

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

SEP 25 2015

APPEAL FROM GREENVILLE COUNTY

COMMON PLEAS COURT

S.C. Supreme Court

Robin B. Stilwell, Circuit Court Judge

Case No. 08-CP-23-3131

Court of Appeals Case No.: 2010-175426

S.C. Sup Ct No: 2015-001984

Robert Duncan McCall, ... Petitioner,

v.

State of South Carolina, ... Respondent.

APPENDIX VOLUME II

Karen Ratigan
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-4042
(803) 734-4113 *facsimile*

J. Falkner Wilkes, 12893

114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 *facsimile*

Attorney for the Respondent

Counsel for Petitioner

DENIAL OF REHEARING.....	A
OPINION OF COURT OF APPEALS.....	B
PETITION FOR REHEARING.....	C

INDEX

Order of Dismissal	1
Memorandum of Applicant	13
Memorandum of State	22
Application for Post Conviction Relief	33
Return and Partial Motion to Dismiss	42

TRANSCRIPT FROM PCR

Court Reporter's Index	48
Tim Sullivan, Esq.	
Direct	50
Cross	71
Redirect	77
Dr. Allison Foster	
Direct	81
Cross	103
Redirect	110

DIRECT APPEAL MATERIAL

Opinion of Court of Appeals from Direct Appeal	118
Brief of the Appellant	121
Brief of the Respondent	133

EXHIBITS FROM PCR

Applicant's Exhibit 1	162
(Includes transcript from Pre-trial In re Michael H. Motion 191)	
Applicant's Exhibit 2	207
Applicant's Exhibit 3 (Dr. Allison Foster's CV)	217

RECORD ON APPEAL -TRANSCRIPT FROM THE CRIMINAL TRIAL

Original Index to the Record on Appeal	231
Motion made at trial by Defense	236
Court Reporter's Index to the Trial Transcript	257

SUPPLEMENTAL RECORD ON APPEAL - TRIAL TRANSCRIPT ... 477

Order by Trial Court on Pre-Trial Motion	468
Applicant's SCDC Records and Indictments	487

1 any kind of psychological testing or anything like that.

2 THE COURT: Why did she -- why was that necessary?

3 MS. SEAY: It's a standard procedure that's done with
4 any report of a child, just so that they can test for
5 sexually transmitted diseases and different things like
6 that.

7 THE COURT: Okay.

8 MS. SEAY: The incidents that Mr. Sullivan has
9 referred to, I want to tell you that this child has been
10 seeing Linda Hutton, who is a local therapist. You may be
11 familiar with her. She's at the Bay Laurel Center for
12 Psychiatry and Psychotherapy. She's a licensed social
13 worker. She's been in practice for 30 years and has been
14 qualified as an expert witness in the area of sexual --
15 treatment of sexual abuse in children a number of times in
16 both criminal court and Family Court.

17 She's been seeing REDACTED for about a year and a half
18 for treatment issues related to the sexual abuse and also
19 some self-esteem issues that REDACTED has had as a result of
20 her physical disabilities.

21 THE COURT: Have you provided those records to
22 Mr. Sullivan?

23 MS. SEAY: I spoke with Ms. Hutton and she has faxed
24 me a letter today indicating that masturbation, in her
25 experience, is not viewed as a pathological problem in

010

1 children. That excessive masturbation can be associated
2 with a history of sexual abuse.

3 As to the pubic hair incident that is referenced in
4 the affidavit that he gave you, she felt that that was
5 more a childhood antic or something of that nature. That
6 happened when the victim and her cousin were five and
7 seven-years-old. Childhood antics, I don't think it's
8 indicative of any sexual behavior.

9 Ms. Hutton says, "I have not referred [redacted] for
10 psychological testing during our work together, as such
11 was not indicated. She has shown no signs of thought
12 disorder, nor psychosis. She is presently taking an
13 antidepressant, which would not be viewed as unusual given
14 these circumstances."

15 So she has not found any indication that this child
16 is not competent. I think that it would certainly be
17 unduly invasive of this child's privacy. It --

18 THE COURT: Have you turned over the records?

19 MS. SEAY: I don't have any records related to that.
20 I'll be glad to give him a copy of this letter that she
21 faxed me this morning.

22 THE COURT: Is she going to be a witness?

23 MS. SEAY: Possibly, yes, sir.

24 But I don't have any records from her. I don't know
25 if there are any, to be honest.

017

1 THE COURT: Well, if she's been seeing her for a year
2 and a half, there's going to be a bunch of records.

3 MS. SEAY: I don't know. But I'll be glad to consult
4 with her and find out, and if there are provide them.

5 THE COURT: Yes. When is this case set for trial?

6 MS. SEAY: It is set for November 4th, a week from
7 Tuesday.

8 MR. SULLIVAN: A week from Tuesday, Your Honor.
9 That's why I wanted to have this --

10 THE COURT: You need to get those records to him.
11 And that issue may -- I mean, that may --

12 Right now, I'm not inclined to grant your motion,
13 Mr. Sullivan, but I'm going to -- and I'm not going to.
14 But I'm not going to allow him --

15 You need to disclose those records as soon as
16 possible. Whether or not they're admissible at trial is a
17 whole separate question.

18 MS. SEAY: Right.

19 THE COURT: But that -- I mean, if she is doing --
20 if she has received counseling, there may be something in
21 there that might require that this issue be revisited. I
22 don't know.

23 So let's just handle it that way. And you all get
24 those just as quickly as you can so that he's not -- so
25 there will be no -- the Defendant can't claim that he

018

1 didn't have time to review when it comes time for trial.
2 And then if we need to revisit that issue, I'll be in
3 Greenwood, but you all will be able to get in touch with
4 me down there. Next week, I'll be in Greenwood, and I
5 think I'm holding trials that week.

6 MS. SEAY: Yes, sir.

7 MR. SULLIVAN: You're the trial judge in this case,
8 Your Honor.

9 THE COURT: Okay. So I'm not going to grant the
10 motion at this time. But you all -- I mean, examine the
11 records, get them to him, let him look at them.

12 They are to be confidential. You're not to disclose
13 them to anybody, and do it like that.

14 MS. SEAY: Yes, sir.

15 Thank you.

16 THE COURT: All right.

17 MR. SULLIVAN: Judge, let me clear one thing up just
18 for my clarification. I was -- thought from my review of
19 the record that the incident that happened when she was
20 six that they, initially, took her to a doctor because she
21 had an infection, a vaginal infection. And in the
22 discussion of the possible causes, one of them was
23 possibly touching by somebody.

24 THE COURT: Okay.

25 MR. SULLIVAN: But, at that time, the uncle was not

019

1 identified, that she said, well, somebody did it, but she
2 wouldn't say who. He wasn't identified until the 12
3 year -- when she was 12 with the Columbia thing.

4 THE COURT: It sounds like an issue at trial to me.

5 MR. SULLIVAN: That's my understanding of how this
6 developed.

7 THE COURT: Well, I don't know anything about the
8 case.

9 MR. SULLIVAN: I just wanted to make sure. That's my
10 understanding from their point of view.

11 THE COURT: Well, you'll just have to talk to them
12 about it.

13 MR. SULLIVAN: Okay.

14 THE COURT: I don't want to know about the facts
15 until we -- any more than I need to until we get there.

16 MR. SULLIVAN: Thank you, Your Honor.

17 MS. SEAY: Thank you.

18 THE COURT: And are you going to be able to get the
19 records?

20 MS. SEAY: Your Honor, I should be able to get in
21 touch with -- I know Ms. Hutton is not in her office
22 today, but I should be able to get in touch with her on
23 Monday. And I'll just go ahead and fax her something
24 also. But, as I said, I don't know of anything that
25 exists. I did speak with her by phone yesterday in regard

020

1 to these issues and she said, I'll send you, you know, a
2 letter regarding those.

3 THE COURT: Okay. Well, make sure you provide that
4 to him. If she's got an issue, I mean, some --

5 MS. SEAY: Like privacy or something.

6 THE COURT: Yes. Maybe if we can get the family to
7 execute a release --

8 MS. SEAY: Right.

9 THE COURT: And these are to be kept confidential.
10 They're not to be disseminated to anybody and not to your
11 client.

12 MR. SULLIVAN: It would be for my benefit.

13 THE COURT: You review them and find out if there's
14 an issue that needs -- that is going to require this to be
15 revisited.

16 MR. SULLIVAN: I'll let Mrs. Seay know right away,
17 and then we'll call you and let you know if --

18 THE COURT: Okay. So if the family would cooperate,
19 it would save a lot of -- probably save a lot of trouble.

20 MS. SEAY: Yes, sir. We'll take care of that.

21 Thank you.

22 THE COURT: Thank you very much.

23 (Pause.)

24 THE COURT: Mr. Sullivan.

25 MR. SULLIVAN: Judge, my understanding is that you're

021

1 ruling against me on the motion for having her examined
2 independently.

3 THE COURT: Without prejudice to prevent you -- I
4 mean, from coming back after an examination, if you've got
5 any other factual issue --

6 MR. SULLIVAN: Of Ms. Hutton's records.

7 At this point, I would note my objection pursuant to
8 your ruling in this matter.

9 THE COURT: Okay.

10 MR. SULLIVAN: I thought I presented sufficient
11 evidence to -- that's the basis and I thought I presented
12 sufficient grounds for an examination.

13 THE COURT: Okay. And I found that there wasn't a
14 compelling need at this time that would require the
15 invasion of the victim's privacy.

16 MR. SULLIVAN: Thank you, Your Honor.

17 THE COURT: Thank you.

18 *****END OF TRANSCRIPT OF RECORD*****
19
20
21
22
23
24
25

022

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS
2003-GS-23-1234; 7589

ORIGINAL

STATE OF SOUTH CAROLINA,)
PLAINTIFF,)
vs.)
ROBERT D. MCCALL,)
DEFENDANT.)

TRANSCRIPT OF RECORD

January 12-15, 2004
Greenville, South Carolina

B E F O R E:

THE HONORABLE C. VICTOR PYLE, JR., JUDGE.

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

BRYNA S. SEAY, ESQ.
Attorney for the Plaintiff

TIMOTHY C. SULLIVAN, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

024

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

Monday, January 12, 2004

Jury Qualification.....	6
Jury Selection.....	11
Pre-trial motions.....	19
 (SW) LORRAINE HENDERSON (IC):	
Direct Examination by Ms. Seay.....	20
Cross-Examination by Mr. Sullivan.....	32
 (SW) TONY HUDGINS (IC):	
Direct Examination by Ms. Seay.....	38
Cross-Examination by Mr. Sullivan.....	46
 (DW) ROBERT MCCALL (IC):	
Direct Examination by Mr. Sullivan.....	49
Cross-Examination by Ms. Seay.....	56
Introductory Remarks by the Court.....	67
Opening Statement by Ms. Seay.....	71
Opening Statement by Mr. Sullivan.....	70
 (SW) JO GUEST:	
Direct Examination by Ms. Seay.....	72
REDACTED	
Direct Examination by Ms. Seay.....	77
Cross-Examination by Mr. Sullivan.....	105
Redirect Examination by Ms. Seay.....	107
Questioning of Juror Charles Weisel by the Court.....	109
 (SW) AMANDA PRIDMORE:	
Direct Examination by Ms. Seay.....	111
Cross-Examination by Mr. Sullivan.....	117
 (SW) ANDREA PRIDMORE:	
Direct Examination by Ms. Seay.....	119
Cross-Examination by Mr. Sullivan.....	123
 (SW) MARY GOLLWITZER:	
Direct Examination by Ms. Seay.....	126
Cross-Examination by Mr. Sullivan.....	144

025

INDEX (CONTINUED)

Tuesday, January 13, 2004

(SW) LORRAINE HENDERSON (IC):

Direct Examination by Ms. Seay.....158
By the Court.....161

(SW) TONY HUDGINS (IC):

Direct Examination by Ms. Seay.....163

Matters of Law.....166

(SW) LINDA HUTTON:

Direct Examination by Ms. Seay.....168
Cross-Examination by Mr. Sullivan.....178

(SW) NANCY HENDERSON:

Direct Examination by Ms. Seay.....180
Cross-Examination by Mr. Sullivan.....188
Redirect Examination by Ms. Seay.....190

(SW) LORRAINE HENDERSON:

Direct Examination by Ms. Seay.....191
Cross-Examination by Mr. Sullivan.....217

(SW) ANTONIO BAILEY:

Direct Examination by Ms. Seay.....224
Cross-Examination by Mr. Sullivan.....228

(SW) TONY HUDGINS:

Direct Examination by Ms. Seay.....229
Cross-Examination by Mr. Sullivan.....241

(SW) NICK DEMOS:

Direct Examination by Ms. Seay.....242
Cross-Examination by Mr. Sullivan.....247

State Rests.....248
Motions.....248

Matters of Law.....249

(DW) MIKE DEMOS:

Direct Examination by Mr. Sullivan.....252
Cross-Examination by Ms. Seay.....258

Matters of Law.....253

INDEX (CONTINUED)

(DW) RITA O'ROUKE:

Direct Examination by Mr. Sullivan.....258
 Cross-Examination by Ms. Seay.....258

(DW) JOANNA DAVIS:

Direct Examination by Mr. Sullivan.....259

(JUROR) JEFFERY B. MATT (IC):

Examination by the Court.....261

(DW) SHANNON MCCALL:

Direct Examination by Mr. Sullivan.....264
 Cross-Examination by Ms. Seay.....269

(DW) VALERIE MCCALL:

Direct Examination by Mr. Sullivan.....269
 Cross-Examination by Ms. Seay.....278

(DW) ROBERT MCCALL:

Examination by the Court.....279
 Direct Examination by Mr. Sullivan.....281
 Cross-Examination by Ms. Seay.....290

Defense Rests.....302

Motions.....302

INDEX (CONTINUED)

Wednesday, January 14, 2004

Closing Argument by Mr. Sullivan.....	309
closing Argument by Ms. Seay.....	319
Charge on the Law by the Court.....	336
Question from the Jury.....	348
Question from the Jury.....	356

Thursday, January 15, 2004

Verdict.....	358
Sentencing by the Court.....	369
Certificate of Reporter.....	370

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
	(State's Exhibits)		
S-1	Rights Form Dated 6-24-02.....	23	202
S-2	Rights Form Dated 6-26-02.....	29	211
S-3	Statement Dated 6-26-02.....	30	215
S-4	Affidavit Dated 6-26-02.....	40	234

(Defense Exhibits)

There were no Defense Exhibits.

(Court's Exhibit's)

C-1	Note from Juror.....	110
C-2	Note from Jury.....	353
C-3	Note from Jury.....	358
C-4	Note from Jury.....	357

All Exhibits were retained by the Clerk of Court for Greenville County.

1 THE CLERK: Please stand for the oath in ~~this~~ case.
2 Raise your right hand. Correct response will be, I will.

3 (WHEREUPON, the jury was sworn.)

4 THE CLERK: Thank you, please be seated.

5 THE COURT: Now, ladies and gentlemen we're going to
6 start this case after lunch. And I'm going to excuse you
7 until 1:45. Now, you don't know anymore about the case other
8 than what I briefly told you a few moments ago. But I need
9 to instruct you that from this point on you don't talk about
10 this case. You do not begin discussing the facts of this
11 case until you've heard all the testimony to be presented,
12 the argument by the attorneys and my charge on the law. If
13 anybody contacts you and tries to talk to you about the case,
14 get their names and addresses and report that to me.

15 I'll ask that you please keep your badges on during the
16 lunch recess so that everyone involved with the case will
17 know that they should not discuss this case in your presence.
18 So I'll ask that you be back in two hours. Now the bailiff
19 will show you the jury room to report to at 1:45. Thank you
20 very much.

21 (WHEREUPON, the jury left the courtroom at
22 approximately 11:47 a.m.)

23 THE COURT: I understand you have two motions,
24 Mr. Sullivan?

25 MR. SULLIVAN: Yes, I do, Your Honor.

1 THE COURT: Suppress and what?

2 MR. SULLIVAN: In limine on some testimony, statements he
3 made to the investigators. Then a suppression on the
4 confession.

5 THE COURT: All right. I'll ask that y'all be back at
6 1:30. Be back at 1:30. At that time we'll try to get those
7 motions in before the jury comes back. Okay, 1:30.

8 MR. SULLIVAN: For the record the defense has no
9 objection to the composition of the jury.

10 THE COURT: All right.

11 See you back at 1:30.

12 MR. SULLIVAN: Can he go to lunch?

13 THE COURT: Yeah.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: All right. Which motion are you going to do
16 first?

17 MR. SULLIVAN: I assume it will be the suppression.

18 THE COURT: All right. This is to suppress the?

19 MR. SULLIVAN: Confession.

20 THE COURT: Confession, okay.

21 All right, Solicitor.

22 MS. SEAY: Thank you, Your Honor. Your Honor, I'd like
23 to call Investigator Lorraine Henderson.

24 THE COURT: All right.

25 MR. SULLIVAN: Judge, we might can slow up some of this.

030

1 his rights and he chose to voluntarily make those statements
2 without any coercion or threat of anything. And I would
3 submit that for that reason that they're statements against
4 interest and that they would be admissible.

5 MR. SULLIVAN: Judge, I'm not challenging the
6 voluntariness of them, I just think they're highly
7 prejudicial. And these have nothing to do with pedophilia.
8 This is strictly a one situation with a very young lady --

9 THE COURT: Are they not statements against interest?

10 MR. SULLIVAN: Well could be considered that, I think
11 it's highly prejudicial, I think it outweighs --

12 THE COURT: Well, I mean, no question that it's
13 prejudicial but it's just whether or not the probative value
14 outweighs that prejudicial.

15 MR. SULLIVAN: That's my question, Your Honor. I think

16 --

17 THE COURT: All right, before you get into that -- are
18 you going to get into that straight away or?

19 MS. SEAY: No, sir.

20 THE COURT: All right. I'm going to think about it.

21 MR. SULLIVAN: Judge after that -- then the other thing,
22 just for the record, I guess we'll start. We had a hearing
23 in front of Judge Miller on Friday, I guess about November,
24 end of October. This case was called to trial and wasn't
25 reached so the Friday before that about having a independent,

1 psychological evaluation on the victim and Judge Miller
2 denied that motion. And just for the record I would like to
3 note that I still objected to that ruling just to protect
4 myself.

5 THE COURT: All right.

6 Okay, you ready to make opening statements to the jury?

7 MS. SEAY: Your Honor, I have just a couple of brief
8 matters to take up before we do that. If you'll indulge me
9 for just a moment, Your Honor. First of all, I want to go
10 ahead and address this because it had come up and I need to
11 know where the Court stands on the issue of the polygraph.
12 Mr. Sullivan and I discussed that a little bit and my
13 understanding would be, of course, that no reference would be
14 made to the polygraph --

15 THE COURT: Absolutely no reference to any polygraph.

16 MR. SULLIVAN: Don't plan to, Your Honor.

17 MS. SEAY: And, Your Honor, the State's position would be
18 that clearly based on the testimony presented here that is
19 also corroborated by the defendant's testimony, he was
20 involved in that polygraph examine for approximately two
21 hours of the time that he was at the law enforcement center.
22 And it seems to me that it would be -- it would be misleading
23 the jury if he was somehow -- if the defense were somehow
24 allowed to argue that he was being questioned at the law
25 enforcement center for this lengthy period of time.

1 THE COURT: Well if he opens the door then I might have
2 to let it in.

3 MS. SEAY: Okay.

4 MR. SULLIVAN: I can just, to satisfy the situation, that
5 he was at the law enforcement center from approximately 1:30
6 to almost 6 o'clock before he made a statement.

7 THE COURT: Okay. That's fine.

8 MR. SULLIVAN: Part of the time interview, part of the
9 time by himself.

10 THE COURT: That's fine but if you get any further you
11 may open that door.

12 MR. SULLIVAN: No, not going any further than that, Your
13 Honor.

14 THE COURT: All right.

15 MR. SULLIVAN: Before we bring them I'd like step out for
16 a rest room break.

17 THE COURT: All right.

18 MS. SEAY: I just had a couple of brief matters, Your
19 Honor. First of all, the victim in this case is handicapped
20 to a certain extent. And I wanted to bring this to the
21 Court's attention because I think that there will be some
22 accomodation that we will need to make for her.

23 THE COURT: All right.

24 MS. SEAY: She is orthopedically handicapped but she also
25 has a severe speech disorder which limits her ability to

1 effectively communicate to some extent. And I don't know
2 exactly what the best way to handle that would be but I do
3 have a speech pathologist from the school district who has
4 worked with her and is familiar with her limitations who
5 could assist us if the Court will allow it.

6 THE COURT: I will allow that.

7 You want me to put her under oath, Mr. Sullivan?

8 MR. SULLIVAN: I'd like her under oath as far as -- I
9 want the young lady's testimony, not the therapist's
10 interpretation of it. And just let her interpret as we say
11 like a interpreter.

12 THE COURT: All right.

13 MR. SULLIVAN: Just swear her like an interpreter would
14 be.

15 THE COURT: Sure.

16 MS. SEAY: The victim is just very difficult to
17 understand. And, of course, I want her to be able to
18 communicate in some fashion so that the jury can understand
19 what she's communicating to them.

20 THE COURT: All right.

21 MS. SEAY: Also, if we can make a pad and paper and pen
22 available to her which I can do if you will allow it.

23 THE COURT: I'll allow that.

24 MS. SEAY: She can sometimes write down some things.

25 THE COURT: I will allow that.

1 is this young lady accusing her uncle, at one time her
2 favorite uncle, doing something wrong? You got a tough job.
3 Thank you.

4 THE COURT: All right, Solicitor.

5 MS. SEAY: Your Honor, I'm going to call Jo Guest, the
6 speech pathologist, briefly for some introductory testimony.

7 THE COURT: All right.

8 Jo Guest, after being duly sworn, testified as
9 follows:

10 THE CLERK: Thank you, please be seated. State your name
11 for the record.

12 THE WITNESS: Jo Guest.

13 DIRECT EXAMINATION

14 BY MS. SEAY:

15 Q Ms. Guest, where are you employed?

16 A Slater-Marietta Elementary and North West Middle School.

17 Q Are you employed by the school district or by those
18 particular schools?

19 A Greenville County School District.

20 Q How long have you been employed with the school district?

21 A 21 years.

22 Q Would you briefly state what your education and
23 qualifications are?

24 A I have a Masters Degree in Speech Corrections from
25 Winthrop University.

1 Q And is your primary duty speech pathology with these
2 schools that you work?

3 A Yes.

4 Q Have you been dealing in speech pathology for the entire
5 21 years that you've been employed with the school district?

6 A Yes, I have.

7 Q During that time have you had occasion to deal with
8 children who have speech difficulties?

9 A Yes.

10 Q Can you proximate how many children you have dealt with?

11 A Well on average I'd say I work with 100 children a year.
12 And 21 years times that I guess.

13 Q Do you know REDACTED ?

14 A Yes, I do.

15 Q How long have you known her?

16 A I started working with REDACTED in August of 2002 at North
17 West Middle School.

18 Q What grade was she in when you started working with her?

19 A Sixth grade.

20 Q What grade is she in now?

21 A She's in the 7th grade this year.

22 Q Can you describe what kind of classes REDACTED is in at --
23 in 7th grade?

24 A Well I see her first thing in the morning. I don't
25 actually go to classes with her. I just have her for a

1 session. I know that she has regular classes with an aide.

2 And that's about all I know about her regular classes.

3 Q So she is in regular classes?

4 A She's mainstream, yes.

5 Q A mainstream student. All right. Can you describe what
6 her disabilities are if you are familiar with them?

7 A I know she's orthopedically handicapped and there is a
8 teacher that comes to the school for that. I work with her
9 on her articulation and language deficits. I help her to say
10 words better and she has some syntax errors that we work on
11 sometimes.

12 Q Does she have difficulty communicating, generally,
13 speaking with people who aren't familiar with her?

14 A To an unfamiliar listener she's moderately
15 unintelligible. That means that most people would have to
16 listen very closely. And REDACTED also uses gestures or other
17 ways of communication too. She usually gets her point across
18 but you have to really listen.

19 Q Does she ever have to write down something that she's
20 trying to communicate to someone?

21 A I've never had her to write down anything for me. I
22 usually can probe her until I understand what she's trying to
23 say. But that would be a way of communication if someone
24 couldn't understand her.

25 Q Okay. Would you consider yourself familiar with her

037

1 speech patterns and her communication?

2 A Yes.

3 Q Does she have any special accommodations that are made as
4 a result of her disability at school?

5 A She has an aide that goes with her and she has a laptop
6 computer that she's able to use.

7 Q What's the function of the aide who accompanies her?

8 A She helps her move her things around, like from her
9 locker, to make sure that she gets all of her homework
10 copied. Physical things mostly.

11 Q Do you know if this aide has to accompany her to use the
12 rest room or those sorts of things?

13 A Yes, I believe she does.

14 Q Okay.

15 MS. SEAY: Your Honor, at this time those are all the
16 questions I have for Ms. Guest. And I understand that you
17 will want to swear her at the appropriate time.

18 THE COURT: Well swear her as a interpreter.

19 Any questions at this time, Mr. Sullivan?

20 MR. SULLIVAN: Not at this time, Your Honor.

21 THE COURT: All right, you can step down.

22 MS. SEAY: Your Honor, I am going to call REDACTED
23 REDACTED as our next witness.

24 THE COURT: All right. This is the alleged victim?

25 MS. SEAY: Yes, sir.

1 THE COURT: All right now, ladies and gentlemen, at this
2 time I'll ask those who I discussed earlier to leave the
3 courtroom. So if you'll leave at this time.

4 (WHEREUPON, various people left the courtroom.)

5 THE COURT: Ladies and gentlemen, in the case of this
6 nature involving minors, during their testimony we exclude
7 all witnesses other than those directly involved with the
8 case. And that's the reason for me sending out these other
9 people.

10 THE COURT: Solicitor, is she going to be able to sit up
11 here?

12 MS. SEAY: I believe so, Your Honor.

13 THE COURT: Okay.

14 THE CLERK: Have her place her left hand on the Bible.

15 THE COURT: Let's let her sit first. You can leave her
16 down there, that's fine. If you want to put a chair.

17 THE CLERK: Place your left hand on Bible. Raise your
18 right hand.

19 REDACTED after being duly sworn,
20 testified as follows:

21 MS. SEAY: We're going to have a hard time hearing her.

22 THE COURT: That's all right.

23 All right, swear the witness as an interpreter.

24 You can just be seated and raise your right hand.

25 (WHEREUPON, the interpreter was sworn.)

DIRECT EXAMINATION

BY MS. SEAY:

Q All right, REDACTED, that was a lot to get you situated, are you comfortable now?

A (The witness nods.)

Q You have to answer out loud?

A Yes.

Q Speak into this microphone so that I can make sure that everybody can hear you.

A Yes.

Q Okay. Let me walk back here, I want you to try to speak up as much as you can. Can you hear me okay?

A Yes.

Q Okay, that's good. I can hear you back here. Are you a little bit nervous?

A Yes.

Q Well if you need to take a break, you just let us know and we might can ask the Judge for a break, okay?

A Okay.

Q How old are you now, REDACTED?

A 13.

THE INTERPRETER: 13

Q Where do you go to school?

A North West.

THE INTERPRETER: North West.

1 Q Ms. Guest, if you can just direct your voice just a
2 little bit this way so that the jury can hear you too.

3 Can you hear okay?

4 You go to Northwest Middle School, you're 13, what grade
5 are you in?

6 A Seventh.

7 THE INTERPRETER: Seventh.

8 Q Do you like school?

9 A Yes.

10 Q Do you make good grades?

11 A Yes.

12 Q Where do you live?

13 A Greenville.

14 THE INTERPRETER: Greenville.

15 Q How long have you lived in Greenville?

16 A All my life.

17 THE INTERPRETER: All my life.

18 Q What are your parents name?

19 A Mary and Kirk.

20 THE INTERPRETER: Mary and Kirk.

21 Q Do you have any brothers or sisters?

22 A No.

23 Q What about pets, do you have some pets?

24 A Yes.

25 Q What kind of pets do you have?

1 A Cats and dogs.

2 THE INTERPRETER: Cats and dogs.

3 Q [REDACTED] do you have, I think we talked a little bit about
4 it, do you have some problems with your legs and arms?

5 A Yes.

6 Q Have you always had those problems your whole life?

7 A Yes.

8 Q Have you had a lot of surgeries because of those
9 problems?

10 A Yes.

11 Q When I ask you questions today, Ms. Guest is going to
12 help us to try to make sure that we understand you. But if
13 we misunderstand something you say, will you please let us
14 know?

15 A Yes.

16 Q Okay. Because it will be very important for you to
17 communicate the best you can, okay?

18 A Okay.

19 Q [REDACTED] do you know why you're here today?

20 A Yes.

21 Q Do you know that it's important for you to tell the truth
22 in court today?

23 A Yes.

24 Q Do you know the difference between telling the truth and
25 telling a lie?

1 A Yes.

2 Q What is the difference?

3 A The truth is --

4 Q Is it good to tell the truth?

5 A Yes..

6 Q Is it good the tell a lie?

7 A No.

8 Q Do you promise to say the truth also?

9 A Yes.

10 Q In court?

11 A Yeah.

12 Q Why are you here today, [REDACTED]?

13 A My uncle sexually abused me. Sexually abused me.

14 THE INTERPRETER: My uncle sexually abused me.

15 Q Who is your uncle, what is his name?

16 A Bob.

17 THE INTERPRETER: Bob.

18 Q Is he here in the courtroom today?

19 A Yes.

20 Q Did you use to like your uncle?

21 A Yes.

22 Q How much did you like him?

23 A Some.

24 Q Was he one of your favorite uncles?

25 A Yes.

1 Q Did your uncle and aunt use to baby-sit you sometimes?

2 A Yes.

3 Q What is your aunt's name?

4 A Valerie.

5 THE INTERPRETER: Valerie.

6 Q Is Valerie Uncle Bob's wife?

7 A Yes.

8 Q What do you call your uncle?

9 A Uncle Bob.

10 THE INTERPRETER: Uncle Bob.

11 Q Did you ever call him by any other nicknames?

12 A Yes.

13 Q What?

14 A Big Bob. Big Bob.

15 THE INTERPRETER: Big Bob.

16 Q So your nicknames for him were Uncle Bob or Big Bob?

17 A Yes.

18 Q And you said a minute ago when I asked you that your aunt
19 and uncle use to baby-sit you; is that right?

20 A Yes.

21 Q How old were you when they use to baby-sit you?

22 A Three.

23 THE INTERPRETER: Three.

24 Q Is that how old you were when they started baby-sitting
25 you?

1 A Yes.

2 Q How long or how old were you when they stopped
3 baby-sitting you?

4 A Five.

5 Q Is it possible they could have baby-sat you after you
6 were five?

7 A I don't know.

8 THE INTERPRETER: I don't know.

9 Q If I told you that they baby-sat you when you were six,
10 do you know if that could be true?

11 A I don't know.

12 THE INTERPRETER: I don't know.

13 Q Okay. REDACTED during the time that your Uncle Bob and
14 your Aunt Valerie baby-sat you?

15 A Yes.

16 Q Did some things that you -- that made you feel really bad
17 happen to you?

18 A (There was no response.)

19 Q Did some things happen to you?

20 A Yes.

21 Q I know that it's hard to talk about but I want you to
22 tell us about what happened to you?

23 A Yes.

24 Q Did your uncle do something to you?

25 A Yes.

1 Q Please tell us what it was?

2 A He helped me change and see nothing on me.

3 THE INTERPRETER: He wanted her to change and not have
4 nothing on her.

5 Q When you say change and not have anything on you, do you
6 mean your clothes?

7 A Yes.

8 Q Did he want you to not have your underwear on?

9 A I don't know.

10 Q Well please say what you just meant when you said he
11 wanted you to change and not have anything on?

12 A He help me change and put my clothes on me again.

13 THE INTERPRETER: Helped her to change and put her
14 clothes on her again.

15 Q So while your uncle was baby-sitting you he helped you
16 change your clothes; is that right?

17 A Yes.

18 Q Do you have to have help changing your clothes?

19 A Yes.

20 Q Do you still have to have help changing your clothes?

21 A Yes.

22 Q And do you have to have help doing other things like
23 going to the rest room or taking a bath?

24 A Yes.

25 Q And you have to have some help at school also with

1 carrying things, don't you?

2 A Yes.

3 Q So when you were being kept by your aunt and uncle, they
4 would have to help you do those things?

5 A Yes.

6 Q When you're uncle changed you, did he do something to
7 you?

8 A Yes.

9 Q What did he do?

10 A He put his penis in my butt.

11 THE INTERPRETER: He put his penis in my butt.

12 Q Where were you when that happened?

13 A His house and my house and --

14 THE INTERPRETER: Her house and his house and some other
15 house.

16 Q Did you say A [] a's house?

17 A Yes.

18 Q Is A [] your cousin?

19 A Yes.

20 Q And this is A [] that's sitting right here?

21 A Yes.

22 Q Okay. When it would happen at his house, is that when he
23 and your aunt were baby-sitting you?

24 A Yes.

25 Q Did that happen one time or more than one time?

1 A More.

2 THE INTERPRETER: More.

3 Q Did he ever touch you with any other part of his body?

4 A His hand.

5 THE INTERPRETER: Hand.

6 Q Where did he touch you with his hand?

7 A Right on my butt.

8 THE INTERPRETER: On my butt.

9 Q When you say butt, is that a private part of your body
10 that you're describing?

11 A Yes.

12 Q Is it in the front or back of your body?

13 A Back.

14 Q Did he ever touch any other part of your body?

15 A Yes.

16 Q Where was that?

17 A Front. Front place.

18 Q Front place?

19 A Yes.

20 Q Okay. Would that be down below your waist?

21 A Yes.

22 Q Did he touch you on top of your clothes or under?

23 A Under.

24 THE INTERPRETER: Under.

25 Q Did he hurt you when he touched you?

1 A No.

2 Q Did it scare you when he touched you like that?

3 A Yes.

4 Q What would you do when that would happen?

5 A Nothing.

6 THE INTERPRETER: Nothing.

7 Q Did he ever say anything to you about telling?

8 A Yes.

9 Q What did he say?

10 A He tell me I will kill you and he tell me I go to hell.

11 THE INTERPRETER: He told me I go to hell.

12 Q That you would go to hell and what was the first thing
13 that you said?

14 A He kill me.

15 THE INTERPRETER: He'd kill you?

16 A Yes.

17 Q Did you think that he really might hurt you?

18 A No. Yes.

19 Q Okay, the question I asked I said, did you think he might
20 really hurt you?

21 A Yes.

22 Q Did he ever do anything as if he were going to hurt you
23 other than the things that you've talked about?

24 A No.

25 Q How did he act towards you?

1 A Mean. Mean.

2 Q Can you describe how he acted mean?

3 A I don't know.

4 THE INTERPRETER: I don't know.

5 Q How did he act mean to you?

6 A He be mean.

7 Q Did he say mean things?

8 A Yes.

9 Q And, of course, you already described the things he did
10 to you?

11 A Yes.

12 Q You talked about that he touched you with his penis, did
13 it hurt when he did that?

14 A No.

15 Q Did you ever cry when he did those things?

16 A No.

17 Q Why not?

18 A I don't know.

19 Q Did you ever think about telling on him?

20 A Yes.

21 Q Were you afraid to tell?

22 A Yes.

23 Q All right. You said that some of these things happened
24 at his house?

25 A Yes.

1 Q Where would his wife be? Your aunt?

2 A At the store.

3 THE INTERPRETER: At the store.

4 A Yes.

5 Q What about your cousins that lived there?

6 A At the school.

7 Q School?

8 A Yes.

9 Q They would be at school when this happened?

10 A Yes.

11 Q Were you in school yet when these things happened?

12 A Yes.

13 Q You were?

14 A In the morning.

15 Q In the mornings?

16 A Yes.

17 Q And your aunt and uncle kept you after you got out of
18 your morning school?

19 A Yes.

20 Q You also said that some of these things happened at your
21 house?

22 A I am --

23 THE INTERPRETER: I don't know.

24 Q Did you say I don't know?

25 A Yes.

1 Q Now you said earlier that some things happened at your
2 house?

3 A Yes.

4 Q Is that true?

5 A Yes.

6 Q Okay. Then I need for you to tell us about it, okay?

7 A Okay.

8 Q What did he do at your house?

9 A On my birthday party I am in the house with him, my mom
10 be outside talking and I be inside in the house.

11 Q Okay.

12 THE INTERPRETER: At my birthday party he was in the
13 house with REDACTED and her mother was outside.

14 A Yes.

15 Q And when it was your birthday party and he was in the
16 house with you, what happened?

17 A He put his penis in my butt.

18 THE INTERPRETER: He put his penis in my butt.

19 Q Where were you when that happened?

20 A In my room.

21 Q What was he doing in your room?

22 A Putting his penis in my butt.

23 Q Well, did anybody ask him to go to your room?

24 A No.

25 Q What were you doing in your room?

1 A Stay in my room. I don't know.

2 Q Well why were you in your room at your birthday party?

3 A To get something.

4 THE INTERPRETER: To get something.

5 Q You went to your room to get something?

6 A Yes.

7 Q How did your uncle end up there?

8 A He came walking in and opened the door. And I --

9 Q Take your time and tell us as best you can.

10 A Okay. I be do something, he come in.

11 THE INTERPRETER: She was doing something and he came in.

12 Q All right. And when came in you said that he touched you
13 with his penis?

14 A Yes.

15 Q Was that on top your clothes or under your clothes?

16 A Under.

17 THE INTERPRETER: Under.

18 Q How did he get under your clothes?

19 A He pulled my clothes off and he put his penis in my butt.

20 THE INTERPRETER: He pulled her clothes off and put his
21 penis in her butt.

22 Q How were you -- were you sitting or standing at that
23 time?

24 A I don't know.

25 THE INTERPRETER: I don't know.

1 Q Do you have to have help to stand up?

2 A Sometimes.

3 Q Most of the time, don't you?

4 A Yeah.

5 Q And so do you remember if you were sitting or were you
6 trying to stand, can you tell us more about that?

7 A I don't know.

8 Q If he put his penis in your butt then, was he behind you?

9 A Yes.

10 Q Where were you?

11 A Standing up.

12 THE INTERPRETER: Standing up.

13 Q And did he pull your clothes down?

14 A Yes.

15 Q What were you wearing.

16 A A --

17 THE INTERPRETER: A dress for her birthday.

18 Q And what day is your birthday on?

19 A February 21.

20 Q Do you know what year you were born?

21 A Yes.

22 Q What year?

23 A 90.

24 Q 1990?

25 A Yes.

1 Q Is that right?

2 A Yes.

3 Q February 21st, 1990?

4 A Yes.

5 Q Which birthday party was it that you just described to

6 us?

7 A My 7th.

8 Q Your 7th birthday?

9 A Yes.

10 Q Was that party at your house?

11 A Yes.

12 Q Where were all the other people when he came in your

13 room?

14 A Outside.

15 THE INTERPRETER: Outside?

16 A Yes.

17 Q Did you tell your mom or anybody about this when it

18 happened? At the party, did you go tell somebody what had

19 happened?

20 A No, I be scared to.

21 THE INTERPRETER: She was scared to.

22 Q All right. You said that another time something happened

23 was at A [REDACTED]'s house. Let me back up, let me start over,

24 okay?

25 A Okay.

1 Q Did anything else happen at your house?

2 A No, only on my birthday.

3 THE INTERPRETER: Only on her birthday.

4 Q After you turned 7?

5 A Yes.

6 Q Did you see your uncle very much after that?

7 A Sometimes.

8 Q When would you see him?

9 A Mary Beth's soccer games.

10 THE INTERPRETER: Soccer games.

11 Q Did you say at M[] B[]'s soccer games?

12 A Yes.

13 Q Is M[] B[] one of your cousins?

14 A Yes.

15 Q So when you saw him after that were there other people
16 around? When you would see him, like at a soccer game, would
17 there be a lot of people around?

18 A Yes.

19 Q Did your mother not let you go around him?

20 A Sometimes.

21 Q Why was that?

22 A Because she didn't want him to do it again to me.

23 Q Did you tell your mother a long time ago?

24 A Some of it. When my mom come to me, talk to me, I did
25 tell her some of it.

056

1 THE INTERPRETER: Some of it when her mother came in
2 she'd talked to her about it. And she told her.

3 Q How old were you when you first told your mother about
4 some of these things?

5 A I don't know.

6 Q You don't know?

7 A No.

8 Q Was it a long time ago?

9 A Yes. I be five year old. I tell her three years old at
10 his house.

11 Q Five years old about his house?

12 THE INTERPRETER: When she was five she told her mother
13 about being with him at three years old.

14 A Yes.

15 Q Did you tell your mother everything about what had
16 happened?

17 A Some of it.

18 Q Were you scared to tell her everything?

19 A Yes.

20 Q Why were you scared?

21 A I was scared he kill me.

22 THE INTERPRETER: Scare he would kill her.

23 Q Does it scare you to see him here today?

24 A Yes.

25 Q How does it make you feel?

1 A Scared.

2 THE INTERPRETER: Scared?

3 A Yeah.

4 Q You said that you remember something that happened at

5 A [redacted]'s house?

6 A Yes.

7 Q Would you tell us about that?

8 A Nine years old her birthday party everybody outside. Me
9 and Bob be inside.

10 THE INTERPRETER: Nine years old you were at a birthday
11 party and you and Bob were inside.

12 A Yes.

13 Q Whose birthday party was it?

14 A A [redacted]'s.

15 Q A [redacted]'s?

16 A Yes.

17 Q How old was A [redacted] do you know?

18 A Right now?

19 Q How old was she turning at her party?

20 A Nine.

21 Q How old is she now?

22 A 11.

23 Q Are you and A [redacted] close?

24 A Yes.

25 Q When this happened at her house, where were the other

1 people?

2 A Outside at her pool.

3 THE INTERPRETER: Outside at her pool.

4 A Yes.

5 Q Did she have a pool party?

6 A Yes.

7 Q So there weren't many people in her house I guess, were
8 there?

9 A Only Bob and me.

10 THE INTERPRETER: Only Bob and me.

11 A Yes.

12 Q Where did it happen in A's house?

13 A In her room.

14 Q How did you come to be in her room with Uncle Bob?

15 A I don't know.

16 Q Did he help you go to the bathroom or do anything like
17 that?

18 A No.

19 Q Well what happened in her room?

20 A He put his penis in my butt.

21 Q Describe how he did that?

22 A (There was no response.)

23 Q Where were you and where was he? How did he do that?

24 A I am standing up and he go to me, he put his penis in my
25 butt.

1 THE INTERPRETER: Standing up?

2 A Yes.

3 Q Did he say anything to you or did he make any kinds of
4 noises?

5 A No.

6 Q Did you say anything to him?

7 A No.

8 Q Did he say anything about if you told anybody what would
9 happen?

10 A No.

11 Q Not that time?

12 A No.

13 Q All right. Did you tell anybody after that?

14 A Yes.

15 Q Who did you tell?

16 A [REDACTED]

17 THE INTERPRETER: [REDACTED]

18 A Yes.

19 Q Did you tell A [REDACTED] about another thing that happened to
20 you?

21 A Yes.

22 Q What was it?

23 A All of it. All of it. At my birthday and her birthday.

24 Q You told her about all those things?

25 A Yes.

1 Q Is she your best friend too?

2 A Yes.

3 Q Do you remember the last, the very last time that Bob did
4 something to you?

5 A Yes. At the soccer -- I be on a trip with him. I go
6 back to the room and I stop change, he come in help me change
7 and he put his penis in my butt.

8 THE INTERPRETER: She was on trip with him.

9 A Yes.

10 THE INTERPRETER: With your school?

11 A With him.

12 THE INTERPRETER: With him. And he came to help you
13 change?

14 A Yes.

15 THE COURT: Speak up a little louder if you don't mind.

16 BY MS. SEAY:

17 Q You're on a trip with him?

18 A Yes.

19 Q Whose else was on the trip?

20 A M B

21 Q M B

22 THE INTERPRETER: M B

23 A And the boys and Valerie and Bob.

24 THE INTERPRETER: And the boys and Valerie and Bob.

25 A Yes.

1 Q And the boys, are they Valerie and Bob's children?

2 A Yes.

3 Q Did your mother let you go on this trip?

4 A Yes. Because -- yeah.

5 Q Okay. Who was supposed to be taking care of you on this
6 trip?

7 A S [REDACTED]

8 THE INTERPRETER: S [REDACTED]

9 A Yes.

10 Q Is she one of your older cousins?

11 A Yes.

12 Q Did she take care of you the whole time like she was
13 supposed to?

14 A No.

15 Q So when you were on this trip did you stay in the Motel?

16 A Yes.

17 Q What town or city were you in?

18 A In columbia.

19 Q Columbia?

20 A Yes.

21 Q Okay. Was it for a soccer game you said?

22 A Yes.

23 Q Did y'all go swimming in the swimming pool?

24 A Yes.

25 Q How did you end up in the room with Bob?

1 A I am changing to my clothes.

2 Q Can you say that one more time?

3 A I am changing -- he helped me changed.

4 THE INTERPRETER: Changing her clothes.

5 A Yes. After swimming suit.

6 THE INTERPRETER: She was changing her clothes from her
7 swim suit.

8 A Yes.

9 Q Where was your aunt?

10 A At the Wal-Mart buying something for M B

11 Q At the Wal-Mart?

12 A Yes.

13 Q Buying something for M B

14 A Yes.

15 Q Where were the other people?

16 A In the other room.

17 Q In the other room?

18 A Yes.

19 Q Did you stay in a room with the girls?

20 A Yes.

21 Q And did the boys stay in another room?

22 A Yes.

23 Q Were the rooms connected?

24 A Yes.

25 Q Is that how Bob came in your room?

1 A Yes.

2 Q Who else was in there?

3 A M B

4 Q Who else was in there when this happened?

5 A Bob.

6 Q Bob and you?

7 A Yes.

8 Q Is that it?

9 A Yes.

10 Q All right. Were you trying to take your swim suit off?

11 A Yes.

12 Q Could you do that by yourself?

13 A No.

14 Q So what did he do?

15 A He helped me change back to my clothes.

16 THE INTERPRETER: He helped her change back to her
17 clothes.

18 Q What did he do why he was helping you?

19 A He put his penis in my butt.

20 Q Did he do anything else?

21 A No.

22 Q Did he touch you anywhere else on your body?

23 A Yeah.

24 Q Where did he touch you?

25 A On my butt.

1 THE INTERPRETER: On your butt?

2 A Yes.

3 Q Did you tell your aunt or anybody else who was there what
4 happened?

5 A No.

6 Q Why not?

7 A I was scared to tell someone.

8 THE INTERPRETER: Scared to tell someone.

9 A Yes.

10 Q Did you ever think that you could tell your aunt what
11 Uncle Bob had done?

12 A No.

13 Q Why not?

14 A I be scared.

15 THE INTERPRETER: She was scared.

16 A Yeah.

17 Q REDACTED since you have told your -- well let me back up,
18 I want to ask you something else. After the Columbia trip --

19 A Yes.

20 Q Did you tell somebody about what Bob had done when he
21 came in your room?

22 A Yes.

23 Q Who was the first person that you told?

24 A Amanda.

25 THE INTERPRETER: Amanda.

1 Q Why did you tell A _____?

2 A She's my best friend.

3 THE INTERPRETER: She's her best friend.

4 Q Did she make you tell your mother?

5 A Yes.

6 Q So then you told your mother?

7 A Yes.

8 Q And then things just went on until you ended up here,
9 right?

10 A Yes.

11 Q Has the fact that you told about what Uncle Bob did to
12 you, has it caused a lot of problems in your family?

13 A Yes.

14 Q How does that make you feel?

15 A Sad.

16 THE INTERPRETER: Sad.

17 Q Do you not get to see some of your family now?

18 A No.

19 Q REDACTED is there anything else that you need to tell us
20 today? I want to make sure that you have an opportunity.

21 A No.

22 Q Have you understood all of my questions?

23 A Yes.

24 Q Have we understood what you've been trying to tell us
25 correctly? Have we understood it?

1 A Yes.

2 Q Do you think we misunderstood anything that you said?

3 A No.

4 Q Did you have to go to a doctor and get an examine for
5 what happened?

6 A Five years old I go there, yes.

7 THE INTERPRETER: When she was five years old she had to
8 go there.

9 A Yes.

10 Q Did you have to go again?

11 A Yes.

12 Q After the Columbia?

13 A Yes.

14 Q Thing?

15 A Yes.

16 Q And did you have to go to the law enforcement center and
17 talk to an investigator?

18 A Yes.

19 Q Did you tell them what happened to you?

20 A Yes.

21 MS. SEAY: Okay, those are all the questions I have.

22 Mr. Sullivan may want to ask you some questions, just answer
23 him truthfully, also.

24 THE COURT: Mr. Sullivan.

25 ///

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q REDACTED you think this first happened when you were around five years old?

A Yes.

Q And this was at Bob and Valerie's house?

A Yes.

Q How big a house do they have?

A Some big.

Q How many bedrooms?

A Three.

THE INTERPRETER: Three.

Q How many cousins do you have? How many children do Bob and Val have?

A Five.

Q Would they be there at the house when you were being baby-sat?

A Yeah, some.

THE INTERPRETER: Some.

A Yes.

Q Some older than you, some younger than you?

A Yes.

Q So there was somebody there pretty much when you were there?

A Yes.

1 Q Was Bob one time, didn't he hold you up and play with
2 you? Wasn't he kind of your favorite uncle?

3 A Yes.

4 Q Bump your head on the ceiling, playing and stuff?

5 A Yes.

6 Q On the trip to Columbia, didn't you cut your foot at the
7 pool and Bob was cleaning your foot up, putting a band-aid on
8 it?

9 A Yes.

10 Q Then you were trying to get, you couldn't dress yourself
11 and he helped you get dressed, is that correct?

12 A Yes.

13 Q Now, you said that something happened on your birthday,
14 your birthday is February the 21st?

15 A Yes.

16 Q You said everybody was outside?

17 A Yes.

18 Q And just you and Bob were in the house?

19 A Yes.

20 Q And then at A [redacted]'s house.

21 A Yes.

22 Q Everybody was outside but you and Bob?

23 A Yes.

24 Q Do you recall when you first told somebody about what you
25 say Bob was doing to you?

1 A (There was no response.)

2 Q Okay, it started at his house when you were about five;
3 is that correct?

4 A Yes.

5 Q And then up till you were about 11 or 12?

6 A Yes.

7 Q In between there, when did you first tell your Mom or
8 A _____?

9 A No.

10 Q Don't remember?

11 A No.

12 Q And you say these episodes, these things, that you were
13 not hurt?

14 A No.

15 Q So Uncle Bob never hurt you?

16 A No.

17 MR. SULLIVAN: I have nothing further, Your Honor.

18 THE COURT: Anything else, Solicitor?

19 MS. SEAY: I just want to briefly ask.

20 REDIRECT EXAMINATION

21 BY MS. SEAY:

22 Q REDACTED you say that what your uncle didn't hurt you, do
23 you mean it didn't hurt you physically, it didn't hurt your
24 body?

25 A No.

070

1 Q How did it make you feel inside?

2 A Good. Good.

3 Q I'm sorry, I can't understand what you're saying?

4 A Good.

5 THE INTERPRETER: You're saying, Good?

6 A Yeah.

7 THE INTERPRETER: Good.

8 Q Made you feel good inside when he did these things?

9 A Yes.

10 Q Why was that?

11 A I don't know.

12 Q REDACTED, did you understand what I was asking you?

13 A No.

14 Q I asked when your Uncle did these things to you, how did
15 it make you feel?

16 MR. SULLIVAN: I think she answered that, Your Honor.

17 THE COURT: Go ahead.

18 BY MS. SEAY:

19 Q What were your feelings about it?

20 A Bad.

21 Q Why did you say good just a minute ago? Did you
22 understand me?

23 A No.

24 Q So it made you feel bad?

25 A Yes.

071

1 Q Did you feel afraid?

2 A Yes.

3 Q Did you think that Bob would really hurt you?

4 A I don't know.

5 Q You didn't know?

6 A Yes.

7 Q Did it embarrass you, what he did to you?

8 A Yes.

9 MS. SEAY: That's all I have. Thank you.

10 THE COURT: Okay, take the jury out for a recess, please.

11 (WHEREUPON, the jury left the courtroom at
12 approximately 3:37 p.m.)

13 THE COURT: All right, we'll take a short recess while we
14 get everybody back in the courtroom.

15 (WHEREUPON, a short break was taken.)

16 THE COURT: I have a note here, Charles Weisel, one of
17 our jurors. I'm going to make it a part of the record. I
18 want you to bring Mr. Weisel in and let me ask him a couple
19 of questions.

20 (WHEREUPON, Juror number 236, Charles Weisel,
21 was questioned by the Court.)

22 THE COURT: Mr. Weisel, I have read the note that you
23 sent in to me, and I certainly understand what you're saying.
24 My question to you, based on what you said in your note to
25 me, can you continue to be a fair and impartial juror on this

072

1 case?

2 PROSPECTIVE JUROR: I think so.

3 THE COURT: In other words, what you said in here to me
4 is just expressing your opinion about the Solicitor's direct
5 examination. In other words, you can continue to be a fair
6 and impartial juror in this case?

7 PROSPECTIVE JUROR: Absolutely.

8 THE COURT: Okay, thank you. That's all I need to know.
9 Appreciate it.

10 All right, make that part of the record, please.

11 (WHEREUPON, Court's Exhibit No. 1 was admitted
12 into the record.)

13 THE COURT: Bring the jury, please.

14 (WHEREUPON, the jury entered the courtroom at
15 approximately 3:55 p.m.)

16 THE COURT: All right, Solicitor, you may continue.

17 MS. SEAY: Judge, the State calls A [REDACTED] P [REDACTED]

18 THE CLERK: Place your left hand on the Bible, raise your
19 right hand.

20 A [REDACTED] REDACTED after being duly sworn,
21 testified as follows:

22 THE CLERK: Thank you, please be seated. State your name
23 for the record.

24 THE WITNESS: A [REDACTED] REDACTED

25 ///

073

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. SEAY:

Q Amanda, how old are you?

A 11 years olds.

Q Where do you live?

A 8 Samiento Drive in Greenville.

Q How long have you lived in Greenville?

A All my life.

Q What grade are you in this year?

A Sixth grade.

Q And what school do you attend?

A League Academy Middle School.

Q Is [REDACTED] related to you?

A Yes, ma'am.

Q How is that?

A She's my cousin.

Q Have you and [REDACTED] been close over the years?

A Yes, ma'am.

Q Have you spent a lot of time together?

A Yes, ma'am.

Q What kind of things have y'all done together?

A We've been like on trips, we've played together at her house, we have spend the night parties, that sort of thing.

Q Are you able to understand [REDACTED] pretty well since you've known her for a long time?

074

1 A Yes, ma'am.

2 Q And she is two years older than you, is that right?

3 A Yes, ma'am.

4 Q What are your parents name?

5 A Andrea and Jeff Pridmore.

6 Q How are you related to D [REDACTED]?

7 A My mom is Valerie's sister. My mom is Mary's sister, I'm
8 sorry, I got a little bit confused there.

9 Q All right. And also Valerie's sister, is that right?

10 A Yes, ma'am.

11 Q And Valerie is married to Mr. McCall?

12 A Yes, ma'am.

13 Q I want to direct your attention to a couple of incidents
14 that [REDACTED] has already testified to. I want to ask if you
15 recall a birthday party where I [REDACTED] was turning seven, were
16 you there?

17 A Yes, ma'am.

18 Q How old were you then?

19 A I think I was about the age of five.

20 Q Do you remember that party?

21 A Yes, ma'am.

22 Q Where did it take place?

23 A It was at [REDACTED] D [REDACTED]'s house.

24 Q Okay. Do you remember anything in particular about it
25 other than that?

075

1 A I remember that -- I mean, it was the Dalmation party,
2 she loved Dalmations. She was wearing a Dalmation dress and
3 that's about all I really remember.

4 Q All right. Let me direct your attention to another
5 birthday party that has come up. And I believe that was one
6 of your birthday parties that happened at your house, it was
7 a pool party. Do you know what birthday I'm referring to?

8 A My ninth birthday party.

9 Q Was that at your home?

10 A Yes, ma'am.

11 Q Who all was present?

12 A All my family. My mom, my dad, the McCall's, REDACTED s
13 family. I think my grandmother on my father's side, my
14 Godfather. Basically everyone I knew. I had a big party.

15 Q Okay. And you have a pool at your home?

16 A Yes, ma'am.

17 Q Were most of the people outside or around the pool
18 swimming?

19 A Yes, ma'am.

20 Q What was L [REDACTED] doing?

21 A She was inside the house. I think she was eating M&M's.
22 I think that's why she went in, she was hungry.

23 Q Can D REDACTED swim in the swimming pool?

24 A At that age she could barely swim in the shallow end.

25 Q All right. And this party you were turning nine years

076

1 old; is that right?

2 A Yes, ma'am.

3 Q So she would have been about 11?

4 A Yes, ma'am.

5 Q And did somebody have to help her in the swimming pool
6 when she was in the water?

7 A Yes, ma'am.

8 Q When you went in the house and you said you believed she
9 had gone in because she was hungry, why did you go in the
10 house?

11 A Because my mother told me that [REDACTED] was in the house by
12 herself and that she was like upset, very upset. And that
13 she wanted me to come bring her out with the rest of the
14 people so she could socialize.

15 Q Do you know why [REDACTED] was upset?

16 A No, ma'am. Well I know now why she was but I didn't
17 then.

18 Q Did you then go in the house and find her?

19 A Yes, ma'am.

20 Q Was there anybody else in the house?

21 A Yes, ma'am.

22 Q Who?

23 A Bob McCall.

24 Q What was he doing?

25 A He was eating M&M's, I think. He was at the snack table.

077

1 Q Where was the snack table located.

2 A It was by the door. We have a slide door that goes out
3 to the pool.

4 Q Where was [REDACTED] D [REDACTED]?

5 A She was in my dad's chair which is by the T.V. which is
6 by the snack table.

7 Q What was [REDACTED] like when you went into the house?

8 A She seemed scared. She was kind of upset.

9 Q When you say upset, what did she act like when she gets
10 up?

11 A She sometimes cries, she's shaking, that sort of thing.

12 Q Did she tell you anything at that time?

13 A No, ma'am.

14 Q Did she later tell you that Bob had done something to
15 her?

16 A Yes, ma'am.

17 Q Do you know when she told you about it?

18 A It was a few days after she came home from Columbia.

19 Q And so she was about 12 then, is that right?

20 A Yes, ma'am.

21 Q And did she tell you that something had happened in
22 Columbia?

23 A Yes, ma'am.

24 Q Did she tell you where she was when that happened?

25 A Yes, ma'am.

078

1 Q Where did she say she was?

2 A She was in the hotel room of where she was staying in the
3 girls room.

4 Q In Columbia?

5 A Yes, ma'am.

6 Q Did she tell you that something had happened to her when
7 she was at your house at your birthday party?

8 A Yes, ma'am.

9 Q Did she tell you where she was when that happened?

10 A Yes, ma'am.

11 Q Where was she?

12 A She was in my room.

13 Q Did you encourage REDACTED to talk to a grown-up about
14 this?

15 A Yes, ma'am.

16 Q Tell me what about you did?

17 A Well first I didn't know what to do. So I called my mom
18 and she told me to get her to tell her mom by herself. So I
19 talked to her and I said, you know, you really need to tell
20 your mom about this, get her involved. And so finally after
21 a while she did.

22 Q Was she upset set when she was describing what happened
23 to her?

24 A A little bit, yes, ma'am.

25 Q And eventually she did talk with her mom, is that right?

079

1 A Yes, ma'am.

2 MS. SEAY: Those are all the questions I have, please
3 answer any Mr. Sullivan may have.

4 THE COURT: All right, Mr. Sullivan.

5 MR. SULLIVAN: Just one or two.

6 CROSS-EXAMINATION

7 BY MR. SULLIVAN:

8 Q On the party you attended, I think you said it was
9 Lauren's 7th birthday party?

10 A Yes, ma'am. I mean, yes, sir.

11 Q At her house?

12 A Yes, sir.

13 Q This was February?

14 A Yes, February 21st, I think.

15 Q That's her birthday. And you say everybody was outside?

16 A Yes, sir.

17 Q And then at your house you have a pool, then the sliding
18 doors, then a room. And that's where Bob and REDACTED were
19 eating M&M's, she was in a chair and he was at a table?

20 A It's a joined room. It's the kitchen and den is combined
21 together but yes.

22 Q And your room is on the third floor?

23 A Second floor.

24 Q Tri-level house?

25 A It's two levels.

080

1 Q Two levels?

2 A Yes, sir.

3 Q And all this happened when you were like between five and
4 seven or so?

5 A At her -- well I was nine years old when I was at my
6 house, that was my ninth birthday party. And I was about
7 five years old when it was her 7th birthday party.

8 Q When is your birthday?

9 A August 7th.

10 Q So this August 7th of 2001?

11 A Um.

12 Q It's your party?

13 A I think so, sir.

14 Q I think the Columbia trip was 2002?

15 A Yes, sir.

16 Q So would have been the August before that trip; is that
17 right?

18 A Yes, sir.

19 Q When you saw L appear to be upset, did you tell your
20 mom or tell --

21 A My mom already knew she was upset but yes I told her that
22 she was upset.

23 Q And did they talk to D REDACTED at that time?

24 A I don't recall.

25 MR. SULLIVAN: I have nothing further, Your Honor.

1 THE COURT: Thank you, you can step down.

2 All right, Solicitor.

3 MS. SEAY: State calls Andrea Pridmore.

4 THE CLERK: Place your left hand on the Bible, raise your
5 right hand.

6 Andrea Pridmore, after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you, please be seated. State your name
9 for the record.

10 THE WITNESS: Andrea Pridmore.

11 DIRECT EXAMINATION

12 BY MS. SEAY:

13 Q Ms. Pridmore, Amanda that just testified is your
14 daughter; is that correct?

15 A That is correct.

16 Q Do you have any other children?

17 A I do not.

18 Q What do you do for a living?

19 A I'm a school teacher for the Greenville County School
20 District.

21 Q What grade do you teach?

22 A I teach second grade.

23 Q Just for clarification, you and D [REDACTED] s mother are
24 sisters; is that right?

25 A That is correct.

082

1 Q And you're -- one of your other sisters is Valerie
2 McCall, Bob McCall's wife; is that right?

3 A Yes.

4 Q I want to draw your attention to a birthday party that
5 we've been talking about and ask if you recall your daughter,
6 Amanda's, ninth birthday party?

7 A I do.

8 Q Would you describe where that was?

9 A It was at my house. And we had cake and food inside and
10 we had the pool outside. So it was an inside/outside party.

11 Q Were a lot of people swimming?

12 A There were a lot of people swimming.

13 Q What about REDACTED did she swim?

14 A She did not swim. She had difficulty with swimming and
15 with a lot of people in the pool -- she would swim at our
16 house if it was just one or two people who could help her.
17 But there were a lot of people in the pool there so she did
18 not swim, she was inside. And I remember trying to get
19 Amanda to get her to come out to try and hang out with us,
20 even if she wasn't going to swim.

21 Q Did you realize that she was inside? By herself you
22 thought?

23 A I knew she was inside. And she has a chair in our house,
24 it's my husband's big recliner, it's a leather recliner, it's
25 her favorite chair. And I knew she was sitting in his chair.

083

1 Q And did you say that you knew that she was upset?

2 A Yes. When I went in I went in to restock the food that
3 was outside at the picnic table out there, I saw that she was
4 withdrawn and removed and kind of sullen in the chair. And I
5 had another sister there named Vickie Provost. And she also
6 had saw that. And she said, REDACTED D seems upset. So I went
7 in to replenish food and noticed that also.

8 Q Was there anyone else inside when you went in and saw
9 her?

10 A Yes, there was.

11 Q Who?

12 A Bob McCall.

13 Q Where was he?

14 A When I went in he was sitting on the couch on the
15 right-hand side. Which is adjacent to the chair. The chair
16 sits here and the couch is across from it. He was sitting on
17 the corner of the couch and the T.V. was on.

18 Q Did either REDACTED D or Bob say anything to you?

19 A No. I asked REDACTED if she was okay. I said, Are you
20 okay? And she looked at me and went yes. But she had been
21 crying.

22 Q At some point did you all encourage her to come back out
23 with the group?

24 A Yes. And I said, What's wrong with -- are you okay?
25 What's wrong? And she wouldn't answer me. And so I said,

084

1 Come on outside with us, come on outside with us.

2 And she said, No.

3 I said, You want me to get A [REDACTED]?

4 And she said, Yes, A [REDACTED].

5 So that is when I went outside and said, A [REDACTED], go in
6 there with L [REDACTED]. Sit with her, she's upset.

7 Q Was it common for [REDACTED] to withdraw from some of the
8 events where there were a lot of people?

9 A That was a common thing. I assumed that it was because
10 there was a lot of people and there's mobility issues for
11 Lauren. So I mean, she would often withdraw and kind of
12 remove herself. Especially at my house when we would have
13 big family parties in the pool. She'd go inside, you know,
14 hang out sometimes. And sometimes with A [REDACTED] in her room or
15 sometimes by herself. Because I think it was accessibility
16 to the pool and comfort with that. I assumed that.

17 Q Do you have any idea how long she and the defendant were
18 in the house alone together?

19 A Well it was brought to my attention when my sister Vickie
20 had said something. And then when I went in before, you
21 know, right after that so if I were to give a guesstimate I
22 would say 15, 20 minutes.

23 Q And at that time you were unaware of what L [REDACTED] had said
24 or what [REDACTED] had said that Bob was doing to her?

25 A Right. I assumed that she was upset because she was

085

1 inside and everybody else was outside. And that she felt
2 uncomfortable because there's people outside and she was
3 lonely. That's what I assumed. It was A [REDACTED]'s birthday
4 party and A [REDACTED] was outside and she was inside. And so
5 that's what I assumed.

6 Q Did Amanda later make you aware of some things that
7 REDACTED D [REDACTED] had disclosed to her about Bob touching her
8 inappropriately?

9 A Yes.

10 Q And I believe you encouraged her to talk to her mother
11 about it?

12 A Correct.

13 MS. SEAY: Please answer any questions Mr. Sullivan has
14 for you.

15 THE COURT: Mr. Sullivan.

16 MR. SULLIVAN: Just a few.

17 CROSS-EXAMINATION

18 BY MR. SULLIVAN:

19 Q Prior to this pool party had D [REDACTED] come to y'all's house
20 to swim before with not as many people?

21 A She has come over with A [REDACTED] and her mother and has
22 played in our pool, yes.

23 Q So she felt more comfortable without a crowd in the pool.
24 She felt comfortable with just a few people like A [REDACTED], her
25 parents and you?

086

1 A I know that she felt comfortable with me and A [REDACTED] I
2 don't know about other people, I can't speak for that.

3 Q But we're talking at A [REDACTED]'s party, a large family?

4 A Right.

5 Q I think Bob and Valerie have five kids?

6 A Correct.

7 Q Were they all there?

8 A Most of them I believe. And I also had another sister
9 and her husband and their three children there also.

10 Q All these kids, you think [REDACTED] was not comfortable with
11 all the commotion?

12 A That was what my belief was at that time, correct.

13 Q Now, you became aware of the trip to Columbia. That
14 Columbia trip was in May, is that correct?

15 A Yes, I believe we've already said that.

16 Q And then prior to contacting the authorities, did you
17 speak at length, you and Mandy with [REDACTED]?

18 A My daughter's name is A [REDACTED] And afterwards yes, we
19 did.

20 Q How many days did y'all spend with her, talking to her?

21 A My daughter talked with her first. And once my daughter
22 talked to her, I encouraged her to tell her mother. Then I
23 came over and spoke with her for about 20 minutes. And then
24 in the interim of that week, her and my daughter spoke
25 privately and then I would come in afterwards and speak with

087

1 them. So two or three times, yes.

2 Q In your house?

3 A At my house, at my sister's house. Yes.

4 Q So --

5 A Whoever the children were.

6 Q So y'all were involved in the situation?

7 A We're their parents, yes.

8 Q You and your daughter were more less counseling her and
9 talking to her about the situation, correct?

10 A Counseling I wouldn't say. Trying to find out what she
11 was saying, yes. She divulged the information to my daughter
12 first.

13 Q Do you have experience in these matters from your school
14 teaching?

15 A Yes. I've dealt with sexual abuse cases and children
16 who have been sexually abused.

17 MR. SULLIVAN: I have nothing further, Your Honor.

18 THE COURT: Step down.

19 MS. SEAY: Your Honor, the State calls Mary Gollwitzer.

20 THE CLERK: Place your left hand on the Bible, raise your
21 right hand.

22 Mary Gollwitzer, after being duly sworn,
23 testified as follows:

24 THE CLERK: Thank you, please be seated. State your name
25 for the record.

088

1 THE WITNESS: Mary Gollwitzer.

2 DIRECT EXAMINATION

3 BY MS. SEAY:

4 Q Ms. Gollwitzer, if you would, lean up just a little bit,
5 I want to make sure I can hear you.

6 A Okay. Can you hear me?

7 Q Yes. You can twist that microphone around a little bit.
8 Ms. Gollwitzer, do you live here in Greenville?

9 A Uh-huh, yes.

10 Q Who are your immediate family members?

11 A I'm married to Kirk, right over here. And REDACTED my
12 daughter. And my extended family, I have four sisters and
13 one brother.

14 Q And who are your parents?

15 A Nick and Cathy Demos. Sitting next to Andrea.

16 Q Do many of your family members live here in town?

17 A Yeah. All but one right now.

18 Q And REDACTED is your only child, is that right?

19 A Yes.

20 Q REDACTED is 13 now, is that correct?

21 A Yes, ma'am.

22 Q And I want you to, if you will, briefly describe since
23 you're more intimately familiar with her condition, if you
24 would just describe what her physical limitations are?

25 A Okay. REDACTED is undiagnosed but she has a condition of

089

1 overall muscle weakness. And joint contractures. So she's
2 had a number of surgeries on her hip, feet and knees. She
3 has oral motor difficulty also that effects her speech. So
4 she is cognitively normal and she gets good grades in school.
5 But she needs all kinds of assistance physically. She has an
6 aide at school. She's not independent feeding herself at
7 home. Well, I mean, she can feed herself but she cannot go
8 to the refrigerator and get out food. So that has to be done
9 for her. She needs help bathrooming. She needs help
10 dressing. Her hair, things like that.

11 At school she gets assistance with book management,
12 bathrooming, lunch room. You know, orthopedic things,
13 transferring from one class to the other. She has things
14 adapted, like things enlarged. So. Is that good enough?

15 Q [REDACTED] was born with these difficulties, is that right?

16 A Yes, ma'am.

17 Q Has she always been as advanced as she is right now?

18 A No. She was born not moving a muscle from the neck down.
19 And they said she was paralyzed and she never would. And she
20 has been slowly improving over time. Sometimes slowly,
21 sometimes quickly. And then she'll hit a plateau. But yeah,
22 she improves.

23 Q And you mentioned this but all of her testing at school
24 and so forth has indicated that she is cognitively normal; is
25 that right?

090

1 A Oh yeah. She has, you know, difficulties, issues that
2 have to be accommodated due to her disabilities. So she has
3 a language base problem. But yeah, she's in regular, general
4 curriculum and she has, I think, all but this semester been
5 on the honor roll. The A/B honor roll for I don't how long.
6 All of middle school, 6th and 7th grade. And I think a
7 couple of years in elementary school also.

8 Q She's always been a pretty good student then in spite of
9 these obstacles?

10 A Yeah, in spite of herself. I force her to do that but,
11 yes.

12 Q What was REDACTED like when she was younger in terms of her
13 physical abilities when she was about five or six years old?

14 A She didn't start walking on a walker until she was about
15 two. She didn't move her feet for the first time until she
16 was one. So this was all gradual. But when she was five or
17 six -- well she's much more independent now but -- how can I
18 describe. Now she transfers from one surface to another,
19 from chair to this and that independently. And she wasn't
20 doing that much. She can walk on crutches in therapy if
21 she's spotted. She's got more speed and endurance, you know,
22 over time. Her speech, I would say, is dramatically
23 improved. We notice that quite -- we'll all of a sudden say,
24 Isn't her talking so much better? So that's improved.

25 But back when she was younger we had -- it was a terrible

091

1 problem and I thought that we would never be able to
2 communicate with each other. I can remember driving back
3 from Valerie's house after picking her up sometimes and then
4 she'd just be trying to tell me something that she said at
5 school and I wouldn't -- I couldn't understand her and then
6 we'd break down into frustration. We'd both pull over on the
7 side of the road and we were both just crying. So any way
8 her --

9 Q Very frustrating then for both of you?

10 A Yeah. But she's so much better now. I started
11 understanding her before anybody else could. But now she
12 speaks to many people that she sees routinely and they
13 understand her. So.

14 Q When she was about five or six years old, what kind of
15 use of her hands, specifically, did she have?

16 A She doesn't have -- she has a serious deficit in her fine
17 motor skills. She essentially has no handwriting ability. I
18 mean, she can scroll a couple of lines if she's using
19 computers now. She can't zip up her pants. When she feeds
20 herself she's got to support her hand, one hand with the
21 other.

22 Q What kind -- when she was younger, was it even a bigger
23 problem then?

24 A Worst, yes.

25 Q And I believe you stated then that she was not very

1 independent in terms of being able to move herself from one
2 place to another?

3 A Right.

4 Q Was it common for people to pick her up and carry her
5 somewhere if they wanted to get her someone?

6 A Uh-huh, yeah.

7 Q During the time that she was younger, did your sister,
8 Valerie, and her husband care for [REDACTED] on a regular basis?

9 A Uh-huh. I had been able to stay home with Lauren and
10 then I returned to work in '93 when L [REDACTED] was 3.

11 Q Approximately how long did she stay with them?

12 A Until she was 6. Sometime when she was 6.

13 Q Okay. Was this --

14 A When I stopped working in the spring of '96, I guess.

15 Q Was this on a daily basis?

16 A Uh-huh.

17 Q Did they keep her in their home?

18 A Uh-huh.

19 Q How did y'all come about reaching that arrangement?

20 A Well Valerie had been working for my parents and then she
21 had new babies and so she left my parents so she was home.

22 We had shared a nanny before that. And Flora who took care
23 of L [REDACTED] some and Valerie's children when Valerie was

24 working. And then when Valerie had the last baby she decided
25 to quit working and stay home. So I had to return to work

093

1 for benefits for L... And she just went over there to --
2 and plus Lauren was also very close to her cousins. And it
3 was a good place, safe place for her to be.

4 Q Did you feel comfortable that Valerie and Bob could care
5 for Lauren and accommodate her as she needed to be?

6 A Yeah, they'd known her all her life. She was there quite
7 frequently and we were a very close family. And yeah, she --
8 and her cousins took care of her also. She's got cousins
9 that are older than her that she's attached to.

10 Q At a particular time did you notice some physical
11 problems, some particular physical problems that Lauren began
12 having?

13 A Are you talking about the sexual infections?

14 Q Yeah. Did she begin having some things that were
15 concerning to you?

16 A I wasn't really concerned until she -- I mean, she had
17 frequent urinary tract infections and bladder infections.
18 And they were recurring. And I think one started in January
19 of '92. And we were treating her routinely but it just
20 wouldn't clear up. So we took her to the doctor on the -- I
21 don't have the exact date in my mind, I'm sorry. But I've
22 got in notes some place. But in June of '96. And we saw
23 Dr. Hill who was not her primary care physician. She saw
24 usually his partners. And she said that Lauren had been
25 sexual molested --

094

1 MR. SULLIVAN: Objection, Your Honor.

2 THE COURT: I sustain the objection.

3 Instruct the jury to disregard that question.

4 BY MS. SEAY:

5 Q Without getting into what someone else said, did you talk
6 with REDACTED about whether anyone had touched her
7 inappropriately?

8 A Yes.

9 Q Was L able to communicate anything to you about
10 that?

11 A Yes. She did not at first. But then she did. I'm not
12 sure what I'm allowed to say. I can't put it in context but
13 yes, I did talk to her and she told me what had happened.

14 Q And about how old was she then?

15 A Six.

16 Q And when she was 6 and she told you this, did she tell
17 you where this had happened?

18 A Yes.

19 Q Where did she say it happened?

20 A At Valerie's house.

21 Q And did you discuss this with your husband?

22 A Yes.

23 Q Did you all make a decision that you would not allow her
24 to have any contact with her uncle because of this?

25 A Yes. Well we would not let her be in his care. I can't

095

1 really explain it, can I?

2 Q Is it safe to say that you were not going to let her be
3 alone with him?

4 A Yes.

5 Q To your knowledge, was she ever alone with him after that
6 point in time up until the Columbia incident?

7 A After that time when she told me that he had -- after she
8 told me -- I don't know what I'm allowed to say -- no, to my
9 knowledge. But I found out later that she had been. Well
10 not alone. We were at big family functions and --

11 Q In other words, is it safe to say that you thought --

12 A She was safe.

13 Q Right. That she was not alone with him?

14 A Right.

15 Q Is what you thought.

16 A And I knew she was in the house but I thought her cousins
17 were with her. And I think her cousins were with her and
18 then they scooted off and she couldn't scoot off so she kind
19 of got stuck there. Talking about A [redacted]'s 9th birthday
20 your.

21 Q Do you recall that particular party and your family being
22 there?

23 A Uh-huh.

24 Q Do you recall L [redacted]'s 7th birthday party?

25 A Yes.

096

1 Q At your home?

2 A Yeah, Uh-huh.

3 Q Where was the grown-ups and all the other people at that
4 party?

5 A Well her birthday's in February but this February was a
6 warmer day. And we had a pinata outside on our porch. We
7 had all these tea parties and tables out there. And then the
8 door was opened to the house from the screen porch and the
9 kids were running in and out. But I don't remember where we
10 did her birthday cake but I remember outside and hitting the
11 pinata and the kids eating on the porch. So, you know, it
12 was a warm day.

13 Q Do you recall what REDACTED was wearing at that birthday
14 party?

15 A I think that she was wearing a blue Snoopy outfit.

16 Q Am I confused about a Dalmation party?

17 A This was a Dalmation party and she had -- oh, all right.

18 Q Did Lauren ever have a Dalmation party?

19 A Yes, yes, yes. The 101 Dalmation party and that -- oh,
20 the year that she got this big trampoline, uh-huh. Red and
21 white Dalmation dress with a little Dalmation on it and a
22 crown with --

23 Q What year did she wear a Snoopy outfit?

24 A I think that was the fifth. I'm looking at Andrea. A
25 previous birthday.

097

1 Q Okay.

2 A She wore a Snoopy outfit.

3 Q We discussed the fact that you and your husband decided
4 to limit contact between [REDACTED] and Bob McCall?

5 A Right.

6 Q Did you discuss whether it should be recorded to law
7 enforcement?

8 A Yes.

9 Q What was your decision?

10 A I took it to the appropriate channels. And saw
11 professionals. The pediatricians. Actually didn't get to
12 the right ones. And they all thought that --

13 Q Without saying what somebody else said --

14 A I was advised not to. Although I was sure when L []
15 told me what she told me, she was very specific about where
16 Bob was, where she was, where Valerie was, where M [] B []
17 and Bobby were and what he did, specifically. So I was very
18 convinced when I talked to her and I was looking at her face.
19 When I went to a pediatrician who told -- I can't say that,
20 can I?

21 Q Well what I want you to do is not say what somebody else
22 said since we're not allowed to do that. But what I ask you
23 was --

24 A Why did I not go to law enforcement?

25 Q Yeah.

098

1 A Because --

2 Q You decided not to go to law enforcement --

3 A Because I had some advice from the people that I went to
4 that said you're over reacting. That you have suspicions but
5 you do not have proof. So if you have suspicions, keep her
6 away from Bob.

7 Q And you did what you thought was best at that time?

8 A I can kill myself now but.

9 Q At that time?

10 A Against my better --

11 Q At the time did you think that was the better thing to
12 do?

13 A I thought it was the thing to do then. I doubted myself
14 and my mother's intuition and I believed the people all
15 around me. And I just said, Okay, well so I have suspicions
16 I don't know.

17 Q All right. So from the period of time when L [] was
18 approximately 6 until she was approximately 12, there was
19 very limited contact except in big family settings, right?

20 A Except I know now I'd have the girls baby-sit. And there
21 was access. They'd come to my husband. There was access for
22 Bob when they were baby-sitting.

23 Q Okay. It is his children that were baby-sitting
24 sometimes?

25 A Yeah. They were our primary baby-sitters, M [] B [] and

099

1 Shannon.

2 Q When L [] was about 12, did you agree to let S []
3 baby-sit L [] on a trip to Columbia?

4 A Yes, ma'am.

5 Q What was the purpose of that trip?

6 A My trip or her trip?

7 Q L []'s --

8 A I was going out of town for K []'s birthday and I was
9 going to leave [REDACTED] with Andrea and Jeff. And they had
10 plans. And I wanted to see if S [] could keep her for the
11 weekend. And S [] said she could keep her for the weekend
12 but she would take her Columbia and wanted to see M [] B []'s
13 classic soccer game. And I had reservations about that but
14 then I was approached by both S [] following her
15 graduation party and Valerie at her graduation party saying,
16 You know, it would be good for her, she needs to go.

17 And I said, Well, she can't be left without you or M []

18 B [] And I made provisions for her to be with S [] --

19 Q Let me stop you because I want to ask you something?

20 A Uh-huh.

21 Q You let them know that she was not to be left alone, did
22 they know why she not to be left alone?

23 A They knew that we had a big issue over it when [REDACTED] was

24 6. And that there had been some estrangement in our family
25 over that. And they knew why.

1 Q They were aware of what [REDACTED] had said Bob did?

2 A No, they were not aware of that. They were aware that I
3 had some concerns about Bob.

4 Q Okay. But they didn't know the specifics?

5 A They didn't know, right. That it involved [REDACTED] or that
6 it involved sexual abuse.

7 Q Okay. So you agreed to let her go on this trip to
8 Columbia and she was not to be unsupervised?

9 A She was to be with S [REDACTED] until 5:00 -- she was going to
10 be with S [REDACTED] on Friday at my house, over night. S [REDACTED]
11 was going to take her to Columbia and to M [REDACTED] B [REDACTED] s soccer
12 game. She was going to be there until 5:00 when S [REDACTED] was
13 going to go back to Greenville for a wedding and then return
14 in the morning. And [REDACTED] was to be with M [REDACTED] B [REDACTED] and
15 another little girl who evidently didn't end up going. And
16 they would be sharing an adjoining room with Valerie, Bob and
17 their two little boys.

18 Q And so you were aware that Bob was going on the trip but
19 that he would be staying in another room?

20 A Yeah.

21 Q When you -- when [REDACTED] returned, did anything unusual
22 happen upon her return?

23 A With during the -- yes. While the plans didn't go as
24 planned. As agreed on. And S [REDACTED] left [REDACTED] in Columbia
25 with her mother and father.

101

1 Q Valerie and Bob?

2 A Val and Bob.

3 Q How did you find out about that? Did [REDACTED] tell you?

4 A No. No. There were some phone calls about bathing suits
5 or there were some -- I talked to [REDACTED] and I knew that she
6 had left early. Or some -- or late -- I don't know when I
7 found out but no. No one called me and asked my permission,
8 nobody told me. But when I was talking to Kirk that night I
9 was saying, Well, if M [] B [] went to get a bathing suit --
10 we were confused. So it sounded like -- we don't know where
11 -- we expected S [] was going to be with her and then she
12 was going to be with M [] B [] but she was left.

13 Q All right. When you got back and you learned of this, of
14 L [] being left, did you talk to Bob about it?

15 A I didn't know anything about it. Until we came home.
16 And we went to pick up my dog at my mom and dad's house. And
17 S [] and [REDACTED] were at my house waiting for us to come
18 back. And then that's when I found out that S [] had gone
19 home early. She didn't go back and get D [REDACTED], her parents
20 brought, Valerie and Bob brought D [REDACTED] back the next day.
21 And they got there right about the time that -- about an hour
22 before we got there.

23 Q Did Bob approach you about --

24 A Yes.

25 Q --about the fact that he had been left alone with her?

1 A Uh-huh. I was waiting in the car, Kirk was just going to
2 run in the house and get the dog. And when he went in, Val
3 and Bob were on the back porch talking to my parents. And
4 then they asked to speak to him, Kirk, privately outside.
5 And didn't want my mom and dad to over hear it. And Kirk
6 started to get alarmed. Then I got tired of waiting in the
7 car. So I came up into the house and about that time they
8 were -- Bob and Val were saying what a great time I [REDACTED] had
9 had, could they talk to us outside, please.

10 Then Valerie said, In light of your suspicions six years
11 ago, I think it's important for me to relate to you this
12 incident that happened in Columbia.

13 And so now I'm upset. I'm like, What incident? Well, so
14 what had happened. And she starts to explain that Shannon --
15 give me a second here. [REDACTED] and their two youngest boys
16 were swimming in the pool, I don't think Bob was swimming in
17 the pool but he was down there with them. Valerie was going
18 to take Mary Beth to Wal-Mart, which is right behind these
19 Comfort Suites in Columbia right off the highway. And get
20 her a bathing suit so that she could swim in the pool with
21 [REDACTED] They didn't ask [REDACTED] to go. And so they left her
22 in the pool with Bob and the two little boys. And that's
23 what they thought they needed to relate to me.

24 Well in the meantime they told me that [REDACTED] got
25 panicked because there were too many children playing in the

1 pool. And that they wanted me to -- that D REDACTED wanted to go
2 back up to the room because she was afraid of all these
3 people. And that's not what REDACTED D says but that's what they
4 said. And then they went back up to the rooms and then
5 REDACTED D was nervous about being in the room with them. Bob
6 said the two boys make her nervous. So she wanted to go in
7 her room by herself. But the girls room where M B
8 would have been. And she was in her bathing suit and the air
9 condition was off. So even though it's an extremely rare and
10 unusual event, she somehow got this soaking wet bathing suit
11 off. And had gotten a shirt on. Also, very unusual event.
12 And Bob said he heard her fumbling around and said, do you
13 need help REDACTED ?

14 And she said, Yes.

15 And he went in and she had the panty around her foot and
16 couldn't get it up and so he helped her with that and helped
17 her put her shorts on. And bandaged up her toe that was
18 bleeding. And that was that.

19 Q All right. So he told you that himself?

20 A Right.

21 Q When you returned and you were there at the driveway of
22 your parents home?

23 A Yeah.

24 Q Okay. Bear with me just a minute, okay? Okay. Were you
25 aware that -- well let me start over. After you were given

1 this information, were you concerned?

2 A Oh yes.

3 Q Did you ask **REDACTE** **D** if anything inappropriate had
4 happened?

5 A Yes.

6 Q And would she tell you?

7 A No.

8 Q Did she tell you?

9 A No. She said that S **REDACTE** was with her the whole
10 weekend.

11 Q And S **REDACTE** really wasn't with her the whole weekend?

12 A No, S **REDACTE** left after lunch on Saturday.

13 Q And so later on were you aware that **REDACTE** **D** told A **REDACTE**
14 about some things that happened, including what happened in
15 Columbia?

16 A Yes.

17 Q And did L **REDACTE** eventually come to talk to you about it?

18 A Yes.

19 Q With A **REDACTE**'s encouragement?

20 A Yes.

21 Q Did she reveal to you that there had been numerous
22 incidents that happened?

23 A Yes. At first she talked only about the incident in
24 Columbia and how scary that was. And then it was every since
25 the incident when she was 6, she has not, you-know, I have not

1 -- I don't know what you're talking about, I don't remember.
2 So the day after she started to tell us about this through
3 A then Andrea and me, we were on the way down to school
4 and I said, Well what was worst, this time or the last time?

5 And she said, This time.

6 I said, I thought you didn't remember the last time.

7 She said, oh, I remember it. I remember it all.

8 And then --

9 Q Did she begin to gradually then tell you about --

10 A She wouldn't tell me, she wanted to get to A. She
11 wanted to go tell A. And she told A and, you know,
12 as she could but she was very terrified at this point. And
13 then when we had enough information that we knew there had
14 been a sexual assault, then we called the police.

15 Q You decided that it was best to make this report this
16 time?

17 A Absolutely.

18 Q And as a result of that, just briefly, did you then take
19 Lauren to meet with an investigator at the law firm center?

20 A Yes.

21 Q Did you take her then also for a medical examine?

22 A Yes. By a sexual abuse specialist.

23 Q And has she been involved in getting some counseling too
24 as a result of this?

25 A She went to two 13 weeks sessions of group therapy at the

1 sexual trauma center. And she had psycho therapy by someone
2 who specializes in child sexual abuse. By-weekly for the
3 first year and once a week, once every two weeks, as needed
4 during this past year.

5 MS. SEAY: Ms. Gollwitzer, please answer any questions
6 that Mr. Sullivan may have.

7 MR. SULLIVAN: May we approach, Your Honor?

8 THE COURT: Sure.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury.)

11 CROSS-EXAMINATION

12 BY MR. SULLIVAN:

13 Q This is all a family situation, isn't it? Family?

14 A I don't understand what you mean. Yes..

15 Q Well your mom and dad are here, one sister, this is
16 Valerie, your sister, other sister, brother in the back,
17 Mike. So this is a family situation, correct? A big family?

18 A We have a big family, uh-huh. Yes, sir.

19 Q And was Val married to Bob before you were married?

20 A I think it was maybe the same year, year before. Year
21 before.

22 Q How many children do Bob and Val have?

23 A Five.

24 Q You know their ages?

25 A Yeah, 20 -- let's see Shannon was born the year I was

1 married, I've been married 23 years, she's 23. E [] and

2 M [] -- are you asking me to tell you --

3 Q They're five kids, how big is their house?

4 A It's a small house.

5 Q And how is L [] related in age to these children?

6 A She's two years younger than M [] B []

7 Q So when they were baby-sitting in the house, there would
8 have been two little boys, M [] B [], maybe Shannon at times?

9 A Shannon only when REDACTED was little, when they grew up.
10 And L [] didn't really need a baby-sitter, she needed an
11 aide then and it was M [] B [] who's two years older than
12 her.

13 Q I mean, at the home when they were watching the child and
14 you were.

15 A They weren't, Valerie was watching my child. Along with
16 her children.

17 Q And her children were there?

18 A Right.

19 Q And this incident, the first incident you claimed
20 happened when L [] was five or six years old?

21 A Yeah.

22 Q Now prior to this had you and your sister discussed Bob
23 maybe had been abused or maybe abusive?

24 A Uh-huh.

25 Q Do you recall at Shannon's prom?

1 A Uh-huh.

2 Q When everybody was at the house, I think y'all were at
3 the Demos' house, correct?

4 A Excuse me?

5 Q I think y'all were at your mom and dad's house?

6 A Right.

7 Q And Bob was helping getting Shannon ready and she was
8 nervous and they asked everybody to go out back; is that
9 right?

10 A No, sir.

11 Q You don't recall going out to the back and then Bob being
12 in the house with Shannon?

13 A I remember Bob being in the living room with Shannon
14 taking pictures. Yes.

15 MS. SEAY: Your Honor, I'm concerned about the relevance.

16 MR. SULLIVAN: I'm going to tie it all in.

17 THE COURT: All right, sir, go ahead.

18 BY MR. SULLIVAN:

19 Q You and your sister, who already testified, didn't you
20 turn down some lights at that time for pictures?

21 A Uh-huh.

22 Q And y'all were in the backyard with the family group
23 saying that he must be abusing her because --

24 A Certainly not. Not at all. What Bob did was -- he was
25 acting very angry and very hostile to Shannon and everybody

1 else. That was the major thing. Then he -- we were all, as
2 in the other parties as we described, in the backyard in the
3 kitchen, around. Bob was in the dinning room, living room
4 and shut the curtains and was taking pictures of Shannon.
5 She -- and he was snapping at her, yelling at her and it was
6 very uncomfortable. And it was ruining her day. We had all
7 been there to go see her off on this day. Her sister-in-law
8 did her hair and my other sister did her make up. We were
9 all there to see her off for this and --

10 Q Prom night, correct?

11 A --and it was a very unpleasant experience. And then my
12 husband went into the room and said, Bob what are you doing?
13 And he came into the doorway huffed up at Kirk and I can't
14 remember the expletive or if there was one but it was like
15 get out of the room. And I heard it. He didn't tell me, I
16 heard it so I can say it. And that was a very strange thing.
17 We all said, What is going on? Why is Bob acting so
18 strangely? And then we all went in there and acted like it
19 was a party. We didn't leave Bob in there. There was no
20 mention of sexual abuse. Just a very bad behavior. Where he
21 was making his daughter and all of us feel miserable. That's
22 exactly what I told Valerie the next day.

23 She said, sexual abuse. She said to me, Valerie. I
24 called her and related this whole story to her. I think I
25 need to tell you about Bob's behavior last night.

1 And she said, What?

2 Because she was at the church singing and came late. She
3 came when we had gotten it back to a party and it wasn't this
4 awkward, tensed, What on earth is going on? And then I
5 called her and I said, Valerie, I need to tell you about this
6 behavior last night. And we -- we know, we have seen Bob's
7 behavior over time with his girls. Being hostile and angry.
8 That's what I thought it was. I thought he, you know, was
9 uncomfortable with how beautiful Shannon looked --

10 THE COURT: All right, let's move on now, Mr. Sullivan.

11 BY MR. SULLIVAN:

12 Q Was he abusive to the girls?

13 A I told you I did not say that, no. He seemed
14 uncomfortable with them when they started growing --

15 Q Physical or verbal, you said abusive to his girls?

16 A I'd say he was unfriendly, hostile, barking, you know,
17 like, M [redacted] B [redacted] get in the car. You know. And they don't
18 treat boys that way. Distant, uncomfortable, as they got
19 older. And then I did not say abuse. I did not say he is
20 abusing your daughter. I told her what had happened and she
21 said, Are you saying that my husband is molesting my
22 children?

23 And I said, No, I didn't say that, Valerie. But I think
24 that's very interesting that you did. Why would you say
25 that? I mean, you would have more information about what's

111

1 going on there than I would. That's how that went.

2 Q How does Val get along with her children?

3 A With whose children?

4 Q Her children.

5 A Very well.

6 Q On the trip to Columbia, you say that they told you that

7 L [] was in the pool and had cut her toe, was having
8 trouble getting dressed and Bob helped her get dressed?

9 A Uh-huh.

10 Q They volunteered this to you?

11 A Because they thought -- yes, Valerie said, Because you
12 thought he had a sexual abuse problem years ago I needed to
13 tell you this so you wouldn't think the worst.

14 And I said, there's never any reason for 45 year-old man
15 to be along naked with a 12 year-old girl. That's just
16 totally inappropriate. And --

17 Q Well you testified, and she's a lovely child, but she
18 needs help getting dressed --

19 A She had her aunt -- I'm sorry, Mr. Sullivan, I don't mean
20 to be rude but she needs a female attendant with her for
21 bathrooming, that sort of thing. That's why I had a very
22 clear discussion with Shannon about that before she left.
23 Shannon assured me she would have either her or M [] E []
24 with her all the time. Valerie was aware of my concerns
25 about him long before that. And so men do not -- if a child 112

1 has a disability, a man does not take -- especially take her
2 out of the pool -- if she's panicked he should have said,
3 well wait here until Val gets back, it will only be a few
4 minutes. Sit in a chair. Sit on the side. Anything else.
5 But he's got 20 minutes and he takes her to the room.

6 Q I think the testimony is she cut her toe and he doctored
7 her foot?

8 A No, that was not the testimony. What Bob told me was
9 that she was panicked because there were boys in the pool and
10 she wanted to go back to the room. That's not what REDACTED
11 said.

12 Q They had adjoining rooms?

13 A Adjoining rooms.

14 Q On doctors, examined I think on August 6th of this
15 year, you were at a conference presented by ACV, Safe Harbor
16 type thing. Do you recall that?

17 A The victim impact -- I mean, the --

18 Q Upstate --

19 A Right, the victim panel.

20 Q Victim assistance. And you told the audience, a large
21 crowd there, that you had taken your daughter to four or five
22 doctors before anybody said she'd been abused, is that
23 correct?

24 A That is incorrect.

25 Q And that you said, Don't stop taking them until somebody 113

1 believes you?

2 A I have no idea where you heard that but I did not say
3 anything. I said that it was validated by a doctor. A
4 doctor told me to take her -- the doctor was on the phone
5 calling DSS saying your child has been sexually molested.
6 That's what this infection is from. Then she asked my
7 daughter, Did somebody do this to you?

8 Q What doctor did you use?

9 A Dr. Sybil Hill.

10 Q Sybil Hill?

11 A She's with the children's clinic. I just recently talked
12 to her, she's available --

13 Q She's in Greenville?

14 A Yeah, on Cleveland Street. The reason it didn't get
15 reported was because I talked to other doctors and they who
16 said, Oh, you know, don't -- she did the right thing, they
17 did the wrong thing, I doubted what to do so I didn't.

18 Q On that initial visit was not the question that her
19 vaginal infection could be caused by various things. By the
20 way she hadn't been taking care of herself, by outside other
21 than molestation. It was one of possible --

22 A No, I'm sorry, I don't understand. The way she had to
23 take care of herself because of infection.

24 Q Didn't she have difficulty kind of going to the bathroom
25 and all of this is when she was five, six years old she had

114

1 vaginal infections, correct?

2 A She had difficulty dressing herself. But the vaginal
3 infections weren't related to her disabilities in any way.
4 The doctor said it was an outcome of physical abuse. And
5 then she verified it with D [REDACTED]. Then she called DSS. And
6 we asked would she please wait until her primary physician
7 came back. And he was the one that talked me out of it.

8 Q Is your daughter curious about her sexuality?

9 A Yeah, I would say she is. Normally so.

10 Q Does and I'm not try to embarrass anybody but does she
11 masturbate a good bit?

12 A Yeah.

13 Q To help her sleep?

14 A In spurts during stressful times, yes.

15 Q So she's sexually aware kind of what -- she's a girl and
16 that type thing, right?

17 A I'm sorry, I didn't hear you.

18 Q She's sexually aware that she's a girl and just makes her
19 feel good, is that right?

20 A You mean is that why she does that?

21 Q Yeah.

22 A No. According to the doctors she does that as a release
23 for stress. She's got -- well as you can imagine, a very
24 stressful life. She has, you know, surgeries and just her
25 daily life is very hard. We thought it was related to her

115

1 disabilities.

2 Q So from the time -- from the time she was 6 until almost
3 12, you claim that Mr. McCall was abusing your daughter?

4 A No. Say that again. From 6 to 12 he was --

5 Q From Columbia trip, say from the time she was 6 until she
6 was 12?

7 A Yeah, Uh-huh.

8 Q According to her testimony different parties and all?

9 A Right, yeah. Even my mother's house.

10 Q Now Bob and Val have five children, correct?

11 A Yes, sir.

12 Q How would you describe those kids as far as personalty,
13 outlook, school work --

14 MS. SEAY: Objection, relevance.

15 THE COURT: I sustain the objection to that.

16 MR. SULLIVAN: I can tie it in.

17 THE COURT: No, sir, I sustained the objection.

18 BY MR. SULLIVAN:

19 Q And you're truthful and everything, how many children do
20 you have?

21 A One.

22 Q Would you tell us what happened to your twins?

23 A I don't have any twins --

24 MS. SEAY: Objection, the relevance?

25 THE COURT: I sustain the objection, instruct the jury to 116

1 disregard the question and the answer.

2 BY MR. SULLIVAN:

3 Q Did you recall lying to the police about a wreck you had?

4 A No.

5 Q Val was with you and you hit a guy, then you told the
6 police he hit you?

7 A No.

8 Q You don't recall that?

9 A No. When was it?

10 Q When the guy came up -- a witness came up and you said
11 that you hit him because you were hit?

12 A No.

13 Q You don't recall that?

14 A No, I don't.

15 Q Did you work at BMW?

16 A Yes, sir.

17 Q And you're always honest. Were you honest with a
18 situation about a fellow named Doug?

19 A Yes, sir.

20 Q You told Kirk about that?

21 A About what?

22 Q About your situation with Doug. Co-worker.

23 MS. SEAY: Your Honor, I don't --

24 A What are you talking about?

25 THE COURT: Hold on. Hold on.

117

1 Take the jury out, please.

2 (WHEREUPON, the jury left the courtroom at
3 approximately 4:58 p.m.)

4 THE COURT: Now what is the relevance of this,
5 Mr. Sullivan?

6 MR. SULLIVAN: Credibility, Your Honor. A lot of this
7 case rests on her credibility.

8 THE COURT: Well, you're just asking open-ended questions
9 about something that happened at BMW. I mean.

10 MR. SULLIVAN: My information is she had an affair with a
11 co-worker.

12 THE COURT: Well what --

13 THE WITNESS: I beg your pardon.

14 THE COURT: Hold on just a minute, please, ma'am.
15 What relevance does that have? If she did.

16 MR. SULLIVAN: Credibility, honesty.

17 THE COURT: If she had an affair with another man --

18 THE WITNESS: We can talk about affairs.

19 THE COURT: No, sir, I sustain the objection to that.
20 All right, bring the jury in.

21 THE WITNESS: Let's talk about affairs.

22 THE COURT: No, ma'am.

23 Bring the jury.

24 (WHEREUPON, the jury entered the courtroom in
25 at approximately 4:59 p.m.)

1 MR. SULLIVAN: Judge, that's all I'm going to ask the
2 witness.

3 THE COURT: All right.

4 MS. SEAY: I don't have anything further.

5 THE COURT: Ladies and gentlemen, I instruct you to
6 disregard that last question by the attorney.

7 All right, Mr. Sullivan, anything further?

8 MR. SULLIVAN: One other question, Your Honor.

9 BY MR. SULLIVAN:

10 Q Ms. Gollwitzer, do you ever have a fellow named Peter
11 baby-sit your daughter?

12 A Excuse me?

13 Q You said something only -- no males --

14 MS. SEAY: I object to this question also.

15 THE COURT: Let him finish the question.

16 Go ahead. What's the question, Mr. Sullivan?

17 MR. SULLIVAN: That she does have a male --

18 THE COURT: Well ask her the question.

19 MR. SULLIVAN: That's what I asked her.

20 BY MR. SULLIVAN:

21 Q Do you have a guy named Peter that baby-sits REDACTED

22 A Her cousin, Peter, has been over and I suppose he watched
23 her for once, twice. Years ago. He hasn't since this. But,
24 you know, he's --

25 THE COURT: All right, anything in reply?

1 Linda Hutton, after being duly sworn, testified
2 as follows:

3 THE CLERK: Please be seated. State your full name for
4 the record.

5 THE WITNESS: Linda Gray Hutton.

6 DIRECT EXAMINATION

7 BY MS. SEAY:

8 Q Ms. Hutton, what's your occupation?

9 A I'm a clinical social worker.

10 Q Where are you currently employed?

11 A Baylor Center for Psychiatry and Psychotherapy in
12 Greenville.

13 Q How long have you been employed at Baylor?

14 A We started that practice in 1992.

15 Q Can you describe your previous work experience and your
16 educational background, please?

17 A Bachelor of Arts with honors from the University of
18 Florida in 1972. Major was psychology. Master of Social
19 Work from Florida State University in 1974. As a part of
20 that training I completed two internships in the Department
21 of Child Psychiatry at the University Florida Medical Center.
22 Worked for the South Carolina Department of Mental Health for
23 approximately 15 years. Fourteen of those were with the
24 Greenville Mental Health Center on the child adolescent unit.
25 And it was about a year and a half part time with Patrick

120

1 Harris Hospital in Anderson. And what I did patient
2 education and clinical supervision. And since then I've been
3 in private practice.

4 Q Okay. Do you have any particular licenses or
5 certification in your particular field?

6 A Yes, ma'am. I'm licensed as a Licensed Independent
7 Social Worker of Clinical Practice in the State of South
8 Carolina. I also aboard Certified Diplomat in Clinical
9 Social Work.

10 Q Do you currently have any board memberships?

11 A Board certification.

12 Q Are you a member of any particular boards locally now or
13 previously?

14 A I'm on the Professional Advisory Board for the Greenville
15 Sexual Trauma Center. In the past I've served on their board
16 several years ago.

17 Q Do you have any particular training that you have
18 received in the area of sexual assaults or abuse involving
19 children?

20 A Yes, ma'am. I've done work in that area since the early
21 80's. And I have attended numerous workshops over the years
22 and trainings in that area. I also received training within
23 the past few years on forensic interviewing of children.

24 Q Have you actually given any training in your career?

25 A Yes, ma'am.

1 Q Do you have occasion in your profession to consult with
2 other professionals regarding sexual abuse or assaults?

3 A Yes, ma'am.

4 Q Approximately how many children have you treated in your
5 private practice over the last, I believe you said you've
6 been in private practice at Baylor since 1992; is that
7 correct?

8 A I've been in private practice since approximately 1987.
9 And then with Baylor since 1992. I do clinical work
10 full-time. I don't know how many patients I've seen. I
11 usually work up until recently five days a week. Seeing six
12 seven a day.

13 Q So you've seen is good number of children in your career,
14 would that be safe to say?

15 A I've done clinical work with the emphasis in children
16 with families for almost 30 years now.

17 Q What other services do you provide as part of your work
18 there at Baylor?

19 A Essentially therapy.

20 Q You aren't limited strictly to seeing children, however,
21 you do work with families, parents, siblings, that kind of
22 thing as well as?

23 A Yes, ma'am.

24 Q You have previously been qualified as an expert witness
25 in the courts in South Carolina; is that right?

1 Q In your experience have you found that to be a common
2 factor in the children that you have treated?

3 A Yes, ma'am. Dynamics involved are typical, even with the
4 education in schools and from parents at times, it's still
5 hard for kids to tell they're afraid. They're afraid that
6 they'll be blamed or they'll be in trouble. Sometimes they
7 do not tell because they have been told by the perpetrator
8 not to tell, keep it a secret. Or they have been threatened
9 by the perpetrator or the perpetrator has threatened their
10 family.

11 Q So have you found there maybe a number of reasons why
12 children delay in reporting?

13 A Yes, ma'am.

14 Q In addition, let me ask you in your experience, it is
15 common or uncommon for children to initially not relate the
16 entire scope of what has happened to them when they do
17 report?

18 A It's very common.

19 Q What factors play a roll in that?

20 A What I see most often is, again, first of all, kids tend
21 to be afraid when they're disclosing. And they usually
22 disclose or most often in my experience a little bit. And
23 then as they feel more comfortable as time goes on, if
24 there's more to disclose, the more likely they'll disclose
25 then if they feel safer and more comfortable that things are 124

1 A Yes, ma'am.

2 Q Do you know approximately how many times?

3 A I can only guess because I don't keep track in family
4 court, primarily this county but a few other counties, maybe
5 all together 40, 50 times. In General Sessions Court my
6 guess is four or five times, maybe.

7 MS. SEAY: Your Honor, I would offer Ms. Hutton as an
8 expert in the treatment of sexual abuse.

9 THE COURT: Any voir dire testimony concerning her
10 expertise in that area, Mr. Sullivan?

11 MR. SULLIVAN: None, Judge.

12 THE COURT: She's qualified. Proceed.

13 BY MS. SEAY:

14 Q Ms. Hutton, I think that we've already had some testimony
15 indicating that REDACTED was referred to you for
16 counseling, is that correct?

17 A Yes, ma'am.

18 Q And before I get to some specifics about REDACTED's case, I
19 wanted to ask you about some general dynamics involving
20 children and sexual assault or abuse. It is it common for
21 children to delay in reporting when they have been assaulted
22 or abused?

23 A Yes, ma'am it's very common. Still at present even with
24 the increased education to kids in the past 15 years,
25 especially, it's very common for them to delay.

1 going to be okay.

2 Q In your experience do children generally recall what
3 happened to them in chronological fashion? Is that a common
4 event for children that you've dealt with?

5 A No, not at all. When abuse has happened multiple times,
6 over a period of times, there's not chronological reporting
7 of it.

8 Q What factors do you think play a role in that other than
9 obvious perhaps age of the victim.

10 A Well age can play a role. The younger children are not
11 good reporters of -- they have difficulty placing events in
12 time. But when there's been numerous incidents of abuse,
13 usually youngsters would talk about either the ones that
14 stand out in their mind or that -- easiest for them to talk
15 about. And also when there's multiple incidents of abuse,
16 very often when a child is talking about two or three or four
17 incidents may run together.

18 Q Do you find in your experience that it's common for some
19 children to have mixed feelings about the person who has
20 abused them?

21 A My experience is that most of the time children have
22 mixed feelings or ambivalent feelings. That what I'll hear
23 over and over again is that they don't like the abuse. And
24 have a lot of feelings about what happened. Yet very often
25 at the same time there were good things about the

125

1 relationship too that were appropriate. Like going to the
2 park and going to the movies. And very often youngsters will
3 express a sense of loss about the good things in the
4 relationship.

5 Q Do you find that family dynamics play an important role
6 in that particular issue as far as mixed feelings with
7 children?

8 A I don't know about -- I'm sure family dynamics could but
9 it has more to do, in my mind, with the dynamics of sexual
10 abuse. Sexual abuse most often is not by a stranger but by a
11 person the youngsters knows, a person that the youngster has
12 a relationship with, has a sense of trust for. So it happens
13 within the context of an already established relationship.

14 Q I would like to ask you if you have any particular
15 knowledge or experience in dealing with children who exhibit
16 sexual behaviors such as masturbation?

17 A Yes, ma'am.

18 Q Is that a common -- is that a common occurrence in
19 children who have reported sexual abuse?

20 A It's a common occurrence in children. Children learn
21 pretty young that if you touch certain places on your body
22 that it can feel good. When children have been sexually
23 abused, you can see masturbation more frequently.

24 Q In your experience, do you find it common or uncommon for
25 perpetrators in a sexual abuse to employ threats in order

1 to keep children from disclosing abuse?

2 A It does happen often, it does not happen all the time but
3 it does happen often. Very frequently there's no medical
4 evidence of sexual abuse. So what it can often seem to come
5 down to is one person's word against the other. And so
6 there's a lot of -- there can be a lot of effort on the
7 perpetrators part to keep a child silent. So that what
8 happened is not known. And so there can be a variety of
9 threats. Either physical threats or sometimes psychological
10 threats put in place to make that happen. I've had children
11 tell me that in cases that a perpetrator told them they
12 wouldn't be believed or that they'd have to leave the home,
13 that they'd be sent to foster care and they'd never see their
14 family again. I've heard perpetrators threaten children with
15 harm or threaten their families with harm. Just a wide
16 variety of things. And the intent is for the child to keep
17 what has happened a secret.

18 Q Do those particular children perceive those threats as
19 being real and being able to be carried out?

20 A My experience has been, yes.

21 Q Is your experience with children, do you find that it's
22 common with kids to be perhaps targeted if they might have
23 difficulty disclosing the abuse or might be unable to
24 disclose the abuse for whatever reason?

25 A That's mentioned in the literature. I've seen such a

1 wide variety that I wouldn't say in the cases I've treated
2 that there's a trend of that. But certainly I've seen cases
3 where children are very young, preschool children. And it's
4 difficult then for children to disclose very often, they
5 don't know what's happening is wrong. If the perpetrator
6 tells them we're playing a game or it's a sign that I love
7 you, they'll believe that. I've seen in literature that
8 youngsters who have disabilities are more likely to be
9 abused. I can't give you a statistic because I don't
10 remember it and I can't cite the source because I don't
11 remember that either.

12 Q Just following up on something you were talking about a
13 minute ago as far as children being reluctant or hesitant to
14 disclose based on a number of possible reasons, do you ever
15 find in your experience that the kids can become even passive
16 or even cooperative with the abuse over time?

17 A Yes, ma'am.

18 Q Do you recall exactly when REDACTED was referred to you for
19 counseling?

20 A I first saw her in June of 2002.

21 Q Can you describe some of the issues that you were dealing
22 with with Lauren?

23 A Well I've seen her since, I've seen her since that day.
24 She was referred by the Greenville Sexual Trauma Center and
25 the Police Department. Reason for referral was sexual abuse

1 over the course of treatment. We dealt with issues related
2 the to sexual abuse. Emotional issues, cognitive sorts of
3 issues, coping mechanisms. Also, this is a youngster who's
4 disabled. Who has a history of being very stoical and
5 non-complaining about her disability, not really showing a
6 lot of frustration about it. And we dealt with that. She
7 was going into the 7th grade, excuse me, the 6th grade and
8 moving into middle school. And that's a very difficult time
9 developmentally and socially and she's a youngster who's
10 very, put in quotes, different from other kids because of her
11 disability. And in middle school developmentally what's
12 going on is it's real important for kids to be like everyone
13 else. And she -- we've done a lot of work in dealing with
14 that. And with what the disabilities have meant to her life.

15 Also, as a result of her reporting the sexual abuse, it
16 very certainly created a crisis in her family and in her
17 extended family. And there has been a pronounce since of
18 loss on her part for family members, extended family members,
19 because this has split the family in a sense. And there has
20 been points when she has taken the responsibility for all the
21 upset that everyone's experienced.

22 Q In other words, was she blaming herself to some extent?

23 A Yes, there has been a aspect of that self blame. Self.
24 blame around issues related to the abuse. You know, I should
25 have told sooner, things like that. And also that if she had

1 not told then the family would still be together. This is by
2 description a very close nit family with extended family
3 doing a lot of things together. And that family is very
4 important. And as I said, there's been a pronounced loss on
5 her part.

6 Q Is it common for victim's like Lauren to feel as I said
7 blame perhaps shame, embarrassment and confusion about what's
8 happened to them?

9 A All those things.

10 Q Are those issues that you dealt with with **REDACTED**?

11 A Yes, ma'am.

12 Q In your opinion as an expert and based on your
13 experience, do you find **REDACTED**'s symptoms and issues to be
14 consistent or inconsistent with the history of sexual abuse
15 that she's given?

16 A In my treatment with her they've been consistent.

17 MS. SEAY: Thank you, Ms. Hutton, please answer any
18 questions that Mr. Sullivan may have.

19 THE COURT: Mr. Sullivan.

20 MR. SULLIVAN: Just a couple.

21 CROSS-EXAMINATION

22 BY MR. SULLIVAN:

23 Q I think I have a letter addressed I think the Court had
24 ask you to write to Ms. Seay and myself, letter dated October
25 28th, 2003. If you can identify that, records that were

1 furnished me.

2 A Yes, sir.

3 Q If you would, if you would just read this paragraph right
4 there.

5 A This youngster was referred by the Greenville Sexual
6 Trauma Center and the Greenville Police Department. Reason
7 for referral was sexual abuse. Services rendered were
8 treatment oriented. Scope of work did not include forensic
9 evaluation of allegations of sexual abuse. Therefore, no
10 professional opinion can be given regarding the occurrence of
11 sexual abuse.

12 Q And this is your professional opinion that you cannot
13 give an opinion as far as sexual abuse?

14 A It would be improper for me to give an opinion about
15 whether sexual -- if it came right down to it that sexual
16 abuse did occur or did not. To do that one needs to do
17 forensic assessments in my role as treatment.

18 MR. SULLIVAN: Thank you.

19 THE COURT: Thank you, step down.

20 MS. SEAY: I ask that she be excused to return to work.

21 THE COURT: Any objections?

22 MR. SULLIVAN: No objection, Your Honor.

23 THE COURT: Thank you.

24 MS. SEAY: The State calls Dr. Nancy Henderson.

25 THE CLERK: Place your left hand on the Bible, raise your

1 right hand.

2 Nancy Henderson, after being duly sworn,
3 testified as follows:

4 THE CLERK: Thank you, please be seated. State your name
5 for the record.

6 THE WITNESS: Nancy Henderson.

7 DIRECT EXAMINATION

8 BY MS. SEAY:

9 Q Dr. Henderson, what's your occupation?

10 A I'm a pediatrician.

11 Q Where are you currently employed?

12 A I'm employed with the Greenville Hospital System.

13 Q How long have you been employed with the hospital system?

14 A Since 1992.

15 Q Can you please describe your educational background?

16 A I attended Records College of Pharmacy and graduated in
17 1975 with a Bachelor of Science in Pharmacy. I then attended
18 Bowman Gray School of Medicine in Winston Salem, North
19 Carolina, graduated in 1980. Then did my -- actually I
20 graduated from 1980 to 1984 medical school and then did my
21 pediatric residency at TC Thompson Childrens Hospital.

22 Q What has your work experience been up until the present?

23 A I was the outpatient director at TC Thompson Childrens
24 Hospital until we left Chattanooga, which was in 1990. And
25 I've been with Greenville Hospital System since we moved to

1 Spartanburg.

2 Q Do you have any licenses or board certifications in your
3 field?

4 A Yes, I do. I'm licensed in the State of South Carolina
5 and I'm board certified in pediatrics and sub-boarded in
6 adolescent medicine.

7 Q Do you have any particular training and or education in
8 the field of sexual assaults and abuse of children?

9 A Well that has been my area of speciality since I've come
10 to Greenville. There's not a sub-board in the area of child
11 abuse but I have attended various trainings, ongoing
12 trainings through the last ten years and certainly during my
13 residency.

14 Q Have you had occasion to perform examinations on children
15 who have reported that they've been sexually assaulted or
16 abused?

17 A Yes, I have. I am the medical director of the Advocacy
18 Center up in Spartanburg as well as the one here in
19 Greenville. And I perform approximately 300 examines on
20 children where there is a concern of possible sexual abuse.

21 Q And I believe you have previously been qualified as an
22 expert in the courts of South Carolina; is that right?

23 A Yes, I have.

24 Q Do you know approximately how many times and in what
25 courts?

1 A I have been regarded as an expert in family court as well
2 as in criminal court. I usually am in court probably about
3 15 to 20 times a year.

4 MS. SEAY: Your Honor, I would offer Dr. Nancy Henderson
5 as an expert in the field of pediatric and child sexual
6 assault examinations.

7 THE COURT: Any voir dire touching upon her expertise in
8 that area?

9 MR. SULLIVAN: None, Your Honor.

10 THE COURT: She's qualified, proceed.

11 BY MS. SEAY:

12 Q Dr. Henderson, did you have occasion to examine

13 REDACTED on August 1st, 2002?

14 A Yes, I did.

15 Q And what was the purpose of that examination?

16 A The purpose of the examination because there was a
17 concern that she may have been sexually abused and she was
18 brought to my office for an evaluation.

19 Q Where did you perform the evaluation?

20 A At the child advocacy center here in Greenville.

21 Q Would you describe what you did to examine her?

22 A Yes, I would. The process of the examination takes
23 approximately about an hour. I have a child life specialist
24 who will go in a head of time and usually reviews what we're
25 going to be doing for the medical examine with the guardian

1 or parent that's with the child. As well as the child. So
2 they will feel comfortable with the evaluation, with the
3 medical equipment that will be used. I then go in and try to
4 talk with the parent and child, get past medical history.
5 Get an idea of what may have happened. At times I do try to
6 talk to the child, individually, to find out what happened to
7 them, what their concerns are, worries are about their
8 bodies.

9 I then do a medical examine which includes a complete
10 head to toe evaluation. Also looking at the genital area. I
11 have a piece of equipment, it's a large piece of equipment
12 but it doesn't at all touch the child. It's called a
13 colposcope. And that is just a light source and
14 magnification to the genital area to get a better idea if
15 there is any visible trauma to that area. I then may perform
16 tests for sexually transmitted diseases. Identify any other
17 problems on the medical examine and then have the child get
18 dressed. And then talk with the child and parent or guardian
19 about what the examination showed and any treatment that
20 might be necessary.

21 Q Is that a specific protocol that you follow in all of the
22 evaluations and examinations?

23 A Yes, it is.

24 Q In this particular case was there anything remarkable
25 about REDACTED's general physical examine?

1 A Yes, there were. She has pretty marked orthopedic
2 disabilities and she has speech disabilities which did limit
3 some interactions that we normally might have. As I said, at
4 times I do intend to talk with the child by themselves and in
5 this case I did not do that.

6 Q Did you note anything remarkable when you performed the
7 examine of her genital area using the equipment that you
8 described?

9 A She did very well for the medical evaluation. And I
10 didn't see any abnormalities in the genital area on her
11 examination.

12 Q Can you describe generally the female anatomy of a girl
13 her age. And in particular its particular qualities?

14 A At the time that I saw her she had already gone through
15 puberty so that means there was a lot of estrogen effect to
16 the genital area. The normal anatomy of the genital area
17 there is kind of a covering over it, sometimes referred to as
18 the labial. And then there's the inner part of the genital
19 area which we call the vulva area and then there's the
20 vaginal area. The vagina has a partial covering of the area
21 called the hymen which is a fairly translucent, thin type
22 membrane. But once the estrogen effect is around, that
23 membrane can very much stretch and not necessarily have to
24 tear when there's any kind of trauma to that area.

25 Q Do you find that that is a common misconception about the

1 genital area of females?

2 A Well it is a misconception in that I see a lot of
3 children that have been abused and their examinations --
4 about 90 percent of the examinations are normal in
5 examinations where there's trauma to that area. There's lots
6 of reasons to explain that. One is there's often a long
7 delay in disclosure. So if there is very minor trauma it can
8 heal very quickly. There's an excellent blood supply to that
9 area and so within hours to days any small trauma can heal.
10 A lot of times a lot of abuse is to the outer area of the
11 genital area and not necessarily across that hymenal
12 membrane. And although it causes a lot of discomfort, it
13 often doesn't cause any visible trauma. Maybe some redness
14 but not anything specific that you might pick up on a medical
15 examine.

16 And lastly, once you have gone in through puberty, once
17 you have that estrogen effect, things can actually penetrate
18 through the vaginal area. Even adolescents that are known to
19 be very sexually active can have normal examinations because
20 of that ability for that area to become very stretchable
21 rather than to have to tear with any kind of trauma.

22 Q In your expert opinion, could the fact that there was a
23 normal examination of REDACTED's genital be consistent with a
24 history of digital penetration?

25 A I think it is quite possible that that normal examine can

1 exist with those kinds of allegations.

2 Q Were you aware or made aware at the time that you
3 performed your examine of a history of urinary tract
4 infections in D [REDACTED] ?

5 A Yes, I was. The mom had shared that information with me
6 and later brought me back those records from when the child
7 was six years old that documented that history.

8 Q Can you discuss urinary tract infections and any possible
9 relationship to sexual abuse?

10 A Yes, I can. Although urinary tract infections are not at
11 all specific for sexual abuse, but any kind of trauma rubbing
12 against that, the urethra, the area that urine comes out of,
13 any kind of irritation, germs, friction can create an arena
14 for germs to kind of tract up into the urinary tract and
15 certainly be a cause urinary tract infections. So there is
16 an association.

17 Q At the time that you examined [REDACTED] D had she made any
18 disclosure that -- and I'll phrase it the way she phrased it
19 when she testified yesterday, that the defendant put his
20 penis in her butt or that he touched her butt with his penis?

21 A She did not share that information with me.

22 Q In fact, you didn't interview her at all did you?

23 A What happened was she was in the process of having her
24 forensic interview with Linda Hutton during the time that her
25 examination was scheduled. Her mom, with [REDACTED] consent,

1 informed me of what had happened. I asked REDACTED to identify
2 any changes or any problems, inconsistencies, that the mom
3 may be stating that might be wrong. So Lauren was in the
4 room while mom shared with me what she knew about what may
5 have happened to REDACTED.

6 Q Did you find any evidence to indicate any kind of anal
7 penetration or anything of that nature in your examine?

8 A The anal examine was also normal. But for many of the
9 same reasons that I just shared. It is not uncommon to see a
10 normal rectal examine when there has been previous
11 penetration. Again area's also very well vascularized.
12 Small tears can heal very, very quickly. The other thing is
13 because of its normal body functions, it stretches very
14 normally to allow things to exit out. So often there is not
15 any trauma when objects exist in or enter in and you can have
16 normal examinations.

17 Q It is possible that REDACTED would have had a normal
18 examination if there actually had not been any penetration if
19 the act had actually been the penis touching her?

20 A Well certainly that would have been a normal examination.

21 Q Do you find it common in your experience that children
22 can often confuse actual penetration with attempted
23 penetration?

24 A Well, you know, they really don't have a set experience
25 in their mind. So I think often when the genital area comes

1 close or it goes to that area, it does in their mind, it is
2 disappearing and going to that. And I think the term often
3 is used, penetration, because that's more of an adult
4 terminology than a child's term.

5 Q And just to follow up on something that you stated a
6 moment ago when you said you were obtaining the history, you
7 were under the impression that [REDACTED] was having a forensic
8 interview with Linda Hutton. Would it change your opinion in
9 any way if you knew that she was seeing Linda strictly for
10 counseling or treatment and not for a forensic interview?
11 Would that change anything that you testified to?

12 A No, ma'am.

13 MS. SEAY: Please answer any questions Mr. Sullivan might
14 have.

15 THE COURT: Mr. Sullivan.

16 MR. SULLIVAN: Just a couple.

17 CROSS-EXAMINATION

18 BY MR. SULLIVAN:

19 Q I believe in your notes you mentioned that L [REDACTED] was not
20 there she was with Linda Hutton. And the information was
21 given was from her mom; is that correct?

22 A No, sir. Linda -- I said during the process of the
23 timing that I was seeing her. Not that particular day. The
24 child was with me that particular day. But over the course
25 of those weeks she was in the process of being evaluated by

1 Linda Hutton. So the child was with me when the mom gave me
2 that history.

3 Q You said she was agreeable to the mom and the mom would
4 talk?

5 A Yes, sir.

6 Q Now, as a professional, in the health care field, social
7 worker, emergency rooms, things like that, if they suspect
8 child abuse, whether it be physical or molestation, aren't
9 they under a mandatory law to report it to the authorities?

10 A Social workers?

11 Q People in the ER, doctors or whatever if they see what
12 they think may be child abuse, aren't they under a mandatory
13 reporting law?

14 A There is a mandatory reporting law if they feel like a
15 child is at risk, they should report it. Yes, sir.

16 Q And do you know if such report was made when Dr. Sybil
17 Hill saw this child when she was six?

18 A The only information I have about that was through the
19 mom. And apparently there were some concerns at that time
20 but they felt like it was not enough evidence, it was
21 inconclusive. And so she was told not to pursue it any
22 further. And again, that was through mom.

23 Q A child that age that with anal or vaginal penetration
24 with an adult, would they not experience a certain amount of
25 discomfort or pain?

1 A Yes.

2 Q And as far as in your examination in talking with the
3 mom, did she reveal to you or did the child reveal to you
4 that she frequently masturbated? That that's part of her
5 sexual awareness?

6 A Let me just refer to my notes. I'm not aware that I had
7 obtained -- I did not have that in my history no, sir.

8 Q Okay. Could that situation lead to a vaginal situation
9 infection?

10 A It could if there is -- again, anything that's going to
11 cause chronic friction across the urethra can create a
12 bacteria introduced to cause a urinary tract infection.

13 MR. SULLIVAN: Thank you, doctor.

14 THE COURT: Thank you, doctor, step down.

15 MS. SEAY: May I have one brief follow up?

16 THE COURT: Sure.

17 REDIRECT EXAMINATION

18 BY MS. SEAY:

19 Q Dr. Henderson, how, if any, would it change your opinion
20 if I told you that **REDACTED** described that she did not
21 experience pain with digital penetration?

22 A It's not uncommon. I have a lot of children who say that
23 they don't have any pain with that. A lot of it would depend
24 on the amount of force that's used. I don't know exactly
25 what her nerve endings there, if there's any kind of

1 alteration there. A lot of times what occurs is somewhat
2 pleasurable. So that they will not experience pain. Not
3 necessarily so.

4 MS. SEAY: Thank you, doctor.

5 Can we excuse Dr. Henderson?

6 MR. SULLIVAN: No objection.

7 THE COURT: Thank you, doctor.

8 MS. SEAY: The State calls Investigator Lorraine
9 Henderson.

10 THE COURT: Come on around, please.

11 THE CLERK: Place your left hand on the Bible, raise your
12 right hand.

13 Lorraine Henderson, after being duly sworn,
14 testified as follows:

15 THE CLERK: Please be seated. State your name for the
16 record.

17 THE WITNESS: Lorraine Henderson.

18 DIRECT EXAMINATION

19 BY MS. SEAY:

20 Q Ms. Henderson, where are you currently employed?

21 A Greenville County Sheriff's Office.

22 Q What's your occupation?

23 A I work in the violent crimes division.

24 Q You are an investigator, is that right?

25 A I am an investigator.

1 Q How long have you been employed as an investigator with
2 the sheriff's office?

3 A I started in investigations June 1st, '86.

4 Q Can you get that microphone just a little bit closer to
5 you, please. So you have been there in investigations since
6 1986, do you have prior law enforcement experience?

7 A I started with Greenville County in 1978. February of
8 '78. And I worked on the road, I worked in the records
9 division, worked on the road then I went to investigations in
10 '86.

11 Q What types of things are you assigned to investigate?

12 A Right now in violent crimes division my primary job is
13 sex crimes right now.

14 Q So you have investigated cases of a child as well as
15 adult victims?

16 A Yes, ma'am.

17 Q Do you know approximately how many cases you've had
18 occasion to deal with in your investigation career?

19 A No, ma'am. Just since '86 I guess we average about --
20 they're three of us in there, I guess we average about 10
21 cases a month.

22 Q So you've dealt with a good number of cases --

23 A Yes, ma'am.

24 Q In total?

25 A Yes, ma'am.

1 Q Would you describe what your education and training is to
2 perform your duties as an investigator?

3 A In 1976 I graduated Greenville Tech and that was out of
4 secretarial science. 1978 I went to criminal justice,
5 graduated out, again, Greenville Tech in '78. Then I went to
6 work there. In 1998 I have a Bachelors Degree in Sociology
7 with an inference in criminal justice. I've had numerous
8 schools on sexual assaults and in forensics interviewing
9 also. And in the last -- their goal was several years, every
10 year you have some schooling. My last was NCIC training on
11 sexual registry.

12 Q So you receive updated training on a regular basis as
13 well?

14 A Yes, ma'am.

15 Q Are you certified as a law enforcement officer as well?

16 A I am. I was certified in March of '79.

17 Q Did you during your work at the sheriff's office receive
18 a report involving REDACTED as a victim?

19 A Yes, ma'am, I did.

20 Q What date did you receive that report?

21 A It was somewhere around June 10th of 2002. And I
22 received that from the city of Greenville.

23 Q How did you come to get the report from the city of
24 Greenville?

25 A An officer brought it over and brought the family over to

1 talk with me about this because supposedly what had happened
2 had happened in the county and not the city. So the city
3 brought it over to the Greenville County Sheriff's Office.

4 Q Had the City done anything as far as an investigation or
5 did they immediately just turn it over to you?

6 A No, ma'am, she had found out that it occurred in
7 Greenville County and she brought it over. She didn't do
8 anything more.

9 Q And did you interview REDACTED as part of your
10 investigation?

11 A Yes, ma'am, I did.

12 Q Did you need assistance to conduct an interview with her
13 because of her disability?

14 A Yes, ma'am, I did.

15 Q Who assisted you?

16 A Her name -- I have a speech therapist there and her name
17 was Jamie Sally from Greenville Hospital System at that time.

18 Q Okay. And based on what L REDACTED told you, did you refer
19 her to get a medical examination done?

20 A Yes, ma'am.

21 Q By Dr. Henderson?

22 A I did.

23 Q Did the victim's mother and the victim advise you that
24 this allegation had come up several years prior to them
25 making a report to you, also?

1 A Yes, ma'am.

2 Q So you were aware of that when you conducted your
3 investigation?

4 A Yes, ma'am. I was informed by that from the city officer
5 to begin with and then when I talked to the family I was
6 informed again of that.

7 Q In spite of the difficulties that **REDACTE**
8 communicating and the fact that you had assistance, were you
9 able to communicate enough to find out what she was saying
10 had happened to her?

11 A Yes, ma'am. I wanted to do it by -- try to do it by
12 myself along with the assistant in there and if I needed some
13 help or I didn't understand what she said then I asked the
14 assistant. Because she'd help me there. We did pretty good
15 for a while.

16 Q And did the victim also make you aware of an incident
17 that occurred outside of your jurisdiction in Columbia, South
18 Carolina recently?

19 A She did.

20 Q Did you find the victim, **REDACTE**, to be reluctant to give
21 you the details about what had happened to her?

22 A She was at some point. She would stop the interview, me
23 asking her questions, and she wouldn't answer and she would
24 tear up and kind of cry. And just so nobody else would have
25 to tell me what she was saying, I told her to take her time,

1 I got all day, you know. And she could leave when she told
2 me.

3 Q Did she appear to be embarrassed about what she would say
4 to you?

5 A Very. She would turn red a lot and like I said, she
6 would shut down. It took a while to interview her. And I
7 even cancelled some of my other appointments just to finish
8 that day.

9 Q Did you contact Robert McCall at any point?

10 A Yes, ma'am, I did.

11 Q What was the purpose of that?

12 A After talking with the victim and the family, she told me
13 that Mr. McCall was the one that had touched her. And so I
14 called Mr. McCall in to see if he would come in and talk with
15 me.

16 Q Did the victim actually tell you that he was the one who
17 had touched her? You said after talking with her and the
18 family --

19 A Yes.

20 Q Did L. [redacted] actually tell you that?

21 A Yes, she actually told me that.

22 Q Is that common for you to contact someone who is a
23 suspect in a case?

24 A Yes, ma'am, it is. Eventually I'm going to have to
25 contact them any way. And I had called him and ask him would

1 he consider coming to talk to me.

2 Q What was the result of that?

3 A He told me he would. I called and left a message first
4 at his house. He called me back and he was at work. And I
5 told him, you know, whatever time was convenient for him and
6 we set up a time for him to come in and talk with me.

7 Q What date was he supposed to come in and talk to you?

8 A 6/24/02.

9 Q Okay. When you contacted him and you set up this time
10 for him to come in, did you tell him that he had to come in
11 and talk to you?

12 A No, ma'am. I just told him there was an allegation that
13 had been made against him that I would like to talk to him
14 about it.

15 Q Did you tell him anything bad would happen if he didn't
16 come talk to you or anything like that?

17 A No, ma'am. Like I said, he had called me from work and
18 we set up a time. And I asked him when it was convenient for
19 him, you know. Because I didn't want to have to get him off
20 work or whatever. And he was telling me that when he got off
21 he would come on in. And so I told him that was fine.

22 Q Did he, in fact, then come in on June 24, 2002 to talk to
23 you?

24 A Yes, ma'am, he did.

25 Q Did you make arrangements to get him transportation there

1 or did he come on his own?

2 A No, ma'am, I did not make arrangements for
3 transportation, he just came in.

4 Q Exactly where did he come to meet with you?

5 A I told him I'm on the second floor in the law enforcement
6 center, room 206.

7 Q When he came there, where did you meet with him?

8 A On the second floor of the law enforcement center, room
9 206.

10 Q Is that your private office?

11 A Yes, ma'am, I have one.

12 Q If you would, describe what you did to identify yourself
13 to him and what you were going to talk to him about.

14 A When he came in he asked the secretary to see me, I went
15 up front and got him. Told him who I was. That I was
16 Lorraine Henderson. And then we went back to my office.
17 Told him what I was working on and that there had been an
18 allegation made against him and he was already aware of that
19 by the time he got there. What I wanted to talk with him
20 about. And he understood that. I told him before I talked
21 to him that I had to read him his rights and that's what I
22 did.

23 Q Did you make it clear to him that you were a law
24 enforcement officer?

25 A Yes, ma'am.

1 Q When you met with him, were you dressed similarly as you
2 are today in plain clothes or were you wearing a uniform?

3 A I was in the plain clothes.

4 Q When you met in your office as you just described, was
5 there anyone else present?

6 A No, ma'am.

7 Q Did you restrain Mr. McCall in any way?

8 A No, ma'am, I did not.

9 Q Can you describe the set up of your office, physical set
10 up?

11 A I have a small office but there's a desk, there's two
12 chairs the time you walk in the door on your right. There's
13 one chair with arms on it on the left when you walk in and
14 the other two are straight chairs. He sat in the one on the
15 left when he came in. And I got a filing cabinet in there
16 and radio holders on the right.

17 Q Did you sit behind your desk?

18 A I did.

19 Q Were you wearing or displaying a weapon of any sort at
20 that time?

21 A No, ma'am.

22 Q You stated that you told him that you had to read him his
23 rights?

24 A I did.

25 Q Is that a common procedure when you're going to talk with

1 somebody who is a suspect in a case?

2 A Yes, ma'am. I told him the allegation and I read him the
3 rights.

4 Q So you advised him of what I [] had said that he had
5 done?

6 A Yes, ma'am.

7 Q Let me show you State's Exhibit 1 for identification and
8 ask if you recognize that?

9 A Yes, ma'am. This is our waiver of rights. This is my
10 signature on here and Mr. McCall's signature, the date.

11 Q And is this a form that you use, standard, in the
12 sheriff's office?

13 A Yes, ma'am, it is.

14 Q If you would, please tell me what time is noted there
15 that you began discussing these rights with Mr. McCall.

16 A I read him his rights first and that was 3:15. And he
17 started to -- I let them start reading their waiver of rights
18 just to make sure they can read and write. And I finished
19 reading the rights at 3:17 and that's when the interview
20 started.

21 Q Did you determine that he was able to read at a level
22 that you were satisfied that he could read okay?

23 A Yes, ma'am.

24 Q Could you please read the rights that you read to him on
25 that date?

1 A Yes, ma'am.

2 These are your rights. Before we ask you any questions
3 you must understand your rights. You have the right to
4 remain silent, anything you say can be used against you in
5 court. You have the right to talk to a lawyer for advice
6 before we ask you any questions and to have him present
7 during questions. If you have no money to pay a lawyers fee
8 the Court will appoint one to represent you without cost if
9 you wish. If you decide to answer questions now without a
10 lawyer present you will still have the right to stop
11 answering at any time. You also have the right to stop
12 answering at any time until you talk to a lawyer.

13 And the waiver part, you want me read that too? I did
14 not read that to him.

15 Q Okay, well let me ask you, when you completed reading
16 those rights to Mr. McCall, did he appear to understand what
17 you had said to him?

18 A I asked him did he understand his rights and he said he
19 did. I told him I need for him to read the waiver of rights
20 out loud to me, the waiver part. And he started reading that
21 out loud until I was satisfied that he could read.

22 Q Would you please read what he read back to you.

23 A I have read the statement of my rights and I understand
24 what my rights are. I'm willing to make a statement and
25 answer questions. I do not want a lawyer at this time. I

1 understand and know what I am doing. No promises or threats
2 have been made to me and pressure or coercion of any kind has
3 been used against me.

4 Q And did you tell him that he had to sign that?

5 A No, ma'am. I told him if he wanted to talk to me he
6 could sign it. But he didn't have to.

7 Q Did he in fact sign it?

8 A Yes, ma'am.

9 Q Does his signature appear there at the bottom of that
10 form?

11 A Yes, ma'am.

12 Q And is that your signature on the left-hand corner there
13 as witness?

14 A It is.

15 Q And as you stated a moment ago I believe you completed
16 this process at approximately 3:17 p.m.?

17 A Yes, ma'am.

18 MS. SEAY: Your Honor, I would ask that State's Exhibit 1
19 entered into evidence at this time.

20 THE COURT: Any objections?

21 MR. SULLIVAN: No objection, Your Honor.

22 (WHEREUPON, State's Exhibit No. 1 was admitted
23 into evidence.)

24 BY MS. SEAY:

25 Q Investigator Henderson, what was Mr. McCall's demeanor at

1 that time?

2 A He appeared concerned about the allegation. Like I said,
3 when I told him the allegation he already knew what it was
4 about before he came in. He told me he was willing to talk
5 to me.

6 Q Did he appear to be under the influence of anything at
7 that time that would impair his ability to understand what
8 was going on?

9 A No, ma'am.

10 Q Were you aware of anyone else having -- anyone else there
11 at the sheriff's office having contact with him at that time
12 and threatening or coercing him in any way?

13 A No, ma'am. When he came up he only talked to the
14 secretary to see me and she called me.

15 Q Did you threaten him in any fashion whatsoever that he
16 had to sign that waiver of rights and talk to you?

17 A No, ma'am, I did not.

18 Q Did you pressure or coerce him in any way?

19 A No, ma'am.

20 Q I want to direct your attention to your supplemental
21 report that you prepared detailing what you just described
22 about reading him his rights. Did he say anything to you
23 about what I [] had said that he did?

24 A You talking about the first page on the 24th?

25 Q That's correct?

1 A I initially told him what it was and like I said he said
2 he knew what it was about before he came in. Because his
3 wife had called to see where I worked. And he told me he
4 didn't do it. If that's what you're asking.

5 Q What else did he tell you?

6 A He stated that he remembered when she was five or six
7 years old that she had a crush on him. And that she had made
8 gestures to him that made him feel uncomfortable. I asked
9 about the gestures, you know, what kind of gestures would a
10 five or six year old could make. He was telling me, you
11 know, how she was handicapped and stuff and how she was
12 laying in the floor. And kind of half in and half out of his
13 daughter's room and that she was changing clothes and that
14 she had grabbed under her breast and kind of waived it at
15 him.

16 Q Did you document that in your report at that time?

17 A Yes, ma'am, I did. And I even told him that I didn't
18 think she had any breasts at five or six years old at that
19 point.

20 Q What was his response?

21 A He kind of showed me how she kind of cuffed her breast at
22 him. Kind of waived it at him. When he felt like she had a
23 crush on him, you know, he kind of stayed away from her at
24 that point.

25 Q Okay. At that point in time did you make arrangements or

1 did you ask Mr. McCall if he would come back and talk with
2 you at a later date?

3 A Yes, ma'am, I did.

4 Q Did you have the intention of following up on what y'all
5 had talked about?

6 A Yes, ma'am, I did.

7 Q Did he agree to come back and talk to you?

8 A He did.

9 Q When was that appointment scheduled?

10 A Well he agreed to come back for another interview on the
11 26th.

12 Q So he agreed to come back two days later; is that right?

13 A Yes, ma'am, that is right.

14 Q Did you tell him that he had to come back and talk to you
15 on the 26th?

16 A No, ma'am.

17 Q When he came in on the 26th, did you ask one of your
18 colleagues to assist you with interviewing and talking to
19 Mr. McCall?

20 A Yeah, I had already talked with him about it. I didn't
21 ask him on the 26th. Before the 26th.

22 Q So you had already made arrangements for someone else to
23 assist with this investigation?

24 A I did.

25 Q Who did you ask to assist you?

1 A Tony Hudgins.

2 Q Is he also an investigator with the sheriff's office?

3 A He's a sergeant with the sheriff's office.

4 Q Okay. On June 26th, 2002 did Mr. McCall come back to the
5 law enforcement center?

6 A Yes, ma'am, he did.

7 Q Did you make arrangements for his transportation or did
8 he just arrive there on his own?

9 A No, ma'am. I don't know how he got there, he arrived on
10 his own. He was waiting on me.

11 Q About what time was he waiting on you on the 26th?

12 A We had an appointment at 1:30. He got there maybe 10
13 minutes prior because I asked him to be a little early. And
14 he was waiting upstairs in my office.

15 Q Okay. Was there anyone else present while he was waiting
16 for you?

17 A Well there's someone in the office at all times. When I
18 came back in he was right there in the foyer, like a little
19 lobby right before the secretary.

20 Q Were you, again, were you dressed similarly to what you
21 are today?

22 A Yes.

23 Q Were you displaying a weapon or anything like that at the
24 time?

25 A No, ma'am.

1 Q Did you then take him to Sergeant Hudgins office?

2 A I did.

3 Q Did you remain in Sergeant Hudgins office for the
4 interview?

5 A No, ma'am. I took him down and I came back up to my
6 office.

7 Q Did you introduce him to Sergeant Hudgins and identify
8 who he was?

9 A I did.

10 Q Did you tell him that Sergeant Hudgins was also a law
11 enforcement officer and an investigator with the sheriff's
12 office?

13 A Yes, he's a Sergeant.

14 Q I'm sorry, Sergeant?

15 A Yes, okay. Yes, I did. And I told him that I'm leaving
16 him down there and I was going back up and that I would see
17 him later.

18 Q Did he indicate to you at that time that he didn't want
19 you to leave him to talk to Sergeant Hudgins or that he
20 didn't wish to talk to anybody else?

21 A No, ma'am.

22 Q What was his demeanor at that time?

23 A He was still a pleasant person at that time. And still
24 concerned. Seemed concern about the situation.

25 Q Did he appear to be under the influence of anything?

1 A No, ma'am.

2 Q Did he appear to be impaired in way that was obvious to
3 you?

4 A No, ma'am.

5 Q Did he tell you that he was impaired or anything was
6 interfering with his rational thinking at that time?

7 A No, ma'am.

8 Q After you left him with Sergeant Hudgins, did you later
9 have occasion to see him again?

10 A Yes, ma'am, I did.

11 Q How did you come about seeing him again?

12 A When Sergeant Hudgins called me back and I went back
13 downstairs and met with Mr. McCall. And Sergeant Hudgins at
14 that time. And I was told that he wanted to talk to me.

15 Q Okay. Did Mr. McCall tell you what he wanted to talk to
16 you about?

17 A He -- well he told me at that point what he -- he made
18 the statement at that point that he had pulled the -- that
19 the victim pulled his hand to her vagina on one occasion and
20 he inserted his finger into her vagina but it was a long time
21 ago.

22 And I said well let's go back upstairs and talk if you
23 want to talk.

24 And he said, Okay.

25 So we go back up to my office on the second floor.

1 Q Just the two you went?

2 A Yes.

3 Q Did he -- at any point on the walk up there say I don't
4 want to go any further, I don't want to talk to you anymore?

5 A No, ma'am. We took the elevator back up and we went up
6 there. Like I said, he was still a pleasant man. And we
7 went back to the office, up in my office and we talked.

8 Q When you got to your office was there anybody present
9 when you continued meeting with Mr. McCall?

10 A No, we were by ourselves again.

11 Q Did you continue to have a conversation with him there
12 about what he had told you?

13 A Well I told him I had to read him his rights again. And
14 I read him his rights a second time.

15 Q Did you use the same form that you had used two days
16 earlier?

17 A I did.

18 Q I'm going to show you State's Exhibit 2 for
19 identification, ask you if recognize that?

20 A Yes. This is our waiver, again, waiver of rights form.
21 It bears my signature, the time, date and Mr. McCall's
22 signature again.

23 Q What is the date and time that appear on this waiver?

24 A 6/26/02. Started at 5:55 p.m. Finished at 5:58 p.m.

25 Q Is this form, other than the parts that you filled in, is

1 it identical to the one that he signed on June 24th, 2002?

2 A Yes, ma'am, it is.

3 Q And you said that you felt that you needed to tell him
4 his rights again, did you actually go through these rights
5 with him again?

6 A Yes, ma'am, I did.

7 Q Would you please read what you read to him on that day?

8 A Your rights. Before we ask you any questions you must
9 understand your rights. You have the right to remain silent,
10 anything you say can be used against you in court. You have
11 the right to talk to a lawyer for advice before we ask you
12 any questions and to have him present during questions. If
13 you have no money to pay a lawyers fee the Court will appoint
14 one to represent you without cost if you wish. If you decide
15 to answer questions now without a lawyer present, you will
16 still have the right to stop answering at any time. You also
17 have the right to stop answering at any time until you talk
18 to a lawyer.

19 Q Did he indicate to you that he understood what you said
20 to him about what his rights were?

21 A Yes, ma'am, he did.

22 Q Did he ask you any questions about any of these rights?

23 A No, ma'am, he did not.

24 Q Did you, again, did you have him read the final
25 paragraph?

1 A Yes, ma'am. But he did not read it out loud the second
2 time for me.

3 Q Did he sign the form?

4 A He did.

5 Q And his signature then appears there on the bottom
6 right-hand corner?

7 A Yes, ma'am.

8 Q And your signature is in the left-hand corner?

9 A It is.

10 Q With the finish time of 5:58 p.m.?

11 A That's correct.

12 MS. SEAY: Your Honor, I would ask that this exhibit be
13 moved into evidence at this time.

14 THE COURT: Any objection?

15 MR. SULLIVAN: No objection.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit No. 2 was admitted
18 into evidence.)

19 BY MS. SEAY:

20 Q After you finished completing that, did you continue to
21 talk with Mr. McCall about the situation with L []?

22 A I did.

23 Q Did he ever at any point in time tell you that he didn't
24 want to talk do you anymore?

25 A No, ma'am.

1 Q Did you tell him that he had to continue talking with
2 you?

3 A No, ma'am.

4 Q Did you pressure him, coerce him or promise him anything?

5 A I did not.

6 Q Did you tell him that you wanted to take a written
7 statement?

8 A I did.

9 Q What was his response?

10 A I ask him was he willing to give one to me and he said he
11 was.

12 Q How did you go about preparing the written statement?

13 A I type it up on the computer exactly what he says. He
14 has -- before he signs it he has to read it to see if that's
15 exactly what you said. Do you want anything changed on here?
16 Do you want anything added on here? He says no and he signs
17 the statement.

18 Q Is that the process that you followed when you prepared
19 his statement?

20 A It is.

21 Q So you personally typed the statement based on what he
22 told you?

23 A Yes. He talks to me and I type.

24 Q Okay. Did you determine what his educational background
25 was?

1 A Yes, ma'am, I did.

2 Q What did you determine on that particular date that his
3 education was?

4 A Said he had a year -- finished high school, had a year of
5 college so we put 13.

6 Q Okay. At the time that you met with him at approximately
7 starting at 5:55, did he appear to be impaired in any way at
8 that time to you?

9 A No, ma'am, he did not.

10 Q Did he appear rational in the way that he was
11 communicating with you?

12 A He did.

13 Q Did he ask for any accommodations of any kind that you
14 denied him such as to get something to drink or go to the
15 bathroom or anything like that?

16 A He didn't ask for anything like that.

17 Q Did you restrain him in any way with handcuffs or
18 otherwise?

19 A No, ma'am. He come and sat in the same chair.

20 Q Do you feel that you made it clear to him, based on
21 reading him his rights and the atmosphere that you had there,
22 that he could cease that interview and leave at any time?

23 A Yes, ma'am, I did.

24 Q Let me show you State's Exhibit 3 and ask if you
25 recognize that?

1 A Yes, ma'am. This is our waiver form. I mean, not waiver
2 form that we use, this is -- after we read the waiver this is
3 my statement form that I took.

4 Q Is that the statement that you prepared on June 26th,
5 2002 as a result of talking to Mr. McCall?

6 A It is.

7 Q How old did he tell you he was at that time?

8 A 44.

9 Q Does he signature appear on this statement?

10 A It does.

11 Q Did you tell him that he had to sign it?

12 A No, ma'am.

13 Q Did you ask him if he wanted to sign it?

14 A What we do we prepare it just like he said it. Give it
15 to him and tell him, you know, this is your statement, what
16 you gave me. If there's anything on here that needs to be
17 changed or whatever, you let me know if you want something
18 added or changed. And he said no that was correct.

19 Q Did he read through it?

20 A He did. I gave it to him to read through it. He took
21 the time and he read it. And I asked him was he swearing
22 that this was the truth and he said it was. And he signed
23 it.

24 Q Did you give him a copy of the statement?

25 A I did.

1 Q Did he sign that he received a copy of the statement?

2 A Yes, ma'am, he did.

3 Q And then did you notarize the statement?

4 A I did. And I got someone else to witness it.

5 Q Who witnessed it?

6 A Antonio Bailey. Investigator Antonio Bailey.

7 Q Is Investigator Bailey an investigator there at the
8 sheriff's office?

9 A He is.

10 Q Did he have any involvement in this case or was he simply
11 a witness to this statement?

12 A No, our office hours were over at that time and
13 Mr. Bailey stayed there because I was interviewing
14 Mr. McCall. And he stayed there in the office just so there
15 would be someone else in the office at that time. And when
16 Mr. McCall read his statement, I called Mr. Bailey back
17 there. When he finished he signed his statement, Mr. Bailey
18 witnessed it, I swore him to it that it was the truth.

19 Q Okay.

20 MS. SEAY: Your Honor, I would ask that the statement,
21 which is State's Exhibit 3 be moved into evidence.

22 THE COURT: Any objection?

23 MR. SULLIVAN: No objection, Your Honor.

24 (WHEREUPON, State's Exhibit No. 3 was admitted
25 into evidence.)

1 MS. SEAY: Your Honor, do I have permission to publish
2 the statement at this time?

3 THE COURT: All right.

4 (WHEREUPON, State's Exhibit No. 3 was published
5 to the jury.)

6 BY MS. SEAY:

7 Q Investigator Henderson, when you gave him that statement
8 to read, to ask him if he wished to sign it, did it contain
9 his rights up at the top of it once again as I just
10 published?

11 A Yes, ma'am, it did.

12 Q What was Mr. McCall's demeanor after you completed this
13 statement and he signed it and was given a copy?

14 A He was -- he was kind of -- he was kind of upset at that
15 point. He -- but he was still a friendly person. And I
16 actually -- I even asked him at that point did he want to get
17 everything done today or would he like to come back. And he
18 wanted to go ahead and finish today. That day.

19 Q And when you say that did you mean serving him with an
20 arrest warrant?

21 A I told him I was going to sign the warrant, I did.

22 Q So y'all went ahead and completed that process?

23 A He wanted to get it all done that day.

24 Q Okay.

25 A And he was allowed to -- he corresponded with his wife

1 and they talked about it, you know, in front of me.

2 Q Was she present at the law enforcement center?

3 A Yes, she was at that point. She came back to the office
4 at one point when he was reading his statement. And he at
5 one point told her just go back and sit down. But she was a
6 little upset. And they talked a little bit, you know, and he
7 was telling her, you know, that he had told me what happened.
8 She was asking why would he sign that? And he told again,
9 you know, to go back. And I asked her just to go back to the
10 front. And then when we talked again when I asked him did he
11 want to get everything done?

12 He says, Yes.

13 And she was called back and was told what to do, what she
14 needed to do as far as bond and how bond would go.

15 Q Okay.

16 A And I told her it would be a little while before I got
17 him over there because I was going to go home and type the
18 warrant and stuff and then we were going to go on to
19 detention. They could meet us at the detention. Because I
20 had to go in a different way than what she would have been
21 going in.

22 Q Okay.

23 MS. SEAY: Investigator Henderson, those are all the
24 questions I have at this time. Please answer any
25 Mr. Sullivan may have for you.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Ms. Henderson, on your initial report on the 24th, page one, at the bottom, Mr. McCall stated the victim needs a lot of help. She did not excite him because she was a child. Do you recall that?

A You said my page one?

Q Yes, ma'am, I can show you my copy. Just the last line is fine.

A Yeah, he told me that she needed a lot of help. And that she didn't excite him.

Q Did not excite him because she was just a child?

A Yes.

Q How long did you talk to Mr. McCall on the 24th? Do you recall?

A I would say it was roughly 30, 40 minutes. We talked about more than this case.

Q During this period of time and then again on the 24th, did you find anything about his family background? Like does he have children, this type thing?

A Yes, he told me he had children.

Q Do you know how many he had?

A I can't remember how many he said he had but I know he had children. Like I say we talked about that.

Q Boys and girls?

1 A Yes.

2 Q Now, while he was with Mr. Hudgins, Sergeant Hudgins, you
3 were upstairs; is that correct?

4 A That's correct?

5 Q Now, did you ever tell Mr. McCall that he needed to say
6 something happened so he could get help and that he wouldn't
7 go to jail?

8 A No, sir, I didn't.

9 Q Did you ever tell him that DSS was going to come and take
10 his children away unless he said something happened?

11 A No, sir. But I informed him that I had to notify DSS
12 about this because they were in a baby-sitting capacity.

13 Q Do you know of your own knowledge whether DSS interviewed
14 the family?

15 A No, sir, I really do not.

16 Q Now did he, during some part of the time, ask that his
17 wife be allowed to be back there and you tell him that
18 wouldn't be possible right then?

19 A No, sir. No, sir. Like I said, at one point she came
20 back there but we were practically over. And he had asked
21 her to go back out. But she was a little upset at the time.

22 Q On the date, the 26th, the day of the statement, both
23 occasions he volunteered and came to the station or the LEC;
24 is that correct?

25 A Yes, sir.

1 Q You said he got there around 1:15, 1:20?

2 A It was somewhere in that neighborhood. I asked him to
3 come kind of 10 minutes early.

4 Q And then by the time y'all got through it was almost what
5 7 o'clock?

6 A When we got through with the -- it was like 5:55 when I
7 read him his rights. When we typed it it probably took about
8 20, 30 minutes to do that. And he was taken in over at
9 detention after we talked a while longer when we finished the
10 warrant and things. And I explained to him what they have to
11 do. And when you're booked in -- he was booked in at 21:06
12 but I had taken him --

13 Q That's military time, what time is that?

14 A I'm sorry.

15 Q What time would that be in my time? 21?

16 A Maybe 9. He was booked in. But he was taken over there
17 before then. So when they got around to doing it, you know.

18 Q Then it's your knowledge he was released that evening?

19 A Well his people were there. When we walked over there,
20 myself and Mr. McCall walked out of the back door and
21 Ms. McCall had left out the front door. And after I put him
22 -- I left him there. I talked to the family a little bit
23 when I left.

24 Q On the statement that he signed he claims that, according
25 to this, that the incident in Columbia, he just helped the

1 little girl get dressed; is that correct?

2 A That's correct. And cleaned up her toe.

3 Q She cut herself I guess in the pool or something?

4 A Yes, sir. I don't know where the cut happened but he
5 told me he cleaned up her toe.

6 Q And the other time you said that in his statement she had
7 initiated that kind of contact?

8 A Yes.

9 Q And these were the only two things mentioned in his
10 statement about any kind of contact with the girl; is that
11 correct? He looked at it and you typed it?

12 A In his statement?

13 Q Uh-huh.

14 A Those were the two.

15 Q Now, when you were interviewing L did you have
16 trouble understanding her like yesterday a little bit?

17 A Yes, sir, I did. But I was trying to listen close. She
18 said a few words that I could not understand and I thought
19 she was saying the names, the pronunciation of names, were
20 not right and I had to address Ms. Sally to get who she was
21 saying.

22 Q She had the same therapist, I believe, Jo Guest was here
23 yesterday helping her out?

24 A No, sir, it was not the same person.

25 Q It was not the same person but she was doing a similar

1 function?

2 A Yes.

3 Q In the two years since you talked to her initially and I
4 think you said on June 10th?

5 A Yes.

6 Q Until yesterday, isn't she better spoken over the last
7 two years? Improved?

8 A Well, I think she has some, yes.

9 Q So most of what you were getting was coming from somebody
10 telling you what she was saying; is that correct?

11 A No, sir. Like I said, I wanted to do it on my own. I
12 would not allow her mother to come back to help. And they
13 wanted another young lady named A [redacted] to but I didn't want
14 anybody with the family back there. And this lady Ms. Sally
15 came back.

16 Q This was on June 10th, I believe?

17 A 10th. And I talked with her -- but I even asked her,
18 unless I cannot understand and ask you, please do not help
19 her. So most of it I could understand. Like I said names I
20 could not get to much -- the pronunciation I couldn't pick
21 up.

22 Q And before you saw this family on the 10th of June of
23 '02, you had no previous contact with them; is that correct?

24 A No.

25 Q So you don't know of any conversations that went on that

1 they may have had before they saw you?

2 A Oh, no.

3 MR. SULLIVAN: I have nothing further.

4 THE COURT: Any redirect?

5 MS. SEAY: No, sir, nothing further.

6 THE COURT: Thank you, you can step down.

7 Take the jury out for a short recess, please.

8 (WHEREUPON, the jury left the courtroom at

9 approximately 10:55 p.m.)

10 THE COURT: All right, we'll take a short recess.

11 (WHEREUPON, a short break was taken.)

12 THE COURT: Bring the jury in.

13 (WHEREUPON, the jury entered the courtroom at

14 approximately 11:15 p.m.)

15 THE COURT: All right, Solicitor, you may continue.

16 MS. SEAY: The State calls Antonio Bailey.

17 THE CLERK: Place your left hand on the Bible, raise your
18 right hand.

19 Antonio Bailey, after being duly sworn,
20 testified as follows:

21 THE CLERK: Please be seated. State your name for the
22 record.

23 THE WITNESS: Antonio Bailey.

24 ///

25 ///

175

DIRECT EXAMINATION

BY MS. SEAY:

Q Investigator Bailey, are you employed at the Greenville County Sheriff's Office?

A Yes, ma'am.

Q What's your occupation there?

A Criminal investigation in the CID unit.

Q What is the CID unit?

A Central Investigation Division. I'm currently assigned to the violent crimes division.

Q How long have you been employed there?

A 12 years.

Q Do you have previous law firm experience?

A I do.

Q Would you describe that?

A I was a police officer in Georgetown for six years prior to coming to Greenville.

Q What is your education and training to perform the duties as a law enforcement officer?

A Four years Bachelors Degree at the criminal justice -- and graduate of the Criminal Justice Academy along with several other than training seminars.

Q Are you currently certified as a law enforcement officer in South Carolina?

A I am.

176

1 Q On June 26th 2002, were you working at the sheriff's
2 office on that date?

3 A Yes, ma'am.

4 Q Do you recall coming in contact with the defendant in
5 this case, Robert McCall?

6 A Yes, ma'am.

7 Q What was the contact that you had with him?

8 A Basically the day in question I remember getting off, I
9 get off at 4:30. As I was walking by Investigator
10 Henderson's office I noticed that she was still there
11 conducting an interview. And after -- as I walked by I was
12 on my way out and I noticed that she was still conducting the
13 interview so I basically wanted to stay in the office with
14 her.

15 Q Was there not anybody else there?

16 A No one else was there.

17 Q Is that sort of common procedure for you to back one
18 another up if you're working a little bit late?

19 A Well I just didn't want to leave her in office because,
20 again, at that time I really didn't know whether or not he
21 was a victim or a suspect. So basically stood around the
22 office while she conducted her interview. I later found that
23 Mr. McCall's wife was in the lobby. I stood around and
24 talked with her a while as Investigator Henderson conducted
25 her interview.

177

1 Q Did you overhear any of the interview?

2 A No, ma'am.

3 Q You didn't participate in it any way?

4 A No, ma'am.

5 Q Was Investigator Henderson interviewing Mr. McCall in her
6 office?

7 A She was.

8 Q Was the door opened or closed?

9 A The door probably was opened but the position where
10 myself and Ms. McCall was, we really couldn't hear the
11 contents of the interview.

12 Q Were you in a waiting area with Ms. McCall, a lobby area?

13 A We were in the office. Our office is probably the size
14 of this courtroom, and it's petitioned off. We were in the
15 office and, of course, Investigator Henderson has a
16 individual office if you will. So we were basically in what
17 we call the bullpen.

18 Q Are you aware of Investigator Henderson threatening
19 Mr. McCall in any way?

20 A No, ma'am.

21 Q Were you aware of her forcing him to waive any rights
22 that he had?

23 A No, ma'am.

24 Q Were you aware of her forcing him to give her a statement
25 concerning what happened?

1 A No, ma'am.

2 Q Did Mr. McCall appear to be voluntarily participating in
3 the interview process?

4 A Yes, ma'am.

5 Q Did you notice anything about him that gave you concern
6 as far as his demeanor or anything?

7 A No, ma'am.

8 Q Did he appear to be under the influence of anything?

9 A No, ma'am.

10 Q Did he appear to be acting normally?

11 A Yes.

12 Q Did he appear to understand what was going on around him?

13 A Yes, ma'am.

14 Q I want to show you State's Exhibit 3 which is in evidence
15 and it's a statement that Robert McCall made, do you
16 recognize that?

17 A Yes, ma'am.

18 Q Does your signature appear on that?

19 A It does.

20 Q Where is your signature?

21 A At the bottom left-hand corner.

22 Q Did Investigator Henderson request that you witness the
23 statement?

24 A Yes, she did. At the conclusion of her interview, just
25 before Mr. McCall was asked to sign, she basically asked me

1 to come in the office with her to observe him actually sign
2 the statement. Which I did.

3 Q So you saw him sign the statement?

4 A Yes, ma'am.

5 Q Did he appear to do that of his own freewill?

6 A Yes, ma'am.

7 Q Did anyone force him to sign it?

8 A No.

9 Q Did he say anything when he signed it such as, I don't
10 want to sign this?

11 A No, ma'am.

12 Q Did he indicate that he wanted to stop the interview
13 process at anytime in your presence?

14 A No, ma'am.

15 Q Did you see him sign for a copy of that statement, also?

16 A I did.

17 MS. SEAY: Those are all the questions I have. Please
18 answer any that Mr. Sullivan might have.

19 THE COURT: Mr. Sullivan.

20 CROSS-EXAMINATION

21 BY MR. SULLIVAN:

22 Q You testified you didn't have a interview yourself with
23 Mr. McCall; is that correct?

24 A No, sir.

25 Q Basically witness him when he voluntarily signed the

1 statement?

2 A That's the only thing I did.

3 MR. SULLIVAN: Thank you, nothing further.

4 THE COURT: Thank you, step down.

5 MS. SEAY: The State calls Sergeant Tony Hudgins.

6 THE CLERK: Place your left hand on the Bible, raise your
7 right hand.

8 Tony Hudgins, after being duly sworn, testified
9 as follow:

10 THE CLERK: Thank you, please be seated. State your name
11 for the record.

12 THE WITNESS: Anthony Hudgins.

13 DIRECT EXAMINATION

14 BY MS. SEAY:

15 Q Sergeant Hudgins, are you also employed at the Greenville
16 County Sheriff's Office?

17 A I am.

18 Q How long have you been employed there?

19 A 19 years.

20 Q What's your current capacity?

21 A I'm a sergeant assigned to the Office of Professional
22 Standards.

23 Q Would you please describe what your training and
24 education are to perform your duties?

25 A I attended Greenville Tech criminal justice program,

181

1 graduated from the South Carolina criminal Justice Academy.
2 Have attended numerous trainings and seminars in interview
3 interrogation. IPTM in Jacksonville most recently in the
4 Read seminar. I attended the Maryland Institute of Criminal
5 Justice. Then I have continue education every year in this
6 field.

7 Q And you're also certified as a law enforcement officer in
8 South Carolina?

9 A I am.

10 Q Were you working in your current capacity on June 26th,
11 2002?

12 A Yes, ma'am.

13 Q Had Investigator Henderson requested your assistance with
14 interviewing Robert McCall?

15 A Yes, ma'am.

16 Q Did you agree to help her?

17 A I did.

18 Q Approximately what time did you meet with Mr. McCall on
19 June 26th?

20 A Approximately 1:20 p.m., 1:25 p.m.

21 Q Did Investigator Henderson bring him to your office?

22 A She did. She brought him down, introduced me, then she
23 left.

24 Q Did she identify you as a law enforcement officer to him?

25 A Yes, ma'am.

1 Q Did you do any further explanation of who you were and
2 your employment there?

3 A I did. I did. I asked him if he was aware of why he was
4 there. To talk to me about this issue. He stated he was.

5 Q When Investigator Henderson brought him down and
6 introduced you, was he restrained in any way?

7 A No, he was not.

8 Q Was Investigator Henderson forcing him to come talk to
9 you?

10 A No, she was not.

11 Q Did he appear to be acting freely and willing of his own
12 volition at that time?

13 A Yes, ma'am.

14 Q Did he express anything to you as far as not wanting to
15 continue talking to you all?

16 A No, ma'am.

17 Q What do you remember his demeanor to be at the time?

18 A Concerned but cordial.

19 Q Did he appear to be under the influence of anything at
20 that time?

21 A No.

22 Q Did you tell him that you were also going to tell him
23 what his rights were?

24 A Yes.

25 Q And did you do that?

1 A I did.

2 Q Do you have an affidavit or a form that you use to advise
3 person's of their rights?

4 A I do.

5 Q Let me show you State's Exhibit 4 for identification, do
6 you recognize that?

7 A I do. That is our form that outlines his rights.

8 Q What date and time appear on that affidavit?

9 A 6/26/02 1:25 p.m.

10 Q Is that your handwriting in the upper right-hand corner?

11 A It is.

12 Q And are those the rights that you advised Mr. McCall of
13 on June 26?

14 A Yes, ma'am.

15 Q Would you please read the rights that you read to him?

16 A State of South Carolina, County of Greenville. To whom
17 it may concern, this is to acknowledge or say that I have
18 been advised that I have the right to remain silent. That
19 anything I say maybe used in court against me. That I'm
20 entitled to talk to a lawyer now and have him present now or
21 any time during questioning. If I cannot afford a lawyer,
22 one will be appointed for me without cost. That if I decide
23 to answer questions now, that I may stop the questioning at
24 any time I so choose. I understand each of these rights and
25 I wish to waive them.

1 Q Did he appear to understand these rights when you read
2 them to him?

3 A Yes, ma'am.

4 Q Did he ask you any questions about these rights?

5 A No, ma'am. I asked him if he fully understood, he stated
6 he did. I asked him if he had any questions and he stated
7 no.

8 Q Did you ask him to initial the rights that you had read
9 to him?

10 A Yes, ma'am.

11 Q Did he do that?

12 A Yes, ma'am.

13 Q Where did he initial?

14 A Beside each one of the numbers that outlines his rights
15 through 6.

16 Q So he initialed each of those rights?

17 A Yes, ma'am.

18 Q And is that his signature that appears at the bottom of
19 the form?

20 A It is.

21 Q Did you witness him signing it?

22 A I did there.

23 Q And your signature appears on here also, is that correct?

24 A Yes, ma'am.

25 MS. SEAY: Your Honor, I'd ask that this Exhibit No. 4 be

1 moved into evidence.

2 THE COURT: Any objection?

3 MR. SULLIVAN: No objection.

4 THE COURT: Without objection.

5 (WHEREUPON, State's Exhibit No. 4 was admitted
6 into evidence.)

7 BY MS. SEAY:

8 Q Had Investigator Henderson made you aware of the nature
9 of the investigation that was going on?

10 A Yes, ma'am, I had reviewed the case file.

11 Q What was the thirist thing you did after Mr. McCall signed
12 this form? Did you begin the interview process?

13 A We discussed his voluntariness of being there. That he
14 understood that he wasn't under arrest. That he was free to
15 get up and leave anytime he so chose. He stated that he
16 understood that. We discussed at length -- I guess we went
17 through an acquaintance period where we just talked about
18 things in general. His employment, work history, family.
19 Trying -- for me to kind of get to know him a little bit.

20 Q Did you ask him any questions about his health or medical
21 history?

22 A I did.

23 Q Did you ask him if he had had adequate sleep the night
24 before?

25 A I did. And he indicated that he had had nine hours.

1 Q Did you document that?

2 A I did. On my questionnaire form.

3 Q Did you ask him if he was under or taking any medication
4 that might effect his ability to communicate rationally with
5 you?

6 A I did. And again on my questionnaire form he had
7 indicated that he had only taken some aspirin.

8 Q Aspirin?

9 A Yes, ma'am.

10 Q Did he express any concerns to you about anything to do
11 with his health that might interfere with the interviewing
12 process?

13 A No, ma'am.

14 Q Approximately how long did you spend in this get
15 acquainted time?

16 A Probably an hour.

17 Q Okay. What happened after that?

18 A I had some other things to do, we took a break.

19 Q Well let me ask you this, the time period that you just
20 described, was it just the two of you in your office?

21 A Yes, ma'am.

22 Q Were you restraining him during that time period in any
23 way?

24 A No, ma'am.

25 Q Were you dressed similarly as you are today?

1 A No, ma'am. I actually dress casual. It helps keeps a
2 casual atmosphere. I wear an open collar.

3 Q Did you display a weapon or anything of that kind during
4 the interview?

5 A No, ma'am. I do not display a weapon or a badge.

6 Q Okay. Are you aware of anyone else threatening or
7 intimidating Mr. McCall in any way during the time period
8 that you spent with him?

9 A No, ma'am. There again, that is another question that I
10 asked him. To make sure he was there of his own freewill and
11 accord. One of the questions I asked if anybody had forced
12 him to come in and he indicated no.

13 Q So you said at some point y'all had a break?

14 A Yes, ma'am.

15 Q Would you describe that?

16 A I took Mr. McCall out of the office, took him into the
17 hallway. I showed him where the rest rooms were, where the
18 canteen was. If he smoked I told him where he could go
19 outside and smoke. This was not a custodial situation. He
20 was free to come and go as he pleased. Then I had some
21 things I had to do in my office while he was taking his
22 break. And then I got done I took a break. So, you know, we
23 probably combined had a 30 minute break.

24 Q And during this break when you showed him where he could
25 use the rest room or get something at the canteen or smoke if

1 he so desired, did you leave him in anybody's custody or
2 presence?

3 A No, ma'am, he was alone.

4 Q And you said that you showed him where he could smoke if
5 he wanted to, was that outside of the building?

6 A Yes, ma'am, outside.

7 Q So you told him he was free to go outside the building if
8 he wanted to?

9 A Yes, ma'am.

10 Q Was there anyone stationed there at the door that was
11 going to stop him if he just decided to walk out the door?

12 A No, ma'am. The only thing if he would go out, somebody
13 would have to let him back because our doors are coded.

14 Q Okay. After the break, did you continue talking with
15 Mr. McCall?

16 A We did.

17 Q Did you continue with the get acquainted process or did
18 you begin to discuss the case?

19 A No, we started addressing the issue at this point. I had
20 him recant the event to me. We talked at length about his --
21 how he knew the victim and how he was a care giver or had
22 kept her from early stages of her life until about 6. He
23 brought up the fact that he felt like she had a crush on him
24 when she was about 5 or 6.

25 Q Did you pursue that line of thought with him?

1 A I did. During our conversation what I look for is for
2 them to start adding or deleting things from previous
3 statements. I asked him repeatedly if he felt -- how -- if
4 there was ever an opportunity that this could have happened.
5 He repeatedly stated no. And then at one point he did say
6 well there was one time. And I think he indicated that she
7 was either taking a nap or he was putting her down for a nap
8 or getting her up from a nap. He was helping her get her
9 clothes on or off, I really can't remember which but that she
10 grabbed his hand and had pulled it between her legs to her
11 vaginal area and that he had inserted a finger in her vagina
12 at that point.

13 Q What was his demeanor when he told you that?

14 A Calm. It was -- it was -- there again, he was concerned.
15 But it wasn't an emotional situation. There was a very
16 nonconfrontational interview session. But as soon as he made
17 the admission I asked him if he would like to explain that to
18 Investigator Henderson. And he stated that he would. And
19 that's when I notified Investigator Henderson to come down.

20 Q Did you yell and scream at him and tell him that he had
21 to tell you that?

22 A No, ma'am. Very nonconfrontational.

23 Q Did you ever get aggressive with him in any way?

24 A No, ma'am.

25 Q Did you promise him anything in exchange for telling you

1 what he did?

2 A No, ma'am.

3 Q Did he appear to be rational in his communication with
4 you at that time?

5 A Very, yes, ma'am.

6 Q And you did not take a written statement from him at that
7 time, is that right?

8 A No, ma'am.

9 Q You were going to turn that part over to Investigator
10 Henderson?

11 A Yes, ma'am.

12 Q And did she come back down to meet Mr. McCall again?

13 A She did.

14 Q Did he ever tell you, No, I don't want to go with her to
15 talk further?

16 A No, ma'am.

17 Q Did Investigator Henderson tell him that he had to?

18 A No, ma'am. She asked if he wanted to go upstairs and
19 talk about it and he indicated that he did.

20 Q Okay. And did you go back upstairs with the two of them?

21 A No, ma'am.

22 Q Based on everything that you witnessed that day, did
23 Mr. McCall freely and voluntarily tell you and Investigator
24 Henderson what he did to REDACTED?

25 A Yes, ma'am.

1 Q Was Mr. McCall denied anything that he might have needed
2 or requested during the time he was with you? Such as a
3 drink or water or use the bathroom or anything like that?

4 A No, ma'am.

5 Q If he had asked you, Can I go make a telephone call, what
6 would your response have been?

7 A Certainly, he wasn't in custody. He was free to come and
8 go anytime he chose.

9 Q Did he ever ask you if he could call anyone?

10 A No, ma'am.

11 Q If he had asked you to stop the interview, that he did
12 not want to answer anymore questions, what would you have
13 done?

14 A Stopped the interview.

15 Q If he had stopped the interview and said, you know, I
16 want to get a lawyer at this point, what would you have done?

17 A Stop the interview and notified Investigator Henderson.

18 Q He would have been permitted to do whatever he needed to
19 do at that point?

20 A Oh, yes, ma'am.

21 MS. SEAY: Those are all the questions I have. Please
22 answer any questions that Mr. Sullivan might have.

23 THE COURT: Mr. Sullivan.

24 MR. SULLIVAN: Just a couple.

25 ///

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q You've seen this statement, have you not?

A Yes.

Q That's the extent of what Mr. McCall said happened between he and this young lady; is that correct?

A Yes, sir.

Q In time you went like 1:30 to about 5:00, that's the only two mention of this situation; is that correct?

A Yes, sir.

Q During that period of time, do you recall telling him that it would be better if he admitted something, if he had a problem he'd get help?

A No, sir.

Q Did you tell him that if he admitted something that he'd go home that night?

A No, sir. That wasn't my decision to make.

Q Did you tell him that DSS was going to come and take his children?

A No, sir.

Q Did you know that he had five children?

A We had talked about that, yes, sir.

Q You made no statements of why this was mentioned to Mr. McCall?

A No, sir.

1 MR. SULLIVAN: I have nothing further, Your Honor.

2 THE COURT: Thank you, you can step down.

3 MS. SEAY: The State calls Nicholas Demos.

4 THE CLERK: Place your left hand on the Bible, raise your
5 right hand.

6 Nick Demos, after being duly sworn, testified
7 as follows:

8 THE CLERK: Thank you, please be seated. State your name
9 for the record.

10 THE WITNESS: Nick Demos. Nicholas Demos.

11 DIRECT EXAMINATION

12 BY MS. SEAY:

13 Q Mr. Demos, you go by Nick?

14 A Right.

15 Q Mr. Demos, do you mind if I ask you how old you are?

16 A Do I mind what?

17 Q Do you mind if I ask you how old you are?

18 A I'm 80.

19 Q 80. Have you lived in Greenville all your life?

20 A No.

21 Q How long have you been in Greenville?

22 A Since about 1972. That makes it about 20 to 22 years.

23 Q What do you do for a living?

24 A I'm a engineer and I worked for General Electric for 25
25 years. Upon separating from them I started a small business

1 for Quality Consulting. I retired in 1996 and within the
2 last year my son, Mike Demos, had become interested in
3 consulting and we're jointly re-establishing our business
4 now.

5 Q So you're still working?

6 A I feel I'm working very much.

7 Q What is your wife's name?

8 A Kathleen.

9 Q And she's seated here on the front row in the white
10 blouse?

11 A Yeah, she's the pretty lady.

12 Q How many children do you have?

13 A Six.

14 Q And Mary Gollwitzer is one your daughter's; is that
15 right?

16 A That's correct.

17 Q And Valerie McCall is also one of your daughter's; is
18 that correct?

19 A That's correct?

20 Q How many grandchildren do you have?

21 A 12.

22 Q REDACTED being one of your grandchildren?

23 A Yes.

24 Q When REDACTED was younger, were you able to communicate
25 with her pretty well?

1 A I spent a great deal of time with REDACTED. When she
2 couldn't walk, at all the gatherings I'd carry her around and
3 try to make her walk. And so she was in my company a great
4 deal of the time when she was very, very young. I know her
5 very well.

6 Q What were her communications skills like when she was
7 younger?

8 A Nobody could understand her. Except she would make an
9 effort to talk and there were only three or four of us who
10 could get to understand her. And we called her language
11 REDACTED. As an example, if she tried to say stomach, it
12 came out bauke (ph). And if she tried to say cold, it came
13 out boo. So if she said me bauke boo, she was trying to tell
14 you that her stomach was cold. So we knew that she was -- we
15 knew exactly what she was trying to say but didn't have the
16 control to do it. There were only about three or four of us
17 who thought that she would ever learn how to talk. And she
18 has been improving consistently since then and, of course,
19 you've seen her in the courtroom today. Or yesterday.

20 Q Yesterday. Most people didn't think that she would ever
21 progress beyond the REDACTED that you described?

22 A She's horribly handicapped and that was one of the
23 handicaps.

24 Q I guess -- would it be fair to say that this has been a
25 very trying experience for you and your wife?

1 A This is a family tragedy.

2 Q Yes, sir. I want to ask you a couple of questions and
3 I'll be brief. Did Mr. McCall and his wife, your daughter,
4 ask you to post bond for him when he was arrested?

5 A Shannon did.

6 Q Is that one of your grandchildren?

7 A Yeah, she's the eldest grandchildren. Grandchild.

8 Q And did you post your house as bond for him?

9 A Yes, we did.

10 Q Did you ever have a conversation with Robert McCall about
11 what had happened to REDACTED
D

12 A Yes, I did.

13 Q Where did that conversation take place?

14 A In our house.

15 Q What was Mr. McCall doing there?

16 A It was following the session that he had on the
17 allegations.

18 Q With the law enforcement officers?

19 A Yes. And he came over with Valerie.

20 Q Did you ask him to come over?

21 A No. But I understand later that Val had called my wife
22 and had asked to come over.

23 Q When they came over, did you ask Mr. McCall what this was
24 about?

25 A No, he volunteered it.

1 Q What did he say?

2 A He said that he knew that somebody was molesting her.
3 And the reason that he knew is that she had a pronounced
4 crush on him. And she had learned these techniques of
5 excitement from somebody. But he didn't know why she chose
6 him.

7 Q Did he describe any incident where REDACTED was naked and
8 coming on to him?

9 A Yes, he did.

10 Q Can you describe that?

11 A He said that he viewed her on her bed naked. That she
12 was coming on to him by cuffing her breasts and trying to
13 entice him with her breasts.

14 Q Had he ever said anything like this to you before?

15 A No, that's the first time he said it to me.

16 Q Did his wife witness him telling you that?

17 A She was present.

18 Q Was your wife present when he said that?

19 A Not the first time. My wife had retired, grief-stricken,
20 to an upper bedroom. And I went up and got her and asked her
21 to come down and I asked Bob to tell her about it too.

22 Q Did he tell her what he had told you?

23 A He repeated the same thing but at this time Valerie
24 interrupted and said, Bob she was wearing panties. You know
25 she always wore panties.

1 MS. SEAY: Okay, Mr. Demos, thank you. Mr. Sullivan may
2 want to ask you some questions.

3 THE COURT: Mr. Sullivan.

4 MR. SULLIVAN: Just a couple.

5 CROSS-EXAMINATION

6 BY MR. SULLIVAN:

7 Q You say this is a family tragedy?

8 A Yes.

9 Q Has this estranged your relationship with Val?

10 A I didn't hear you.

11 Q Has it estranged your relationship with Valerie?

12 A It severed it.

13 Q Severed it?

14 A Uh-huh.

15 Q How about with their children?

16 A Severed that too.

17 Q And the only thing that Bob mentioned to you is that she
18 may have had a crush on him?

19 A Well there was a discussion about other things too. I
20 had told them when they first came in that I would help them.
21 And the -- I think he mentioned some other things.

22 Q When y'all had family gatherings, would REDACTED light up
23 when Bob came in? Did he play with her and pick her up,
24 things like that?

25 A Occasionally.

1 Q You had a large family, people would be -- birthday
2 parties, that type thing?

3 A In the early years I pretty well monopolized her so there
4 were very few people who had an opportunity to do much with
5 her except for me. But there were occasions when Bob did do
6 that. I remember one of these things that he would do is he
7 would push her up and have her touch the ceiling.

8 Q She seemed to enjoy that kind of play?

9 A I think so.

10 Q Did he also play with the other kids, his kids and the
11 other grandkids?

12 A Did L [] do that?

13 Q No, did Bob?

14 A Bob was always playing with his kids, I think. They had
15 a very good family.

16 Q Bob and Valerie had a very good family?

17 A They've had an excellent family.

18 MR. SULLIVAN: I have nothing further, Your Honor.

19 THE COURT: Anything else, Solicitor?

20 MS. SEAY: Nothing, Your Honor.

21 THE COURT: Thank you, sir, you can step down.

22 MS. SEAY: Your Honor, the State rests.

23 THE COURT: All right, take the jury out, please.

24 (WHEREUPON, the jury left the courtroom at
25 approximately 11:50 p.m.)

200

1 THE COURT: Any motions?

2 MR. SULLIVAN: Judge, for the record I would move the
3 matter be dismissed or a directed verdict, acquittal.
4 There's no medical testimony, any injury, any trauma to this
5 child. We have a statement that's really not that -- the
6 little girl initiated it, it was kind of an accident type
7 thing.

8 THE COURT: I deny your motion.

9 MR. SULLIVAN: Thank you, Your Honor.

10 THE COURT: You want to proceed now or you want to --

11 MR. SULLIVAN: I'd like to go ahead and have lunch. I
12 may want to shorten some of my witnesses, Your Honor.

13 THE COURT: All right, that's fine.

14 MR. SULLIVAN: After hearing what's going on today it
15 could speed up things.

16 THE COURT: Okay, bring the jury, please.

17 (WHEREUPON, the jury entered the courtroom at
18 approximately 11:51 a.m.)

19 THE COURT: All right, now ladies and gentlemen, at this
20 time we will break for lunch. We'll pick back up after lunch
21 at 1:30. During the lunch recess do not talk about this case
22 among yourselves or with anyone else. If anybody contacts
23 you and tries to talk to you about the case, get their names
24 and addresses and report that to me. Please keep your badges
25 on during the recess. Please be back at 1:30. Thank you.

201

1 Plaza hotel?

2 A Yes, I did. It was two days, June 5th and June 6th.

3 Q Did something there catch your attention?

4 A On the second day a conference with victims over a lunch
5 period and I attended that particular conference.

6 Q And what caught your attention at that situation?

7 A As I was listening to a couple talking, it became evident

8 --

9 Q Would you identify the couple?

10 A Yes, the couple that's seated to the far -- my far left
11 in the first row. It became evident to me that I knew who
12 this couple was by the story they were telling.

13 Q Did the female who we now know as Mary Lou Gollwitzer,
14 did she mention having taking her daughter to several
15 doctors?

16 A Yes, she did. She made the statement that she had to
17 take her daughter to four or five doctors in order to find
18 someone who even begin to believe her.

19 Q Did she make a statement that her sister, Valerie, was
20 aware of this?

21 A Yes, she did. She stated that her sister knew that these
22 things that they were alleging, she knew that they were going
23 on and that she had done nothing.

24 MR. SULLIVAN: Answer any questions Ms. Seay may have.

25 MS. SEAY: I don't have any questions for Ms. Davis.

202

CROSS-EXAMINATION

BY MS. SEAY:

Q Ms. McCall, I understand that you love your father very much, that's certainly safe to say.

A Yes, ma'am.

MS. SEAY: And I don't think I have any questions for you.

THE COURT: Thank you, you can step down.

MR. SULLIVAN: I'd like to call Ms. Valerie McCall.

THE COURT: All right:

THE CLERK: Place your left hand on the Bible, raise your right hand.

Valerie McCall, after being duly sworn,
testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Valerie Demos McCall.

DIRECT EXAMINATION

BY MR. SULLIVAN.

Q Valerie, you are married to the defendant, Robert McCall?

A Yes, I am.

Q And Nick and Kathleen are your mom and dad?

A Yes, they are.

Q Mary, Andrea and Mike are your brothers and sisters?

A Mary Lou is my sister, Mike is my brother. Andrea

1 Pridmore is my sister, yes.

2 Q Pretty big family. Do you work outside the home?

3 A I'm sorry?

4 Q Do you work outside the home?

5 A Yes. I teach creative arts at St. Mary's three times a
6 week to first through -- kindergarten through fifth grade.

7 And I'm a youth choir director for St. Mary's and have been
8 for six years. And I work with catechisms classes to teach
9 them music. And I direct funerals at St. Mary's church.

10 Q And you, of course, are the mother of the girl that just
11 testified. Is that your oldest daughter?

12 A Shannon is my oldest, yes.

13 Q And then you have?

14 A I have another daughter who is 16, M [] B [] who's right
15 there. I have a son who is 17, 13 months older than M []
16 B [] B [] who's home sick today. I have a 9 year-old son,
17 G []. And an 11 year-old son, M []. And they're both
18 in school.

19 Q All these kids active in various extra school activities,
20 sports and things?

21 MS. SEAY: Objection to relevance.

22 THE COURT: I sustain the objection to the question.

23 BY MR. SULLIVAN:

24 Q You've been present, Valerie, during all the trial,
25 correct?

1 A Yes, I have.

2 Q Would you describe the trip to Columbia that's been
3 talked about?

4 A Yes. My sister Mary and Kirk wanted to get out of town.
5 Life was very difficult for them right then. They were
6 trying to make the transition of REDACTED going into middle
7 school. And they were having a lot of problems with the
8 school system.

9 Q You need a tissue.

10 A Probably not. I'm pretty dry all through. And M [REDACTED] B [REDACTED]
11 had a soccer tournament that we were going to. They asked
12 Shannon to baby-sit from them so that they could have a
13 weekend out of town. Shannon had a friend getting married
14 but she could be there for part of it. We were at Shannon's
15 graduation party, all of us, at my parents house. And I told
16 Mary and Kirk that if they wanted I would be glad to have
17 L [REDACTED] go with us to the soccer tournament. REDACTED and M
18 B [REDACTED] are very close. At that time they were trying to get
19 L [REDACTED] on a handicapped soccer team. And I had bought REDACTED
20 some special things, soccer clothes and a bag. And REDACTED
21 thought that was totally cool. So she was very excited to be
22 able to go. And we made room arrangements to have two rooms
23 so that we could take her.

24 The arrangements were such that Shannon was going to be
25 watching her Friday night and Shannon was going to make the

1 trip down to Columbia so L [REDACTED] would not be by herself or
2 with somebody that she didn't know to baby-sit her to come to
3 the soccer tournament. The arrangements had already been
4 made for an adjoining room. There was no other girl who was
5 going to stay in the room. Whenever we went to soccer
6 tournaments we got one room. And the bed was given, the
7 extra bed was given to the person who was playing in the
8 soccer tournament, it was a state tournament, and mom and dad
9 had the other bed. And the children that went who were not
10 playing soccer slept on the floor in sleeping bags. But I
11 knew Mary and Kirk had to have that time out to keep
12 theirselves together. And it's something I really wanted to
13 do. I love [REDACTED] D [REDACTED]. I love my sister M [REDACTED] L [REDACTED] and have since
14 we were babies. We're 13 months apart. Anything I could do
15 to help them, I would always do. And I still will.

16 MS. SEAY: Your Honor, I'm going to object to this being
17 totally unresponsive --

18 THE COURT: I sustain the objection.

19 Move on.

20 A I'm sorry.

21 BY MR. SULLIVAN:

22 Q Let's get to the incident about the pool and the bathing
23 suit?

24 A Okay, gottcha.

25 Q We've got the background now so just talk about change of

200

1 clothes that's in Bob's statement.

2 A I'm sorry, just one minute here. Shannon brought **REDACTED**
3 down around noon, we met for lunch. Shannon went back to
4 Greenville for this wedding. She had Mary's permission to
5 invite friends over to the house.

6 Q When you say house, you mean Mary's house?

7 A She had Mary Lou's permission to stay the night, if
8 necessary, over at her house. Mary knew that she was going
9 to be there that night. And that we were going to have
10 **REDACTED** with us. **REDACTED** talked to Mary on the cell phone once
11 on the way down with Shannon in the car and she also talked
12 to Mary and Kirk I think twice that evening. Saturday
13 evening with us. They were aware she was spending the night
14 with us.

15 When we got there it took quite a while to get set up in
16 the room and **REDACTED** was antsy and from the beginning of the
17 car trip over there she was going, pool, pool, pool, swimming
18 pool. Which by the way I understand very clearly. I've
19 never had trouble with understanding **REDACTED**. So the first
20 thing we did after we got set up is we took the kids down to
21 the pool. M **REDACTED** B **REDACTED** on most soccer tournaments does not
22 swim. Because she was about to play a game of soccer that
23 takes a lot of energy. She had not brought a bathing suit.
24 So M **REDACTED** B **REDACTED** me and Bob were sitting in chairs around this
25 small pool. My children, G **REDACTED** and M **REDACTED** were in the

1 pool and L [REDACTED] was in the pool. [REDACTED] loves the pool.
2 Every summer we all join the pool and L [REDACTED] joins it too.
3 And spends a lot of time, almost everyday at the pool, and
4 she swims quite well. But you never leave her because you
5 never know if she were to fall and hit her head or something
6 like that. But she swims in the pool. Over the water, under
7 the water and loves it.

8 She loves M [REDACTED] B [REDACTED] She kept looking at Mary and
9 saying, Mary in pool. Mary swim with me in the pool. And
10 Mary told her she hadn't brought a bathing suit and couldn't
11 swim. And she kept saying, Mary me pool, Mary me pool. In
12 the mean time this is a soccer tournament, a state soccer
13 tournament and there were kids, other teams staying in the
14 motel. And they were all under 14 and there were little boys
15 jumping in and out of the pool. That's necessary to tell,
16 isn't it?

17 Q Let's go ahead and move on to --

18 A Okay. So we told [REDACTED] we would go -- Wal-Mart was
19 right outside the back door. We told her we would run over
20 and get a bathing suit for [REDACTED] (sic). We asked [REDACTED] if
21 she wanted to go with us.

22 She said, no pool.

23 So we said, all right, we'll be right back. So we ran
24 out and we were back and the whole thing took less than 20
25 minutes. And I know because I was watching the clock.

1 Q Okay. And when you returned was REDACTED out of her
2 bathing suit?

3 A Yes. We came in, I have a card for both rooms and there
4 was an adjourning door. We opened the card -- used the card
5 to the room that was REDACTED's and M REDACTED's room. When we
6 came in REDACTED was on the bed, she had her clothes on with
7 her -- just the top, her little shorts not done up. The top
8 was a white, very easy to put on knit top. I came in, we
9 looked at L REDACTED we put some drinks in the fridge and I
10 said, you dressed yourself? And she went -- (witness nods.)

11 And I said, All by yourself? Your mommy will be so
12 pleased. Because one of the things they've been trying to
13 get REDACTED to do is be independent and try to dress herself.
14 And she can get her own shirt on. She can do some things.
15 She can't get her pants up. I -- at that point my husband
16 was in the other room, the door is open, the TV was on and my
17 little boys were in front of the TV and my husband came to
18 the door. And I walked up to him in the door and I said, she
19 dressed herself?

20 He said, no.

21 I said, what happened? Because I was expecting them to
22 be down at the pool when I came back.

23 He said, A whole boys team came in, there were about 12
24 little boys in the pool, our boys were in the pool. This was
25 a very, very small pool. Maybe the size from the end of that

1 there to the end of this here. There was hot tub over here.
2 He said I [REDACTED] was starting to get freaked out by all these
3 12 year-old boys jumping in and out of the pool. I asked her
4 if she wanted to go out and she said -- he said I put her on
5 her walker, we walked to the elevator, she was cold, I put a
6 towel around her. We went up to the room. Now I'm telling
7 what my husband said, is that permissible?

8 Q It's in his statement, it's been published.

9 A He let her in her door because she wanted to go in her
10 room. He went in the other room with the boys and he left
11 the door in the middle ajar. I don't know if you've been in
12 adjoining rooms and I don't know if you've been --

13 MS. SEAY: Objection, Your Honor.

14 THE COURT: I sustain the objection. For the last
15 comment.

16 BY MR. SULLIVAN:

17 Q Let's get to the point, did Bob help [REDACTED] finish
18 dressing herself?

19 A Yes. He said that she had fallen. He asked her if she
20 needed help?

21 She said, Yes.

22 He went in, her shirt was on and she had her little feet
23 in one leg of her underwear so he picked up her ankle, put
24 the pants on and gave her her shorts and helped her pull
25 those up and he sat her on the bed. And he went and got the

1 wash cloth, her toe was bleeding and he dabbed her toe and he
2 walked back in the other room. And within a couple of
3 minutes after that we came in. It would take, on a walker,
4 to get from downstairs to upstairs, almost 10 minutes.

5 Q Now, when you came back from going to Wal-Mart with M

6 B to get her a suit, did you notice a change in REDACTED's
7 demeanor?

8 A Well when I asked her if she had changed her own clothes,
9 she looked at me like this and went -- (The witness nods.)

10 Q She didn't seem upset?

11 A No. But she was quiet. And especially because she heard
12 me look at Bob and say, She changed her own clothes?

13 And he said, No.

14 And I said, What happened? And that's exactly what I
15 said. And then he proceed to take me into the other room and
16 tell me. M B was right there. She and I walked in the
17 door together. She took a magazine out and started reading
18 it with REDACTED. And REDACTED was fine. She enjoyed the
19 tournament. She wanted to watch the quote, Hot boys.
20 Because the boys game was before ours. And she's real
21 interested in boys right now. We had fun. We had a good
22 time. She asked if she could come to the next one.

23 Q When you returned to Greenville, did you and Bob inform
24 Kirk and Mary Lou about Bob helping her to get dressed?

25 A Yes.

1 Q And at that point, still, what was [REDACTED]'s demeanor?

2 A It was good. When I dropped her off with Shannon it was
3 great. In fact, she told Shannon she wanted to go to the
4 next one -- she asked me if she could go to the next
5 tournament.

6 MR. SULLIVAN: Answer any questions that Ms. Seay may
7 have.

8 THE COURT: Solicitor.

9 CROSS-EXAMINATION

10 BY MS. SEAY:

11 Q Mrs. McCall, bottom line here, as I understand your
12 testimony, is regardless of whether the Gollwitzer's knew
13 that Shannon was or was not going to be with [REDACTED] the whole
14 time, is that you did leave [REDACTED] there at the motel with
15 your husband; is that right?

16 A Yes.

17 Q And you were gone for approximately 20 minutes, is that
18 right?

19 A Yes. That was when we left them in the pool.

20 Q And you know this because you said you were watching the
21 clock?

22 A Yes.

23 MS. SEAY: Thank you, that's all I have.

24 THE COURT: Step down.

25 MR. SULLIVAN: The defense calls Robert McCall.

1 Just stay there.

2 THE CLERK: We'll have to swear him again.

3 THE COURT: Yeah, we're going to have to swear you again
4 in the presence of the jury.

5 (WHEREUPON, the jury entered the courtroom at
6 approximately 2:21 p.m.)

7 THE CLERK: All right, place your left hand on the Bible,
8 raise your right hand.

9 Robert McCall, after being duly sworn,
10 testified as follows:

11 THE CLERK: Thank you, please be seated. State your full
12 name for the record.

13 THE WITNESS: Robert McCall.

14 DIRECT EXAMINATION

15 BY MR. SULLIVAN:

16 Q Robert, you've been present during this entire proceeding
17 have you not?

18 A Yes, sir.

19 Q How old are you, Robert?

20 A 46.

21 Q How many children do you have?

22 A I have five children.

23 Q Boys and girls?

24 A I have two girls and three boys.

25 Q How long have you and Valerie been married?

1 A 24 years.

2 Q Where are you employed?

3 A I'm employed at Kryvac, division of sealed air in
4 Simpsonville, South Carolina.

5 Q How long have you been employed there?

6 A 10 years.

7 Q Prior to that where do you work?

8 A Prior to that I was -- and even during the first part of
9 that I was self-employed. And immediately prior to that I
10 was also a temp out at the Michelin Center -- Michelin plant
11 which is Donaldson one.

12 Q During the period of time when after L [redacted] was a child
13 and y'all baby-sat the child, were you at home or at work?

14 A During that period of time I had two jobs. Because I was
15 keeping my own business going because the one job didn't pay
16 enough. And we had accrued quite a bit of debit. And so
17 basically I was working at Kryvac since '95 and working all
18 the overtime I could. And I was on third shift. Then I'd
19 get off and I would go to work at various apartment
20 communities doing repairs. And would generally get home
21 somewhere between 12:30 and 1:00. Sometimes I didn't have
22 anything to do. Sometimes I was out until 3:00. But I was
23 working most of the time I was awake.

24 Q During the period of time that y'all were baby-sitting
25 L [redacted], who was there at the house?

1 A Well Val was nearly always there. My two little boys who
2 were younger than [REDACTED] had not started school so they
3 were always there. There were a couple of occasions where
4 Valerie would need to go out and I would watch the little
5 boys.

6 Q How big -- how big was the home, Mr. McCall?

7 A It's, you know, it's one of those -- they call them mill
8 house in South Carolina. It's a small 3 bedroom. It was one
9 and a half bath and we added a shower.

10 Q So it's not a very large --

11 A No, it's a small house.

12 Q Your five kids in and out plus [REDACTED]; is that correct?

13 A Yes.

14 Q And most of the time you were away from the home, weren't
15 you?

16 A Most of the time I was away from home working.

17 Q What was your relationship with [REDACTED]?

18 A I was big Bob. When [REDACTED] was born, before she ever
19 came home, they said she needed B-type blood because she
20 needed to be oxygenated. Which whatever that is. You know,
21 I donated the blood that they used for [REDACTED]. I played with
22 her when she was like one and two. They wanted -- you know
23 there was vestibular motion. Which is basically throwing her
24 up and down and swinging her around. I had less trouble
25 doing that than just about anybody else in the immediate

1 family. You know, at parties if, you know, Mr. Demos had her
2 almost all the time. The little bit of time that I was
3 around her then, you know, it was generally with my kids
4 around too.

5 Q Did during this period of time until this came up, did
6 she ever explain any fear of you?

7 A No, sir.

8 Q And in your capacity with your kids, did you have
9 occasion to be around like youth groups, soccer teams?

10 MS. SEAY: Object to relevance.

11 THE COURT: I sustain the objection to that.

12 BY MR. SULLIVAN:

13 Q When did you first learn of these allegations, Robert?

14 A Well one of my sister-in-law's was mad at Mary Lou about
15 a year before these allegations --

16 Q You can't say what she said because she --

17 A Okay. Okay. To actually know that these allegations
18 were made against M [redacted] L [redacted], I didn't have any verifiable
19 first-hand knowledge until Lorraine Hudgins called me.

20 Q Lorraine Henderson.

21 A Lorraine Henderson.

22 Q And you voluntarily, I think, went down on June 24th?

23 A Right.

24 Q And you met with Lorraine for a while and then you
25 voluntarily went back?

1 A Right.

2 Q On the 26th.

3 A Right. I thought you just went down and told the truth
4 and.

5 Q And then you talked with Sergeant Hudgins and with
6 Lorraine, also?

7 A Yes.

8 Q And that day the testimony, you got there around 1:20?

9 A I got there about 12:30.

10 Q What was your -- what kind of sleep had you had or rest
11 at that time?

12 A Well right now I serve in the capacity as a training
13 instructor. And I'd been on third shift the week before.
14 School was out and it was summer activities. I had you know,
15 I hadn't -- I don't go back and forth as well as I use to.
16 And on the Monday when I went down to see Lorraine Henderson
17 --

18 Q That be the 24th? First contact?

19 A Right the 24th. I had come off a week of third shift and
20 I'd gone in early, about 6:00, to get as many hours as I
21 could because I was going to have to go back in Monday night
22 on third. For one night of third shift to be with a trainee
23 who was asking for more training. Normally I would have
24 gotten the hours in and gone home to sleep.

25 However, when I got home, I had gone to talk to Lorraine

1 I came home and Val wanted me to go talk to her parents. And
2 apparently when, you know, Mr. Demos had said that he thought
3 I did it and so I was interested in talking to him to explain
4 to him that I never touched [REDACTED] and that these charges
5 were ridiculous.

6 Q So then the next day, that would have been Tuesday, the
7 next day, you went back to the law enforcement center, the
8 26th?

9 A No, the 26th was a Wednesday.

10 Q Yeah.

11 A I had worked all night long. At Mr. Demos' request we'd
12 gone to the church that morning and spent the entire morning
13 there with the priest. Then that afternoon my wife was very
14 distraught because basically her parents had kept this a
15 secret from her, along with Mary Lou, so it would be a
16 surprise when we got the phone call.

17 Q Well Officer Hudgins, you were here, said you told him
18 you slept eight hours the night before he talked to you?

19 A No, sir.

20 Q Or nine hours?

21 A No, sir.

22 Q You had not?

23 A No. Nine hours that I laid down. But I was up and down
24 during that entire time and I told him that.

25 Q Had you had any medication?

1 A Well basically for my allergies in the summer time I take
2 Sudafed and aspirin. Before I went in I knew I had been a
3 long time without any decent rest so I took a BC powder.
4 Which is a third shift dose of caffeine.

5 Q You knew -- I mean you weren't mentally impaired, you
6 knew what was going on, you could talk to them?

7 A Yeah.

8 Q And you signed these waivers?

9 A Yes, sir.

10 Q There's no problem understanding what they said or
11 anything like that; is that right?

12 A Right.

13 Q Okay. Now, and then you gave this statement which has
14 been published. And it said when she was about six that she
15 pulled your hand down. And then you talked about the
16 Columbia trip that said you helped her get dressed?

17 A Right.

18 Q Is anything in that statement not true?

19 A Yes, sir. From the time I started talking to the
20 sheriffs deputies the entire time I was down there, there was
21 a third deputy I talked to who was the first person I talked
22 to on the 26th, I don't have his name.

23 Q If he's not here you can't say what he said?

24 A Okay.

25 Q It's strictly between you and Ms. Henderson and you and

1 Mr. Hudgins?

2 A Okay. Well basically -- it was basically inferred that
3 if I made a statement that there would be counseling and
4 probation. And if I didn't then they'd send me to jail for
5 30 years because of what a wonderful witness L [] was going
6 to be and I was scared.

7 Q Did you not have -- was Val not in the room with you
8 then?

9 A No, sir. On the 26th she had gone to sing in a funeral
10 and I had asked Sergeant Hudgins to check upstairs and see if
11 she was there but he didn't do it.

12 Q So there is no question you read that and that's your
13 signature?

14 A Right. But it's not true.

15 Q Were you told by either Ms. Henderson or Mr. Hudgins then
16 you would go home that evening?

17 A Yes, sir. That's what I thought when I went upstairs.

18 Q And then I think -- I think Shannon was called and she
19 got your in-laws and they put up bond money so you did not
20 have to spend the night in jail; is that correct?

21 A That's correct.

22 Q You heard L [] testify yesterday about these various
23 parties and what you would do to her?

24 A Yes, sir.

25 Q Did any of that ever happen?

1 A No, sir. And if you look at any of our parties, you
2 know, it's not a couple of couples. Those parties would
3 have, if all of the families were there, you know, you'd have
4 12 grandkids, multiple couples, friends. There would be 25,
5 you know, 30 people.

6 Q In and out?

7 A In and out of the house. When we went over to parties at
8 the -- couple of parties that we went to Andrea Pridmore's
9 house in August, my kids had spent the entire summer in the
10 pool on swim team. When they went over there, the Pridmore's
11 have a pool table in their downstairs room and they have
12 video games. My kids do not have video games at home and
13 they've never had a pool table. So they were a lot more
14 interested in being in the downstairs than they were being in
15 the pool. So they were in and out. It was kind of like,
16 okay, y'all finally get in the pool, you know. They were
17 always inside.

18 Q So that would have been a very limited time when people
19 been by themselves?

20 A Yeah. And then at Mary Lou and Kirk's house, it's
21 everybody was outside. It would have either been -- even if
22 30 people were all outside at the same time, the front porch
23 and back porch are both within REDACTED's bedroom door. I
24 mean, it's not like REDACTED's room would be privacy. But
25 everybody was in and out. I mean, you don't, you know,

1 there's 12 kids. You know 12 kids don't stay outside
2 together.

3 Q Come in use the bathroom, get a snack, that type thing?

4 A Right.

5 Q So it's your testimony that you've never made any sort of

6 --

7 A I have never touched any child in any way.

8 Inappropriate.

9 Q Inappropriate.

10 A Not in any -- I've never touched any child in any
11 inappropriate way.

12 MR. SULLIVAN: Answer any questions that Ms. Seay may
13 have.

14 CROSS-EXAMINATION

15 BY MS. SEAY:

16 Q Mr. McCall, how far did you go in school?

17 A I wrestled at Montana State for three years, I finished
18 about two years of college.

19 Q Did you have a major in college?

20 A Several.

21 Q What were they?

22 A Agriculture, recreation, general studies.

23 Q So it's fair to say that not only can you read and write,
24 you have a fairly advance education, three years of college?

25 A Sure.

1 Q And you agree with what the testimony has been in this
2 case that your wife and you kept ^{REDACTE}_D when she was younger,
3 correct?

4 A She stayed at our house but my wife kept her. I was
5 rarely there.

6 Q Did you not testify just a moment ago that your wife
7 would need to go outside sometimes and that you would stay
8 there with the children?

9 A I said that it happened. I mean, yeah.

10 Q Well it did or did not?

11 A A couple of times, yeah.

12 Q So over a four year period when your wife was keeping
13 ^{REDACTE}_D a couple of times she went out and you kept the
14 children?

15 A Sure.

16 Q And at that point in time two of your children were
17 younger than ^{REDACTE}_D so they probably weren't talking yet,
18 were they?

19 A Oh know, Michael talked very early. And, in fact, when
20 he was two years old he really offended my mother-in-law
21 because he told her -- you know most two years old would kick
22 and scream if they were being baby-sat by someone they don't
23 want. M ^{REDACTE}_D actually looked at her and said, I don't like
24 you, I don't want you here, go home. So he talked very well

25 Q So your children were younger than ^{REDACTE}_D; is that right?

1 A That's correct.

2 Q One would have been -- when D [REDACTED] was 5, how old would
3 your two boys have been?

4 A Let's see, L [REDACTED] was '90, M [REDACTED] was '92, so he would
5 have been two years younger than D [REDACTED] And G [REDACTED] 's '94.

6 Q So toddlers; is that fair?

7 A Yes.

8 Q Okay. And your other children were in school and got out
9 around 3:00?

10 A Yes.

11 Q Now we talked a little bit about some of the parties and
12 that there were a lot of people there?

13 A Right.

14 Q Do you deny that there are a couple of occasions when you
15 and Lauren ended up being the only two inside the house as
16 has been testified to?

17 A Yes, ma'am.

18 Q Do you deny that?

19 A Yes, ma'am.

20 Q So other people who said that they saw you there were
21 mistaken?

22 A You know, there were a lot of parties. I can remember a
23 couple of times trying to cheer L [REDACTED] up. One of my kids
24 was almost -- whenever I was in the house, unless I was just
25 sitting down watching TV, because essentially I'm the only

1 one of the -- you know, I've never been really well received
2 after 25 years of or 24 years of marriage I still call
3 Mr. and Mrs. Demos, Mr. and Mrs. Demos. It's never been Nick
4 and Kathy, okay. So, you know, they, you know, the social
5 circles aren't the same, so yes, I spent a lot of time --
6 more or less after the politeness stuff I go watch TV
7 somewhere at the parties or walk off.

8 Q Okay. So you consider that Mr. and Mrs. Demos put up
9 their house for you to be bonded out, that you weren't well
10 received by them?

11 A I think that -- and, of course, exactly why -- I know
12 that they love their daughter but I know that they had kept
13 this entire thing a secret from Val for two to three days and
14 I think they felt guilty about it. Why they put up the bond,
15 I don't know. I'm glad they did.

16 Q You do not deny that REDACTED has always had a severe speech
17 difficulty, do you?

18 A No.

19 Q And during the time that you -- excuse me, your wife kept
20 her, you do not deny that she was even less advanced in her
21 speech and communication than she is now; is that right?

22 A That's correct.

23 Q Would it be fair to say that people couldn't communicate
24 with her very well unless they knew her?

25 A Yes.

1 Q And her physical handicap you've talked about and other
2 people have testified to that her physical handicap meant
3 that she required a lot help with a lot of just normal
4 everyday activities, didn't she?

5 A That's correct.

6 Q Did you ever assist with those activities?

7 A No, ma'am, it was never long enough for me to do that.

8 Q You never helped do anything to assist this child?

9 A Not since I changed her diapers when she was an infant.

10 Q Okay. And on June 24th, 2002, you went to the law
11 enforcement center to meet with Investigator Henderson?

12 A Yes, ma'am.

13 Q You voluntarily went there, didn't you?

14 A Yes, ma'am. I thought since I hadn't done anything I
15 would simply tell the truth and everything would be fine.

16 Q You thought you would tell the truth. And what you told
17 her is that when REDACTED
18 and pushed it down to her vagina --

19 A That was --

20 Q And there was a partial --

21 A Excuse me, ma'am.

22 Q And there was a partial -- I'm not finished. There was a
23 partial insertion of one finger into her vagina. Isn't that
24 what you told them?

25 A That on the 26th not the 24th.

1 Q Excuse me, the 26th.

2 A And yes, I said that. And that was after being down
3 there for about five hours and having people tell me over and
4 over again that if I said something that that would get me
5 counseling and probation. And if I didn't say anything I'd
6 go to jail for 30 years.

7 Q So you thought that was going to clear this up?

8 A Well.

9 Q So are you saying you lied to the police that day?

10 A Yes, ma'am.

11 Q And now you want this jury to believe that you're telling
12 them the truth?

13 A Yes, ma'am.

14 Q And you have three years of college education and you
15 were advised of your rights on no less than one, two, three,
16 four occasions and you signed and initialed all of these,
17 didn't you?

18 A Yes, ma'am.

19 Q Waiver of rights, June 24th, 2002; is this your
20 signature?

21 A Yes, ma'am.

22 Q And they told you you have the right to remain silent,
23 didn't they?

24 A Yes, ma'am.

25 Q And they said anything you say can be used against you in

1 court?

2 A Yes, ma'am.

3 Q They said you had a right to talk to a lawyer for advise
4 before they ask you anything and have a lawyer with you
5 during questioning, didn't they?

6 A Yes, ma'am.

7 Q They said that if you couldn't afford one the Court would
8 appoint one to you?

9 A Yes, ma'am.

10 Q And that if you decided to answer questions without a
11 lawyer present, you could stop answering at any time.
12 Weren't you advised of that?

13 A Yes, ma'am.

14 Q Were you advised that you also could stop talking at any
15 time --

16 A Yes, ma'am.

17 Q If you wanted to go consult a lawyer?

18 A No.

19 Q You also have the right to stop answering at any time
20 until you talk to a lawyer?

21 A Fine, I just don't remember it.

22 Q Okay. And basically there are two waivers, absolutely
23 identical. One on June 24th, 2002 and one on June 26th,
24 2002. And is that your signature on both of those?

25 A Yes, ma'am.

1 Q And on June 24th Investigator Henderson has testified
2 that you told her that REDACTED was coming on to you. That she
3 had a crush on you and made gestures to you such as cuffing
4 her breasts which made you uncomfortable.

5 A Ma'am, that's an exaggeration of what I said. Okay.
6 Exactly what I said was that Le_____ was half in my daughter's
7 room and half outside my daughter's room. And that she was
8 giggling and she cuffed her hand under one breast.

9 Q And how old was she when she did this?

10 A Would have been five or six.

11 Q Cuffed her hand under her breast?

12 A Well, you know, it's her chest and I used the term
13 breast, I don't really -- you know, I don't really see a
14 difference in the term. You know, chickens have breasts.
15 Breast plate of nights armour is a breast, you know, it's a
16 breast plate. Men don't have female breasts, you know, but
17 it's a general term as far as I'm concerned.

18 Q Okay. On June the 26th, 2002 you also met with Sergeant
19 Hudgins and you initialed all six of these rights, didn't
20 you?

21 A Yes, ma'am.

22 Q And did you sign the form here?

23 A I did.

24 Q And so then you're given an opportunity to speak further
25 about this and you proceed on to talk about how your finger

229

1 went in her vagina, she laughed and pulled her hand away.
2 And while you were finished -- when you were finished getting
3 her dressed she said more. So now you are telling us that
4 this is a lie that you made up?

5 A Yes, ma'am. And it took me a little while to think of
6 it. I wanted to essentially think of something that I knew
7 my wife would know wasn't true. If she didn't want to
8 believe it.

9 Q What about this next paragraph. Looking back on it, one
10 time before this REDACTED grabbed my wrist and pulled on it
11 while I was dressing. But I was not close enough to her area
12 for her to get my hand down there. Is that a truth or lie?

13 A See I can't tell what that is because at the point in
14 time I was pretty well exhausted, I simply skimmed over it.
15 And, you know, I never dressed in front of REDACTED so as far
16 as I know either it's a typo whenever I said I dressed her
17 again or.

18 Q Is that what you meant?

19 A I have no idea.

20 Q All right. So is this the truth or a lie?

21 A Ma'am, the whole statement about me touching I or
22 I grabbing my hand, REDACTED doesn't have the physical
23 capacity to grab my hand.

24 Q No, she didn't probably, did she?

25 A Nope.

1 Q How tall are you?

2 A I'm 5 foot 7.

3 Q Approximately how much do you weigh?

4 A I weigh 240.

5 Q 5'7, 240?

6 A Right.

7 Q About how much do you think REDACTED weighed when she was
8 six years old?

9 A I have no idea.

10 Q How much would you say she weighed now?

11 A I'd say she's pretty slight.

12 Q So you don't know if this part is truth or a lie?

13 A I know it never happened.

14 Q The second paragraph?

15 A Sure.

16 Q You made that up, too?

17 A Sure.

18 Q And then this final paragraph about the Columbia
19 incident, was that the truth or a lie?

20 A That's the truth. That was the same statement I gave her
21 the first day.

22 Q That part is the truth. So you didn't really read this
23 you just skimmed it. Even though you are giving a statement
24 as part of an investigation where you have been accused of
25 criminal sexual conduct with your niece. You just skimmed

1 this?

2 A Ma'am, I was exhausted, I just wanted to go home.

3 Q In fact, when Sergeant Hudgins asked you how much sleep
4 you had the night before, you told him nine hours, didn't
5 you?

6 A No, ma'am, I did not.

7 Q Well that is what he documented in his report?

8 A Well then that's simply a change. Because I told him
9 that I had been down for nine hours but as far as sleeping I
10 was up and down.

11 Q Okay. And you didn't tell him that you were taking
12 Sudafed and BC for caffeine either, did you?

13 A Yes, I did.

14 Q You were present when he testified today --

15 A That all I took was aspirin.

16 Q That he wrote down -- your answer to him was aspirin?

17 A Right. I told him it was a BC powder, which is aspirin
18 and caffeine.

19 Q And so what you testified to a minute ago is that these
20 officers basically, what you said was, inferred that if you
21 made a statement you would get some counseling and you were
22 scared?

23 A They told me that if I didn't make a statement that I
24 would be going to jail for 30 years.

25 Q And so you thought that what would rectify the situation

1 --

2 A Was making a statement.

3 Q Is they said that you would admit that you put your
4 finger in her vagina?

5 A Ma'am, it was the first time I'd ever been down to the
6 sheriff's office. I sat there and I listened to them for a
7 long time and I made a mistake.

8 Q You made a mistake by telling the truth; isn't that
9 right?

10 A No, ma'am. I made a mistake by believing that leaving
11 the truth would help me.

12 Q And then you thought that to follow up on that that you
13 would tell Mr. and Mrs. Demos, your in-laws, the same thing.
14 That REDACTED D had a crush on you, was coming on to you, cuffing
15 her breast at you and so forth and so on?

16 A Ma'am, I never said that REDACTED D was coming on to me. In
17 fact, when I told them that I told them that she was giggling
18 and she was on the floor in the hallway. I never said that
19 REDACTED D was on the bed. That's what Lorraine Henderson
20 also said. That she was on the floor in the hallway.

21 Q And you admit that when you were in Columbia in a motel
22 room with REDACTED D that she had her panties around her ankles
23 and you helped her put them on; isn't that right?

24 A That's correct.

25 THE COURT: Any redirect?

1 MR. SULLIVAN: None, Your Honor.

2 THE COURT: Thank you, step down.

3 MR. SULLIVAN: The defense rests.

4 THE COURT: All right, anything in reply, Solicitor?

5 MS. SEAY: No, sir.

6 THE COURT: All right, take the jury out, please.

7 (WHEREUPON, the jury left the courtroom at
8 approximately 2:53 p.m.)

9 THE COURT: All right, any motions?

10 MR. SULLIVAN: Judge, I would renew the motion that I
11 made at close of the State's case.

12 THE COURT: I would deny that motion.

13 MR. SULLIVAN: Are we going to argue and charge today?

14 THE COURT: No, Mr. Sullivan, we're not going to do that.
15 For the simple reason by the time you did your arguments and
16 I did my charge it would be 4:30 close to 5:00. And that
17 would be just too late for this jury to begin deliberating on
18 this case. Because I can see right now it's going to take
19 them a while to reach a verdict.

20 MR. SULLIVAN: You want us back at nine o'clock in the
21 morning.

22 THE COURT: In addition to that we need to go over my
23 charge. So we'll argue and charge at 9 o'clock in the
24 morning.

25 Is the jury ready? If so, bring them on in.

1 THE COURT: Any motions?

2 MR. SULLIVAN: None from the defense, Your Honor. I
3 understand from the case that we don't have 13th juror so --

4 THE COURT: Well, I deny it if you made it.

5 All right, come around, please.

6 MS. SEAY: Your Honor, I'd like to bring to the Court's
7 attention that victim's family has an impact statement that
8 they prepared that they'd like to present to the Court at the
9 appropriate time.

10 THE COURT: Sure, I'll be glad to receive it.

11 MS. SEAY: Would you like to have it now?

12 THE COURT: Yes, please.

13 MS. SEAY: This is Andrea Pridmore.

14 THE COURT: Ms. Pridmore, go right ahead.

15 MS. PRIDMORE: This was written by my sister, the mother
16 of the victim.

17 Our fear is that we will continue to learn about the
18 extent of the abuse and its devastating effect on **REDACTED** for
19 years to come. This past year and a half has been filled
20 with continuing horror. There has not been one day that has
21 gone by without, I'm scared, from **REDACTED**. She wakes up every
22 morning with fear of Bob and dread of the confrontation of
23 trial. Every night goes to sleep with the same unhappy
24 thoughts. She needs constant reassurance and comfort.

25 **REDACTED** has missed many days from school but even when she is

1 there she is frequently unable to work. She suffers from the
2 intrusive thoughts during tests. Remembering the abuse and
3 is unable to complete to the test. She has had panic
4 attacks, frequent nausea and vomiting and overwhelming
5 feelings of rage and self-loathing.

6 REDACTED is being treated for depression and has had
7 thoughts of suicide. There was a period of about a month
8 where wanting to die persisted. She tried to jump out of my
9 car while it was moving and I grabbed her. Imagine my horror
10 when she cried, Please kill me mommy, please kill me. I
11 cannot imagine REDACTED's suffering, living with the abuse and
12 secrecy for so many years. But since we've learned of the
13 last assault our household has been survival mode. Normal
14 life has all been but suspended. Unless you have a child
15 with physical disabilities you cannot know what it takes for
16 her to function in an able-body world. Everything takes
17 longer, requires accomodation or assistance. Keeping her
18 mainstreamed in school takes consistent daily effort. REDACTED
19 must go to physical therapy at least twice a week, sleeps in
20 night braces and maintain a daily therapeutic home program to
21 maintain surgical gains.

22 I had to leave my career years ago to manage all of
23 REDACTED's services and help her make strides towards
24 independence. It is more than a full-time job with both
25 REDACTED and I working together. Since REDACTED disclosure

1 physical therapies have all been replaced by psychotherapy.
2 And most all home routines have now been abandoned to reduce
3 stress for all of us. For the first few months we were
4 numbed and dazed as the truth began to unfold and realization
5 set in. Yet although Bob admitted to the charges, the
6 McCall's insisted on putting her through this trial with the
7 confidence that REDACTED would be unable to testify. As a
8 result REDACTED hard-earned surgical and academically so
9 painfully achieved have been seriously compromised. She has
10 lost speed and endurance with her walking and the surgical
11 gains have not been maintained.

12 Wrist surgery planned for spring break was postponed
13 until we could get her through this. REDACTED has lost
14 independence and self-help skills, has been seriously
15 compromised. Her mind is never free from the thoughts of the
16 abuse and the impending trial. We were incredulous when we
17 learned of Val and Bob's intent to put her through this
18 grueling and devastating process. Try to react to this
19 statement and portray REDACTED as a mentally disabled child
20 seductress. Since they know her so well the absolute untruth
21 of their claims and what it would do to REDACTED, we could not
22 believe they would even consider doing this to her. We
23 thought they loved her. You should have seen her face during
24 the hearing when Mr. Sullivan argued for independent psych
25 evaul.

1 [REDACTED] said, Mommy is he talking about me?

2 Despite intensive therapy, both privately and individual
3 sessions and group with other sexually abuse children, we
4 were unable to make more than a dent in reducing the shame
5 and guilt she feels. It's the feeling of shame and guilt I
6 am most worried about. Our primary theme at home, It is not
7 your fault. But everything around her tells her otherwise.
8 Her life has changed so dramatically that it bears little
9 resemblance to before her first disclosure. Once embraced by
10 a loving, huge extended family with many uncles and aunts, 12
11 cousins and devoted grandparents, now she has nearly nothing.
12 Although without exception, each one knew that had done and
13 pledged their sincere support, few have been able to deal
14 with pain of this reality. Some cope by keeping their
15 distance and not seeing her for the past year and a half.
16 Other implore Bob's actions but do not want him prosecuted.
17 They have taken information given in confidence from us and
18 told Bob and his family. And are working with Mr. Sullivan
19 on Bob's defense. Even though each of them have told me they
20 have no doubt the allegations are true and are horrified with
21 the damage to [REDACTED] they are compelled to say what's left
22 of their family.

23 Most have withheld their love and support, giving it
24 guardingly and sparingly. They clearly hold both [REDACTED]
25 Kirk and Me responsible for the loss of their family. My

1 sister in Florida called me and told me I was responsible for
2 all the devastation in the family. That I should have worked
3 something out with the McCall's. Saving their family has
4 taken priority over the well-being of a little girl whose
5 life has been absolutely leveled by abuse. What must I
6 feel to learn that the people she loved and trust the most
7 consider her important enough to stand up for her and protect
8 her from abuse. I have seen her processes over the past year
9 as she has had to accept yet as another painful reality of
10 her life.

11 For the duration of the abuse Bob reiterated again and
12 again that it was all REDACTED fault that she was going to
13 hell. Look what she made him do. This indoctrination from
14 Bob spanned from many years. From three years old to 12
15 years old. It was again, reinforced by her extended family
16 who has always been central to who she is. How do fight
17 that? It is not your fault does not begin to give REDACTED any
18 relief when holiday after holiday passes with no family. For
19 the first time in her life her family doesn't come to her
20 birthday party. When all she sees is their grief over losing
21 their family. When she tell the police fearfully,
22 reluctantly, guiltily about the abuse and everyone
23 disappears. When though living in the same town no one comes
24 to visit her for eight weeks after she told the truth. It is
25 not your faults seems hollow and untrue.

1 Instead of feeling relieved from the secrecy, shame and
2 horror of the abuse, REDACTED sees the seemingly endless pain
3 and suffering in the faces of all the people she loves. Pain
4 and suffering she thinks she caused. She allowed the bad
5 thing over and over. Being told she was despicable. Then
6 she told the truth and now she has ruined everyone's life.
7 She feels anger, sadness and feelings of loss from her
8 parents. She sees the grief and devastation in her beloved
9 Aanaga and pappoo, my parents. She had lost the treasured
10 closeness of her cousins, Shannon and M [REDACTED] B [REDACTED] They must
11 hate her, what has she done to them. She hears the deafening
12 silence from her aunts and uncles and sees through the
13 obligatory and prefunctionary overtures that are few and far
14 between.

15 And now to top it all off, today she must face Bob in the
16 courtroom. Her uncle that brutalized her, threatened her
17 life if she told the truth and angrily called her denigrating
18 names as he blamed his actions on her. The man who taught
19 her all about the disgusting lessons and guilty feelings she
20 associates with sex. The man who showed her again and again
21 what a bad person she is. The man who destroyed any feelings
22 that were special for her. The man who taught her about
23 brutality, betrayal and shame. Today L [REDACTED] must see the
24 anguish of and Val and her children. She must sit before the
25 Judge and a jury of strangers and family members that did not

1 stand up for her. And in her faltering humiliating manner of
2 speaking, she would admit in front of everyone what she has
3 done. Everyone will see she will be totally exposed. This
4 is how I views today's experiences. It is not your
5 fault does not help her. Today her devastation is complete.

6 My heart is broken for my daughter. I have seen this
7 valiant spirit fight through the ever present grief for
8 disabilities and thought, she can do it. I have seen her
9 endure the physical pain of numerous surgeries with a stoic
10 brave front. I knew she could do it. I've watched with a
11 mother's profound sadness as she struggled to make friends
12 but was locked inside by her communication deficit. I held
13 my breath from the first day of middle school when Lauren
14 walked into her classroom on her walker as abrupt silence
15 filled the room, all eyes on her. With a lump in my throat I
16 prayed that she could do it. I've watched this with a
17 sinking feeling of helplessness as her eyes filled with tears
18 on her sixth grade dance as she stood alone on her walker.
19 But brave, stoic and valiant as she is, how can any child
20 survive the long term abuse and betrayal she suffered at the
21 hands of her uncle and godfather? How could she possibly
22 recover through this explortation of her disabilities and
23 physical vulnerability and feel empowered and determined to
24 overcome her disabilities. Is it possible to recover from
25 the sense of abandonment by those she trusted most? Is it

1 anyway reasonable to hope that she will be okay?

2 Yet, we are clinging to the hope that I _____ will
3 survive. We consider it critically important that she has
4 the courage to get through this trial imposed on her by Bob.
5 That she not prove him right and that he will get away with
6 it because she can't talk and would not be able to testify.
7 It is critical that this Court tells her it is not your
8 fault, it is Bob's fault with a conviction. It is critical
9 that the Court tells her that the unimaginable anguish she
10 endured with an anticipation of this confrontation was not --
11 that Bob will be held accountable for his crimes and will be
12 removed from society with a just punishment so that he cannot
13 do this to one more child.

14 Please show her that telling the truth is the right thing
15 to do no matter how hard. We hope, Your Honor, that your
16 sentencing will be appropriate and just. Not for revenge but
17 for a chance for our daughter's healing.

18 Thank you, Your Honor.

19 THE COURT: All right, Mr. Sullivan.

20 MR. SULLIVAN: Your Honor, you heard about this family.
21 What it's done to them. He's got five kids, he's a good
22 father, you heard the case. The jury had a very difficult
23 time with this case. They were out for a long time. Even
24 with the supposed confession. You have a wide range in your
25 sentencing options so I'll just have to leave it up to you as

1 to what you think is just and fair.

2 THE COURT: Mr. McCall, you have a right to address the
3 Court concerning sentencing. Is there anything, sir, that
4 you would like to say now before I sentence you?

5 MR. MCCALL: Sir, the only mistake that I made through
6 this whole process was not getting a lawyer before I went and
7 saw the sheriff's department. DSS, when they interviewed all
8 my kids and I [redacted] had a finding that I was -- that none of
9 my kids had been sexually molested, that I was fine to be at
10 home. You know, I've never been charged with anything in my
11 entire life. I've been accused of sexually abusing my own
12 children by my sister-in-law, Mary Lou. She is the only
13 person who has ever said anything about me. It's her
14 daughter who she got to say this stuff. You know, I need to
15 take care of my family. And I recognize that going down and
16 listening to what a professional interrogator does to you for
17 six hours without a lawyer is the wrong thing to do. And I
18 just have to ask for any mercy you can give me.

19 THE COURT: So you maintain your innocence?

20 MR. MCCALL: Yes, sir.

21 THE COURT: Mr. McCall, I don't understand how the jury
22 stayed out as long as they did. I think the evidence in this
23 case was so overwhelming of guilt. I don't understand how
24 they stayed out that long. You've not only destroyed your
25 wife and your children but your relationship with them, with

1 their grandparents and aunts and uncles. And you did it.
2 And you have an excuse. Everyone else is at fault. I don't
3 know why you're unable to admit your guilt. I'm convinced
4 beyond a reasonable doubt of your guilt.

5 Anything else, Mr. Sullivan?

6 MR. SULLIVAN: Judge, he's 48. Any real lengthy sentence
7 will be a life sentence. I ask that you consider running
8 them concurrent.

9 THE COURT: All right, Mr. McCall, on indictment for
10 criminal sexual conduct with a minor, first degree, sentence
11 of the Court is you be committed to the Department of
12 Corrections for a period of 20 years. On indictment for
13 committing a lewd act, the sentence of the Court is you be
14 committed to the Department of Corrections for a period of
15 time of 15 years. Concurrent to the other sentence.

16 MS. SEAY: Thank you, Your Honor.

17

18

19 (WHEREUPON, the proceedings were concluded.)

20

21

22

23

24

25

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
Court of General Sessions
C. Victor Pyle, Circuit Court Judge

Case No. 03-GS-23-01234; 03-GS-23-07589

THE STATE,

Respondent,

vs.

ROBERT DUNCAN MCCALL, II,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

HENRY DARGAN MCMASTER
Attorney General

J. FALKNER WILKES
CRAVEN & WILKES

JOHN W. McINTOSH
Chief Deputy Attorney General

201 Whitsett Street
Greenville, SC 29601
(864) 242-6655

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

COUNSEL FOR APPELLANT

DAVID SPENCER
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Robert M. Arial
Solicitor, 13th Judicial Circuit

305 E. North Street, Suite 325
Greenville, SC 29601-2185
(864) 467-8648

COUNSEL FOR RESPONDENT

INDEX

TRANSCRIPT PAGES 264-268	1
CERTIFICATE OF COUNSEL	6

1 THE COURT: Thank you, you can step down.

2 MR. SULLIVAN: I ask that she be excused.

3 THE COURT: Any objection to excusing this witness?

4 MS. SEAY: No objection.

5 THE COURT: Thank you, you're excused.

6 THE CLERK: Place your left hand on the Bible, raise your
7 right hand.

8 Shannon McCall, after being duly sworn,
9 testified as follows:

10 THE CLERK: Thank you, please be seated. State your name
11 for the record.

12 THE WITNESS: Shannon McCall.

13 DIRECT EXAMINATION

14 BY MR. SULLIVAN:

15 Q Speak up Shannon so the jury can hear you.

16 A Sorry, is that better?

17 Q And how are you related to this situation?

18 A My mother and father are Valerie and Bob McCall. My aunt
19 and uncles, Andrea, Mary Lou. Kirk, Jeff, Michael, my
20 grandparents, my Aanaga, Kathleen Demos and my Pappoo, Nick
21 Demos. I'm cousins with REDACTED

22 Q In that capacity, what do you now -- I think Ms. O'Rourke
23 alluded that you were through with school, are you the one
24 that's through with college?

25 A I am through with college. I graduate from Presbyterian

1 College and American University.

2 Q What's your occupation now?

3 A I teach ninth and tenth grade, world civilizations at St
4 Joseph's Catholic School.

5 Q Growing up were you familiar with Lauren?

6 A Very familiar with REDACTED I actually -- when Mary Lou
7 was pregnant I would push her around the mall in her
8 wheelchair. I spent a lot of time with the family.
9 Especially after she was born I was her primary baby-sitter
10 until I left for college.

11 Q You've been present during the testimony these two days,
12 have you not?

13 A For every minute of it.

14 Q In your baby-sitting capacity did she need help doing
15 things?

16 A L [] needed help doing most everything until just the
17 past few years. She needed help changing her clothes, going
18 to the bathroom. Getting from, you know, maybe the couch to
19 her walker. Or from her walker into bed. She basically
20 needed help in every facet. She could feed herself but we
21 had to prepare the meal and cut it up for her.

22 Q During that time were you home or kind of home when your
23 mom and dad were baby-sitting her?

24 A I was in school from 8:00 to 3:00 and then I came home.
25 I usually, actually, would great Mary Lou or Kirk at the door

1 when they came to pick her up around five o'clock. And when
2 my younger brothers and sister got home from school my mom
3 would help them with their homework and I would take I [REDACTED]
4 at that point.

5 Q How many brothers and sisters do you have?

6 A I have three brothers and one sister.

7 Q Now, you were here yesterday when Mary Lou said your
8 father was snappy with you or kind of abusive to you?

9 A Yes, I was.

10 Q How is he with you?

11 A My father and I are best of friends. You know, at the
12 incident that was taking place was my prom.

13 Q You can't --

14 A I'm not allow to go into that.

15 Q I just want to know your relationship --

16 A My father does not raise his voice at me. He's a rather
17 large man and it's always been drilled into us that men are
18 to keep their temper, to not raise their voices at ladies.
19 And he's lived by that.

20 Q And do you know if it's the same relationship with your
21 brothers and sisters?

22 A He's even more lax with them than he was with me.

23 Q How about his relationship with I [REDACTED] ?

24 A Very cordial. [REDACTED] really enjoyed it, their
25 relationship. When he would pick her up, she would laugh.

1 He's always been very strong so he was able to lift her up
2 and she enjoyed that. She never has seemed to fear him. Has
3 always been excited when he walks in the room, Hi Uncle Bob,
4 you know. We always walk everywhere as a family so, you
5 know, we walk in and it's greeting the whole family. And
6 she's asked him to hold her before. She's asked him to sit
7 on his lap before. Many, many times before. At many of
8 these -- all of these family functions.

9 Q Like a relationship in other words. Now you heard I
10 think Ms. Lorraine Henderson talk about her Bob, your dad,
11 played with her chest, have you ever noticed that kind of
12 activity?

13 A Yes. One of the most difficult things I'm sure as child
14 a child is that REDACTED had to have help in every facit of her
15 life. There was no such thing -- is no such thing to Lauren
16 as privacy. Part of her way of dealing with this is she
17 would often be jovial about it, you know, in helping her to
18 the rest room and helping wipe afterwards. She would offer
19 you her but cheek and, you know, giggle about it. As she
20 began to develop and become curious about parts of her body
21 that had to be disclosed to anyone helping her, she would
22 very often be very jovial about it. REDACTE has never known
23 intimacy or privacy in that facit. And that has been the
24 case since day one.

25 Q So in your relationship with your dad, you've never seen

1 any untoward behavior towards REDACTED have you?

2 A No, none at all. In my relationship with my dad or my
3 dad's relationship with any of my girlfriends who grew up
4 around the house or I REDACTED, there's never been anything that
5 I considered uncomfortable or had had anybody else relate to
6 me that they considered uncomfortable.

7 Q Now, as a result of these allegations, I think your
8 grandfather said y'all's relationship's been severed; is that
9 correct?

10 A Unfortunately it has.

11 Q Another result of this was the night DSS called to talk
12 to you kids and the family?

13 A I would say that was one of the more devastating results.

14 Q So Ms. Andrea Rogers interviewed you and all your
15 brothers and sister; is that correct?

16 A Yes, sir, she did.

17 Q Did anything ever happen after that?

18 A No, my family was cleared as a safe and happy home.

19 Andrea Rogers told my mom --

20 MS. SEAY: Objection.

21 THE COURT: Don't say --

22 MR. SULLIVAN: Can't say anything she said.

23 A I'm sorry.

24 MR. SULLIVAN: That's fine, answer any questions that Ms
25 Seay may have.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

02-90568 JUNE 26, 2002

I, ROBERT DUNCAN MCCALL II do hereby give freely and voluntarily this statement to INV. LORRAINE HENDERSON and who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 44 years old, and I reside at: REDACTED

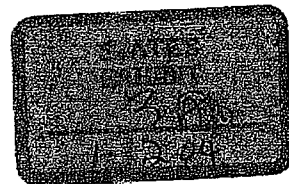
I have a 13 grade education, and I can read and write.

ONE TIME, IT WAS A LONG TIME AGO MY WIFE WAS BABY SITTING REDACTED AND I WAS CHANGING HER CLOTHES. SHE WAS ABOUT SIX YEARS OLD AND I WAS REACHING FOR SOMETHING SHE GRABBED MY HAND AND PUSHED IT DOWN TO HER VAGINA AND THERE WAS A PARTIAL INSERTION OF ONE FINGER IN TO HER VAGINA. SHE LAUGHED AND I PULLED MY HAND AWAY. I FINISHED GETTING HER DRESSED. WHILE I WAS FINISHING GETTING HER DRESSED SHE SAID, "MORE". I CARRIED HER BACK OUT TO THE REST OF THE HOUSE.

LOOKING BACK ON IT ONE TIME BEFORE THIS REDACTED GRABBED MY WRIST AND PULLED ON IT WHILE I WAS DRESSING BUT I WAS NOT CLOSE ENOUGH TO HER AREA FOR HER TO GET MY HAND DOWN THERE. THAT'S ALL I HAVE EVER DONE TO REDACTED

I ONLY LEARNED ABOUT A YEAR AND A HALF AGO THAT THEY SUSPECTED ME OF TOUCHING REDACTED BUT THEY NEVER TALKED TO ME ABOUT IT. HER PARENTS KEPT HER AWAY FROM THE HOUSE AND MY WIFE DID NOT BABY SIT ANYMORE.

THE INCIDENT IN COLUMBIA, I HELPED OUT OF THE POOL, I PUT HER ON HER WALKER. WE WENT UPSTAIRS THE FOUR OF US. I OPENED HER DOOR TO HER ROOM AND LET HER GO IN. I TOOK MY TWO BOYS IN THE ADJOINING ROOM. I ASKED REDACTED IF SHE WAS OKAY AND SHE SAID YES AND I ASKED HER IF SHE NEEDED ANY HELP AND SHE SAID NO. THIS WAS REPEATED A COUPLE OF TIMES AND AFTER A NOISE I ASKED HER IF SHE WAS ALRIGHT AND SHE SAID YES. I ASKED HER IF SHE NEEDED HELP AND SHE SAID YES. I WENT IN THE ROOM, SHE HAD TAKEN HER SWIM SUIT OFF, SHE HAD A SHIRT ON AND SHE WAS LEANING AGAINST THE BED. SHE HAD HER PANTIES AROUND ONE ANKLE. I PICKED HER ANKLE UP SO I COULD PUT HER FOOT IN THE PANTIES AND I PULLED HER PANTS UP, HELPED HER PULL HER SHORTS UP AND I DID NOT SNAP HER SHORTS. I PICKED HER UP UNDER THE ARMS AND SAID HER ON THE BED. HER TOE WAS BLEEDING AND I GOT A WASH CLOTHE AND CLEANED HER TOE UP. I SAT HER ON THE BED AND I WENT BACK IN THE ROOM WHERE MY LITTLE BOYS WERE PLAYING. ABOUT FOUR MINUTES LATER MY WIFE CAME IN AND SHE ASKED REDACTED IF SHE GOT DRESSED ALL BY HERSELF AND SHE TOLD HER YES. MY WIFE CAME IN AND ASKED ME IF REDACTED GOT DRESSED ALL BY HERSELF AND I SAID NO SHE DID NOT GET DRESSED ALL BY HERSELF AND I TOLD MY WIFE EXACTLY WHAT HAPPENED. *****END OF STATEMENT*****



I have read the above statement of _____ pages and it is true and correct as best I recall.

WITNESS:

DB Bailey

I HAVE RECEIVED A COPY OF THIS STATEMENT

Robert Duncan McCall II

Sworn before me this 26th day of June 2002 NOTARY PUBLIC FOR SOUTH CAROLINA

OF Lorraine Henderson MCF 4-18-01

(EXHIBIT 2)

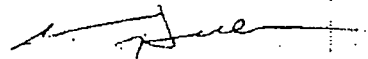
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE,)
vs.)
Robert D. McCall, II)
Defendant.)

IN THE COURT OF GENERAL SESSIONS

Indictment No. _____ -GS-23-03-0234
Warrant No(s): _____

CERTIFICATE OF SERVICE

I certify that I will leave from the Office of the Clerk
upon filing of the following Motion: **for an Order requiring the victim to
submit to an individual psychological evaluation**
and proceed directly to the Office of the Solicitor **(Bryna Seay, Ass't Sol)**
her
and serve **her** with a copy of the Motion.



Print Name: **C. Timothy Sullivan**

For Attorney: **C. Timothy Sullivan**

2-5, 2002.

A Certified Copy
Paul B. Willensin
Clerk of Court C.P. & G.S.
Greenville County, SC

Dated 7-15-2005

246

APPENDIX 485

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENVILLE)

STATE OF SOUTH CAROLINA,)

Indictment No: 2003-GS-23-1234

VS.)

ORDER)

ROBERT D. MCCALL II.,)

DEFENDANT.)

This matter is before me upon the Defendant Robert McCall's Motion to Compel the Victim to undergo an independent psychological evaluation by the Defendant's expert.

The State is ordered to turn over any and all records of psychological evaluation of the Victim as soon as possible. Defendant is granted leave to revisit this issue if review of these documents shows a compelling need for psychological evaluation of the Victim.

The Defendant's Motion for an independent evaluation of the Victim is denied.

IT IS SO ORDERED.

Edward W. Miller

Presiding Judge, Fifteenth Circuit

Greenville, South Carolina

Dated: 10/24/03

A Certified Copy
Paul B. Williams
Clerk of Court C.P. & G.S.
Greenville County, SC

Dated 10/24/03

248

CMTI330D	SCDC OFFENDER MANAGEMENT SYSTEM	05/19/08
OMCOMITA	RELEASE DATE SCREEN	C040481
SCDC# > 299164		LOC: PERRY
MCCALL, ROBERT -	SCDC CLASSIFICATION... VIOLENT	
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE	SEXUAL REGISTRY... Y	
	SEXUAL PREDATOR... PENDING	
	DNA STATUS.....: COMPLETED	
	GPS REQUIREMENT... N	
	PREA DECISION.....:	
CURRENT SENTENCE: 020-00-000	CONSECUTIVE SENTENCE ... N	
020-00-000	CURRENT SENT START DATE: 01/15/2004	
PROJECTED COMPLETION DATES		
MAXOUT DATE: 01/10/2021	CURRENT EWC ..: 3 F 5	
YOA SIX YEAR DATE: / /	CURRENT EEC ..: NOT CURRENTLY EARNING EEC	
INITIAL PAROLE DATE: 00/00/0000	NEXT PAROLE HEARING DATE: 00/00/0000	
TOTAL GT DAYS EARNED: 000000	LABOR CREW/WORK PROG DATE: 99/99/9999	
TOTAL EARNED WORK CREDITS ..: 000372	LABOR CREW DISQ REASON:	
TOTAL EDUCATION CREDITS: 000000	CURRENT OR PRIOR SEX CONDUCT CONVICT	
TOTAL EXTRA EARNED CREDITS ..: 000		
TOTAL SERVICE TIME EARNED ...: 001564		

PFKEYS: 5:HISTORY OF DATE CHANGES

4- [©]	1 Sess-1	167.7.50.33	TNET1441	3/11
-----------------	----------	-------------	----------	------

CLASSIFICATION SUMMARY REPORT DATED 05/19/08

C040481

SCDC# 299164

MCCALL, ROBERT -

FBI# 598825WB2

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: PERRY CORR INST

SECURITY/CUST.: 3 MINIMUM IN

CURR INCARC SENT...: 20 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

MED CLASS: 2 MED PROB/NO WORK RESTRICT

MENTAL CLASS: NMH (NO MENTAL HEALTH TRE

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 50

DORM.....: Q4A0206T

RESIDENT STAB.: STABLE IN-STATE

PROJ MAXOUT DATE: 01/10/2021

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: FURNITURE ASSEMBLER

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 3F5 EEC LEVEL:

ASSIGNMENT...: PRISON INDUSTR

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	SENTENCE	START	V/NV	CAT	INDICT
LEWD ACT/CHILD UNDER 16	15	0	0	GREENVILLE	01/15/2004	N	4	03GS2307589	
CRIM SEX COND.W/MINOR(15	20	0	0	GREENVILLE	01/15/2004	V	5	03GS2301234	

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARY HISTORY

HISTORY OF MOVEMENTS:

DATE	LOCATION	STATUS	REASON
01/25/08	PERRY	INCARCERATED	ADMINISTRATIVE
01/25/08	KIRKLAND	INCARCERATED	MEDICAL
03/02/05	PERRY	INCARCERATED	ADMINISTRATIVE
02/03/04	EVANS	INCARCERATED	ADMINISTRATIVE
01/20/04	KIRKLAND	INCARCERATED	R&E PROCESSING
01/20/04	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
FURNITURE ASSEMBLER	04/11/06	00/00/00		3F5
MACHINE OPERATOR HEL	03/25/05	04/10/06	LATERAL TRANSFER	3F5
LIBRARY HELPER	02/05/04	03/02/05	INSTIT TRANSFER	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	04/05/05	05/09/05	INMATE REQUEST

***** END OF REPORT *****

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE VS.

Robert McCall

AKA:

Race: W

Sex: M

REDACTED

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2301234

A/W#: G654397

Date of Offense: 02-21-1997

S.C. Code § : 16-03-0655(1)

CDR Code #: 0385

☐ CASE RESTORED
SENTENCE☐ PLEA ☒ TRIAL☒ CONVICTED OF or ☐ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: SEX. CRIM SEX COND. 1ST DEG W/MIN <11 YR

in violation of § 16-03-0655(1)

of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

Tim Sullivan

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: _____☐ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SODPPPS _____

Recipient: _____

*Fine:

\$

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 35.13 (Public Def/Prob)

\$500

\$

§ 73.3, 1B TP (Law Enforce. Funding)

\$25

\$

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 59-21-114(BU) Breath Test Fee)

\$50

\$

§ 56-5-2942(1) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

TOTAL

\$

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. § 35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Robert McCall

AKA:

Race: W

Sex: M

Age: 46

REDACTED

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2307589

A/W#: DIRECT PRESENTMENT

Date of Offense: 02-21-1997

S.C. Code § : 16-15-140

CDR Code #: 2468

☐ CASE RESTORED
SENTENCE☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: LEWD ACT UPON A CHILD

in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Supra S. Seay
Solicitor:

Defendant

Attorney for Defendant
Tim SullivanWHEREFORE, 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: _____
☐ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

☐ set by SCDPPPS

Attend Voc. Rehab. or Job Corp.

Recipient: _____

May serve W/E beginning

*Fine:

\$

Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %)

\$

Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv Surcharge)

\$100

\$ 100

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

\$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment)

\$12

\$

Other: _____

§ 35.13 (Public Def/Prob)

\$500

\$

§ 73-3-13 TP (Law Enforce. Funding)

\$25

\$

§ 13-7-13 TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

TOTAL

\$

PRESIDING JUDGE

Judge Code:

1 01 718

Sentence Date:

1-15-04

☐ Appointed PD or appointed other counsel, § 35.13 TP
Requires \$500 be paid to Clerk during probation.Paul B. Wickens
Clerk of Court/ Deputy Clerk
Court Reporter: Herron

STATE OF SOUTH CAROLINA

COUNTY OF GreenvilleSTATE VS.Robert McCall

AKA: _____

Race: W Sex: M Age: 46

REDACTED

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2301234A/W#: G654397Date of Offense: 02-21-1997S.C. Code § : 16-03-0655(1)CDR Code #: 0385☐ CASE RESTORED
SENTENCE☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: SEX. CRIM SEX COND. 1ST DEG W/MIN <11 YRin violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Bryna S. Gray
Solicitor:

Defendant

Attorney for Defendant

Tim SullivanWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: _____
☐ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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.

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Paul B. Wickensimer

Clerk of Court/ Deputy Clerk

Court Reporter: Heron

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, § 35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE C. Vicki B. GrayJudge Code: 1 01 710Sentence Date: 1-15-04

SCCA/217 (7/2003)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

At a Court of General Sessions, convened on FEBRUARY 25, 2003 the

Grand Jurors of Greenville County present upon their oath:

That ROBERT DUNCAN MCCALL, II did in Greenville County, between the 21st day of February, 1996 and the 21st day of February, 1997, commit a sexual battery on M.L.G., who was less than eleven years of age. This is in violation of §16-3-655(1) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Bryna S. Seay
SOLICITOR

WITNESSES

L. HENDERSON

SAPM 050/5

GCSO

06/26/02

ARREST WARRANT NUMBER

G 654397

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Danna Turrentine

Foreperson of Petit Jury

Date:

1-15-04

DOCKET NO. 2003-GS-23-

BSS

001234

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2003

GUILTY

THE STATE

vs.

ROBERT DUNCAN MCCALL, II

Indictment for

✓ 0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-3-655

APPENDIX 493

740

ARREST WARRANT

G-654397

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

THE STATE

against 02-90568

ROBERT DUNCAN MCCALL II

Prosecuting Agency: G'VILLE SHERIFF'S OFFICE

Prosecuting Officer: L. HENDERSON 630/*166

Offense: CRIMINAL SEXUAL CONDUCT 1ST

DEGREE WITH A MINOR Offense Code:

Code/Ordinance Sec. 16-3-658

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant ROBERT DUNCAN MCCALL II
 on 6/26/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

 Personally appeared before me the affiant INV. LORRAINE HENDERSON who
 being duly sworn deposes and says that defendant ROBERT DUNCAN MCCALL II
 did within this county and state on 2-21-96 THRU 2-21-97 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT FIRST DEGREE WITH A MINOR

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts: AFFIANT HAS A STATEMENT FROM
 THE VICTIM, WHO IS A 12-YEAR OLD FEMALE IMPLICATING THE DEFENDANT IN THE ABOVE
 SAID OFFENSE. THE VICTIM STATES WHILE SHE WAS IN THE CARE AND CUSTODY OF THE
 DEFENDANT HE DID INSERT HIS FINGER INTO HER VAGINA ON MORE THAN ONE OCCASION.
 AFFIANT ALSO HAS IN POSSESSION A STATEMENT FROM THE DEFENDANT ADMITTING THAT HE
 INSERTED HIS FINGER INTO THE VICTIM'S VAGINA ON ONE OCCASION.
 INVESTIGATION REVEALED THIS INCIDENT DID OCCUR WITHIN THE BOUNDARIES OF GREENVILLE
 COUNTY. SEE CASE #02-90568.

 Sworn to and subscribed before me
 on 6-26-02
 Signature of Issuing Judge (L.S.)

Signature of Affiant

 Affiant's Address 4 MCGEE STREET
 GREENVILLE, S.C. 29601

Affiant's Telephone 467-5136

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 XX BETWEEN 2-21-96 - 2-21-97 defendant ROBERT DUNCAN MCCALL II

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT FIRST DEGREE WITH A MINOR

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 Signature of Issuing Judge (L.S.)
 Judge Code: 544

 Judge's Address 4 MCGEE STREET
 GREENVILLE, S.C. 29601

Judge's Telephone 467-5312

 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

ORIGINAL

APPENDIX 494

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.Robert McCall

AKA: _____

Race: W Sex: M Age: 46

REDACTED

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2307589

A/W#: DIRECT PRESENTMENTDate of Offense: 02-21-1997S.C. Code § : 16-15-140CDR Code #: 2468☐ CASE RESTORED
SENTENCE☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: LEWD ACT UPON A CHILDin violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Burna S. Seay
Solicitor:

Defendant:

Attorney for Defendant
Tim SullivanWHEREFORE, 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: _____☐ 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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Paul B. Wickens

Clerk of Court/ Deputy Clerk

Court Reporter: Herron

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, § 35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE C. Vicki RyanJudge Code: 1 01 718Sentence Date: 1-15-04

SCCA/217 (7/2003)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on OCTOBER 21, 2003 the

Grand Jurors of Greenville County present upon their oath:

That ROBERT DUNCAN MCCALL, II did in Greenville County, between the 21st day of February, 1996 and the 21st day of February, 1997, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of M.L.G., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Bryna S. Seay
SOLICITOR

WITNESSES

L. HENDERSON *Patterson*

GCSO

06/26/02

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

ACTION OF GRAND JURY
TRUE BILL

Russell G. [Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Anna Turrentine
Foreperson of Petit Jury

Date:

1-15-04

5-15-04
DOCKET NO. 2003-GS-207589

BSS

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

OCTOBER TERM 2003

GUILTY

THE STATE

vs.

ROBERT DUNCAN MCCALL, II

Indictment for

✓ 2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

APPENDIX 497

500