnerable. In fact,

1 ladies and gentlemen, she was the perfect victim.

2 At this point in time, after about three years
3 with Ella Graham, she went to live with Viola Williams.
4 This is her paternal grandmother. She started acting out.
5 What did you hear from Debbie Elliot? That a lot of
6 times, children who are abused begin to act out. They get
7 in trouble. So what happened, she started acting out.
8 She ran away from home. She got into fights at school.
9 She snuck people in and out of the house without her
10 grandmother's permission. She started getting in trouble.

11 At this point in time is when law enforcement
12 got involved. The grandmother, you know, was not sure
13 exactly what to do with Latoya. So Latoya had the
14 opportunity to speak with law enforcement. She was 15
15 years old, between five and seven years had passed since
16 these alleged incidents occurred, five and seven years.

17 She first spoke with Officer Jason Plowden. And
18 you remember him getting up there on the stand, he wasn't
19 up there very long. He was called out -- no, he wasn't
20 called out, excuse me. He received a call from dispatch
21 to go back to the station to take an incident report. And
22 he did. He took an incident report for CSC with a minor.
23 And he said that [W] said to him, He raped me.
24 He raped me. She said that over and over again. Yeah,
25 she was vague. She didn't give a lot of details. She

1 reported the incident dates were between August 20th of
2 2000, and June 4th of 2003. Plowden reported the incident
3 occurred when she was in Lake City and she was a foster
4 child at Ella Graham's home. She was vague. Of course,
5 she was vague. She was talking to a man about something
6 that happened to her when she was eight, nine, ten years
7 old about something she couldn't really wrap her head
8 around, about something that she didn't understand, she
9 didn't want to understand, furthermore, that she did not
10 deserve.

11 There seems to be a big deal made out about what
12 these six or seven lines that were taken in the incident
13 report. What did Investigator Tilton tell you when he got
14 up on the stand and what did he tell me? I don't have any
15 children. I don't have the training. It's specialized.
16 I'm a man. She's a little girl. She's not going to tell
17 me stuff. So no, Jason Plowden didn't take a whole lot of
18 details.

19 Another thing, too, was, you know, you receive
20 an incident report and you wonder why in the world the
21 police don't go out and do something immediately. I'd
22 like to point out to you, ladies and gentlemen, she was no
23 longer in the place where she said these events occurred.
24 She wasn't ever saying that these events occurred at her
25 grandmother's home. So it was not occurring at that time

1 to [REDACTED]

2 Investigator Roger Tilton got up on that stand.
3 He told you that he received a report from Jason Plowden.
4 Ladies and gentlemen, I want you to notice that
5 Investigator Tilton has been in law enforcement since
6 1998. Prior to that, he was in the Marine police. I
7 can't exactly remember how he said it. But anyway, what
8 was the first thing he did after he read the incident
9 report? He set up a meeting at the Care House because
10 that is what he always does with children victims. Why?
11 Because he is not trained to talk to children victims. He
12 knows Debbie Elliot and the people at the Care House.
13 Furthermore, he's a man. We have a female victim. He
14 doesn't want to intimidate. He doesn't want to scare her.
15 He wants to put her in the best possible environment. He
16 watched that interview in person. He told you he had to
17 leave, later watched that interview on DVD. He told you
18 on the stand that he drove to the Defendant's home or to
19 the home of the Defendant's parents. He drove to the
20 Defendant's parents' home.

21 Roger Tilton got up on that stand and told you
22 that he saw the ice cream truck. He saw it with his own
23 eyes. He said that it was old, rusty, dirty-looking. He
24 saw it. He saw the very same ice cream truck Latoya
25 Williams described. He was speaking to the Defendant's

1 father. The Defendant drove up. He was very clear on the
2 stand. Investigator Tilton did not ask the Defendant any
3 questions. Once the Defendant realized that Tilton was
4 investigating him, that's when the Defendant said, I
5 didn't mess with the girl. I was in prison.

6 At that point in time, Investigator Tilton left.
7 And you know what he did? He did his job. He furthered
8 the investigation. He went back and he checked the time
9 line. Based upon his investigation, he swore out a
10 warrant for Robert Singletary for CSC with a minor,
11 criminal sexual conduct with a minor. The Defendant was
12 never questioned. He was taken to jail. During the
13 time -- or during his investigation, Tilton was able to
14 identify that L.W. [REDACTED] lived with Ella Graham
15 between the summer of 2000 or somewhere in 2000 until
16 2003. That's the exact same time W. [REDACTED] said
17 these incidents occurred.

18 Tilton explained to you why he never interviewed
19 children. I think that's very important. Sometimes I
20 think -- you know, it was so long ago that I was a kid
21 that I can't remember how my mind processed things.

22 You next -- well, actually, I took it a little
23 bit out of order. You heard from Debbie Elliot before you
24 heard from Investigator Tilton. Now, this is a woman who
25 is qualified as an expert in the area of child physical

1 and sexual abuse assessments. She told you that this is
2 what she's been doing her entire life. She graduated from
3 Clemson. Now, I'm not going to tell you what year she
4 graduated from Clemson because I'm sure she doesn't want
5 me to tell you. But she's been doing this her entire
6 career. She is now a forensic interviewer at the Care
7 House. She told you up on the stand that she has
8 protocol, she has national rules that she has to follow.
9 She ask open-ended questions. She doesn't want to suggest
10 any answers to the child. What she wants to do, she just
11 wants to find out from the kid what exactly happened.

12 She told you that that interview lasted about 45
13 minutes to an hour. I want to point out right now that
14 the guardian answered intake questions about depression,
15 headaches, hyperactivity. Latoya was never asked those
16 questions. When she got up on the stand and told you she
17 didn't know, that was the truth. She didn't know. She
18 didn't answer those questions. She testified that Latoya
19 gave her details. She was able to tell you that Latoya
20 was in custody of Ella Graham in 2000 to 2003. Debbie
21 Elliot told you that there was an incident with an ice
22 cream truck. She told you that it happened in the
23 Defendant's home. There was a shop in Lake City, a shop
24 in Florence. She said -- what else did she say? She said
25 her behavior is normal for a victim of abuse. Running

1 away, fighting, sneaking people in and out of a home
2 without permission, that is normal. Actually, I would
3 like to go back and say there is no normal. We just all
4 have what we do when things happen to us.

5 Debbie Elliot asked Latoya if she was making up
6 these allegations just to keep herself out of trouble. I
7 asked [REDACTED] when she was on the stand, Did you
8 make this up? Did you just decide one day that you didn't
9 like Robert Singletary and that you didn't like Ella
10 Graham and you just want to do this to get yourself out of
11 trouble? What was her answer? It was no.

12 Sexual abuse is humiliating. It is shameful.
13 Children are in fear. They do not know who to trust.
14 They don't know what's happening to them. And it is
15 normal for victims to wait days, months and years before
16 disclosing. In fact, it is normal for some to never
17 disclose. I want to tell you right now the fact that
18 Latoya Williams didn't tell Debbie Elliot about the
19 incident in the gold car at the Defendant's parents' home
20 does not mean that she's making it up. It just means that
21 over a period of time, she remembered another incident.

22 Remember, [REDACTED] never told anybody
23 about what happened to her until she was about 15 or 16
24 years old. And then in a span of about 45 minutes, she
25 was supposed to remember every little single thing that

1 happened to her between the time that she was eight, nine
2 or ten, 45 minutes? Latoya has never recanted her story.
3 She has never changed her story. The fact that she
4 remembered there was a gold car incident does not mean
5 she's lying. Latoya gave us details that only Latoya
6 would know. Latoya has told us that she asked the
7 Defendant to stop once and that he did. If she were going
8 to make this up, don't you think that she would tell you
9 that he didn't stop. She's not going to sit up there and
10 tell you that one time she asked the Defendant to stop and
11 he did. Robert Singletary bought her clothes, he bought
12 her food, he bought her toys. I'm going to say it again.
13 He's probably one of the nicest people she had met at that
14 point in her life. Latoya denies to this day that she
15 made any of this up.

16 Let me tell you something else, ladies and
17 gentleman, [REDACTED] who is moved out of her
18 mother's home at the age of five or six because of the
19 alcohol and drug abuse, [REDACTED] who went through
20 three foster homes, lived with her grandmother, who was an
21 elderly lady who couldn't take care of her, lived with her
22 aunt and uncle, has moved closed to seven times over her
23 lifetime, she is still in school. She's 17 years old
24 today -- right now, ladies and gentlemen. She just
25 finished the 10th grade. Yeah, she's a little bit behind,

1 but it is amazing that that young lady is still in school.

2 Now, on cross-examination, Mr. Meetze asked the
3 victim about the intake form. She never filled it out.
4 She wasn't asked those questions. Don't lose sight of
5 what really happened. He asked her about getting in
6 trouble to which the forensic interviewer told you that is
7 absolutely normal. Officer Plowden, why didn't she give
8 more details? The victim only gave you six or seven
9 lines. Officer Plowden was never trained to take
10 statements from children victims. That is what the Care
11 House is for. Jason Plowden responded to a call. He went
12 to the police station and he took the information to get
13 the investigation started. It was not occurring at that
14 time. Officer Plowden didn't need to go and arrest
15 anybody or pull her out of custody. She wasn't in harm's
16 way at that point in time.

17 Debbie Elliot. Like I said, ladies and
18 gentlemen, Latoya didn't tell you about the gold car --
19 Latoya didn't tell Debbie Elliot about the gold car
20 incident. Forty-five minutes to an hour, you're supposed
21 to tell me what happened over three years of your life,
22 three years that you've tried your best to forget? Latoya
23 wanted all this to just go away. She wanted to forget it
24 ever happened. I wish it had never happened.

25 Yesterday, ladies and gentlemen, I told you I

1 was going to tell you a tragic story of [REDACTED]
2 life. I have. You heard it from Latoya yourself. You
3 heard it from the State's witnesses. I ask you to not
4 lose sight of the quarter. It does boil down to the fact
5 of whether or not you believe her. I believe at this
6 point in time the State has offered enough evidence for
7 you to find Robert Singletary guilty beyond a reasonable
8 doubt.

9 Thank you for your time. Thank you for your
10 service to your county.

11 THE COURT: Mr. Meetze.

12 MR. MEETZE: Thank you, Your Honor, may it
13 please the Court.

14 Ladies and gentlemen, as I told you yesterday, I
15 represent Robert Singletary in this case and Robert
16 Singletary has pled not guilty to the charges that he
17 faces. He has done so exactly because that is exactly the
18 case, he is not guilty. Because he has entered that plea,
19 the burden is placed on the State to prove him guilty
20 beyond a reasonable doubt. And you've heard that term.
21 You'll hear it a few more times before we're all done
22 here. But that is the burden that is placed on the State,
23 to prove an individual, and in this case, Robert
24 Singletary, guilty beyond a reasonable doubt. They have
25 to produce evidence that leaves you all firmly convinced.

1 of guilt before he can be convicted. Mr. Singletary has
2 absolutely no burden in this case. He doesn't have to
3 prove anything. He don't have to say anything. That
4 burden is left up to the State entirely. And those are
5 the rights that are given to him through our Constitution.
6 The presumption of innocence, the right to a jury trial
7 and the right to remain silent are rights that are given
8 to him. When you're facing down the barrel and you're
9 staring down charges, you have to make those decisions.
10 And when you sit wrongfully accused of horrendous crimes,
11 you have to trust those who take oaths to uphold the
12 principles that a lot of us take for granted because a lot
13 of us don't face those circumstance and those situations.
14 But he's facing that and he's here and he's asking you to
15 uphold your oath today.

16 We don't know -- like I said, we don't know what
17 it's like to stare down charges. Certainly, I don't. I
18 know what it's like to represent people that are accused,
19 but I don't know what it's like to stare down charges.
20 And it's easy to sit back and say, you know, if I was in
21 that situation, I would do this or if I was in that
22 situation, I would do that. But the truth of the matter
23 is we don't know. And none of us could say what we would
24 do in any particular situation unless we're actually faced
25 with that situation. We all can be guilty of saying that

1 at different times in our life about a bunch of different
2 things. See something on TV, man, if that was me, I'd
3 have done this, I'd have done something totally different.
4 But unless you're there, you don't know. And again, the
5 Judge will charge you that he has a Constitutional Right
6 to remain silent and he has the right to a jury trial.
7 The fact that he has remained silent is not to be held
8 against him in this case.

9 Now, again, as I said, because he's exercising
10 his rights, the State has the burden of proving him guilty
11 beyond a reasonable doubt. An example I gave you
12 yesterday with regard to the scales of justice. I think,
13 as Miss Anderson told you, the Judge is going to charge
14 you on the law. And one of the charges is going to
15 include a charge as to what reasonable doubt is.
16 Certainly, once he gives you that charge, that is what you
17 should go by whenever you are deliberating the case.

18 But I told you yesterday and I gave you the
19 example of the scales of justice. And that in order to
20 prove somebody guilty in criminal court where the burden
21 is much higher, proof beyond a reasonable doubt, they
22 would have to compile evidence until those scales are
23 tipped extremely in the State's favor. Proof beyond a
24 reasonable doubt, as you have heard, does not mean proof
25 beyond any and all doubt, but it is proof that should

1 leave you firmly convinced of someone's guilt. Just
2 because it doesn't require proof beyond any and all doubt
3 doesn't mean that it's not a very high burden to meet.
4 Proof beyond any and all doubt would be a very difficult
5 and nearly impossible burden to meet and our system
6 doesn't require that. But proof beyond a reasonable doubt
7 is still a substantial burden and it would require
8 substantial evidence in that regard.

9 Now, as you've also heard -- well, and
10 reasonable doubt can come down to not just evidence that
11 you have heard, but evidence that you don't hear. Not
12 just what you have seen, but stuff you didn't see. You
13 know, evidence that you've heard or not heard. And that's
14 what I want to talk about and that's what I want to focus
15 on is the evidence. Not only the evidence that you heard,
16 but the evidence that you didn't hear.

17 First of all, let's talk about the evidence that
18 you did hear. And as Miss Anderson told you, this is a
19 case that boils down to testimony from [REDACTED] a
20 15-year-old girl, who is making allegations that had
21 occurred -- of events that she says occurred five to eight
22 years before she disclosed them. That happened in 2008,
23 that's seven to ten years from now, but five to eight
24 years from when she disclosed it in March of 2008.

25 Now, she didn't tell anybody at the time these

1 things allegedly happened that anything had happened. She
2 was there for three years, roughly, give or take. She
3 didn't tell anybody at her school. There's no evidence
4 she told any friends. There's no evidence from school
5 personnel or faculty or guidance counselors that her
6 grades were suffering or that she was having problems at
7 that time in school. There was nothing like that. No
8 evidence at all with regards to that. No evidence that
9 she disclosed this to anybody.

10 She was there from whatever the ages are. The
11 years, I think, are clear, from 2000 to 2003. And then
12 after she left Ella Graham's home, she went with her
13 grandmother, Viola Williams. And I think she was there
14 for a while and it was there that she finally did disclose
15 these allegations. She told her grandmother that these
16 things happened. But that was only after she had gotten
17 into trouble herself sneaking friends into her house and
18 without permission from her grandmother. She got into
19 trouble and then she discloses all of this cause that's,
20 still five years later. She discloses these in 2008.
21 This is five years after she is gone from Ella Graham's
22 house.

23 Now, at the time she was at Ella Graham's house,
24 she said she didn't disclose this, didn't say anything to
25 anybody because she was scared. Well, once she's with her

1 grandmother, she's in a safe haven. She's in a different
2 environment. She's with family, actual blood relations.
3 All right. She still didn't disclose. She went years
4 without disclosing. Miss Anderson said it's normal for
5 you to go, she said, days, months or even years. Well,
6 she didn't go days. If that would have been normal, that
7 didn't happen. If you want to say months, she went
8 anywhere from 60 to 84 months before she disclosed
9 anything. And it totaled out to be five to eight years
10 before any of this surfaced. And it didn't surface until
11 after she got into trouble.

12 And that's an important fact because what we're
13 dealing with here, again, this case boils down to that
14 testimony and whether or not you believe it, whether or
15 not you believe that is credible. Because that's all the
16 evidence there is. There's no physical evidence in this
17 case, nothing like that. And this is the case, as I said
18 before, as all criminal cases are where you're dealing
19 with lives and you're dealing with very liberal and that's
20 why the burden is so strong. And that's why you have to
21 look and take into consideration everything and the fact
22 that she didn't disclose any of this until after she found
23 herself in trouble. It's natural to think and to ask
24 yourself, did she disclose that to deflect trouble from
25 herself? Did she make this up to deflect trouble off of

1 herself?

2 In fact, not only do I submit to you it's
3 reasonable to think that, I submit to you it's reasonable
4 doubt to think that because Debbie Elliot thought that.
5 She thought enough to ask that question. Are you bringing
6 this up because -- to deflect trouble from yourself? It's
7 natural. And it's natural to enter your mind that that's
8 a possibility and a reasonable possibility, then that by
9 itself creates a reasonable doubt in this case. That
10 right there is enough reasonable doubt for you to find
11 Robert Singletary not guilty.

12 I did ask some questions of Miss Williams or
13 L.W. [REDACTED] with regards to the intake information,
14 that was questions that had been asked of her grandmother.
15 You heard the questions, but you didn't hear the answers.
16 Miss Elliot testified that they do those interviews,
17 they're finding information, trying to see what kind of
18 symptoms there were, if any, and what, if anything, those
19 symptoms mean. So they ask the people close to them that
20 were around them, were able to observe them if she was
21 exhibiting any particular symptoms. And -- well, Kathy
22 Saunders -- I'll get to that in a little bit, but you got
23 to hear what those questions were. You got to hear what
24 kind of things were asked. You got to hear that they were
25 asked whether or not there was any trouble sleeping,

1 nightmares, whether or not there were any issues with
2 bedwetting or hurting yourself or others or alcohol and
3 drugs or that kind of thing. But you didn't hear whether
4 or not -- what those answers were. And we'll get to that
5 in a little bit as well.

6 Again, you didn't hear any testimony with regard
7 to the grandmother. Let's start there Viola Williams,
8 which is the first part that this incident was disclosed
9 to. That's what got the ball rolling. That's when they
10 got in touch with the Lake City Police Department and
11 Jason Plowden who did the interview. You have -- that's,
12 you know, in these kind of cases -- and, of course, I'm
13 not prosecuting the case and that's not my job to
14 prosecute the case. It's not unusual in these kind of
15 cases. And I'll submit to you it fits in this case as
16 well, that that's an important witness. The first person
17 they came forward and disclosed allegations to is a very
18 important witness. You didn't get to hear anything from
19 that witness. You got to hear very little. You got to
20 hear testimony that Viola Williams had concerns that
21 [REDACTED] was involved in some kind of gang,
22 affiliation, whether she was a member or not. We don't
23 really know what the concerns were, why the concerns were
24 there, don't know any of that. Don't know what Latoya
25 Williams told Viola Williams in that initial disclosure.

1 That falls under evidence that you didn't hear or didn't
2 get and not going to get to evaluate in making your
3 decision. And that goes to reasonable doubt as well.

4 Like I said, it's not just evidence that you see
5 and that you hear, it's evidence that you don't get to
6 hear. The State has the burden to present all of the
7 evidence to you in order to find somebody and to prove to
8 you somebody is guilty beyond a reasonable doubt. And in
9 this case, they haven't done that. There's evidence out
10 there that you're not getting to consider because they
11 didn't present it to you. And it's not nit-picky
12 evidence. It's key witnesses that have pertinent things
13 to tell. The first person that she disclosed this to, the
14 grandmother, didn't testify. You didn't get to hear from
15 her. There's a lot -- there was a lot made during
16 testimony and everything about the consistency, trying to
17 point to you that the stories are consistent. Well, it's
18 hard to tell how consistent a story is when you don't know
19 how they started. You know where they end, but you don't
20 know how they started. You didn't get to hear that. And
21 I submit to you that the fact that that's evidence you
22 didn't get to hear in and of itself creates a reasonable
23 doubt. And it is enough reasonable doubt for you to find
24 Robert Singletary not guilty in this case.

25 But not only did you not hear from the

1 grandmother, Viola Williams, you didn't hear from Ella
2 Graham, the person who was the foster parent at the time
3 these things were allegedly happening. Again, what
4 observations could she make? What can she say? Was there
5 any signs, anything going on? Don't know. Didn't get to
6 hear from her. Again, that's key evidence. These people
7 were on the witness list, but they didn't get to testify.
8 And the reason they didn't get to testify is they weren't
9 called to testify. And the reason you're not getting to
10 hear that evidence and getting to use that evidence to be
11 able to do your jobs properly and evaluate this case based
12 on all of the evidence to make a decision -- and it is an
13 important decision, I will submit to you, one of the, if
14 not the most important decision you'll be making in your
15 entire lives. It is an awesome responsibility that y'all
16 have undertaken here and I, certainly, respect you for
17 that, but you're being put in a position where you're not
18 able to make this decision by considering all of the
19 evidence that was available to you. And the fact that
20 Viola Williams didn't testify and the fact that Ella
21 Graham didn't testify in and of itself is enough
22 reasonable doubt.

23 And again, there's other witnesses on there that
24 I don't know what they could have added or what they
25 couldn't have added. I'm not going to nitpick. I'm only

1 going to talk to you about witnesses that is reasonable to
2 think they would have had pertinent and valuable
3 information to you to consider. Another such witness, you
4 heard her name was Kathy Saunders, another individual from
5 the Care House who participated in the original forensic
6 interview that you heard mentioned. Debbie Elliot
7 testified that her portion of that, which was getting the
8 story from L.W. [REDACTED] The first part of that
9 interview was done with the grandmother. There was an
10 examination done of L.W. [REDACTED] done by Kathy
11 Saunders, then there was an interview with the grandmother
12 where they were trying to develop, see if there were any
13 symptoms of abuse and that kind of thing. And they asked
14 those questions with the checklist that you heard me go
15 down with L.W. [REDACTED] mistakenly. And then when I was
16 talking to Debbie Elliot about that, she told me Kathy
17 Saunders is the one that asked those questions. So then
18 it would be appropriate for Kathy Saunders to be the one
19 that I questioned in regard to that at the trial.

20 Well, again, Kathy Saunders didn't testify. I
21 know it was eight years later, but still there was an
22 examination that went on. You don't get to hear about
23 that. There was questioning of Viola Williams and what
24 they learned from that. These are things -- like I say,
25 there's protocols that they follow, they have to do. And

1 it teaches them something. It helps them learn certain
2 things about what might have been going on. Nothing is an
3 exact science. We can't look at this and say this is a
4 hundred percent certain here, this is what happened, but
5 it can help you. And she would have been able to tell you
6 this is what we learned from this conversation with the
7 grandmother. This is what we didn't learn. This means
8 this, this means nothing or it doesn't really mean
9 anything at all. Any of that's possible, but we don't
10 know. And, more importantly, you don't know because you
11 didn't get to hear that evidence. And, again, those are
12 witnesses that would have had very important things to
13 say, things you would need to hear in order to live up to
14 your awesome responsibility that you've all undertaken
15 here. And, again, the fact that that's more evidence that
16 you did not hear, again, I submit, in and of itself, is a
17 reasonable doubt.

18 Now, a lot has also been made about the details
19 that were given in the testimony in this case. And, of
20 course, as you've been told, y'all's job is to recall this
21 evidence the way you recall it. The way I recall it or
22 the way Miss Anderson recalls it can be completely
23 different. And y'all recall it the way y'all recall it.
24 But there's basic details in stories or allegations or
25 anything. And then there's minute details, okay. When

1 you're talking about a span of time, if you want to
2 nitpick things and say -- and nitpick the minute details,
3 you're probably going to find variances and
4 inconsistencies in about anybody's stories of their life
5 or whatever. And that's natural. Time passes, things are
6 going to be different when you're talking about the
7 minutiae, talking about the minute details.

8 But there's also basic details that shouldn't
9 change. And it's sort of plain and simple when you think
10 about it, in any story or any allegation, you've got a
11 what, what happened, when did it happen, where did it
12 happen. Those are three things that just stay consistent
13 throughout the whole thing. Three things that you
14 shouldn't forget because those are pretty basic. Those
15 are pretty obvious, what, where, and when.

16 And in this case, when she talked to Jason
17 Plowden, she was able to say what happened, but didn't
18 give any where or when, didn't give any details in any
19 form or fashion. And I understand. You know, you can say
20 what you want about reasons behind that, whether or not
21 she was intimidated by him or whether or not he wasn't
22 trained to interview child victims or whatever. He's a
23 law enforcement officer. He's trained to interview
24 witnesses and talk to victims, whatever their ages are.
25 They go through that training and asking questions to try

1 to get answers. And he indicated that he did that. He
2 gave her an opportunity to tell what happened and she
3 didn't do that.

4 Whenever she was under direct examination, a lot
5 of times, she was sort of given part of things. She was
6 given the where. She would be asked a question like was
7 there a gold car at any point in time. And then she'd
8 fill in the rest. Oh, yeah, there was a gold car. Was
9 there a moped, was there a store in Lake City was how
10 things would be started. So part of the detail would be
11 given. She'd try to fill in the other part. Then when I
12 got to questioning her and asked her the when, she didn't
13 know. And that's a basic detail and that's a detail
14 that's completely missing. This is a three-year span.
15 You heard some allegations. She couldn't narrow it down
16 to a particular year. I wasn't even asking to narrow it
17 down to a week or a month or a day, can you just tell me
18 first year, second year, third year? First grade, second
19 grade, third grade? She couldn't do that. And, again,
20 I'm not nitpicking minute details that any of us could
21 lose track of over the course of time, I'm just talking
22 about basic details, the what, the where and the when.
23 And a lot of times, she was given the where and didn't
24 know the when.

25 And, again, consistency was an issue that was

1 focused on a good bit as well. And, you know, I submit to
2 you that there's not consistency here. She didn't give
3 any details to Jason Plowden. She gave testimony about a
4 gold car up here today that was the first time --
5 yesterday, excuse me, first time anybody had heard all
6 that. She hadn't told Debbie Elliot that. And, again, if
7 you're trying to look at credibility and trying to look at
8 consistency because all you've got are the allegations to
9 go on, then I submit to you the fact that that shows a
10 complete lack of consistency in what she's saying. It
11 goes to the credibility of that testimony and creates, in
12 and of itself, a reasonable doubt in this case.

13 Ladies and gentlemen, I will just once again say
14 to you that proof beyond a reasonable doubt is a powerful
15 burden to uphold. And when the evidence in a case is a
16 testimony from a now 17, time was originally disclosed,
17 15-year-old girl, who only disclosed any of this
18 information after she got in trouble herself, the fact
19 that even the Care House worker raised the possibility
20 with her that she could be deflecting the trouble she was
21 in by coming up with these allegations, the fact that
22 y'all didn't get to hear near the evidence in this case,
23 you didn't get to hear evidence from key witnesses, Ella
24 Graham, the foster parent at the time, Viola Williams, the
25 grandmother, who she lived with afterwards for, it looks

1 like, five years, or Kathy Saunders, another worker at the
2 Care House who participated in the forensic interview,
3 whose name you heard all throughout this thing, but you
4 didn't get to hear from her because all that is missing.
5 I submit to you that all of that, and it wouldn't even
6 need to be all of that, raises a reasonable doubt in this
7 case.

8 Certainly, the life of [REDACTED] has been
9 a tragic one and nobody disputes that. I, certainly,
10 would not dispute that and my heart goes out and anybody's
11 would, that's perfectly natural. But we're here for a
12 separate purpose. We're here to determine whether or not
13 the evidence that's been presented in this case and that
14 you have heard is sufficient to convict somebody of a lewd
15 act with a minor or criminal sexual conduct in the first
16 degree with a minor or, as I believe the Judge will charge
17 you, a charge of a lesser offense of assault and battery
18 of a high and aggravated nature. That's what we're here
19 for. It's certainly natural to have sympathy. We all do.
20 There isn't any question about that. But you have to be
21 able to separate that in instances like this and that's
22 not easy to do. And I certainly respect all of you for
23 taking on this responsibility and would ask you, based on
24 all of the evidence and the evidence that you didn't hear
25 that the only true verdict in this case and the only

1 verdict that speaks the truth is a verdict of not guilty.

2 Thank you.

3 THE COURT: Ladies and gentlemen of the jury, it
4 is now my duty as the trial judge under the Constitution
5 of this State to charge and instruct on the law applicable
6 to this case. It is your duty as jurors to accept and
7 apply the law as I will now state it to you. Furthermore,
8 it is your exclusive duty to decide all the issues of fact
9 in this case and to determine the effect, value, weight,
10 and truth of the evidence. Both the State and the
11 Defendant have a right to expect that you will carefully
12 consider and evaluate the evidence and apply the law of
13 this case to it so that in the end, both the State of
14 South Carolina and the Defendant will receive a fair and
15 impartial trial.

16 I want you to understand when I use the word
17 Defendant, I refer to Mr. Robert Singletary. Furthermore,
18 it is important to understand that the State of South
19 Carolina charges the Defendant, Robert Singletary, with
20 the offenses known as lewd act on a minor and first degree
21 criminal sexual conduct with a minor. And the
22 lesser-included offense is also included of assault and
23 battery of a high and aggravated nature. To these
24 charges, the Defendant has entered a plea of not guilty.
25 This plea of not guilty places the burden of proof on the

1 State to prove the guilt of the Defendant to you, the
2 jury, beyond a reasonable doubt.

3 It is vital to understand that the Defendant is
4 presumed under the law to be innocent of this charge -- of
5 these charges. It is a fundamental rule of our law that a
6 Defendant, irrespective of the seriousness of the charges
7 against him is always presumed innocent of the crimes for
8 which he is charged unless and until his guilt has been
9 proved by evidence that satisfies you, the jury, beyond a
10 reasonable doubt. The presumption of innocence is not a
11 mere legal theory or a legal phrase. The presumption of
12 innocence is very important and you need to understand
13 that this presumption accompanies the Defendant from the
14 time of his arrest and appearance in this court and
15 continues with the Defendant even after you retire to the
16 jury room to deliberate. In other words, the Defendant
17 receives the benefit of presumption of innocence until the
18 very end of the trial when you, the jury, will deliberate
19 upon the evidence and decide whether the State has proved
20 his guilt beyond a reasonable doubt.

21 Proof beyond a reasonable doubt is proof that
22 leaves you firmly convinced of the Defendant's guilt.
23 There are very few things in this world that we know with
24 absolute certainty. So even in criminal cases, the law
25 does not require proof that overcomes every possible

1 doubt. However, if based on your consideration of the
2 evidence you are firmly convinced the Defendant is guilty
3 of the crime charged, you must find him guilty. If, on
4 the other hand, you think there is a real possibility that
5 he is not guilty, you must give him the benefit of the
6 doubt and find him not guilty.

7 Jurors, please understand that reasonable doubt
8 may arise from evidence which has been presented in the
9 case or from the lack of evidence in the case. It is your
10 responsibility to determine whether or not reasonable
11 doubt exist as to guilt of this Defendant. I charge you
12 that the Defendant is entitled to every reasonable doubt
13 in the whole case. If upon any issues of fact essential
14 to conviction and a verdict of guilty, you have a
15 reasonable doubt as to how that issue should be resolved,
16 it would be your duty to resolve that reasonable doubt in
17 favor of the Defendant. Thus, in summary, it is important
18 to understand that a defendant is not required to prove
19 his innocence. Instead, the State is required by law to
20 prove every essential element of the offense charged
21 against the Defendant by evidence which satisfies you of
22 his guilt beyond a reasonable doubt, only then can you
23 convict the Defendant and find him guilty.

24 Now, there are two types of evidence which are
25 generally presented during a trial, direct evidence and

1 circumstantial evidence. Direct evidence is the testimony
2 of a person who claims to have actual knowledge of a fact,
3 such as an eyewitness. It is evidence which immediately
4 established the main fact to be proved. Circumstantial
5 evidence is proof of a chain of facts and circumstances
6 indicating the existence of a fact. It is evidence which
7 immediately establishes collateral facts from which the
8 main fact may be inferred. Circumstantial evidence is
9 based on inference and not on personal knowledge or
10 observation. The law makes absolutely distinction between
11 the weight or value to be given to either direct or
12 circumstantial evidence. Nor is a greater degree of
13 certainty required of circumstantial evidence than of
14 direct evidence. You should weigh all of the evidence in
15 the case. If after weighing all of the evidence, you are
16 not convinced of the guilt of the Defendant beyond a
17 reasonable doubt, you must find the Defendant not guilty.

18 I further instruct you that the fact that the
19 defendant -- or a defendant in a criminal case did not
20 testify on his own behalf is not a factor to be considered
21 by you in any way in your deliberations and in your
22 consideration on the question of the guilt or innocence of
23 the Defendant. In this regard, a defendant has the
24 Constitutional Right to remain silent. And the exercise
25 of this right must not be considered by you in your

1 deliberations. The fact that the Defendant did not
2 testify should not even be discussed in the jury room.

3 The burden of proof, as I have stated to you, is
4 on the State. The Defendant has no obligation to prove
5 his innocence. The burden of proof remains with the State
6 to prove the Defendant's guilt beyond a reasonable doubt
7 and the fact that a Defendant did not testify is not a
8 factor to be considered by you at all. When you consider
9 the whole case, if you have a reasonable doubt as to the
10 guilt or the innocence of the Defendant, then he is
11 entitled to that reasonable doubt and would be entitled to
12 a verdict of not guilty. However, if upon considering the
13 whole case, you find the State has proved by evidence
14 which satisfies you of the guilt of the Defendant beyond a
15 reasonable doubt, then in such circumstances, it would
16 equally be your duty to convict the Defendant and find him
17 guilty.

18 During this trial, you and I have separate
19 duties to perform. As the trial judge, it is my
20 responsibility to preside over this trial. And I also
21 have the duty to rule upon the admissibility of the
22 evidence offered during the process of this trial. In
23 that regard, you are to consider only the competent
24 evidence before you. And you are to disregard from your
25 mind any testimony ordered stricken from the record of

1 this case during the progress of the trial, if there be
2 any. And you are to consider only the testimony which has
3 been presented from this witness stand, together with any
4 exhibits admitted into the record of this case, and any
5 stipulations of counsel made into record, if there be any.

6 Furthermore, I have the additional duty to
7 charge you on the applicable law of this case. And in
8 that regard, I am the sole judge of the law of this case.
9 It is your duty to accept and apply the law as I now state
10 it to you. If you have any preconceived ideas as to what
11 the law is or what the law ought to be and it does not
12 agree with what I tell you the law is, you are obligated
13 under your oath to abandon these preconceptions because
14 you are sworn to accept the law precisely as I now state
15 it to you.

16 In this trial, you are the sole and exclusive
17 judge of the facts and I am the judge of the law. Do not
18 infer that I have any opinion about the facts in this case
19 from anything I have said during the course of this trial
20 in ruling upon the admissibility of evidence or otherwise
21 or from anything that I now say during the course of this
22 charge to you. In this regard, the law simply does not
23 permit me to have an opinion about the facts. As jurors,
24 it is your duty alone to determine the effect, value,
25 weight and truth of the evidence presented during the

1 course of this trial. In determining what the facts in
2 this case are, you must judge the credibility, which
3 simply means the believability of the witnesses and the
4 value of the weight to be given to their testimony. You
5 alone must decide the force, effect and truth of the
6 testimony.

7 In making this decision, there are many things
8 you may and should take into consideration, such as the
9 appearance and manner of the witness on the stand, the
10 characteristic often referred to as the demeanor of the
11 witness. Was the witness forthright or hesitant? Was the
12 witness's testimony consistent or did it contain
13 discrepancies? What was the ability of the witness to
14 know the facts about which he or she testified? Did the
15 witness have a cause or reason to be biased and prejudiced
16 in favor of the testimony he or she gave? Was the
17 testimony of the witness corroborated or made stronger by
18 other testimony and evidence or was it made weaker or
19 impeached by such other testimony and evidence?

20 Members of the jury, please understand that the
21 testimony of a police officer is not entitled to more
22 weight than that of any other witness. You are the sole
23 judges of the credibility of a witness and you are not to
24 give more weight to a police officer's testimony solely
25 because he is a police officer. Rather, you should judge

1 an officer's testimony by the same standards that you
2 apply to all other witnesses.

3 The rules of evidence ordinarily do not permit
4 witnesses to testify to opinions or conclusions. An
5 exception to this rule exist for witnesses we call expert
6 witnesses. A witness who by education and experience has
7 become an expert in some art, science or profession may
8 give an opinion as to the subject the witness claims to be
9 an expert in and may also give the reasons for the
10 opinion. You should consider any expert opinion given by
11 a witness, and like any other evidence, give it the weight
12 you think it deserves. If you decide that an expert
13 witness's opinion is not based on sufficient education and
14 experience or if you decide that the reason given in
15 support of the opinion are not sound or that the opinion
16 is outweighed by other evidence, you may disregard the
17 opinion entirely. An expert witness's testimony is to be
18 given no greater weight than that of other witnesses
19 simply because the witness is an expert. And you do not
20 have to accept an expert's opinion even though it is
21 uncontradicted.

22 As jurors, please understand, you have the right
23 to believe a small portion of a witness's testimony and
24 discard the larger portion, or vice versa. You may
25 believe all of a witness's testimony or none. You may

1 believe the testimony of a single witness against that of
2 many witnesses or the other way around. In exercising
3 your mental processes and attempting to decide the truth,
4 the law simply requires that you exercise your good
5 judgment, your common sense, your sense of logic and
6 reason and your experiences in life. You then apply these
7 attributes to the evidence and apply the law as I now
8 state it to you and thus arrive at a verdict.

9 There's one indictment in this case but with
10 multiple charges. Each charge is a separate crime. You
11 must consider each charge separately, that is you must
12 decide separately what the evidence in the case shows
13 about each crime charged. Your decision on one charge
14 should not affect your decision on another charge. You
15 take each charge on its own merit.

16 The Defendant is charged with committing a lewd
17 act on a minor. A minor is a person under the age of 18.
18 The State must first prove beyond a reasonable doubt that
19 the Defendant was over the age of 14. Next, the State
20 must prove that the Defendant willfully and lewdly
21 committed or attempted a lewd or lascivious act on or with
22 the body parts or its parts of a child under the age of 16
23 with the intent to arouse, appeal to, or gratify the lust,
24 passions or sexual desires of the Defendant or the child.
25 Willfully means voluntarily and intentionally with

1 specific intent to do something the law forbids. Lewd
2 means obscene, lustful, indecent or lecherous. Lascivious
3 means tending to insight lust, lewd, indecent, obscene or
4 tending to deprave the morals and respect to sexual
5 relations.

6 The Defendant is also charged with first degree
7 criminal sexual conduct with a minor. The State must
8 prove beyond a reasonable doubt that the Defendant engaged
9 in a sexual battery with the victim. A sexual battery is
10 sexual intercourse, cunnilingus, fellatio and intercourse
11 or any intrusion, however slight, of any part of a
12 person's body or of any object into the genital or anal
13 openings of another person's body, except when the
14 intrusion is accomplished for medically recognized
15 treatment or diagnostic purposes. The State must then
16 prove beyond a reasonable doubt that the victim was less
17 than 11 years old at the time of the sexual battery.

18 Consent, willingness, indifference or ignorance on the
19 part of the minor, if any, as to what was taking place
20 does not in any way affect the charge of criminal sexual
21 conduct with a minor because an unmarried woman under the
22 age of 14 cannot legally consent to sexual intercourse.

23 Now, if you find that the State has not proven
24 that the Defendant is guilty of first degree sexual
25 conduct with a minor, you must then determine whether the

1 State has proven that the Defendant is guilty of a
2 lesser-included offense of assault and battery of a high
3 and aggravated nature. Assault and battery of a high and
4 aggravated nature is unlawful act of violent injury to the
5 person of another accompanied by circumstances of
6 aggravation.

7 An assault occurs when a person unlawfully
8 attempts or offers to commit a violent injury upon another
9 person and had the present ability to complete the
10 attempted injury. An assault is the intentional creation
11 of a reasonable fear of immediate bodily harm. It is not
12 necessary that the attempted injury or harm actually take
13 place. For example, if I walk up to you and when we are
14 within arm's reach, I draw back to hit you, that is an
15 assault. A battery is the unlawful touching of another
16 person by a person who has committed the assault. An
17 unlawful touching can be caused by a part of the accused's
18 body or any object the accused puts in motion. A battery
19 is the completion of the assault by using or applying
20 force to another person, however slight, in a rude, angry
21 or resentful manner without legal justification for doing
22 so. Using my earlier example, if I carry through the
23 assault by hitting you, then that is a battery.

24 The State must also prove a circumstance of
25 aggravation. Circumstances of aggravation include the use

1 of a deadly weapon, the intent to commit a felony, the
2 infliction of serious bodily injury, a great disparity
3 between the ages or physical condition of the parties, a
4 difference in the genders of the parties, the purposeful
5 infliction of shame and disgrace and the resistance of
6 lawful authorities. These are only examples of
7 circumstances of aggravation.

8 Ladies and gentlemen, I am now drawing near the
9 end of my charge and I want you to clearly understand that
10 you are not partisans or advocates for the State of South
11 Carolina or this Defendant. You do not serve as jurors to
12 reward your friends or punish your enemies. In this
13 regard, you have been selected by both the State and the
14 Defendant to be fair and impartial jurors. It is your
15 duty by your joint deliberations to determine the truth in
16 this case giving to this Defendant the benefit of every
17 reasonable doubt on each and every issue. Then to the
18 facts which you determine to be true, you should take and
19 apply the law which has been given to you by this Court
20 and thus arrive at a verdict which speaks the truth in
21 this case. In fact, the word verdict, which is a Latin
22 derivative, means a true saying. Thus when you have
23 accomplished these responsibilities, you will have
24 satisfied your oath as jurors and you will have discharged
25 your duty to this Court.

1 Now, Mr. Foreman, I am going to be providing a
2 verdict form in this matter. And when you arrive at a
3 verdict as to the charges in this case, you will write
4 your verdict on the form. If the State has failed to
5 prove the guilt of this Defendant beyond a reasonable
6 doubt, your verdict will be two words, not guilty.
7 Likewise, if the State has proved the guilt of this
8 Defendant beyond a reasonable doubt, your verdict will be
9 one word, guilty.

10 Mr. Foreman, once a decision has been made,
11 check whichever choice, it's a unanimous choice of this
12 jury. The verdict that you render must be the verdict of
13 each and every juror and must be your unanimous verdict.
14 All 12 jurors must agree on the verdict which you
15 authorize to be presented to this Court.

16 Mr. Foreman, and members of the jury, I want you
17 to further understand that the order in which the choices
18 of verdict appear on the verdict form are not suggestive
19 of any verdict on the part of this Court. The verdict in
20 this case is to be determined by you, the jury, not the
21 Court. Furthermore, ladies and gentlemen, please
22 understand that even though I have given the verdict form
23 or will give the verdict form to the Foreman, it is not
24 his verdict alone. It is the verdict of all 12 of you.
25 And I emphasize again it must be unanimous.

1 Now, ladies and gentlemen of the jury, I am
2 going to ask you to retire to your jury room but not to
3 begin deliberations until you are told to do so. The law
4 requires that I now consult with the attorneys to make
5 sure that I have not left anything out of these
6 instructions. After I check with the attorneys, the
7 bailiff will bring in the verdict form and instruct you to
8 begin your deliberations. Also, should you have any
9 questions during your deliberations, you must put them in
10 writing and send them to me by the bailiff. The court
11 bailiff, who is to my right here behind the court
12 reporter, will be placed immediately outside of the jury
13 room to provide security for you during these
14 deliberations and any other matters that you may need
15 during your deliberations.

16 Once you have reached your verdict, please knock
17 on the jury room door and ask the bailiff to advise the
18 Court that you have reached a verdict and we will return
19 you to the courtroom as promptly as possible.

20 Thank you, ladies and gentlemen of the jury, you
21 may now retire to the jury room. But again, do not begin
22 your deliberations until you are told to do so. Thank
23 you.

24 If Ms. Pamela Frick would remain seated. Ms.
25 Pamela Frick would you remain seated. Everybody else

1 retire to the jury room.

2 Ms. Frick, you may retire to the jury room for
3 just a minute.

4 (WHEREUPON, the jury retire to the jury room at
5 11:13 a.m.)

6 THE COURT: Any exceptions or additions to my
7 charge from the State?

8 MISS ANDERSON: None, Your Honor.

9 THE COURT: Mr. Meetze?

10 MR. MEETZE: No, Your Honor.

11 THE COURT: All right. I am at this time going
12 to ask the bailiff to get Ms. Frick and bring her back out
13 and I'm going to excuse her until, I guess, 2:30.

14 MR. WELLS: That's my understanding, Your Honor.

15 THE COURT: Mr. Meetze, is that your
16 understanding?

17 MR. MEETZE: That's my understanding, yes, sir.

18 THE COURT: If you will have Ms. Pamela Frick
19 come out.

20 Ms. Frick, you can come around. As an alternate
21 in this case, you are now done with your services in this
22 case. I appreciate your attentiveness during this trial.
23 I appreciate your service. Maybe good news to you, maybe
24 bads news that you don't need to deliberate in this case.
25 I'll let you keep that to yourself and I'll let you look

1 at it how you want to look at it, but you've got to be
2 back up here at 2:30 this afternoon in this courtroom. We
3 may be picking another juror in another case, so you need
4 to be back up here in this courtroom at 2:30 this
5 afternoon. Thank you very much. See you at 2:30.

6 I am not going to send the indictment back, but
7 just send the verdict form back which you already have
8 looked at without objection. You can tell them they can
9 begin deliberating.

10 We will stand at ease.

11 (WHEREUPON, the jury began deliberations at
12 11:15.)

13 (WHEREUPON, Court's Exhibit No. 1 was marked for
14 the record.)

15 THE COURT: What I've written on Exhibit No. 1,
16 I've shared with the attorneys the question that was sent
17 out by the jury and made this an exhibit ---

18 MR. WELLS: Just for the record, would you mind
19 reading it so the Defendant can hear it?

20 THE COURT: I'm going to read it. I'm getting
21 there, promise. Court's Exhibit No. 1, which indicates
22 which a letter was sent out by Mr. Michael, Steve Michael,
23 who I appointed as the foreperson of this jury, it says,
24 The jury needs to be refreshed about the statement
25 Singletary said to Tilton while in the yard. It's signed

1 by Mr. Michael.

2 Pursuant to this note being sent out by the
3 jury, I have brought Miss Anderson, Mr. Wells and Mr.
4 Meetze up in front of me. Now, Mr. Singletary is back in
5 the courtroom with us as well. I have advised them that
6 we could bring the jury back in here and let them hear the
7 testimony of Officer Tilton in its entirety.

8 And from my understanding, there is no objection
9 by the State to doing that; is that correct, Miss
10 Anderson?

11 MISS ANDERSON: That is correct, Your Honor.

12 THE COURT: Is that correct, Mr. Meetze?

13 MR. MEETZE: That's correct, Your Honor.

14 THE COURT: I also discussed with the attorneys
15 that I would write a note back to the jury and this is
16 what I've written. I want you to listen -- attorney for
17 the State and the Defense, listen to what I've written
18 very carefully, so if you're not in agreement with this, I
19 want to know. And you're welcome to come up here and read
20 it yourself after I read it. But I've put on here that I
21 cannot comment on the facts of this case. If you would
22 like to hear the testimony of Officer Tilton in its
23 entirety, we can bring you back into the courtroom and let
24 you hear it. And I'll put on here, you know, please let
25 us know your desire.

1 Is that okay with you, Miss Anderson?

2 MISS ANDERSON: No objection from the State.

3 THE COURT: Mr. Meetze?

4 MR. MEETZE: Nor from the defense, Your Honor.

5 MISS ANDERSON: Your Honor, may I ask a

6 question?

7 THE COURT: Yes.

8 MISS ANDERSON: Has the jury been informed
9 that -- is the jury going to eat and do they know they're
10 going to eat?

11 THE COURT: We're talking about that, too.

12 MISS ANDERSON: Okay, great. I'm sorry, Your
13 Honor.

14 THE COURT: Any objection to the deputy clerk
15 going back there?

16 MISS ANDERSON: No objection, Your Honor.

17 MR. MEETZE: No, Your Honor.

18 THE COURT: I'm going to send this note back at
19 this time.

20 (WHEREUPON, the Court sent response to the jury
21 at 12:33 p.m.)

22 THE COURT: The jury has reached a verdict.

23 (WHEREUPON, the jury came into open court at
24 approximately 12:43 with a verdict.)

25 THE COURT: Mr. Mikell, I've returned the

1 verdict form and the papers that you sent out with the
2 bailiff here. At this time, I would ask has the jury in
3 this case reached a verdict?

4 MR. FOREMAN: Yes, sir, it has.

5 THE COURT: The verdict appears to be in proper
6 form. Madam Clerk, would you please publish the verdict.

7 THE CLERK: The State of South Carolina, County
8 of Florence in the Court of General session, indictment
9 number 2009-GS-21-1350, the State of South Carolina vs.
10 Robert Albrecht Singletary. As to the charge of lewd act
11 on a minor, we, the jury, unanimously find the Defendant,
12 Robert A. Singletary, guilty. As to the charge of
13 criminal sexual conduct with a minor in the first degree,
14 we, the jury, unanimously find the Defendant, Robert A.
15 Singletary, guilty.

16 Members of the jury, if this is your verdict,
17 please raise your right hand.

18 That's it, Judge -- oh, I'm sorry, dated June
19 23, 2010, signed Steven Mikell, Foreperson.

20 THE COURT: Any request from the State?

21 MISS ANDERSON: No request from the State, Your
22 Honor.

23 THE COURT: Mr. Meetze?

24 MR. MEETZE: No, Your Honor.

25 THE COURT: Ladies and gentlemen of the jury,

1 that concludes your service on this case. You have taken
2 very serious the responsibility of doing what you've done
3 here today and you've spoken as a result of testimony
4 that's been heard in this case. It is now my
5 responsibility to handle the sentence in this case. And
6 you, as jurors, are free to sit here and watch that
7 process or you may leave.

8 The good news is you're finished with your
9 service on this case. The not so good news is that I'm
10 going to ask you to be back here in this courtroom at
11 2:30, at 2:30 p.m. But if you'd like to stay at this
12 point in time, you're welcome to do so. If not, you're
13 free to leave until 2:30.

14 Mr. Mikell, I need you to wait before you leave,
15 sir.

16 MR. WELLS: Your Honor, I know judges differ in
17 this. I've signed it for the State. I didn't know if the
18 Defendant or his attorney needs to sign it or not he was
19 convicted of these charges.

20 THE COURT: I don't think it's necessary that he
21 signs it once he's been convicted by 12 jurors. I don't
22 think it is necessary that the defense -- anyway, Mr.
23 Meetze has to sign this. I just don't think --

24 MR. WELLS: I don't think so, I just wanted to
25 bring that to the Court's attention. Do you want to hear

1 motions first and then we'll go into his prior record?

2 THE COURT: Yeah, we can hear motions first.

3 Mr. Meetze.

4 MR. MEETZE: Thank you, Your Honor. At this
5 time, Your Honor, I would renew all my previous motions
6 and I would have the additional motion of motion for a new
7 trial. Based on the evidence that's present -- the
8 verdict is not supported by the evidence that was
9 presented in the case.

10 THE COURT: Mr. Meetze, I would respectfully
11 deny your motion for a new trial in this case. The jury
12 has spoken with regards to their verdict as to each of
13 these charges. They've heard testimony from several
14 witnesses and the witnesses have testified in here, along
15 with [REDACTED] testified along with other witnesses
16 that fulfilled the requirements of each element as to the
17 offenses that were charged against Mr. Singletary. And I
18 would respectfully deny your motion for a new trial.

19 MR. MEETZE: Thank you, Your Honor.

20 MR. WELLS: Your Honor, let me just give you his
21 prior record and then I will sit down and let Miss
22 Anderson do the rest of it. But looking at this, it's a
23 multiple state record. Looks like in 1983 from the State
24 of Florida, he has a conviction for selling cocaine and he
25 got a sentence of three years probation. 1985, also from

1 Florida, aggravated battery on a police office. He got a
2 time served sentence on that. And then back to South
3 Carolina, most of these charges occur from 1992, where he
4 was convicted, I believe, at a trial of two counts of
5 distribution of crack cocaine, two counts of distribution
6 of crack cocaine within proximity of a school. He
7 received a sentence of 17 years on the distribution of
8 crack cocaine, 10 years on the distribution of crack
9 cocaine within proximity of a school to run concurrently.
10 As far as convictions, that would be his convictions.

11 THE COURT: Mr. Meetze.

12 MR. MEETZE: Thank you, Your Honor, may it
13 please the Court. Your Honor, you've heard the case.
14 You've sat here with the rest of us. I'll tell you Mr.
15 Singletary is 58 years old. He was released from that
16 previous sentence in August of 2000. He has lived and
17 worked in this area since that time. He is a diabetic.
18 His health is not good. Certainly, the conviction he
19 faces here carries with it a long possible sentence, up to
20 30 years, up to 15 on the lewd act. Particularly, with
21 regards to a conviction on CSC with a minor in the first
22 degree, any sentence that he would receive on that charge,
23 he would have to do a mandatory of 85 percent of that
24 before he would eligible for any kind of release. Taking
25 into account, certainly, everything, and that would

1 include the charge and the seriousness of the charge, but
2 also help and all that. We would just ask for the Court's
3 mercy in this regard. Certainly, we would ask that the
4 sentences run concurrently with one another. And he,
5 certainly, would have to register as a sex offender and
6 all that, the consequence of this. We would just ask for
7 whatever consideration the Court feels is appropriate.

8 THE COURT: Mr. Singletary, anything you want to
9 tell me? You're not obligated to say anything and --
10 you're not required to say anything. And if you want to
11 talk to your lawyer about that, I'll let you do that. I
12 just want to protect your rights. I don't want anything
13 that you say here could possibly be used against you later
14 or hurt you later on any kind of appeal or anything.

15 Mr. Meetze, I know you've probably discussed
16 that with him, but if he wants to say anything, I'd be
17 happy --

18 THE DEFENDANT: Thank you, Your Honor, for the
19 opportunity to talk to you. Like he said, I am a
20 diabetic. I am 58 years old. My parents are 97 years
21 old. I've been taking care of them. And I'm not guilty,
22 but I know how the jury feels because I would feel the
23 same way myself. So I don't have no hard feelings or no
24 animosity between them or myself. And I just ask you for
25 your mercy.

1 THE COURT: Miss Anderson, anything else from
2 the Solicitor's office?

3 MISS ANDERSON: Your Honor, the victim would
4 like speak at this point in time as well as I would like
5 to just reiterate that he does have a prior history. The
6 jury did find him guilty of both counts. As the Court is
7 well aware, zero to 15 on a lewd act and I think zero to
8 30 on the criminal sexual conduct. Your Honor, I believe
9 that a crime of this magnitude and this horrific that has,
10 obviously, scarred this young lady that the Court should
11 take that into consideration when it come up with this
12 sentence. And at this point in time, I am aware that the
13 victim does want to speak.

14 Latoya, will you please come up here?

15 [REDACTED] I just want to say thank you
16 because now I can live my life the way I want to without
17 thinking about that anymore. So just thank you.

18 (WHEREUPON, a pause in the proceedings.)

19 THE COURT: Anything else, Mr. Meetze?

20 MR. MEETZE: No, Your Honor.

21 THE COURT: Miss Anderson?

22 MISS ANDERSON: Your Honor, the only thing that
23 I would ask is it does appear that the system has failed
24 [REDACTED] almost every step of the way until now. I
25 would just appreciate it if you would take that into

1 consideration.

2 (WHEREUPON, a pause in the proceedings.)

3 THE COURT: All right. The jury has spoken in
4 this case and found Mr. Singletary guilty of both of these
5 counts. Defenses which are -- have a tremendous impact
6 upon many lives, upon many lives. And sentencing is
7 not -- I know the lawyers have heard this from judges
8 that sentencing is the hardest part of being a judge and
9 it is. There's no question about that.

10 Indictment number 2009-GS-21-1350 offense of
11 lewd act, the Defendant is hereby committed to the State
12 Department of Corrections for a period of 15 years. On
13 the indictment number 2009-GS-21-1358, criminal sexual
14 conduct with a minor first degree, the Defendant is
15 committed to the State Department of Corrections for a
16 period of 30 years. Those sentences are to run
17 concurrent. He is to be placed -- I think by law he has
18 to register. I also put on here that he's to be placed on
19 the central registry of abuse and neglect as well.

20 Anything further from the State?

21 MISS ANDERSON: Nothing from the State, Your
22 Honor.

23 THE COURT: Mr. Meetze?

24 MR. MEETZE: Your Honor, let me check on one
25 thing. I think he did do some time before bonding out and

1 we would ask that he receive credit.

2 THE COURT: I will give him whatever credit he's
3 already done if you let me know what that is.

4 MR. WELLS: Some of the time originally was on
5 other charges that are still pending, but he was arrested
6 on this charge on April 8th, 2008, so I don't know how
7 long he did after April 8th, 2008. I think the other
8 charges occurred earlier, but he wouldn't get credit for
9 those charges.

10 THE COURT: Mr. Meetze, if you could get that
11 information for me, I will be more than happy to put that
12 on the sentence sheet and give him whatever credit he's
13 done.

14 MR. MEETZE: I will do that. Thank you, Your
15 Honor.

16 END OF REQUESTED TRANSCRIPT

17

18

19

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24

25

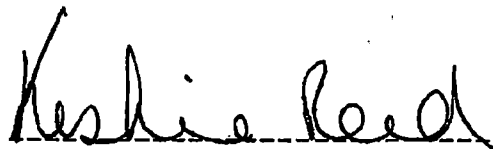
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter and Notary Public in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 68, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Florence County, South Carolina, on the 23rd day of June, 2010.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 23rd day of January 2011.



Keshia Reed, Court Reporter

County of Florence, S.C.

IN THE COURT OF COMMON PLEAS

Robert Singletary 189516

Full name and prison number (if any) of Applicant

v.

State of South Carolina

2013-CP-21-1159

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional
990 WISACKY HWY Bishopville, S.C. 29010
2. Name and location of Court which imposed sentence Florence County, S.C.
CITY-COUNTY Complex 180 N. TRY ST. Florence, S.C. 29501
3. Name(s) of co-defendant(s) (if any) NONE
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(s) CRIMINAL SEXUAL CONDUCT WITH A MINOR 30 Yrs Sentence

CERTIFIED A TRUE COPY
Constance R. Barnes
 CLERK OF COURT CP & GS.
 FLORENCE COUNTY, S.C.

FILED
 13 APR 30 PM 12:57
 CONNIE REEL-SHEARER
 CLERK OF COURT CP & GS
 FLORENCE COUNTY, S.C.

5. The date upon which sentence was imposed and the terms of the sentence:
- (a) JUNE 2010
- (b) 0-15 Yrs - 0-30 Yrs 0-15 Yrs 15 Yrs - 30 Yrs 30 Yrs
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty YES
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES - CONVICTION - NOT LENGTH OF SENTENCE
8. If you answered Ayes# to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA STATE COURT OF APPEALS
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. THE COURT UPHOLD MY CONVICTION
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. OCTOBER 31, 2012
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. APPELLATE CASE NO. 2010-166266
- ii. UNPUBLISHED OPINION NO. 2012-UP-589
- iii. _____
9. If you answered Ano# to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
 (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: 1st Amend - Coleman VS Thompson SOLUS 722

D. Stence OFF-15 yrs
 The Judge gave me 15 yrs
 sentence of 0-30
 the Judge gave me 30 yrs-
 sentencing was extreme

- (a) The right to A Fair TRIAL - AMBIGUOUS SENTENCE
 (b) The right to present Evidence on my behalf - INEFFECTIVE COUN.
 (c) The right For me to have WITNESSES ON MY BEHALF

11. State concisely and in the same order the facts which support each of the grounds set out

in (10): STICKLAND V STATE - MARTINEZ VS RYAN - STICKLAND VS WASHINGTON

- (a) MY ATTORNEY WOULD NOT LET ME TESTIFY. DID NOT OBJECT TO THE SENTENCE
 (b) I GAVE MY ATTORNEY, CANCEL CHECKS, TELEPHONE BILL, LIGHT BILL & RENT RECEIPT
 (c) MY ATTORNEY WOULD NOT CALL MY WITNESSES TO TESTIFY THAT I WAS ELIGIBLE

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? YES
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered Ayes to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. TRAIL JUDGE SHOULD HAVE DECLARED A MISTRIAL
 ii. IV
 iii. A
 iv. _____

(b) the name and location of the Court in which each was filed:

- i. STATE COURT OF APPEAL
 ii. IV
 iii. A

- iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (d) the date of each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Yes

15. If you answered "yes" to (14) identify:

- (a) which grounds have been presented:
 - i. Judge should have Declare a mistrial
 - ii. The Judge told the jury that the question and answer was stricken.
 - iii. In closing the state said again. Remember what Debbie Elliott said
- (b) the proceedings in which each ground was raised:
 - i. At Trial.
 - ii. On Appeal, to the Court of Appeal
 - iii. P. 125A in transcript. Counsel did not object. Ineffective Counsel
Dr. Saunders did the intake and no longer work there.
Debbie Elliott testify for her. Counsel should have objected.
Ineffective Counsel
Strickland v State
Coleman v Thompson, 501 US 722, 750 111S-CT2546 115LED 640(1991)

Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) my Attorney was handling the Filings

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____

(b) your trial, if any? Yes

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

Yes, From Conviction - Not Sentence

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered Ayes to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i TRIAL And Sentencing - Vickneths Public Defenders

Office 180 N. TRY ST. Florence, S.C. 29501

ii South Carolina Court of Appeals - Green Richard

Stevens. Division of Appellate Defense P.O. Box

iii 11589 Columbia, S.C. 29211

(b) the proceedings at which each such attorney represented you:

i TRIAL And Sentencing - Vickneths

ii South Carolina Court of Appeals

Green Richard Stevens

iii _____

252

19.

State clearly the relief you seek in this application.

VACATE the CONVICTION AND Remand For A NEW TRIAL

VACATE the CONVICTION: VACATE Sentence And Remand For ReSe

VACATE the Sentence

20.

Are you now under sentence from any other court that you have not challenged?

NO

Revised 3/2003

STATE OF SOUTH CAROLINA

County of Florence

VERIFICATION

I, Robert Singletary

, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Robert Singletary

SWORN to and subscribed before me this 29
day of April, 2013.

Debra Sims
Notary Public

(L.S.)

2013 APR 30 PM 12: 57
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

My Commission Expires:

11-4-2015

CERTIFIED A TRUE COPY
Clerk of Court
CLERK OF COURT
FLORENCE COUNTY, S.C.

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Robert Singleton, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Robert Singleton
Applicant

SWORN or affirmed to and subscribed before me this

29 day of April, 2013.

Diana Sire
Notary Public

My Commission Expires: 11-4-2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)
)
 Robert Singletary,)
)
 Applicant,)
)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

C/A No.: 2013-CP-21-01159

**MEMORANDUM IN SUPPORT OF
 APPLICANT'S APPLICATION FOR
 POST CONVICTION RELIEF**

The Applicant, by and through his undersigned counsel, hereby submits this Memorandum In Support of Applicant's Application for Post Conviction Relief.

I. PROCEDURAL BACKGROUND

Applicant filed an Application for Post Conviction Relief stemming from his June 23, 2010 trial in which he was found guilty of one count of Criminal Sexual Conduct with a Minor - 1st degree and one count of Lewd act on a minor. Following his conviction the Honorable D. Craig Brown sentenced Mr. Singletary to be committed to the Department of Corrections for a period of thirty (30) years for Criminal Sexual Conduct and a concurrent fifteen (15) years for Lewd act on a minor.

Applicant made claims of Ineffective assistance of counsel in his Application, filed April 30, 2013, stating specifically that "I gave my attorney cancel checks, telephone bill, light bill and rent receipt" and "My attorney wouldn't call my witnesses to testify that I was elsewhere" Applicant also contends that evidence elicited during the PCR hearing, held October 9, 2014, supports further instances of ineffective assistance of counsel.

II. SUMMARY OF TESTIMONY

At an evidentiary hearing held, October 9, 2014 at the Florence County Courthouse, both Applicant and trial counsel, Vic Meetze testified as the facts and circumstances surrounding Mr. Meetze's representation of Applicant. At the hearing, Applicant testified that he and Mr. Meetze did have an opportunity to discuss, in full, the elements of the crimes he was charged with and that he was aware of both the sentences and implications of those charges and of the evidence that the State would present against him. Applicant testified that he was comfortable going forward with Mr. Meetze as his attorney.

Applicant testified that he provided Mr. Meetze with what he believed to be an alibi defense as to these charges. Applicant testified that he provided Mr. Meetze with both names of witnesses and documentation that he resided and worked in another area of the state during the time period the crimes allegedly took place. Applicant testified that he did not understand why Mr. Meetze did not call his witnesses or present his alibi evidence to the court.

After Applicant testified, Mr. Meetze testified on behalf of the State. Mr. Meetze testified that he had been appointed to represent Applicant as a member of the Florence County Public Defender's Office and that with Applicant being out on bond, they were able to meet multiple times in preparation for trial. Mr. Meetze testified that Applicant did provide him with documents and witnesses but Mr. Meetze did not feel that they were sufficient to sustain an alibi defense because the indictment ranged over a three year span.

Mr. Meetze testified that during the trial, he had an opportunity to cross examine the alleged victim in this case, [REDACTED] about the forensic interview she had with Debbie Elliot. Mr. Meetze testified that despite her answering that she could not remember several times, that

he, either did not have at the time or cannot recall, his trial strategy behind failing to attempt to refresh her memory or impeach her testimony with the video of her prior statement.

Mr. Meetze testified that Debbie Elliot was qualified as an expert in the field of assessment of children without objection from him. He testified that while she was not offered as an expert in forensic interviewing, her training, qualifications, and work experience were that of a forensic interviewer and that he no prior knowledge as to her qualifications other than what was presented in court that day. Mr. Meetze was unable to articulate a trial strategy as to why he did not object to her being qualified as an expert or ask any additional questions as to her qualifications as an expert in "assessment," despite all of her training and experience being in forensic interviewing.

Mr. Meetze testified that during Debbie Elliot's testimony, she was asked several questions by the Assistant Solicitor that were not objected to by Mr. Meetze. When asked what the trial strategy behind failing to object to these questions, Mr. Meetze testified that he either did not remember what, if any, the trial strategy was, or he just missed the objection. Mr. Meetze further testified that when the Judge interrupted the Assistant Solicitor's closing argument for an inappropriate comment, he did not have a trial strategy behind failing to place an objection on the record.

III. LEGAL AUTHORITY

Where ineffective assistance on counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466

U.S. 668, 686, 104 S.Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decision in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S.Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S.Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-118, 386 S.E.2d at 625.

IV. ARGUMENT

Applicant contends that Mr. Meetze was ineffective in his representation of Applicant and that Applicant can and will meet his burden of proof in establishing both that Mr. Meetze's performance was deficient and that this deficient performance was such that it prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, Id.

Applicant contends that Mr. Meetze was deficient in his representation of Applicant during the trial and that his representation fell below the reasonable standard. Mr. Meetze did not attempt to refresh the memory of L.W. [REDACTED] with her prior statements despite the fact that she was the victim in this case and the only person who could positively identify Applicant as the perpetrator of these crimes. Record, at 79-94. Neither did he attempt to impeach her testimony with prior inconsistent statements that she had made. Id. While Mr. Meetze did successfully introduce evidence that can be construed as helpful to the defense through Ms. Williams, he failed to get answers to several of his questions, instead allowing Ms. Williams' repeated answer of "I don't remember" to shift the burden away from her and to lend credibility to other witnesses who were able to actually answer questions.

Mr. Meetze was deficient in failing to object to Debbie Elliot being qualified as an expert. Record, at 106. Ms. Elliot was qualified as an expert in the field of Assessment of Children when in actuality she was a forensic interviewer. In fact, her answer to the first question asked of her following her qualification was, "I am a forensic interviewer." Record, at 107. All of her qualifications and experience were in the field of forensic interviewing, and while this trial occurred prior to State v. Kromah, 737 S.E.2d (S.C. 2013), Ms. Elliot did not possess the training and experience to be qualified as an expert in another field. As such, Mr. Meetze was ineffective in failing to object to her being qualified as an expert in this field.

Additionally, Mr. Meetze failed to object to several improper questions that the Assistant Solicitor asked of Ms. Elliot. Mr. Meetze failed to object to the Solicitor asking Ms. Elliot, "Did you find her L.W. [REDACTED] to be consistent throughout the interview?" Record, at 112, L. 15. This question is improper in that it is improper corroboration testimony. Smith v. State, 689 S.E.

2d 629 (S.C. 2010). In Smith, a forensic interviewer, when asked by the solicitor, testifies that she found the Victim's statement "believable" and stated the Victim had no reason "not to be truthful." Id., at 631. The case at hand is quite similar in that a forensic interviewer, despite a different title, is vouching for the truthfulness of a victim. When asked what the trial strategy behind failing to object to the question Mr. Meetze was unable to give one. The Smith court dealt with the same scenario of no trial strategy behind not objecting to the questions and answers. The court held:

The forensic interviewer's testimony substantially exceeded the limitations of time and place set forth in Rule 801(d)(1)(D), SCRE. The presumption of adequate representation based on a valid trial strategy disappears when trial counsel acknowledges there was no trial strategy in mind when he failed to object to the improper hearsay and bolstering testimony. Moreover, we can discern no defensible basis for trial counsel's failure to challenge the forensic interviewer's objectionable testimony. The evidence in the record suggests that the trial counsel was deficient, thereby satisfying the first prong of *Strickland*.

Id., at 633 (emphasis in original). Later in Ms. Elliot's testimony she is asked a question about to whom the victim disclosed the alleged acts. Record, at 125, L. 12. Again Mr. Meetze failed to object to this improper question. While when a victim testifies, evidence from other witnesses that the victim complained of the sexual assault is admissible in corroboration; however such evidence is limited to the time and place of the assault and cannot include details or particulars. Jolly v. State, 443 S.E.2d 566 (1994). Additionally, testimony from other witnesses regarding the victim's identification of the perpetrator does not fall within this hearsay exception. Id. The Court in Dawkins v. State, dealt with this very issue and found that "since the testimony was inadmissible hearsay, counsel's failure to object to the introduction of that evidence fell below an

objective standard of reasonableness. 551 S.E.2d 260, 263 (S.C. 2001). The Dawkins court goes on to address the prejudice prong of *Strickland*, as it relates to these circumstances stating, "As to the prejudice prong of *Strickland*, petitioner was prejudiced by counsel's deficient performance because improper corroboration testimony that is merely cumulative to the victim's testimony cannot be harmless." Id.

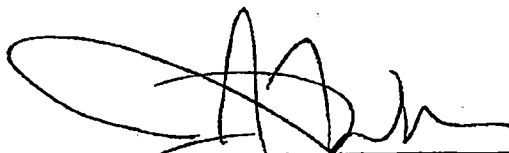
Again, Mr. Meetze testified that he did not have a valid trial strategy for failing to object to the question asked of Ms. Elliot. Applicant contends that Mr. Meetze was ineffective in failing to object to multiple aspects of Ms. Elliot's testimony and that his representation fell below the standard of reasonableness. Applicant further contends that without the improper testimony of Ms. Elliot, the evidence presented by the State would have not been sufficient for the jury to find Applicant guilty of these charges.

VI. CONCLUSION

Trial counsel was deficient in his representation of Applicant that resulted in Applicant's conviction at trial. Applicant contends that had his counsel properly represented him at trial, the improper corroborative testimony of Debbie Elliot would not have been admitted and that there is a reasonable probability that the outcome would have been different. Applicant contends that counsel's errors are such that the conviction and sentence for this charge should be vacated.

WHEREFORE, the Applicant prays this Court grant his application for post conviction relief and vacate his conviction and sentence to this charge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan D. Waller', is written over a horizontal line.

Jonathan D. Waller
1720 Main Street – Suite 104
Columbia, South Carolina 29201
Telephone: 803-256-0011
Email: jonathanwallerlaw@gmail.com
South Carolina Bar ID No.: 76290

ATTORNEY FOR THE APPLICANT

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

) IN THE COURT OF COMMON PLEAS
) FOR THE TWELFTH JUDICIAL CIRCUIT

Robert Singletary, # 189516,

2013-CP-21-1159

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed April 30, 2013, the Respondent would show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections on Orders of Commitment from the Florence County Clerk of Court. Applicant was direct indicted at the September 2009 term of the Florence County Grand Jury for lewd act on a minor (2009-GS-21-1350, count 1) and criminal sexual conduct with a minor, first degree (2009-GS-21-1350, count 2). William Vickery Meetze, Esquire, represented Applicant. On June 21-23, 2010, Applicant went to trial before the Honorable D. Craig Brown and a jury. The jury found Applicant guilty as indicted. Judge Brown sentenced Applicant to thirty (30) years for criminal sexual conduct with a minor, and a concurrent 15 years for lewd act on a minor.

Applicant filed a timely notice of appeal. Breen Richard Stevens, Esquire, of the Office of Appellate Defense represented Applicant on appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on October 31, 2012. State v. Singletary, Op. No. 2012-UP-589 (S.C. Ct.

App. filed October 31, 2012). The remittitur was returned to the circuit court on November 16, 2012.

Attached herewith and incorporated herein are the records of the Florence County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and Applicant's appellate records. Any of the above not so attached will be forwarded upon receipt. The State reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "6th amend[ment]"
 - a. "Strickland v State – Martinez vs Ryan – Strickland vs Washington"
2. "The right to A Fair Trial"
 - b. "My Attorney wouldn't let me testify. Did not object to sentence"
3. "The right to present Evidence on my behalf"
 - c. "I gave my Attorney cancel checks, telephone bill, light bill & rent receipt"
4. "The right for me to have witnesses on my behalf"
 - d. "My Attorney wouldn't call my witnesses to testify that I was elsewhere"
5. "Sentencing was extreme"

Any claims not specifically enumerated in the Application or amendments thereto will be opposed by the State at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRCP.

III.

In a post-conviction relief action, the applicant bears the burden of proving the allegations in the application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v.

Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

The State submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the State requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

To the extent the Application alleged an excessive sentence absent an allegation of ineffective assistance of counsel, the State submits that such claims should be dismissed. Post-conviction relief "is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction." S.C. Code Ann. § 17-27-20(b); see also Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) ("It is uniformly held that an application for post-conviction relief is not a substitute for an appeal."). Applicant did not raise the issue of an excessive sentence at trial or on direct appeal. Thus, he has waived review of his sentence. See Cummings v. State, 274 S.C. 26, 28, 260 S.E.2d 187, 188 (1979) ("At trial, respondent failed to object to the imposition of the sentence and, therefore, waived the right to have that sentence reviewed on direct appeal, or to raise such issue on Post-Conviction absent an allegation of ineffective assistance of counsel."). Furthermore, the sentences imposed were within the statutory limitations. Id. Therefore, the State requests these allegations be dismissed.

V.

The State denies each allegation that is not expressly admitted, qualified, or explained.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held on the allegations of ineffective assistance of counsel.

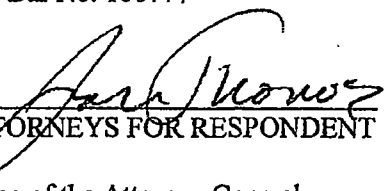
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
S.C. Bar No. 100777

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

9/13, 2013

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	
	)	
	)	2013-CP-21-1159
	)	
ROBERT SINGLETARY, #189516	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Robert Singletary, #189516
 Lee Corr. Inst.
 990 Wisacky Highway
 Bishopville, SC 29010

DATED this 13th day of September, 2013.


 Norma Bigbee, Legal Assistant

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

) IN THE COURT OF COMMON PLEAS
) FOR THE TWELFTH JUDICIAL CIRCUIT

Robert Singletary, #189516,

) Case No. 2013-CP-21-1159
)

Applicant,

)
)

v.

)

State of South Carolina,

)

Respondent.

)

**MEMORANDUM
IN OPPOSITION TO
POST-CONVICTION RELIEF**

This matter comes before the Court pursuant to an Application for Post-Conviction Relief filed April 30, 2013. The Court convened an evidentiary hearing into the application on October 9, 2014, at the Florence County Courthouse. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Applicant testified on his own behalf at the hearing. Respondent presented testimony from Applicant's trial counsel, William V. Meetze, Esquire. For the reasons outlined below, Respondent submits this Court should deny Applicant's application for post-conviction relief.

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Florence County Clerk of Court. In September 2009, the Florence County Grand Jury indicted Applicant for lewd act on a minor and first degree criminal sexual conduct with a minor (2009-GS-21-1350). William Vickery Meetze, Esquire ("trial counsel"), represented Applicant. On June 21-23, 2010, Applicant proceeded to trial before the Honorable D. Craig Brown and a jury. The jury found Applicant guilty as indicted. Judge Brown sentenced Applicant to concurrent terms of thirty (30) years for criminal sexual conduct with a minor and fifteen (15) years for lewd act on a minor.

Applicant filed a timely notice of appeal. Breen Richard Stevens, Esquire, of the Office of Appellate Defense represented Applicant on appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on October 31, 2012. State v. Singletary, Op. No. 2012-UP-589 (S.C. Ct. App. filed October 31, 2012). The remittitur was returned to the circuit court on November 16, 2012.

II. Allegations

In his application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "6th amend[ment]"
 - a. "Strickland v State – Martinez vs Ryan – Strickland vs Washington"
2. "The right to A Fair Trial"
 - a. "My Attorney wouldn't let me testify. Did not object to sentence"
3. "The right to present Evidence on my behalf"
 - a. "I gave my Attorney cancel checks, telephone bill, light bill & rent receipt"
4. "The right for me to have witnesses on my behalf"
 - a. "My Attorney wouldn't call my witnesses to testify that I was elsewhere"
5. "Sentencing was extreme"

Subsequent to the evidentiary hearing in this matter, Applicant filed a "Memorandum in Support of Applicant's Application for Post-Conviction Relief." In that memorandum, Applicant raises the following grounds for relief:¹

1. Ineffective assistance of trial counsel for failing to impeach the victim with her prior statement.
2. Ineffective assistance of trial counsel for failing to object to Debbie Elliott's qualifications as an expert.
3. Ineffective Assistance of counsel for failing to object to improper questions asked to Debbie Elliott.

III. Summary of Evidentiary Hearing Testimony

Applicant testified trial counsel was his second attorney. He testified he gave trial counsel several documents to demonstrate the victim was incorrect in recalling the dates of the alleged rapes.

¹ As no argument was made regarding the allegations in the original application, Respondent submits Applicant has abandoned those issues as grounds for relief.

He also testified trial counsel never explained the indictment or potential sentences. He did recall discussing the State's discovery response somewhat. Applicant testified trial counsel advised him not to testify at trial because he had a prior record.

Trial counsel testified he was assigned the case as part of his duties as a public defender. He recalled having a number of meetings with Applicant and reviewing discovery, the charges, and the possible punishments. He recalled reviewing the documents Applicant provided regarding the possible dates of the alleged crimes. Trial counsel testified these documents did not demonstrate Applicant had an alibi for the crimes. He testified his trial strategy was to attack the credibility of the victim. Trial counsel recalled the victim testifying she could not remember how she answered many questions in her assessment interview. However, he also recalled many of the questions he inquired of were not actually asked of the victim during the assessment. Instead, the questions were asked of her family member. He also explained he did not want to further reference the victim's recorded statement for fear it would open the door to the State introducing the video of her statement.

Trial counsel testified he had no grounds to object to Debbie Elliott's qualification as an expert on assessment, although he believed it was unnecessary for the State to qualify her as one. He recalled Elliott not answering a question from the solicitor about whether the victim's answers were consistent. However, he did recall lodging an objection to a later question about whether the victim behaved like a victim of sexual assault. This objection and motion for a mistrial were overruled by the trial judge.

IV. Law/Analysis

Respondent submits Applicant failed to meet his burden of proof to show trial counsel ineffective. In a post-conviction relief action, the applicant bears the burden of proving the allegations in the application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of

trial counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes trial counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove trial counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, trial counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

A. Failure to impeach the victim with her prior statement.

Respondent submits Applicant has not shown trial counsel was ineffective in failing to further cross-examine the victim. Trial counsel testified he attempted to impeach the victim with answers to certain background questions he believed were asked of her at the assessment. However, he eventually realized those questions were asked of the victim's family member, not the victim. His testimony is supported by the trial record. (June 21, 2010 Trial Tr. p. 110, line 19-p. 112, line 3). The statements

Applicant alleges should have been used to impeach the victim were actually the statements of a third-party. Thus, trial counsel could not have been expected to use them to impeach the victim. See Palacio v. State, 333 S.C. 506, 514, 511 S.E.2d 62, 67 (1999) (no deficiency where "it would have been futile for Attorney to have made such arguments").

Furthermore, trial counsel did attempt to impeach the victim with as much of her prior statement as possible. However, he testified he did not want to go into too much detail regarding the statement because it may open to door to show the jury the video of her assessment. The video was taken when the victim was much younger, and trial counsel believed it would have portrayed her in a more sympathetic light. Thus, trial counsel articulated a valid, strategic reason for not further impeaching the victim. Watson v. State, 370 S.C. 68, 73, 634 S.E.2d 642, 644 (2006) (valid strategy to avoid questions that "might lead to the more damaging introduction of the victim's videotape."). Trial counsel also impeached the victim with her history of sexual activity with children her age to the extent the trial judge would allow him. (June 21, 2010 Trial Tr. p. 87, line 5-p. 91, line 13). In light of the entire trial record, Respondent submits trial counsel's performance in this regard was well within the bounds of professional competency.

B. Failure to object to Debbie Elliott's qualifications as an expert.

Respondent submits Applicant failed to demonstrate trial counsel was ineffective in failing to object to Elliott's qualifications as an expert. Expert testimony and behavioral evidence is admissible to prove a sexual assault occurred. State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993). Elliott testified she has a Bachelor of Arts degree in sociology, training in forensic assessments, and twenty-five years of experience working with abused children. (June 21, 2010 Trial Tr. p. 104, line 9-p. 106, line 6). The State presented her as an expert in the field of child sexual and physical abuse. The fact Elliott also has training as a forensic interviewer does not preclude her from

being qualified as an expert in a related field as long as her credentials in the related field also pass muster. Elliott's qualification as a child sex abuse expert was proper based on her training and experience dealing with victims of child sex abuse. Id. at 505-06, 435 S.E.2d at 861 (witness properly qualified as sexual abuse expert with master's degree in social work, completion of training seminars regarding sexual abuse victims, and extensive work experience). Because the State established Elliott's training and experience, trial counsel could not have interposed a valid objection to her qualification as an expert. Palacio, 333 S.C. at 514, 511 S.E.2d at 67.

C. Failure to object to improper questions asked to Debbie Elliott.

Respondent submits Applicant failed to meet his burden of showing trial counsel ineffective for failing to object to improper questioning by the State. In fact, the first question Applicant specifically cites as improper was not even answered by the witness. (June 21, 2010 Trial Tr. p. 112, line 15-17). It is axiomatic that trial counsel could not have objected to improper bolstering where no such bolstering actually occurred. Palacio, 333 S.C. at 514, 511 S.E.2d at 67. Furthermore, the second question – regarding the victim's disclosure – Applicant avers should have drawn an objection was not posited by the State, but by trial counsel. (June 21, 2010 Trial Tr. p. 125, lines 12-17). This question does ask for an improper hearsay response. Instead, it asks the witness to corroborate the person to whom the victim disclosed the abuse. Such testimony is clearly proper time or place corroborating testimony. Dawkins v. State, 346 S.C. 151, 156, 551 S.E.2d 260, 262 (2001) ("When the victim testifies, evidence from other witnesses that the victim complained of the sexual assault is admissible in corroboration; however, such evidence is limited to the time and place of the assault and cannot include details or particulars." (citing Jolly v. State, 314 S.C. 17, 443 S.E.2d 566 (1994); State v. Munn, 292 S.C. 497, 357 S.E.2d 461 (1987))). Because all of the testimony Applicant challenges as

inadmissible was actually admissible, he has not shown trial counsel was ineffective in failing to object.

V. Conclusion

For the foregoing reasons, Respondent respectfully asks this court to deny the application for post-conviction relief.

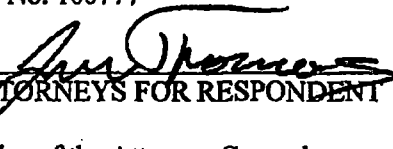
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
Bar No. 100777

By: 
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Nov. 25, 2014

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2013-CP-21-01159
	)	
Robert Singletary,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

October 9, 2014
Florence, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge

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

Jonathan Waller, Esquire
Attorney for the Plaintiff

Josh Thomas, Esquire
Attorney for the Defendant

Krystal J. Smith
Court Reporter

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I N D E X

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Redirect by Mr. Thomas.....	39
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>

(No Exhibits Presented)

1 OCTOBER 9, 2014

2 (WHEREAS this matter was scheduled for a post-conviction
3 relief hearing, the applicant appeared along with his
4 counsel of record. The hearing began at 4:36 p.m.)

5 THE COURT: All right. Mr. Thomas?

6 MR. THOMAS: All right. If it please the Court, this is
7 Robert Singletary versus the State of South Carolina. It's
8 Case Number 2013-CP-21-1159.

9 THE COURT: Okay.

10 MR. THOMAS: Mr. Singletary was indicted -- actually, he
11 was indicated March 2006 for a lewd act, disseminating harmful
12 material to a minor, and contributing to the delinquency of a
13 minor. He was also indicted in September of 2009 for lewd act
14 on a minor and criminal sexual conduct with a minor, first
15 degree.

16 He went to trial June 21st through 23rd, 2010, just on the
17 2009 indictments for lewd act and CSC with a minor. As a
18 result of that, he was convicted as indicted. As a result of
19 that conviction, the 2006 indictments were nolle prossed by
20 the Solicitor's Office.

21 THE COURT: Okay.

22 MR. THOMAS: Judge Brown sentenced him to 15 years on the
23 lewd act and a concurrent 30 on the CSC with a minor. There
24 was an appeal filed by Ricky Stevens of the Office of
25 Appellate Defense. It was affirmed by the Court of Appeals in

1 an unpublished opinion in 2012-UP-589. The remittitur was
2 sent in November of 2012. This PCR was filed in April of 2013
3 alleging ineffective assistance of counsel for failure to
4 present alibi, failure to call witnesses, not allowing the
5 defendant to testify, and not objecting to the sentence.

6 Mr. Singletary is present in court with Mr. Waller. I
7 know Mr. Waller and I discussed he's got some amendments he
8 would like to make to the application.

9 THE COURT: Okay.

10 MR. THOMAS: And once that's done, the State is ready to
11 proceed.

12 THE COURT: Okay. Mr. Waller?

13 MR. WALLER: Your Honor, I'm trying to recall. I'm not
14 -- I'm not sure if we are not doing closing arguments that I
15 need to make the amendments. I can make them orally if Your
16 Honor would like.

17 THE COURT: No. If -- if you -- if you just want to put
18 your witness up and have your arguments conform to whatever he
19 testified to, that's fine with me.

20 MR. WALLER: That would be great, Your Honor.

21 MR. THOMAS: And we'll consent to that.

22 THE COURT: Okay. All right.

23 MR. WALLER: Thank you, Your Honor. Your Honor, we'd
24 call Robert Singletary to the stand.

25 THE COURT: All right, Mr. Singletary.

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 THE CLERK: Step up to the Bible. Place your left hand
2 on the Bible and raise your right hand as much as possible.
3 Do you swear or affirm that the testimony you are about to
4 give in this case will be the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 THE APPLICANT: Yes.

7 THE CLERK: Please take your seat and state your name for
8 the record.

9 THE APPLICANT: Robert Singletary.

10 ROBERT SINGLETARY, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WALLER:

14 Q: Mr. Singletary, how old are you?

15 A: Sixty-three.

16 Q: Mr. Singletary, I noticed from talking to you before that
17 you've got a little bit of a scratchy voice; so please speak
18 up so everybody can hear.

19 A: Right.

20 Q: Mr. Singletary, where -- where are you from?

21 A: Lake City, South Carolina.

22 Q: How long have you lived here?

23 A: Just about my whole life.

24 Q: Okay. Where else have you lived? Anywhere else?

25 A: Florida.

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 Q: Okay. The charges from -- stemming from the trial that
2 we're on here today, you were arrested back in 2008; is that
3 right?

4 A: Right.

5 Q: Okay. And who was your lawyer for those?

6 A: Vick Meetze.

7 Q: How did Mr. Meetze come to be your lawyer?

8 A: He worked for the Public Defender's Office.

9 Q: Was he your first lawyer?

10 A: On this charge, yeah.

11 Q: Okay. Did anyone represent you at any other hearing or
12 anything like that?

13 A: Karen Parrott.

14 Q: Okay. Were you able to have a bond hearing?

15 A: Yes.

16 Q: Okay. Was a bond set?

17 A: Yes.

18 Q: So were you out the entire time before trial?

19 A: Yes.

20 Q: Okay. Were you and Mr. Meetze able to meet and discuss
21 your case?

22 A: A couple of times, but every time we would meet, it was
23 like he was always upset because I was trying to give him some
24 information and paperwork that I was in another town, which
25 was Manning and not Lake City, and somehow he just would keep

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 getting upset every time I tried to give him the right
2 information.

3 Q: Okay. And we'll get -- we'll get to that in just a
4 second. How many times do you think y'all met?

5 A: A couple times. Two or three times.

6 Q: Okay. And did y'all discuss the charges that were
7 against you?

8 A: Somewhat.

9 Q: Okay. And what time frame did these charges supposedly
10 take place?

11 A: 2000 to 2003.

12 Q: Okay.

13 A: But --

14 Q: And through --

15 A: But the defendant didn't know when.

16 Q: Okay. And when were you arrested?

17 A: '08.

18 Q: Okay. So there was a significant period of time?

19 A: Right.

20 Q: Okay. Did you and Mr. Meetze discuss the indictment?

21 A: No.

22 Q: Okay. Do you -- do you know -- do you know what the
23 indictment is?

24 A: Yeah.

25 Q: Okay. Did you and Mr. Meetze discuss the possible --

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 excuse me -- possible sentences --

2 A: No.

3 Q: -- that each of these charges carry?

4 A: No.

5 Q: Okay. Did y'all discuss any -- what's called collateral
6 consequences of these -- of convictions for these charges?

7 A: No.

8 Q: Okay. Did y'all discuss the evidence that the State
9 would present against you?

10 A: He had Rule 5, and we talked about it for a few seconds,
11 not that long.

12 Q: Okay. What -- what did y'all talk about in the Rule 5?

13 A: They were talking about different things, like one time
14 it was an ice cream truck, one time it was, like, Florence.
15 It was supposed to have been in Lake City, and during the time
16 I wasn't even in Lake City. I was in Manning.

17 Q: Okay. Did you and -- what did you and Mr. Meetze talk
18 about?

19 A: That's what we talked about. That's where I was at, and
20 I showed him my IRS statement, bank statements, light bill,
21 telephone bill from Manning.

22 Q: Okay.

23 A: But he didn't use it.

24 Q: Did y'all -- did you and Mr. Meetze discuss any potential
25 defenses that you might have to these charges?

ROBERT SINGLETARY - DIRECT BY MR. WALLER

- 1 A: No.
- 2 Q: Okay. You just mentioned providing him with some
3 information.
- 4 A: Right.
- 5 Q: Did you -- what did you provide?
- 6 A: Light bill, IRS statement, bank statements, cancelled
7 checks.
- 8 Q: Okay. Let's -- let's start -- let's start with the light
9 bill. What -- what was -- what did the light bill show?
- 10 A: The -- that I was in Manning, the amount that the light
11 bill was.
- 12 Q: Okay. And you provided that to Mr. Meetze?
- 13 A: Right.
- 14 Q: Okay. And what else did you provide him?
- 15 A: Telephone bill.
- 16 Q: Okay. What did that show?
- 17 A: The same thing. The amount it was, the address it was in
18 Manning, and the time and the date.
- 19 Q: Okay. Why did you provide him those documents?
- 20 A: Because I wasn't guilty, and the person couldn't say when
21 it happened.
- 22 Q: Did you provide him the documents as a defense in your
23 case?
- 24 A: Yes.
- 25 Q: Okay. Did y'all discuss those documents?

ROBERT SINGLETARY - DIRECT BY MR. WALLER

- 1 A: For a little while, not long.
- 2 Q: Okay. What did y'all discuss?
- 3 A: At first when I showed him the stuff, he was telling me
- 4 when I showed him the cancelled checks that I could have made
- 5 the checks up myself. So he had me to call the bank and send
- 6 me a copy of the cancelled checks. So I gave him a copy of
- 7 the cancelled checks from the bank.
- 8 Q: Okay. Did y'all discuss it further after that?
- 9 A: No.
- 10 Q: Okay. Did you -- why not? Did you not bring it up?
- 11 A: Yeah. I was under the impression that he was going to
- 12 put it into evidence at the trial. So he was telling me that
- 13 we was going to get Jerry Hanna to come also because Jerry was
- 14 in the store before I went in the store, but he never did use
- 15 no evidence.
- 16 Q: Okay. Who is Jerry Hanna?
- 17 A: That's the guy that owned the store before we moved in.
- 18 Q: Okay. Did you provide Mr. Meetze with any information
- 19 regarding this time of years?
- 20 A: Yeah.
- 21 Q: Okay. What did you -- what did you tell him?
- 22 A: The statements.
- 23 Q: Okay. What -- just the light bill and the bank
- 24 statements?
- 25 A: Telephone bill, cancelled checks, IRS statements.

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 Q: Right. What else was going on for this three-and-a-half
2 or four-year period in your life? Did you provide him
3 anything else?

4 A: What now?

5 Q: Did you tell Mr. Meetze anything other than the light
6 bill and the cancelled checks about that three-and-a-half or
7 four-year period of time in your life?

8 A: No. That was it.

9 Q: Okay. Did you and Mr. Meetze discuss the potential
10 witnesses the State was going to call at trial?

11 A: Yeah.

12 Q: Did you provide Mr. Meetze with any information regarding
13 those witnesses?

14 A: Yeah.

15 Q: Okay. What did you tell him?

16 A: I was telling him about Jerry Hanna and that he was in
17 the store and didn't come out until, like, December '02, and
18 we went in in '03.

19 Q: Okay. What -- what about the State's witnesses?

20 A: The State's witnesses was a lieutenant, a lady from I
21 think DSS, but it wasn't the lady that did the intake. It was
22 another lady that -- Elliott -- Debbie Elliott. But Saunders
23 was the lady that did the intake.

24 Q: Okay. Did you have any information to help Mr. Meetze in
25 your defense --

ROBERT SINGLETARY - DIRECT BY MR. WALLER

- 1 A: Yes.
- 2 Q: -- of those witnesses?
- 3 A: Oh. No.
- 4 Q: Okay. What information did you have to help him in your
5 defense?
- 6 A: Just what I told you earlier, the bank statements and
7 stuff.
- 8 Q: Okay. Did you and Mr. Meetze discuss the procedures that
9 would happen at trial?
- 10 A: No.
- 11 Q: Did you know what the order of things would be at trial?
- 12 A: Somewhat.
- 13 Q: Okay. How did you know that?
- 14 A: I've been to court before.
- 15 Q: Did y'all discuss you testifying?
- 16 A: Yes.
- 17 Q: Okay. What did y'all talk about?
- 18 A: I wanted to testify. He told me he didn't think it was a
19 good idea because the State would bring up my past, and we
20 thought Jerry was going to come; so I figured if Jerry was
21 going to testify, then I didn't have to testify because Jerry
22 would have told them the same thing.
- 23 Q: Why did you think Jerry was going to testify?
- 24 A: Because he was going to tell the truth.
- 25 Q: Why did you think he was going to come testify?

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 A: Because I gave it to Vick Meetze that he was in the store
2 first.

3 Q: Okay. Did you and Mr. Meetze talk about him being
4 subpoenaed?

5 A: Yeah. I thought he was.

6 Q: Okay. You thought he was?

7 A: Right.

8 Q: Okay. Do you -- did -- do you know if he -- if he was
9 subpoenaed?

10 A: I think he was.

11 Q: Okay. Was he called to testify?

12 A: No. At the end, it was late that day and he said he
13 don't think it was a good idea for Jerry to testify.

14 Q: Okay. Once the trial got started, were you and Mr.
15 Meetze -- did y'all have any communications once the trial was
16 going?

17 A: No. I didn't even know I was going to trial. Usually
18 what -- what happens is at the end of the day, you call in to
19 this line and it will tell whoever is supposed to be going to
20 trial. So he calls my house that Monday morning just before
21 court starts.

22 Q: Okay. Well, that started that Monday. When the trial
23 was actually going, were you and Mr. Meetze able to
24 communicate?

25 A: Not really.

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 Q: Did y'all talk about how things were going at any point?
2 A: No.
3 Q: Did you try to get his attention during the trial at any
4 point?
5 A: Yeah.
6 Q: What did y'all -- for what reason?
7 A: Because it was some questions I needed for him to ask
8 that he wasn't asking.
9 Q: Okay. What -- what were those questions?
10 A: Well, one of them was when the lieutenant was saying that
11 he had -- he didn't look in the truck, and you can't help but
12 look in the truck and see stuff in the truck because if he
13 just wanted to see if the truck was in the yard, he could have
14 stayed out in the streets and see it because it was parked in
15 the yard.
16 Q: Okay. When did you tell Mr. Meetze that?
17 A: For a while.
18 Q: When? When during the trial?
19 A: At the beginning.
20 Q: Okay.
21 A: After -- after the lieutenant started talking and during
22 his testimony, I told him.
23 Q: Okay. How did you communicate to him? Did you write a
24 note? Did you whisper in his ear?
25 A: No. I told him. I whispered it to him.

ROBERT SINGLETARY - DIRECT BY MR. WALLER

1 Q: Okay. Mr. Singletary, I've asked you all the questions
2 that I have. Is there anything that I have left out that you
3 think that the Court needs to be aware of?

4 A: I think that's it.

5 Q: Okay.

6 MR. WALLER: No further questions. Please answer any
7 questions that the Attorney General may have.

8 THE COURT: All right. Mr. Thomas?

9 MR. THOMAS: May it please the Court?

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. THOMAS:

13 Q: Mr. Singletary, how many meetings did you say you had
14 with Mr. Meetze?

15 A: Two or three.

16 Q: Two or three? And during those meetings, did y'all have
17 a chance to discuss -- you said that you had a chance to
18 discuss the charges that the State was bringing against you?

19 A: Somewhat.

20 Q: Somewhat? But there's no question you understood who the
21 alleged -- the person who was alleging you had done these
22 things, you knew who that was?

23 A: Not at the time, no.

24 Q: Mr. Meetze never told you who the alleged victim was?

25 A: No.

ROBERT SINGLETARY - CROSS BY MR. THOMAS

- 1 Q: Okay. But you knew it was a count of CSC against a minor
2 and a lewd act? You knew that?
- 3 A: Right.
- 4 Q: You said you gave him some leads to investigate?
- 5 A: Right.
- 6 Q: Did you give him anything else other than those -- that
7 light bill and that power bill and all that stuff you told us
8 about?
- 9 A: No.
- 10 Q: And you said this light bill -- that was a light bill
11 from your place of work; is that correct?
- 12 A: Right.
- 13 Q: Okay. And that was -- that was a shop you said was in
14 Manning?
- 15 A: Right.
- 16 Q: And that was a -- it was -- I guess -- help me follow --
17 help me work through this -- the timeline here. That store
18 was initially owned by Mr. Hanna?
- 19 A: Not the Manning store, the Lake City store.
- 20 Q: Okay. The Lake City store was Mr. Hanna's?
- 21 A: The Lake City store.
- 22 Q: Okay. So that was -- when -- when did he transfer that
23 to you?
- 24 A: He didn't transfer it. He just moved out --
- 25 Q: Okay.

ROBERT SINGLETARY - CROSS BY MR. THOMAS

- 1 A: -- at Christmas '02.
- 2 Q: So you moved in at Christmas of 2002?
- 3 A: No. January '03.
- 4 Q: Okay.
- 5 A: Me and Arthur Wilson.
- 6 Q: January of '03 is when --
- 7 A: Right.
- 8 Q: -- you moved into that store in Lake City?
- 9 A: Right.
- 10 Q: All right. I just wanted to make sure we're clear about
- 11 that. And before that, before January of '03, you had a store
- 12 in Manning?
- 13 A: Right.
- 14 Q: Okay. You gave -- you were -- the police went to your
- 15 dad's house to investigate this, didn't they?
- 16 A: Right.
- 17 Q: And you drove up while they were there talking to your
- 18 dad?
- 19 A: Right.
- 20 Q: And at that point, you told them not to worry about these
- 21 allegations because you said you were in prison at the time
- 22 they happened?
- 23 A: Right.
- 24 Q: And you were in prison at that time for a crack
- 25 distribution charge?

ROBERT SINGLETARY - CROSS BY MR. THOMAS

- 1 A: Right.
- 2 Q: And at the time you went to trial on these, you also had
- 3 a -- the pending lewd act, contributing to the delinquency,
- 4 those charges?
- 5 A: But that's not what this case is about.
- 6 Q: Right. That was a completely different victim -- alleged
- 7 victim in those cases; right?
- 8 A: Yeah.
- 9 Q: Okay. But those were pending at the time you went to
- 10 trial on these charges?
- 11 A: But that's still got nothing to do with this trial.
- 12 Q: Right. I'm asking you. Those charge were pending at the
- 13 time; correct?
- 14 A: Yeah. And were dropped.
- 15 Q: And you also had some pending federal charges for
- 16 basically --
- 17 A: No. I had already done that.
- 18 Q: Oh. So you -- those -- you had already resolved those
- 19 federal charges?
- 20 A: Right.
- 21 Q: Okay. Did you resolve those with a plea or did you --
- 22 they get dismissed? How did those get resolved?
- 23 A: No. When the --
- 24 Q: What's that?
- 25 A: No. I went to jail.

ROBERT SINGLETARY - CROSS BY MR. THOMAS

1 Q: Okay. You and Mr. Meetze went over the fact that all of
2 that would come out if you testified at trial?

3 A: No. He didn't say that.

4 Q: So you never talked about how your prior record would be
5 a problem if you testified?

6 A: Yeah.

7 Q: You did talk about that or you did not talk about that?

8 A: Somewhat.

9 Q: Okay.

10 MR. THOMAS: Thank you, Mr. Singletary. That's all I
11 have.

12 THE COURT: Anything on redirect?

13 MR. WALLER: No redirect, Your Honor.

14 THE COURT: Thank you, sir. You may step down.

15 THE APPLICANT: Thank you, Your Honor.

16 THE COURT: Any other witnesses on behalf of Mr.
17 Singletary?

18 MR. WALLER: No further witnesses, Your Honor.

19 THE COURT: Okay. Any witnesses on behalf of the State,
20 Mr. Thomas?

21 MR. THOMAS: Your Honor, at this time the State would
22 call Mr. Meetze to the stand.

23 THE COURT: All right. Mr. Meetze?

24 THE CLERK: Do you swear or affirm that the testimony you
25 give in this case will be the truth, the whole truth, and

VICK MEETZE - DIRECT BY MR. THOMAS

1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Please take your seat and state your name for
4 the record.

5 THE WITNESS: My name is Vick Meetze.

6 VICK MEETZE, being first duly sworn,
7 testifies as follows:

8 DIRECT EXAMINATION

9 BY MR. THOMAS:

10 Q: Mr. Meetze, thanks for sticking in here with us this
11 afternoon.

12 A: Okay.

13 Q: At the risk of sounding redundant, could you just give us
14 a brief overview of your practice and your experience as an
15 attorney again?

16 A: I've been -- I graduated law school in 1998. I clerked
17 for a circuit judge for a year from August of '98 to August of
18 '99. I was a prosecutor in York County from August of '99 to
19 June of 2002, and started doing public defender work in June
20 of 2002 and have done that ever since.

21 Q: And how did you become involved in Mr. Singletary's case?

22 A: Our office was appointed and our -- I was assigned that
23 case.

24 Q: And I'll assume maybe not you, but somebody from your
25 office filed for Rule 5 and Brady -- filed the discovery

VICK MEETZE - DIRECT BY MR. THOMAS

1 motions?

2 A: Right. Back then, we would file a bunch at one time.
3 They would -- you know, we would get them in and just, you
4 know, an attorney would be given a stack to just start and
5 sort of go through and sign. We don't do that anymore, but at
6 the time -- so one signature would be on a whole bunch of the
7 motions, somebody from our office, and that wouldn't
8 necessarily be the attorney on all of those cases. And so
9 somebody other than myself might have signed the motions for
10 the discovery in the case.

11 Q: And could you just give us a brief overview of sort of
12 what evidence the State gave you in response to that?

13 A: Well, you know, they gave us the incident report. They
14 gave us the information that was gathered at the Care House
15 where the victim in the case was sent for -- to be interviewed
16 and examined and all of that, names of witnesses and, you
17 know, the allegations in the case.

18 Q: And I guess did you have -- how many meetings did you
19 have with Mr. Singletary?

20 A: Exactly I don't know, but we had a number of meetings. I
21 mean he was -- he was out pretty much the whole time. He had
22 a number of different charges; so I had, like, three separate
23 files on him at the time. I know at least on one of those
24 files that he had a private attorney that represented him I
25 think for the purpose of bond, and I don't know if that

VICK MEETZE - DIRECT BY MR. THOMAS

1 attorney represented him on all of his bond hearings or not,
2 to be honest with you, but -- but he was -- he -- he had a
3 bond set that he was able to get out on, and he was out and he
4 was cooperative and he came when -- when I asked him and all
5 of that, and he came to my office and we talked, you know, in
6 my opinion many times.

7 Q: And during those talks, did you have a chance to go over
8 the discovery responses with him?

9 A: Yes.

10 Q: And did you have a chance to discuss sort of the elements
11 of the charges that he was facing?

12 A: Yes.

13 Q: What kind of defenses did you -- did you formulate based
14 on your conversations with him?

15 A: He had given me the paperwork that he testified to
16 earlier with regards to what he saw as an alibi defense, and
17 in his mind the documentation that he gave me with regards to
18 various bills and invoices and things like that, you know, in
19 his mind was proof of his innocence sort of. I don't want to
20 put words in his mouth, but I think that's pretty close to
21 what he said and -- you know, as an alibi, and I just didn't
22 see it that way.

23 And I -- you know, I felt like Mr. Singletary and I
24 always got along very well. You know, I don't recall ever
25 being testy with him and I don't recall him ever being testy

VICK MEETZE - DIRECT BY MR. THOMAS

1 with me. Not to say we agreed on every point because I don't
2 think anybody agrees with everybody all the time, but I think
3 our working relationship was -- was collegial and cordial at
4 all times the way I recall it.

5 But I think I did tell him that the documents that he --
6 you know, to me an alibi defense is a defense that you were
7 here and, because you were here at this time, you couldn't
8 have been over here doing certain acts, and there wasn't
9 anything that I saw in what he gave me that -- that provided
10 any kind of a -- of a clear alibi of -- to where his
11 whereabouts would be.

12 As he said, there was just general times and all as far
13 -- as far as when these allegations occurred that were
14 testified to that weren't exact. It was I think three to four
15 instances that were testified in regards to that were alleged
16 to have happened over a three-year period, but no set, you
17 know, date and time and all of that.

18 Q: And do you recall the -- sort of what the range of the
19 dates was in the indictment?

20 A: Off the top of my head, I don't recall. I recall the
21 testimony.

22 Q: I'll let you look at that. Does that refresh your
23 recollection as to when the indictments -- the range of dates
24 was?

25 A: It does.

VICK MEETZE - DIRECT BY MR. THOMAS

1 Q: And when was that?

2 A: August the 5th of 2000 through August the 12th of 2003.

3 Q: So basically a pretty broad three-year range of when
4 these things could have happened?

5 A: Correct.

6 Q: What kind of investigation did you do in this case? It
7 seems pretty simple, but --

8 A: Well, it was, you know, like a lot of these cases are.
9 It was, you know, basically one person's word as to what's
10 alleged to have happened as far as the bulk of the -- the
11 State's testimony. There was not any other independent
12 witnesses that were called to testify; so it didn't make it
13 dissimilar from a lot of cases. So from that standpoint,
14 there wasn't a lot of investigation to do with regards to the
15 State's case.

16 We did subpoena Mr. Hanna. I don't recall exactly why --
17 whether he just didn't come to be called or whether I just
18 made the decision that -- that again, any testimony he was
19 going to give would not have provided the alibi that Mr.
20 Singletary was hoping for, and that I just didn't feel like it
21 was worth, you know, losing final argument and different
22 advantages that a defense can have in a -- in a trial that can
23 be important to me at least, you know, some cases more
24 important than others, but I did feel like that it did provide
25 him with -- with, you know, potentially a decent advantage in

VICK MEETZE - DIRECT BY MR. THOMAS

1 this case to be able to preserve that, and that was part of my
2 -- my strategy in the case and, like I said, I didn't think
3 that we had anything from our standpoint that was going to be
4 -- that if we introduced it was going to benefit him enough,
5 you know, to make it sort of worth -- worth going for.

6 Q: And so -- so part of your trial strategy was to sort of
7 preserve last argument?

8 A: Well, I mean you sort of want to see how things go and
9 things like that, but this was a case that, like I said, I
10 didn't think there was any evidence that we had to present
11 that was going to be worth presenting -- so worth presenting
12 that it would be worth losing the final argument in the case.
13 And like I said, I just didn't think that the paperwork that
14 he gave and that kind of thing was going to be the alibi
15 defense that he was hoping for.

16 As far as any other potential defenses, we didn't discuss
17 that. There weren't any. You know, anytime you go to trial,
18 you can make arguments that somebody is not guilty, but as far
19 as any legal defenses, there were not any others to discuss.

20 Q: So basically you just were kind of stuck attacking the
21 credibility of the -- the alleged victim?

22 A: I think so.

23 Q: Now let's talk about -- tell me a little bit about your
24 discussions with Mr. Singletary about him testifying at trial.

25 A: Certainly that was a decision that was -- that was

VICK MEETZE - DIRECT BY MR. THOMAS

1 ultimately left up to him, but I advised him that I thought it
2 was in his best interest to not testify, you know, and I think
3 that's certainly part of my job. But I certainly -- and I
4 think he testified this way as well. You know, I didn't force
5 him or anything like that. I advised him to what I felt like
6 was in his best interest, but explained to him his rights,
7 that he had the right to testify or not to testify, and just
8 as the Court went over with him as well, and let him make that
9 decision for himself.

10 Q: And let me ask you -- let me ask you this. The -- the
11 sentence that he received, was that within the range that was
12 allowed by the statute?

13 A: It was. It was -- it was the maximum for what I felt
14 like -- you know, by the time his case went to trial, the
15 charge he was charged with carried a sentence of 25 years to
16 life, but I -- you know, in chambers -- and the State, you
17 know, was of the position that he could be sentenced to that,
18 but I -- in chambers, we discussed that with the judge and my
19 argument was when the allegations occurred, the law was that
20 it carried zero to 30 and -- and that he should be sentenced
21 under the law the way it was at the time the allegations
22 occurred, and the Court agreed and agreed that he would --
23 should it come to that, that -- that the law that would be
24 used for sentencing purposes would be the law that was in
25 place from 2000 to 2003.

VICK MEETZE - DIRECT BY MR. THOMAS

1 Q: Do you feel like you were sufficiently prepared to try
2 this case?

3 A: I do.

4 Q: Anything else you could have done to -- well, let me ask
5 you this. You reviewed -- you said you reviewed all the
6 discovery, but there was a video from the Care House?

7 A: Yes.

8 Q: Did you review that with Mr. Singletary?

9 A: I don't recall if we went over that or not -- if we
10 viewed that together or not.

11 Q: But you viewed that?

12 A: Yes.

13 MR. THOMAS: That's all I have. I'll let you answer any
14 questions Mr. Waller has. Thank you.

15 THE COURT: Mr. Waller?

16 MR. WALLER: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. WALLER:

19 Q: Mr. Meetze, let's talk about the indictment that you
20 mentioned. It was over a three-year range in time on this;
21 correct?

22 A: Yes, sir.

23 Q: Okay. Did you have any issues with that range of time?

24 A: There was no issues that -- that jumped to my --

25 Q: Okay.

VICK MEETZE - CROSS BY MR. WALLER.

- 1 A: -- mind.
- 2 Q: Did you have any questions about the sufficiency of that
- 3 indictment from a defending those charges aspect?
- 4 A: I did -- I did not and -- and maybe I should have. I
- 5 don't know. You know, I know that the indictment is a notice
- 6 document and -- and look for -- does it provide adequate
- 7 notice of what the client is charged with and -- you know, and
- 8 maybe that -- if that was a mistake, then that was a mistake,
- 9 but I can honestly say that there was nothing about the
- 10 indictment that jumped out at me to where I should make any
- 11 kind of a motion to quash the indictment or -- or to somehow
- 12 find the indictment insufficient.
- 13 Q: Okay. I want to jump right into the trial I guess. You
- 14 made a pre-trial motion to exclude the defendant's statement;
- 15 is that correct?
- 16 A: A Jackson versus Denno?
- 17 Q: Yes, sir.
- 18 A: Yes.
- 19 Q: And you made several grounds I guess because it was a
- 20 couple different parts in the actual statement. Even as brief
- 21 as it was, there were certain things you were concerned about?
- 22 A: Right. Are you referring particularly to him mentioning
- 23 that he had been in prison before?
- 24 Q: Yes, sir.
- 25 A: Yes.

VICK MEETZE - CROSS BY MR. WALLER

1 Q: Okay. And the judge ultimately allowed the statement in,
2 but limited the -- what the officer was able to testify to; is
3 that right?

4 A: I think so.

5 Q: Okay. You asked multiple questions to LW.
6 who was the alleged victim in this case, about the interview
7 she did with Debbie Elliott?

8 A: Yes.

9 Q: Okay. She very often answered that she couldn't
10 remember?

11 A: Correct.

12 Q: Okay. You just testified that you viewed the videotaped
13 interview with her; is that right?

14 A: I'm sure that I did.

15 Q: Okay. What was the -- what was the trial strategy behind
16 not attempting to refresh her memory or impeach her testimony
17 with those -- with those prior statements?

18 A: Well, I don't know of the trial strategy. A lot of those
19 questions as it turned out were not asked by Debbie Elliott in
20 that interview. They were asked by Dr. Saunders in just an
21 intake interview that's not videoed or anything like that.

22 But as far as impeaching her or refreshing her memory with the
23 -- with the copies of the video, that I did not --

24 Q: Okay.

25 A: -- think to do that.

VICK MEETZE - CROSS BY MR. WALLER

1 Q: Debbie Elliott testified that she didn't -- she didn't
2 take the -- Dr. Saunders took the intake, but not with Latoya
3 Williams; is that right?

4 A: The grandmother. That's right. I think it was with the
5 grandmother or with the mother. That's correct. A lot of the
6 questions that I directed at her were actually questions that
7 had been directed at another person, but --

8 Q: Okay. And the grandmother did not testify; is that
9 right?

10 A: That is right.

11 Q: Okay. If you would -- do you have your transcript in
12 front of you?

13 A: I do.

14 MR. WALLER: And, Your Honor, I'm going to look at page
15 106.

16 THE COURT: Okay. Now, I've got three transcripts. I'm
17 assuming this is number two. I notice that they are misdated.

18 MR. WALLER: It is misdated. This is the one -- it's 156
19 pages long.

20 THE COURT: Okay. And one that's dated June 21st, but it
21 should be June 22nd I believe; is that correct?

22 MR. WALLER: I think you are right about that too, Your
23 Honor.

24 MR. THOMAS: Your Honor, what -- just to clarify, what I
25 think actually happened is the large transcript is dated June

VICK MEETZE - CROSS BY MR. WALLER

1 21st. They took up some pre-trial motions the afternoon of the
2 21st. They did jury selection in another courtroom the morning
3 of the 22nd with Ms. Ray as the court reporter, and then they
4 came back on the 23rd with a third court reporter for the
5 second day of trial.

6 THE COURT: Okay.

7 MR. THOMAS: I'm a little befuzzled by it myself, Your
8 Honor.

9 THE COURT: I think one is -- is dated the 22nd, but
10 should be the 21st because the last page in that says that
11 we'll pick up -- that was the pre-trial motions, and it says
12 we'll return -- the jury was removed from the courtroom and
13 trial resumed on June 22nd with a different court reporter. So
14 number two is the one that's dated June 21st and should be June
15 22nd I think, Mr. Thomas.

16 MR. THOMAS: And, Your Honor, I'm just -- I think -- and
17 this is what I think. I think they -- because if you look on
18 page -- let me skip forward here in the one that's dated the
19 21st.

20 THE COURT: Okay.

21 MR. THOMAS: If you skip forward to about page --

22 MR. WALLER: I think they qualified the jury maybe
23 upstairs.

24 MR. THOMAS: Yeah.

25 THE COURT: Okay.

VICK MEETZE - CROSS BY MR. WALLER

1 MR. THOMAS: If you skip to page 9, line 3, it says the
2 matter is adjourned until 9 a.m., and I think what happened is
3 they qualified the jury upstairs on the -- they started this
4 on the afternoon of June 21st. They adjourned, qualified the
5 jury upstairs on June 22nd, and that's what's contained in this
6 June 22nd transcript --

7 THE COURT: Okay.

8 MR. THOMAS: -- from Frances Bakis-Ray. And then --

9 THE COURT: Okay. And then -- oh, I see. And then on
10 page 12 we pick up on the 22nd.

11 MR. THOMAS: Yeah. That's --

12 THE COURT: Okay.

13 MR. THOMAS: -- when they came back down to the courtroom
14 with Ms. Pamela Cartee.

15 THE COURT: Okay. Okay. Now I'm with you. Okay. So
16 this is actually -- the first part of that is actually the 21st
17 and the second part -- okay. So this would be one and two,
18 and this would be what I'm calling 1-A. Okay. And you want
19 me to look at page 146?

20 MR. WALLER: No, sir. It was actually 104.

21 THE COURT: Oh, 104. Excuse me.

22 MR. WALLER: I think I said 106, but it actually starts
23 on 104.

24 THE COURT: I'm on 104.

25 MR. WALLER: This is the beginning of the testimony of

VICK MEETZE - CROSS BY MR. WALLER

1 Debbie Elliott.

2 THE COURT: Of who?

3 MR. WALLER: Debbie Elliott.

4 THE COURT: Yeah. I'm with you.

5 MR. WALLER: Okay.

6 THE COURT: Yes, sir.

7 BY MR. WALLER:

8 Q: Mr. Meetze, Debbie Elliott on page 106 was offered as an
9 expert in the field of assessment of children. Is that your
10 recollection?

11 A: It is.

12 Q: Okay. And she was admitted as an expert witness without
13 objection from you?

14 A: That's right.

15 Q: The previous two pages discussed her training and work
16 experience. Did you have any prior knowledge of any -- any
17 training or work experience that she had as an expert in child
18 assessment?

19 A: Before that, I don't know that I was aware of anything in
20 particular that she had -- any training that she had had
21 before her voir dire from the State in regards to that that I
22 recall.

23 Q: Okay. And excluding her bachelor's degree and excluding
24 work experience, she took -- she lists one training class of
25 finding words in 2002 as her -- as her training specifically

VICK MEETZE - CROSS BY MR. WALLER

1 for forensic interviewers.

2 A: Right.

3 Q: Did you have any issue with her qualifications to be an
4 expert in the field of child assessment?

5 A: I didn't.

6 Q: And did you have any -- any issue with the fact that her
7 training was in forensic interviewing and she wasn't offered
8 as an -- as an expert in forensic -- forensic interviewing?

9 Excuse me.

10 A: It didn't register with me as anything that, you know --

11 Q: Okay.

12 A: -- of consequence.

13 Q: Okay. If you would, flip to page 112.

14 A: Okay.

15 Q: Ms. Wise is questioning Ms. Elliott about the actual
16 interview. And on line 15, she asks the question: Did you
17 find her to be consistent throughout the interview? Did you
18 -- did you have a reason for not objecting to that question?

19 A: Well, specifically to that question, I don't. I know
20 right afterwards it appears that Ms. Elliott wasn't sure what
21 she meant, and it looks like Ms. Wise -- I mean Ms. Wise went
22 to -- it was Ms. Anderson then I believe. It's Ms. Wise now.
23 So I don't mean to confuse anybody.

24 But anyway, it looks like she went to a different
25 question. Just -- did she tell you a specific time when these

VICK MEETZE - CROSS BY MR. WALLER

1 alleged incidents occurred?

2 So I don't know if it either just didn't register with me
3 to object or she was confused immediately enough to where I
4 didn't interrupt her indicating she was confused, and I don't
5 recall, but I don't recall it. Obviously, I did not object to
6 it.

7 Q: Okay.

8 A: And I think that the way that question is formed, I will
9 say that it looks like a question that would -- would be
10 worthy of an objection.

11 Q: Okay. Did you -- based on her overall testimony and
12 based on her qualifications, did you think that expert
13 testimony was necessary?

14 A: Certainly looking back on it, I don't think that there
15 was any need for her to have been qualified as an expert, no.

16 Q: Did you -- did she testify -- did she give expert
17 opinion?

18 A: I don't think she did.

19 Q: Okay.

20 A: No.

21 Q: If you would, flip to page 114.

22 A: Okay.

23 Q: The last question on that page is a very, very broad
24 question about children in general that have been victims of
25 sexual assault.

VICK MEETZE - CROSS BY MR. WALLER

1 A: Right.

2 Q: Did you have any issue with that question?

3 A: Obviously, I did not.

4 Q: Okay.

5 A: Not to where I objected.

6 Q: Did you have any trial strategy for not objecting?

7 A: I did not.

8 Q: And if you would -- and I'm getting towards the end.

9 A: Sure.

10 Q: If you would, please flip to page 125.

11 A: Okay.

12 Q: Line 12. Ms. -- a question is asked by you actually

13 about other -- other people Ms. Williams may have disclosed

14 information to. What was your reasoning behind asking that

15 question?

16 A: I -- I am not sure, to be honest with you.

17 Q: Okay.

18 A: But I asked it.

19 Q: Okay. And then -- I promise I'm almost done this time.

20 If you would --

21 MR. WALLER: If Your Honor would, switch to the last

22 transcript, transcript number 3.

23 THE COURT: Gotcha.

24 MR. WALLER: The closing arguments.

25 THE COURT: What page?

VICK MEETZE - CROSS BY MR. WALLER

1 MR. WALLER: Fifteen, Your Honor.

2 BY MR. WALLER:

3 Q: And it's actually at the very end of 14 and right into
4 15. The judge actually admonishes Ms. Anderson briefly for
5 something the Court didn't like, but there was no -- no
6 objection from you as well. Was there a reason behind that?

7 A: I --

8 Q: It's at the very top of 15 and the very end of 14.

9 A: I gotcha. I was looking at the line. Okay.

10 Q: Sorry about that.

11 A: It didn't. And I think that what she may have said --
12 and it probably went over my head. I think she said details
13 that I think -- I think when a prosecutor in a closing
14 argument says "I think" instead of "I submit" or the State
15 submits that this evidence, you know, says this or that, I
16 think that's probably what the judge was -- was referring to.
17 I don't know, but it -- I didn't -- and it -- but I didn't --
18 it didn't register with me to object.

19 But in looking at the transcript and reading that and I
20 saw that when I was going through it, that would be my guess
21 as to what the judge was referring to when he admonished her.
22 And it either just went over my head at the time or for
23 whatever reason I did not object to that.

24 MR. WALLER: Mr. Meetze, I have no further questions.

25 Thank you.

VICK MEETZE - REDIRECT BY MR. THOMAS

1 THE COURT: Anything on redirect?

2 MR. THOMAS: Just briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. THOMAS:

5 Q: As far as the range in the indictments, the State's
6 allegation was that these crimes happened when the victim
7 lived with one of the defendant's relatives?

8 A: Foster care I think with a Ms. Ella Graham, who I think
9 was the -- was related to Mr. Singletary.

10 Q: And as far as not using the video to impeach the victim's
11 testimony, if you had tried to use that video to maybe refresh
12 her recollection, would that have maybe opened the door to
13 introducing that video to the jury?

14 A: I mean it certainly could have, and the State had not
15 planned on doing that and, you know, this case happened a
16 number of years later. I mean there is certainly strategy
17 that can go into all of that. She was 17 when the trial took
18 place, and she was allegedly seven to -- between seven and ten
19 when it happened. She could have looked much more sympathetic
20 to the jury as a small child on that video and things like
21 that. I can't sit here and tell you that those thoughts --
22 those things were going through my mind when I didn't make --
23 you know, impeach her with it, but certainly those are all
24 things that are possible.

25 Q: And Ms. Elliott was qualified as an expert on sexually

VICK MEETZE - REDIRECT BY MR. THOMAS

1 abused children or child sex abuse assessment?

2 A: Assessment or something along those lines.

3 Q: But not as a forensic interviewer?

4 A: Right.

5 Q: Would you have objected if she had been submitted as a

6 forensic interviewer?

7 A: Well, I can't tell you whether I would have or not. I --

8 if -- if she had been proffered as an expert in that, then it

9 would have been appropriate for me to have objected.

10 Q: And -- but she did -- I mean we were looking at page 114

11 there. She did testify about basically the behavior of

12 victims in general, but not about this specific --

13 A: This specific -- right. I'm sorry to talk over you.

14 Q: Oh, no. But it was victims in general; right?

15 A: Right.

16 Q: All right. So -- and then on page 117, you did object to

17 that sort of bolstering question of do you believe the victim

18 is behaving this way?

19 A: Right.

20 Q: And that question about was the victim consistent, she

21 never actually answered that question; right?

22 A: I didn't think so.

23 Q: And in the solicitor's closing when she started to say "I

24 think", she never actually completed that thought; right? I

25 mean that was -- she wasn't implying that she knew something

VICK MEETZE - REDIRECT BY MR. THOMAS

1 that the jury didn't know?

2 A: I don't think she finished the thought. She referred to
3 it as -- as how she was -- you know, had a lot of details with
4 regards to her recollection of what happened and then -- and
5 she sort of was using that as sort of circular coming back to
6 details. That was a big theme in her closing, and I think
7 that she was going to say, you know, because her -- her
8 retelling of the story is so detailed, I think it means this,
9 but she didn't get to that point. But she got to the "I
10 think" part.

11 MR. THOMAS: Thank you, Mr. Meetze. That's all I have.

12 THE COURT: Anything on recross?

13 MR. WALLER: Nothing, Your Honor.

14 THE COURT: Thank you, sir. Thank you, Mr. Meetze.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Mr. Thomas?

17 MR. THOMAS: Nothing else from the State, Your Honor.

18 THE COURT: Okay. Again, Mr. Waller, do you want to do a
19 memo in closing?

20 MR. WALLER: Yes, sir, Your Honor.

21 THE COURT: Okay. Since you've now got three of them on
22 your plate, tell me do you still want to do it in 20 days?

23 MR. WALLER: That's fine, Your Honor.

24 THE COURT: Okay. And then, Mr. Thomas, this will be
25 your only one 20 days later.

1 MR. THOMAS: I've got the one from this morning too.

2 THE COURT: Oh, you do. Okay. Okay. Thanks. Okay.

3 I'm glad you reminded me.

4 MR. THOMAS: I'm glad I remembered it myself.

5 THE COURT: All right.

6 (WHEREUPON, the proceedings ended at 5:28 p.m.)

7

8 --- END REQUESTED TRANSCRIPT ---

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1	State of South Carolina	)	
2		)	Certificate
3	County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 42 constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Florence County, South Carolina, on the 9th day of October, 2014.

14 I do further certify that I am neither of kin, counsel,
15 nor interest to any party hereto.

17 s/ Krystal J. Smith

18	Court Reporter

20	Florence, South Carolina

21 June 3, 2015

FILED

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

2015 APR -3

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

Robert Singletary, #189516,

CONNIE REEL-SILVER
CCOP & GS
FLORENCE COUNTY, S.C.

Case No. 2013-CP-21-1159

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed April 30, 2013. Respondent made a timely Return on or about September 13, 2013. The Court convened an evidentiary hearing into the matter on October 9, 2014, at the Florence County Courthouse. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Joshua L. Thomas, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, William V. Meetze, Esquire, also testified. The Court had before it a copy of the trial transcripts, the records of the Florence County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Florence County Clerk of Court. In September 2009, the Florence County Grand Jury indicted Applicant for lewd act on a minor and first degree criminal

CERTIFIED: A TRUE COPY
Connie Reel-Silver
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

sexual conduct with a minor (2009-GS-21-1350). William V. Meetze, Esquire ("trial counsel"), represented Applicant. On June 21, 2010, Applicant proceeded to trial before the Honorable D. Craig Brown and a jury. On June 23, 2010, the jury found Applicant guilty as indicted. Judge Brown sentenced Applicant to concurrent terms of thirty (30) years for criminal sexual conduct with a minor and fifteen (15) years for lewd act on a minor.

Applicant filed a timely notice of appeal, and Breen R. Stevens, Esquire, of the Office of Appellate Defense represented Applicant on appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on October 31, 2012. State v. Singletary, Op. No. 2012-UP-589 (S.C. Ct. App. filed October 31, 2012). The Court of Appeals returned the remittitur to the circuit court on November 16, 2012.

II. ALLEGATIONS

In his application, Applicant alleged he is being held in custody unlawfully for the following reasons:

1. "6th amend[ment]"
 - a. "Strickland v State - Martinez vs Ryan - Strickland vs Washington"
2. "The right to A Fair Trial"
 - a. "My Attorney wouldn't let me testify. Did not object to sentence"
3. "The right to present Evidence on my behalf"
 - a. "I gave my Attorney cancel checks, telephone bill, light bill & rent receipt"
4. "The right for me to have witnesses on my behalf"
 - a. "My Attorney wouldn't call my witnesses to testify that I was elsewhere"
5. "Sentencing was extreme"

At the evidentiary hearing, Applicant proceeded on only the following allegations:

1. Ineffective assistance of trial counsel for failing to impeach the victim with her prior statement.

2. Ineffective assistance of trial counsel for failing to object to Debbie Elliott's qualifications as an expert.
3. Ineffective Assistance of counsel for failing to object to improper questioning of Debbie Elliott.

Applicant submitted a "Memorandum in Support of Applicant's Application for Post-Conviction Relief" on or about November 10, 2014. Respondent submitted a "Memorandum in Opposition to Post-Conviction Relief" on or about November 25, 2014.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Generally, the Court finds trial counsel's testimony credible and Applicant's not credible. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

A. Summary of Testimony

Applicant testified trial counsel was his second attorney. He testified he gave trial counsel several documents to demonstrate he did not possess the properties where the victim claimed she was raped on the dates she alleged he raped her. He also testified trial counsel never explained the indictment or potential sentences. He did admit he somewhat reviewed the State's discovery response. Applicant testified trial counsel advised him not to testify at trial because he had a prior record.

Trial counsel testified he was assigned the case as part of his duties as a public defender. He recalled having a number of meetings with Applicant and reviewing discovery, the charges, and the possible punishments. He recalled reviewing the documents Applicant provided

regarding the possible dates of the alleged crimes. Trial counsel testified these documents did not demonstrate Applicant had an alibi for the crimes. He testified his trial strategy was to attack the credibility of the victim. Trial counsel recalled the victim testifying she could not remember how she answered many questions in her assessment interview. However, he also recalled many of the interview questions he inquired of were actually asked of her family member, and not the victim. He also explained he did not want to further reference the victim's recorded statement because it may open the door to the State introducing the video of her statement.

Trial counsel testified he had no grounds to object to Debbie Elliott's qualification as an expert on assessment, although he believed it was unnecessary for the State to qualify her as one. He recalled Elliott not answering a question from the solicitor about whether the victim's answers were consistent. However, he did recall lodging an objection to a later question about whether the victim behaved like a victim of sexual assault. Trial counsel testified the trial judge overruled this objection and denied a subsequent motion for a mistrial.

B. Ineffective Assistance of Trial Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in the application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of trial counsel as a ground for relief, Applicant must prove trial counsel's "conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether trial counsel provided representation within the range of competence required in criminal cases. *Id.* (citing *Strickland*, 466 U.S. at 687; *Turner v. Bass*, 753 F.2d 342 (4th Cir. 1985); *Marzullo v. Maryland*, 561 F.2d 540 (4th Cir. 1977)). The Court strongly presumes trial counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. *Cherry v. State*, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. *Id.* at 117, 386 S.E.2d at 625. First, Applicant must prove trial counsel's performance was deficient. *Id.* Under this prong, the Court measures trial counsel's performance by its "reasonableness under prevailing professional norms." *Id.* (citing *Strickland*, 466 U.S. at 688). Second, trial counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18, 386 S.E.2d at 625.

1. Failure to Impeach the Victim with Her Prior Statement.

The Court finds Applicant failed to meet his burden to prove trial counsel ineffective in failing to further cross-examine the victim. Regarding this allegation, the Court finds trial counsel's testimony credible and gives it great weight. Trial counsel did not want to go into too much detail regarding the victim's recorded statement because it may open ~~the door~~ ^{the door} to show the jury the video of her assessment. The video was taken when the victim was much younger, and trial counsel believed it would have portrayed her in a more sympathetic light. The Court finds trial counsel's reasoning for not further impeaching the victim with her statement constitutes a

valid strategic decision. Watson v. State, 370 S.C. 68, 73, 634 S.E.2d 642, 644 (2006) (valid strategy to avoid questions that "might lead to the more damaging introduction of the victim's videotape.").

The Court also finds Applicant failed to show how further impeachment of the victim would have changed the result of his trial. Trial counsel impeached the victim with her history of sexual activity with children her age to the extent the trial judge would allow him. (June 21, 2010 Trial Tr. p. 87, line 5-p. 91, line 13). He attempted to impeach the victim with answers to certain background questions he believed were asked of her at the assessment. However, he understood those questions were asked of the victim's family member, not the victim. (June 21, 2010 Trial Tr. p. 110, line 19-p. 112, line 3). The statements Applicant alleges should have been used to impeach the victim were actually the statements of a third-party. Thus, trial counsel could not have been expected to use them to impeach the victim. See Palacio v. State, 333 S.C. 506, 514, 511 S.E.2d 62, 67 (1999) (no deficiency where "it would have been futile for Attorney to have made such arguments"). Furthermore, trial counsel did attempt to impeach the victim with as much of her prior statement as possible without opening the door to the introduction of the video. In light of the entire trial record, the Court finds Applicant has not demonstrated trial counsel performed deficiently in his cross-examination of the victim, or that he was prejudiced by trial counsel's performance. See, e.g., Skeen v. State, 325 S.C. 210, 216-17, 481 S.E.2d 129, 133 (1997) ("[O]ne can only speculate whether a 'better' cross examination would have helped Skeen."); Simpson v. Moore, 367 S.C. 587, 598 n.2, 627 S.E.2d 701, 707 n.2 (2006) ("Though hindsight may provide a different view of counsel's actions, Simpson is not entitled to a new trial

for the sole purpose of presenting a 'fancier' case." (citing Jones v. State, 332 S.C. 329, 504 S.E.2d 822 (1998)).

2. Failure to Object to Debbie Elliott's Qualifications as an Expert.

The Court finds Applicant failed to meet his burden to prove trial counsel ineffective in failing to object to Elliott's qualifications as an expert. Expert testimony and behavioral evidence is admissible to prove a sexual assault occurred. State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993). Elliott testified she has a Bachelor of Arts degree in sociology, training in forensic assessments, and twenty-five years of experience working with abused children. (June 21, 2010 Trial Tr. p. 104, line 9-p. 106, line 6). The State presented her as an expert in the field of child sexual and physical abuse. The fact Elliott also has training as a forensic interviewer does not preclude her from being qualified as an expert in a related field as long as her credentials in the related field also pass muster. Elliott's qualification as a child sex abuse expert was proper based on her training and experience dealing with victims of child sex abuse. Id. at 505-06, 435 S.E.2d at 861 (witness properly qualified as sexual abuse expert with master's degree in social work, completion of training seminars regarding sexual abuse victims, and extensive work experience). Because the State established Elliott's training and experience, trial counsel could not have interposed a valid objection to her qualification as an expert. Palacio, 333 S.C. at 514, 511 S.E.2d at 67.

3. Failure to Object to Improper Questioning of Debbie Elliott.

The Court finds Applicant failed to meet his burden of proof to show trial counsel ineffective for failing to object to improper questioning of Elliot. Applicant alleges the State asked an improper question about the victim's consistency. However, the witness did not answer

the question. (June 21, 2010 Trial Tr. p. 112, line 15-17). Trial counsel could not have objected to improper bolstering here because no such bolstering actually occurred. Palacio, 333 S.C. at 514, 511 S.E.2d at 67.

Applicant also alleges trial counsel should have objected to a question about the victim's disclosure. However, this question was not posited by the State, but by trial counsel. (June 21, 2010 Trial Tr. p. 125, lines 12-17). Trial counsel cannot object to his own question. Furthermore, trial counsel's question was proper time or place corroborating testimony. Dawkins v. State, 346 S.C. 151, 156, 551 S.E.2d 260, 262 (2001) ("When the victim testifies, evidence from other witnesses that the victim complained of the sexual assault is admissible in corroboration; however, such evidence is limited to the time and place of the assault and cannot include details or particulars." (citing Jolly v. State, 314 S.C. 17, 443 S.E.2d 566 (1994); State v. Munn, 292 S.C. 497, 357 S.E.2d 461 (1987))). This question was proper in light of trial counsel's strategy to attack the victim's credibility. See Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) ("Where, as here, counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel." (citing Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992))).

Finally, the record demonstrates trial counsel raised objections on several occasions and those objections were either sustained or overruled. Trial counsel moved for a mistrial when one such objection was overruled. (June 21, 2010 Trial Tr. p. 118, line 3). In light of trial counsel's thorough and timely objections where necessary, the Court finds Applicant failed to demonstrate trial counsel's performance in this regard was deficient, or that he was prejudiced by trial counsel's performance.

C. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence or arguments regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant was not deprived of effective assistance of trial counsel. Trial counsel's decisions and conduct were reasonable in the circumstances, and did not fall below professional norms of competency. Because Applicant has not established any constitutional violations or deprivations that would require this Court to grant him relief, the Court finds this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from his attorney's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, he must inform his attorney to serve and file a notice of appeal on Applicant's behalf. The parties are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and

2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 25th day of March, 2015.



THE HONORABLE EDGAR W. DICKSON
Presiding Judge

Orangeburg, South Carolina

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CCCP & GS
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY
Corrie H. Jenkins
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

246

WITNESSES

Roger Tilton

Lake City Police Department

DOCKET NO. 2009-GS-21-1350

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER

TERM

2009

THE STATE

vs.

ROBERT ALBRECHT SINGLETARY

ROBERT N. WELLS, JR

ARREST WARRANT NUMBER

2009-GS-21-1350

2009-GS-21-1350A

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Guilty

TRUE BILL

Foreperson of Petit Jury

Date:

Indictment for

LEWD ACT ON A MINOR

AND

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, FIRST DEGREE

CERTIFIED: A TRUE COPY

*Christie Red-Spencer*CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

2009 SEP 10 PM 12:03

Sharon Z. Miller 6-23-10

247

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

INDICTMENT FOR

LEWD ACT ON A MINOR, AND
CRIMINAL SEXUAL CONDUCT WITH A MINOR,
FIRST DEGREE

At a Court of General Sessions, convened on SEPTEMBER 10, 2009 the Grand Jurors of
FLORENCE County present upon their oath:

COUNT ONE- LEWD ACT ON A MINOR

CDR: 2468

16-15-0140

That ROBERT ALBRECHT SINGLETARY, being over fourteen years of age, did in Florence County during a time period from August 5, 2000 to August 12, 2003, willfully and lewdly commit a lewd or lascivious act upon or with the body of a child, less than sixteen (16) years of age, to wit: Minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, including but not limited to: improperly touching her vaginal area and rubbing up against her with his penis, in violation of Section 16-15-0140, S. C. Code of Laws, 1976, as amended.

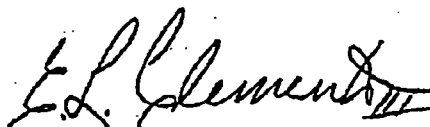
COUNT TWO- CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

CDR: 0385

16-03-0655(A)(1)

That ROBERT ALBRECHT SINGLETARY did in Florence County, during a time period from August 5, 2000 to August 12, 2003, willfully and unlawfully commit, or attempt to commit, the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in a sexual battery in and upon one Minor with a minor child who is less than eleven (11) years of age, by having sexual intercourse with the said child on multiple occasions, in violation of Section 16-3-655(A)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

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STATE OF SOUTH CAROLINACLERK OF COURT
IN THE COURT OF GENERAL SESSIONS

PAGE 02/03

COUNTY OF Florence
STATE VS.
ROBERT ALBRECHT SINGLETARY

AKA:

Race: B Sex: M Age: 38

DOB: 02-12-1952 SS#: 247-90-7596

Address:

City, State, Zip: LAKE CITY, SC 29560

DL#: SID#: SC00843740

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First degree [0 to 30 yrs]

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Robert A. Wells, Jr.
WELLS, JR, ROBERT N

6021

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; fine balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2609 GS 21 / 350☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 64 days☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

§ 47-12 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$100 \$

§ 50-21-114 (DUI Breath Test Fee) \$50 \$

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$

§ 90.7 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$

TOTAL \$ 105.00

Clerk of Court/ Deputy Clerk

Court Reporter: 10 Reed

SCCA/217 (11/2/09)

INDICTMENT/CASE#: 2009-GS-21-1350

A/W#: 2009GS2101350A

Date of Offense: 8/5/2000 - 8/12/2003

S.C. Code §: 16-03-0655(1)

CDR Code #: 0385

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

[0 to 30 yrs]

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Robert A. Wells, Jr.
WELLS, JR, ROBERT N

6021

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; fine balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2609 GS 21 / 350☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 64 days☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

§ 47-12 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$100 \$

§ 50-21-114 (DUI Breath Test Fee) \$50 \$

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$

§ 90.7 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$

TOTAL \$ 105.00

Presiding Judge

Judge Code: 210

Sentence Date: 6-23-10

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CLERK OF COURT
IN THE COURT OF GENERAL SESSIONS

PAGE 03/03

COUNTY OF Florence
STATE VS.
ROBERT ALBRECHT SINGLETARYAKA:
Race: B Sex: M Age: 58

DOB: 02-12-1952 SS: [REDACTED]

Address: [REDACTED]

City, State, Zip: LAKE CITY, SC 29560

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996) [0 to 15 yrs]

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Robert A. Wells, Jr. 6021
WELLS, JR, ROBERT N SC Bar# Defendant

Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2009 GS 21 1350A
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 84 days☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 47.12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

§ 90.7 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ _____

TOTAL \$ 105.00

Clerk of Court/ Deputy Clerk: M. B. [Signature]

Court Reporter: [Signature]

SCCA/217 (11/2009)

INDICTMENT/CASE#: 2009-GS-21-1350

A/W#: 2009GS2101350

Date of Offense: 8/5/2000 - 8/12/2003

S.C. Code § : 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

[0 to 15 yrs]

of the S.C. Code of Laws, bearing CDR Code # 2468

☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

(defendant's initials)

☐ Negotiated Sentence, ☐ Recommendation by the State.

Attorney for Defendant SC Bar#

☐ County Detention Center,

under the Youthful Offender Act not to exceed _____ years

and/or payment

2009 GS 21 1350A

§ 24-13-40 to be calculated and applied

§17-25-135.

(Criminal Domestic Violence)

SPECIAL CONDITIONS:

☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: [Signature]

Judge Code: 2180

Sentence Date: 8-23-10

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

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

The State, Respondent,

v.

Robert Singletary, Appellant.

Appellate Case No. 2010-166266

Appeal From Florence County
D. Craig Brown, Circuit Court Judge

Unpublished Opinion No. 2012-UP-589
Submitted October 1, 2012 – Filed October 31, 2012

AFFIRMED

Appellate Defender Breen Richard Stevens, of Columbia,
for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, Senior Assistant Deputy
Attorney General Salley W. Elliott, Assistant Deputy
Attorney General David A. Spencer, all of Columbia; and
Solicitor Edgar Lewis Clements, III, of Florence, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Patterson*, 337 S.C. 215, 226, 522 S.E.2d 845, 851 (Ct. App. 1999) ("The decision to grant or deny a motion for a mistrial is within the sound discretion of the trial [court] and will not be overturned on appeal absent an abuse in discretion amounting to an error of law."); *State v. Kelsey*, 331 S.C. 50, 70, 502 S.E.2d 63, 73 (1998) ("The granting of a motion for a mistrial is an extreme measure which should be taken only where an incident is so grievous that prejudicial effect can be removed in no other way."); *State v. White*, 371 S.C. 439, 444, 639 S.E.2d 160, 163 (Ct. App. 2006) ("A curative instruction to disregard incompetent evidence and not to consider it during deliberation is deemed to have cured any alleged error in its admission." (quoting *State v. Walker*, 366 S.C. 643, 658, 623 S.E.2d 122, 130 (Ct. App. 2005))).

AFFIRMED.¹

HUFF, THOMAS, and GEATHERS, JJ., concur.

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