

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Steven H. John, Circuit Court Judge

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SC Court of Appeals

22422  
THE STATE,

RESPONDENT,

V.

MICHAEL EDWARDS WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2014-002241

RECORD ON APPEAL

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STATE'S EXHIBIT #7 (FORENSIC INTERVIEW VIDEO)**

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
 )  
 PLAINTIFF, )  
 )  
 )  
 )  
 -VS- )  
 )  
 MICHAEL E. WILLIAMS, )  
 )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

2012-GS-23-10445  
2013-GS-23-0698A

TRANSCRIPT OF RECORD

OCTOBER 6 & 8, 2014  
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE STEVEN H. JOHN

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

LISA BENTLEY, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

DOROTHY MANIGAULT, ESQUIRE

SUSAN W. HUDGINS  
CIRCUIT COURT REPORTER

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**SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY**

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1           **THE COURT:** All right. Please come around to be sworn,  
2   ma'am. Just come right around up here, please.

3           **MADAME CLERK:** Ma'am, would you please place your left  
4   hand on the Bible and raise your right hand.

5                               **Sarah Davis,** being duly  
6   sworn testified as follows;

7           **MADAME CLERK:** Thank you. Please be seated. Please  
8   state your name for the record.

9           **MS. DAVIS:** Sarah Davis.

10          **MADAME CLERK:** Thank you.

11   **Direct Examination by Ms. Bentley:**

12   Q.   Ms. Davis, where are you employed and in what capacity?

13   A.   I work for the Julie Valentine Center. And I'm their  
14   clinical coordinator.

15   Q.   Okay. Have you always been the clinical coordinator  
16   for the Julie Valentine Center?

17   A.   I've not. That's a new position that I started in  
18   March of this year.

19   Q.   Okay. What did you do prior to becoming a clinical  
20   coordinator?

21   A.   I have been a forensic interviewer there since July of  
22   2011.

23   Q.   As clinical coordinator do you still perform forensic  
24   interviews?

25   A.   I do.

**SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY**

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1 Q. Okay. And when did you first begin performing --  
2 pardon me. Let me take you back. Tell me about your  
3 educational background.

4 A. I have a bachelor's degree in psychology from Clemson  
5 and a master's in social work from the University of South  
6 Carolina.

7 Q. Do you have additional training or certificates?

8 A. I do. I'm a licensed social worker in the State of  
9 South Carolina.

10 Q. Okay. Do you attend classes regularly in the field of  
11 either social work or forensic interviewing?

12 A. I do.

13 Q. Do you have particularized training in forensic  
14 interviewing?

15 A. I do. I've attended the forty hour Child First  
16 training course. I attended that back in July of 2011. And  
17 I've also attended various advanced trainings in forensic  
18 interviewing.

19 Q. Okay. When you were simply a forensic interviewer,  
20 not a clinical coordinator at the Julie Valentine Center,  
21 what were your primary duties?

22 A. I would conduct forensic interviews with children or  
23 adolescents that were referred to us. I would prepare  
24 reports based on those forensic interviews. I would testify  
25 in court when necessary, attend multi-disciplinary team

SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY

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1 staffings.

2 Q. Could you tell the Court briefly what a forensic  
3 interview is?

4 A. Sure. A forensic interview is a semi-structured,  
5 developmentally appropriate, non-leading method of  
6 questioning children about allegations of abuse.

7 Q. Okay. And how much experience do you have in  
8 conducting forensic interviews with children?

9 A. A little over three years.

10 Q. And in those three years how many forensic interviews  
11 have you conducted? Do you know?

12 A. I've done just over five hundred and thirty.

13 Q. What type of questions are you trained to use in a  
14 forensic interview?

15 A. We use non-leading questions.

16 Q. What is the reason for that?

17 A. Well, in the forensic interview I want any information  
18 that I get from the child to be information that's from them  
19 and not something that I suggested to them.

20 Q. Okay. Do you know the alleged victim in this case,  
21 Minor

22 A. I do.

23 Q. How do you know her?

24 A. I did a forensic interview with her.

25 Q. What person or agency referred her for this forensic

**SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY**

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1 interview?

2 A. She was referred by Detective Robertson with the  
3 Greenville County Sheriff's Office.

4 Q. What date was the forensic interview conducted?

5 A. I interviewed her on April 30th, 2012.

6 Q. And do you recall how old she was at that time?

7 A. She was five.

8 Q. Tell me if you did anything to preserve the interview  
9 as it was conducted.

10 A. I made an audio and video recording.

11 Q. Okay. I'm going to show you what has been marked as  
12 State's exhibit 7. Tell me if you can identify State's  
13 exhibit 7.

14 A. That's the DVD of the interview that I did with Minor

15 Q. And how do you know that?

16 A. Because of the -- what's written on it. This is how we  
17 mark all of our DVD's that are copied for court.

18 Q. Did you have a chance to watch this particular disk?

19 A. I did.

20 Q. And is it a fair and accurate representation of your  
21 interview with Minor on April 30th, 2012?

22 A. It is.

23 Q. Have any additions been made or deletions been taken  
24 from this disk?

25 A. No.

SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY

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1 Q. So it is exactly as the interview happened with Minor

2 A. Yes.

3 Q. All right. In regard to the forensic interview, please  
4 describe the forensic interview room.

5 A. So we conduct a forensic interview in a room that does  
6 not have very many furnishings in it. There are two chairs  
7 in there. And then there's an easel with some easel paper  
8 on it. We have tissues, tape dispenser and then  
9 anatomically correct drawings that we use. So there's not a  
10 whole lot of stuff in the interview room.

11 Q. Okay. And why is that?

12 A. Well, we really want to minimize the distractions for  
13 the child while we're talking to them. And we also keep the  
14 room free of, you know, toys or things like that for the  
15 child to play with because the interview is for the purpose  
16 of fact-finding. And so we want to keep play and fantasy  
17 separate from the interview.

18 Q. What, if any, concerns did you have about Minor  
19 ability to understand the questions you asked her?

20 A. There were some questions that I asked Minor that she,  
21 you know, may have had some difficulty with. But the  
22 questions that she had any difficulty with were -- it was  
23 developmentally appropriate for her to maybe have some  
24 trouble with those, like questions regarding -- with  
25 prepositions, like if something was on or inside, that type

SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY

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1 of thing. Five year olds oftentimes have trouble with those  
2 questions. So those were some that she had difficulty with.

3 Q. Did any of her responses give you pause as to her  
4 ability to, I guess, understand what was being asked of her  
5 aside from those prepositional issues?

6 A. No.

7 Q. Okay. And were there portions of the interview where  
8 you experienced any difficulty understanding Minor

9 A. Her speech was difficult to understand especially at  
10 the beginning of the interview. During the rappore building  
11 phase I had to spend some time just getting to know how she  
12 said certain words.

13 Q. Okay. Did she have any sort of speech impediment or  
14 was it just ...

15 A. I believe she received speech therapy at school. So  
16 I'm not sure what type of -- if she had a diagnosis  
17 associated with that. But she just -- so I had some  
18 difficulty understanding her speech. And it took me a  
19 little bit of time to learn how she said certain things.

20 Q. Did you do anything to make sure that you heard her  
21 correctly?

22 A. Yes. I would repeat back to her what she would say.  
23 And that was just to give her a chance to clarify if she  
24 said something and I repeated it back incorrectly, you know,  
25 what she -- said back to her what she had not said, then it

**SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY**

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1 would give her an opportunity to correct me to let me know,  
2 you know, what it was that she really had said.

3 Q. And did she correct you during the interview at all?

4 A. She did.

5 Q. All right.

6 **MS. BENTLEY:** Your Honor, at this time I would seek to  
7 move exhibit 7 into evidence for purposes of this hearing  
8 and play it for the Court to make a determination under 17-  
9 23-175.

10 **THE COURT:** Is there any objection from the Defense?

11 **MS. MANIGAULT:** Your Honor, may I reserve my objection  
12 until the tape is played and viewed by the Court?

13 **THE COURT:** I'm sorry, you haven't had a chance to ---

14 **MS. MANIGAULT:** I have.

15 **THE COURT:** Okay.

16 **MS. MANIGAULT:** I have.

17 **THE COURT:** All right. So, I mean, if you know you  
18 have some objections, I guess I would like for you to bring  
19 them to the Court's attention now before I even have a  
20 chance to view it.

21 **MS. MANIGAULT:** Your Honor, my objection is that the  
22 tape should not be allowed. My client did not have an  
23 opportunity to be there for cross examination or any  
24 representative on his behalf. It's generally dealing with  
25 the confrontation clause. And this tape, as I have viewed

**SARAH DAVIS - DIRECT EXAMINATION BY MS. BENTLEY**

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1 it, goes far beyond the out-of-court statement being  
2 relative to time and place.

3 **THE COURT:** All right. Solicitor.

4 **MS. BENTLEY:** Your Honor, pursuant to 17-23-175 in  
5 order to address that confrontation clause issue the State  
6 must make the child available for cross examination. The  
7 State will be calling Minor as a witness in the  
8 trial.

9 **THE COURT:** All right. Very good. At the present time  
10 the Court's going to allow the playing of the DVD. You may  
11 proceed.

12 **MS. BENTLEY:** And, Your Honor, may Ms. Davis step down  
13 so we don't have to play the video on top of her face?

14 **THE COURT:** Certainly. You're not going to be asking  
15 her any questions during ---

16 **MS. BENTLEY:** No, sir, Your Honor.

17 **THE COURT:** --- while it's being played? Then, fine.

18 Yes, ma'am, you can step down. No problem.

19 (Whereupon State's exhibit 7 was played for the Court)

20 (Whereupon the video was ended)

21 **THE COURT:** You want the witness to resume the stand?

22 **MS. BENTLEY:** Your Honor, I don't have any further  
23 questions for her. If Ms. Manigault has any cross exam,  
24 I'll bring her back.

25 **THE COURT:** All right, ma'am, if you want to come back,

**SARAH DAVIS - CROSS EXAMINATION BY MS. MANIGAULT**

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1 please. Cross examination.

2 **MS. MANIGAULT:** Thank you, Your Honor.

3 **Cross Examination by Ms. Manigault:**

4 Q. Ms. Davis, there was a point in the tape she said  
5 yesterday he touched my bottom.

6 A. Right.

7 Q. And you asked her was it this -- later on was it the  
8 same time she was describing before?

9 A. Correct.

10 Q. And she said no.

11 A. Correct.

12 Q. Then you asked her had you seen him since what you  
13 described? And she said, no.

14 A. Right.

15 Q. But then you went back to ask her again about what she  
16 was wearing. The first time she told you she was wearing  
17 shorts.

18 A. Right.

19 Q. The last time she told you she was wearing a dress?

20 A. When she had the doll in her hands she said she was  
21 wearing the dress, yes.

22 Q. All right.

23 **MS. MANIGAULT:** No further questions, Your Honor.

24 **THE COURT:** Any redirect?

25 **MS. BENTLEY:** No, Your Honor. Not at this time.

1           We believe that this statement was detailed. It had  
2 internal coherence. And we believe that it should be  
3 admissible under 17-23-175.

4           **THE COURT:** All right. Thank you. All right, Ms.  
5 Manigault. I'll be glad to hear from you, ma'am.

6           **MS. MANIGAULT:** Please the Court, Your Honor. Your  
7 Honor, we believe that this video goes way beyond the time  
8 and place that is alleged for the assault.

9           We believe that the interviewer -- I agree with  
10 footnote 4 in State versus Cromer that the title forensic  
11 interviewer is a misnomer. We believe that the interviewer  
12 not using scientific methods or not explaining what  
13 scientific methods they used did present a lot of leading  
14 questions, repetitive questions, which, for me as an adult,  
15 was tiring and it appeared to be tiring to the child also.

16           And it appeared that the interviewer was soliciting  
17 answers that she believed should have come from the child  
18 according to whatever information was given to her. Your  
19 Honor, we believe that the forensic or the interviewer may  
20 assist the investigation, but we don't believe that this  
21 tape should be allowed into evidence at this -- at any  
22 point.

23           **THE COURT:** All right. Thank you, ma'am. All right.  
24 Pursuant to 17-23-175 the admissibility of out-of-court  
25 statement of child under 12 regarding the determination of

1     trustworthiness, the -- for the purposes of that section the  
2     alleged victim in this matter does fit the definition of a  
3     child under subsection (c) and that -- also that for the  
4     purposes of the section, the investigative interview was  
5     questioning of the child by someone as set forth in  
6     subsection (d), those parts were set forth.

7             The statute indicates that in court of general sessions  
8     an out-of-court statement of a child is admissible. And  
9     there are four parts to that. One is the statement was  
10    given in response to questioning conducting -- conducted  
11    during an investigative interview of the child. I think  
12    that's clear for the purposes of the video that this was  
13    done.

14            Two, an audio and visual recording of the statement is  
15    preserved on film, videotape or other electronic means. And  
16    I do find that that was also done as viewed by the Court in  
17    this motion.

18            Three, the child testifies at the proceeding and is  
19    subject to cross examination on the elements of the offense  
20    and the making of the out-of-court statement. I've been  
21    assured by the assistant solicitor prosecuting this case  
22    that such will take place during the trial of this matter  
23    against the Defendant. And, therefore, I am taking that as  
24    an affirmative statement that will take place. And I find  
25    that has been so properly covered.

1           Four, the Court finds in a hearing conducted outside  
2     the presence of the jury, which is what we're doing right  
3     now, that the totality of circumstances surrounding the  
4     making of the statement provides particularized guarantees  
5     of trustworthiness.

6           Based upon what I've heard from the testimony of the  
7     interviewer, Ms. Davis, and the Court's observation of the  
8     interview, I do find that this section has been properly  
9     shown to the Court. I do not find that there's any reason  
10    to find otherwise than the making of the statement shows  
11    particularized guarantees of trustworthiness based upon what  
12    I've been able to observe in the testimony of the witness.

13          So in that, though, the Court has to make certain  
14    findings, that is in the (b) section. So in determining  
15    whether or not a statement possesses the particularized  
16    guarantees of trustworthiness the Court can consider, but  
17    not limited to the following factors. So let's go over the  
18    ones that they have set forth.

19          The statement, whether the statement was elicited by  
20    leading questions, I've listened to the questions that were  
21    asked by the interviewer, Ms. Davis, in this matter of the  
22    alleged victim. While there may have been some repetitive  
23    questions, I do not find that the interviewer was suggesting  
24    answers in the questions. I do not find that by the  
25    questions she asked she was giving answers to the alleged

1 victim as to what answers should be given in response to the  
2 questions. And whether or not a question was asked more  
3 than once or several times, I still do not find that the  
4 answer was suggested and the -- that the child was being  
5 forced or coached in any way to give any particular answer.

6 Two, whether the interviewer has been trained in  
7 conducting investigative interviews -- interviews of  
8 children, I find based upon her testimony that she has  
9 received necessary training to conduct interviews. I find  
10 that she has conducted a substantial number of interviews  
11 and that -- I find that her training appears to the Court to  
12 be sufficient to allow her to conduct this type of  
13 interview.

14 Three, whether the statement represents a detailed  
15 account of the alleged offense, regarding the two offenses  
16 for which the Defendant is charged, that's criminal sexual  
17 conduct with a minor, first degree, and criminal sexual  
18 conduct with a minor, third degree, based upon the matters  
19 presented and the answers given, if that evidence is so  
20 believed by the jury, it would represent an account, a  
21 detailed account of the offenses for which the Defendant is  
22 charged. Looking at the indictments that were previously  
23 read to the jury in this matter, I do find that number three  
24 has been satisfied.

25 Four, whether the statement has internal coherence, I

1 find, again, whether or not there was repetitive questions,  
2 that sort of helps the Court determine whether or not there  
3 has been internal coherence regarding the statements or  
4 answers given by the alleged victim in this matter. And I  
5 do find that based upon the Court's observation of the  
6 videotape and her answers that there has been an overall  
7 internal coherence regarding her statements as to what may  
8 have taken place.

9 And, five, the sworn testimony of any participant which  
10 may be determined as necessary by the Court, I don't find  
11 that necessary except for, obviously, the sworn testimony  
12 that was given by Ms. Davis regarding the circumstances  
13 surrounding the interview and her particularized training in  
14 this matter. That is the only testimony I find that was  
15 necessary in addition to the Court's viewing of the  
16 videotape.

17 So, therefore, based upon all of that, I do find that  
18 in accordance with the motion by the State pursuant to  
19 section 23-175 that this out-of-court statement made by the  
20 alleged victim in this matter is proper to be placed in  
21 evidence in this case and played to the jury in this trial  
22 again with the assertion by the solicitor that the alleged  
23 victim in this matter will testify and be subject to cross  
24 examination in this particular case.

25 Anything further from the State on this?

|                         |   |                           |
|-------------------------|---|---------------------------|
| STATE OF SOUTH CAROLINA | ) |                           |
|                         | ) | COURT OF GENERAL SESSIONS |
| COUNTY OF GREENVILLE    | ) | 2012-GS-23-10455; 0698    |
|                         | ) |                           |
|                         | ) |                           |
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|                         | ) | PLAINTIFF)                |
| vs.                     | ) | TRANSCRIPT OF RECORD      |
|                         | ) |                           |
| MICHAEL E. WILLIAMS     | ) |                           |
|                         | ) | DEFENDANT).               |

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October 7, 2014  
Greenville, South Carolina

B E F O R E:

THE HONORABLE STEVEN H. JOHN, Judge; and a jury.

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

LISA BENTLEY, ESQ.  
Attorney for the State

DOROTHY MANIGAULT, ESQ.  
Attorney for the Defendant

APRIL HERRON  
Official Court Reporter

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1 with a minor in the third degree. Due to the nature  
2 of these allegations and The State's burden of proof,  
3 you will probably hear things during this trial you  
4 never wanted to hear. This is not done to upset or  
5 anger you. It is done because The State has to prove  
6 these crimes occurred and we have to prove it in  
7 certain ways.

8 Proof beyond a reasonable doubt is not just a  
9 term that we dandy about lightly. I's not just  
10 something that you hear on TV. It is the foundation  
11 on which our criminal justice is based and we do not  
12 expect you to take that burden lightly. As the Judge  
13 just told you, he will explain the law and the  
14 differences in these allegations at the end of the  
15 trial. But there are elements for parts of the crime  
16 that you need to listen for as the evidence unfolds.

17 Criminal sexual conduct in the first degree with  
18 a minor. Essentially, there are two key elements  
19 that you need to listen for and that I need to prove  
20 during the testimony. First, is the age of the  
21 victim. I must prove that the victim was under the  
22 age of 11 when the abuse occurred. The date of the  
23 allegation is March 31st, 2012, that was a weekend.  
24 And the evidence will show that the victim in this  
25 case, Minor had recently turned five

1 years old at that time. The second element that I  
2 must prove under criminal sexual conduct with a minor  
3 in the first degree is a sexual battery. And the  
4 Judge will define that for you. So essentially, I  
5 must prove either some type of penetration by the  
6 Defendant into the victim or I must prove oral  
7 genital contact. The allegation in today's case is  
8 oral genital contact between the Defendant and the  
9 victim.

10 Criminal sexual conduct with a minor in the  
11 third degree, formally known as lewd act. The Judge  
12 read you parts of that indictment yesterday and  
13 you're probably wondering what exactly is a lead  
14 about? Again, he'll define it for you at the end of  
15 the trial but a lewd act is touching. Any touching,  
16 rubbing, anything by the Defendant on the body of the  
17 Victim that is meant to arouse either the Defendant  
18 or the Victim.

19 Now, that you know what this case is about and  
20 what The State intends to prove, I want to tell you a  
21 little bit about what you can expect during this  
22 trial. And I want you to keep in mind that child  
23 sexual abuse is a secret crime. It is not performed  
24 out in the open, it is not performed with the help  
25 of an accomplice. Child sexual abuse crimes are

1 secret. There will not be fingerprints like someone  
2 would leave behind in a burglary. There often not  
3 signs of abuse like you would expect in a traditional  
4 assault and battery case. There are no script  
5 writers here to make things sound better or fancier  
6 than they are. This is real life. One unique aspect  
7 of child sexual abuse crimes is that you get to hear  
8 from the Victim twice. You will meet Minor today as  
9 she is, a seven year old girl. But you also get the  
10 unique ability to go back in time. And you will see  
11 Minor interview that was audio and video recorded  
12 as they do for children, and you will see her closer  
13 in time to when the assault actually occurred.

14 In addition to the Victim, Minor you will hear  
15 from her mother and you will hear from some personnel  
16 who investigate crimes against children. At this  
17 point I'm going to let the evidence speak for itself.  
18 And I thank you. I thank for your attention, I thank  
19 for your time and I thank for letting us get justice  
20 in this case.

21 THE COURT: All right, Ms. Manigault.

22 MS. MANIGAULT: Thank you, Your Honor.

23 OPENING STATEMENT

24 MS. MANIGAULT: Ladies and gentlemen, good  
25 morning. Again, my name is Dorothy Manigault and I

TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 represent Michael Williams in this case. Your Honor,  
2 has told you the charge, he read the indictments to  
3 you yesterday and explained to you that the  
4 indictments are only the way of getting a matter  
5 before the Court. They are the charging instrument.  
6 And once that matter gets before the Court then the  
7 factors are The State presents the evidence, the  
8 Judge gives you the law to apply to what you have  
9 heard and then your job is to, as jurors, is to apply  
10 the law as the Judge gave it to you regarding the  
11 information that you have received. The evidence  
12 that has come before you. My client, Michael  
13 Williams, has entered a plea of not guilty to both  
14 charges. To the CSC first and to the CSC third.

15 Your Honor, has explained to you the presumption  
16 of innocence. And he will explain that again to you  
17 at the end of the case. Whatever Ms. Bentley says  
18 the law is and whatever I say the law is does not  
19 matter to you. We would not mislead you about the  
20 law but you take exactly what Your Honor says the law  
21 is and apply it. And so with that The State has the  
22 burden of proof to bring to you evidence beyond a  
23 reasonable doubt that Michael Williams did act as  
24 charged. Again, Mr. Williams has entered a plea of  
25 not guilty to CSC first, criminal sexual conduct

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 first, with a minor and CSC third.

2 So, he stands as we sometimes say with a robe of  
3 innocence. It's a robe akin to what Your Honor wears  
4 or a trench coat that you would wear in the rain.  
5 The State has to present evidence that would not only  
6 unbutton on or unzip the robe, but they have to take  
7 that presumption of innocence completely off. Your  
8 Honor will also tell you that your attention is  
9 imperative in this case. So, that you will listen  
10 carefully so that Mr. Williams will receive a fair  
11 trial. Thank you.

12 THE COURT: Very good.

13 All right, Solicitor, your first witness please,  
14 ma'am.

15 MS. BENTLEY: The state calls Tammy Sutton.

16 THE CLERK: Ms. Sutton, if you'd please come  
17 forward.

18 THE COURT: Come all the way around please  
19 ma'am. Meet the Bailiff right up here.

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

22 TAMMY SUTTON, after being duly sworn,  
23 testified as follows:

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

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 THE WITNESS: Tammy Sutton.

2 THE CLERK: Thank you.

3 THE COURT: Yes, ma'am, Ms. Bentley.

4 DIRECT EXAMINATION

5 BY MS. BENTLEY:

6 Q Ms. Sutton, how old are you?

7 A Thirty-seven.

8 Q Do you have any children?

9 A Yes, Minor

10 Q How old is Minor

11 A Seven.

12 Q Is she a girl or boy?

13 A Girl.

14 Q Ms. Sutton, do you work or go to school?

15 A I go to Greenville Tech full-time.

16 Q And how long have you been going to Greenville  
17 Tech?

18 A Year and a half, two years.

19 Q What did you do prior to going to Greenville  
20 Tech?

21 A Full-time mom.

22 Q Okay. What are you studying?

23 A Computer tech.

24 Q Okay. Where are you from originally?

25 A New York State.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q Were you born in New York State?

2 A Yes, ma'am.

3 Q When did you move to South Carolina?

4 A Five and a half years ago.

5 Q Was Minor --

6 A Less than two years old, yeah.

7 Q Okay. Who did you move to South Carolina with?

8 A Me and Minor and her dad.

9 Q Who is her dad?

10 A Arthur Bell.

11 Q Is he still a part of her life?

12 A No, ma'am.

13 Q And where do you currently live? You don't have

14 to give me the exact address but tell me the approximately

15 where it is?

16 A Southern Greenville.

17 Q Okay. And do you live in the same home that you

18 lived in when you first moved here?

19 A Yes, ma'am.

20 Q Okay. Who lives in that home with you?

21 A Minor and I.

22 Q Has it always been just the two of you?

23 A Her dad for the first year but.

24 Q Has anyone else ever lived with you?

25 A No, ma'am.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1           Q     Has anyone else ever stayed with you for an  
2 extended period of time?

3           A     A school friend for there weeks, but.

4           Q     Okay. How did you meet people when you first  
5 came to South Carolina?

6           A     I didn't really meet too many people because  
7 Minor wasn't even two years old and I bought a foreclosed  
8 house and just so busy trying to get settled in and fix  
9 the house. And, I mean, she was only not even two years  
10 old, so.

11          Q     Okay. Did you make a lot of friends when you  
12 moved here?

13          A     No, we stayed home a lot in the beginning.

14          Q     What about now?

15          A     Now that she's seven we get out a lot more and  
16 go to the zoo and the parks and stuff like that. We go  
17 bowling.

18          Q     Okay. And do you know the Defendant in this  
19 case?

20          A     Yes, ma'am.

21          Q     What is his name?

22          A     Michael Williams.

23          Q     Okay. Do you remember when you first met  
24 Mr. Williams?

25          A     I think around December 2011.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q Okay. Do you remember how you met Mr. Williams?

2 A From the nextdoor neighbor.

3 Q Who was the nextdoor neighbor?

4 A Janet Cartee.

5 Q Do you know what the relationship between

6 Mr. Williams and--

7 A Cousin.

8 Q Cartee is? Okay. Are you nervous today?

9 A Yes, ma'am.

10 Q Would you like some water?

11 A Sure.

12 Q Okay. You said you met Mr. Williams through  
13 your neighbor?

14 A Yes, ma'am.

15 Q Do you recall what he was doing that led to this  
16 meeting?

17 A Michael and his father were nextdoor doing some  
18 work because it was like a renovating.

19 Q Renovating?

20 A That house, yes, Janet's house.

21 Q What brought you to introduce yourself?

22 A Just seeing him outside and we just started  
23 talking and exchanged numbers.

24 Q Okay. Was there a motivation behind exchanging  
25 numbers?

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 A There's maybe a friendship in the future.

2 Q Okay. Did you become friends with Mr. Williams?

3 A Yes, ma'am.

4 Q How did that progress?

5 A We would get together once in a while whenever  
6 he was free from work. Usually like a Friday or Saturday.

7 Q What would you do when you got together?

8 A Maybe lunch or dinner or go bowling.

9 Q Okay. Would Minor go along?

10 A Yes, ma'am, she was always with me.

11 Q Okay. And how was Michael's interaction with

12 Minor

13 A He was really good with her.

14 Q Could you describe that for us a little bit  
15 more?

16 A Just playing with her, giving her attention.

17 Q How did Minor respond?

18 A She enjoyed it. She was only four years old,  
19 so.

20 Q Did she always make friends easily?

21 A It was always her and I at that point.

22 Q Okay. Would she interact with strangers?

23 A Not really. I mean, she would say, Hi, maybe.  
24 I mean, we were home a lot, so.

25 Q Okay. I want to take you back to late March

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 2012. How old was Minor at that point?

2 A She just turned five.

3 Q When is her birthday?

4 A

5 Q What year?

6 A

7 Q Okay. And how often were you spending time with  
8 Mr. Williams late spring 2012 or late, early spring 2012?

9 A We hung out for off and on for three months.  
10 So, from when we met in January until February, March when  
11 this happened.

12 Q Okay. You said you hung out off and on?

13 A Like maybe once a week or every other week.

14 Q Did he live nextdoor with your neighbor Janet?

15 A No, ma'am, he lived 15 minutes down the road or  
16 something.

17 Q Okay. Did you -- how often did you see him  
18 weekly?

19 A Like on a Friday or Saturday.

20 Q Okay. Did he ever spend the night in your home?

21 A Yes, ma'am.

22 Q Do you know how often that happened?

23 A Within that three month period about five times.

24 Q Okay. Were you and Mr. Williams engaged in any  
25 type of romantic relationship?

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1           A     No, ma'am, it was just strictly friendship.

2           Q     Okay. Did you ever engage in any flirtatious  
3 behavior, perhaps?

4           A     Texting but not in person.

5           Q     Okay. And did you communicate with Mr. Williams  
6 a lot via text message?

7           A     Yeah, we never talked on the phone but we always  
8 texted.

9           Q     Okay. When he would spend the night, tell me  
10 how that would work as far as sleeping arrangements.

11          A     I recall one night that he did sleep in her bed.  
12 And one night he slept on the couch. But whenever he did  
13 sleep there Minor always slept in my bed with me in my  
14 bedroom.

15          Q     Okay. I want to take you back to the weekend of  
16 March 31st, 2012. Do you remember that weekend somewhat?

17          A     I remember him spending the night that Saturday.

18          Q     That Saturday night. Do you recall what you did  
19 Saturday night?

20          A     Not really just that he was around for the whole  
21 night.

22          Q     Okay. What did you typically do on weekends  
23 that he ended up spending the night?

24          A     Just, you know, stuff around the house.

25          Q     Okay. Did he help you with projects around the

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 house?

2 A He helped me with a couple of things, nothing  
3 major.

4 Q What did he help you with.

5 A Just like a little painting or fixing an outlet  
6 or putting up a shelf or something, simple stuff.

7 Q Okay.

8 A Nothing major.

9 Q Okay. And you said that he spent the night that  
10 Saturday, correct?

11 A Yes, ma'am.

12 Q And do you recall where he slept that Saturday?

13 A In Minor bed.

14 Q And where did you and Minor sleep?

15 A In my bed.

16 Q Okay. At any point did you leave your bedroom  
17 with Minor there?

18 A No, ma'am. She was always with me.

19 Q Okay. Tell me about the next day, did  
20 Mr. Williams -- what time did he leave?

21 A That Sunday he left at 6:00 p.m. because Minor  
22 and I were heading out to get my mom.

23 Q What were you headed to get your mom for?

24 A Because my mom was spending the night at my  
25 house Sunday night until Friday night because I had a job

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 at a warehouse at that time.

2 Q What warehouse were you working at?

3 A WSI.

4 Q How long did you work there?

5 A Six weeks.

6 Q Okay. So, your mom would stay with you from  
7 when to when?

8 A Sunday night into Friday night when I got off at  
9 3:30 or whatever.

10 Q Okay. Do you remember when that job began?

11 A Like March 13th. It was like the day before my  
12 birthday.

13 Q Okay. And when did that job end?

14 A Like April 14th. It was six weeks.

15 Q Okay. And your mom lived with you from Sunday  
16 to Friday?

17 A Yeah.

18 Q Okay. That Sunday, did you leave the house and  
19 leave Minor with Michael at any point in time?

20 A He was never 100 percent alone with her but I  
21 would be in like a different room. He would be in the  
22 playroom or something with her. I was always nearby, he  
23 wasn't 100 percent alone with her, but. Or like they  
24 would be outside or I would be inside or vice versa.

25 Q Okay.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q Okay. When -- that Sunday after Mr. Williams  
2 stayed over, you said that y'all were kind of all around  
3 the house all day, is that correct?

4 A Yes, ma'am.

5 Q Was there every any time when Mr. Williams was  
6 alone with Minor in the playroom?

7 A Yes, ma'am.

8 Q Do you know approximately how long that was?

9 A I mean, I'm guessing six hours throughout the  
10 day.

11 Q Okay. And what would you have been doing while  
12 they were playing?

13 A I was sitting in the couch, what's supposed to  
14 be the dinning room.

15 Q Okay.

16 A So, I can see. I could see what they were  
17 doing, I could hear them.

18 Q Okay. What else were you doing in there?

19 A On the internet, on the computer.

20 Q Okay. And did you hear, see anything throughout  
21 the day?

22 A I mean, I just heard them in there playing and  
23 reading books and laughing and joking.

24 Q Would you check on them?

25 A Yes, ma'am. Numerous times.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q And where were Michael and Minor in the room?

2 A Sitting on the floor.

3 Q Okay. Did you ever notice anything out of the  
4 ordinary when you would walk by?

5 A Well, I would walk by to past that room to get  
6 to my bedroom, to my master bath and like whenever I like  
7 made contact with Michael, he just seemed like he was  
8 doing something he shouldn't have been doing. I never  
9 seen him do nothing but he was just acting different  
10 towards me that day.

11 Q Okay. You said they were there off and on for  
12 about six hours?

13 A Yeah, throughout the weekend.

14 Q Okay. What time did Mr. Williams life that day?

15 A Six p.m.

16 Q How do you know it was 6:00 p.m.?

17 A Because I had to go pick up my mom in  
18 Powdersville at 6:00 p.m. and bring her to my house for  
19 the weekend. I mean, for the week, I'm sorry.

20 Q Okay. And tell me about you getting ready to  
21 leave that evening?

22 A It was right before 6:00 o'clock and I said, All  
23 right, it's 6:00 o'clock, it's time to go get grandma.  
24 And again, it's like I caught Michael off his guard or  
25 something. And I didn't think nothing of it. But Minor

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 was laying there on her left side and she was tugging at  
2 her shorts and her panties. Which seemed kind of odd  
3 because, I mean, she had those clothes on all day. And,  
4 you know, she don't mess with her clothes, they're just  
5 there.

6 Q Okay. Were her clothes on or off?

7 A I asked her as soon as he walked--

8 Q Well, I don't want to talk about what you talked  
9 about her yet. When you saw here was her clothing on?

10 A It was on from when I could see. But like I  
11 said she was tugging at the back where I couldn't see her  
12 bottom.

13 Q Okay. And where was Mr. Williams at that time?

14 A He was on the floor next to her getting up and  
15 just looking like I caught him doing something or.

16 MS. MANIGAULT: Your Honor, I'm going to object  
17 to her. . .

18 THE COURT: I appreciate the --

19 Why don't you rephrase your question, Solicitor,  
20 so that it elicits if it can be what she actually  
21 observed, saw.

22 MS. BENTLEY: Okay.

23 THE COURT: Not her impressions.

24 BY MS. BENTLEY:

25 Q Could you just describe where Minor was in

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 relation to where Mr. Williams was on the floor?

2 A Within three feet away.

3 Q Okay. And were -- you said Minor was lying  
4 down?

5 A Yeah, on her left side.

6 Q Okay. And how was Mr. Williams positioned?

7 A He was just sitting on his bottom.

8 Q Do you recall which direction he was facing?

9 A He was facing the door.

10 Q Okay.

11 A So was Minor

12 Q So, they were facing the same direction?

13 A Yeah.

14 Q What did you do at that point in time?

15 A At that point in time Michael left and then I  
16 questioned Minor about what was going on with her. You  
17 know, what's wrong?

18 Q Okay. Was Mr. Williams there when you  
19 questioned her?

20 A No, ma'am, he was gone.

21 Q Okay. And do you recall the exact question that  
22 you asked Minor

23 A I said, Why were you -- why were you tugging at  
24 your shorts? What was wrong with your shorts?

25 Q Okay. Without telling us what she said, did you

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 ask a follow up question?

2 A Yes, ma'am.

3 Q What was your follow up question?

4 A I asked her if Michael touched her private.

5 Q Okay. Had you explained to Minor what private  
6 parts were?

7 A No, ma'am. Other than pee-pee.

8 Q Had you ever discussed good touching versus bad  
9 touch withing her?

10 A No, ma'am.

11 Q Have you ever had or sort of conversation with  
12 her about that?

13 A No.

14 Q Did she appear distressed?

15 A She knew that I was upset and she started crying  
16 thinking that she did something wrong.

17 Q Were you upset?

18 A Yes, ma'am.

19 Q And you can't tell us what she said but based on  
20 what she said, what did you do?

21 A I just asked her a couple more questions.

22 Q Okay. And after asking those questions what did  
23 you do?

24 A I said, Okay let's go get grandma, we'll take  
25 care of this in a little bit.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q Okay. Did you go pick up your mother?

2 A Yes, ma'am.

3 Q Where did you go after that?

4 A Back home.

5 Q What did you do when you got home?

6 A I contacted my nextdoor neighbor, Janet Cartee,  
7 because I just wanted to let her know what Minor told me.

8 Q Okay. After speaking with Janet what did you  
9 do? You can't tell us anything that Janet said.

10 A Called 911.

11 Q Okay. Did the police respond?

12 A Yes, ma'am.

13 Q And did you also meet with an investigator  
14 later?

15 A Yes, ma'am.

16 Q Okay. I'm going to show you what's been marked  
17 as State's Exhibit 3. And don't tell us what it is but do  
18 you recognize this document?

19 A Yes, ma'am.

20 Q What is this document?

21 A It was to retrieve the text messages off my cell  
22 phone.

23 Q Okay. And is your signature on this document?

24 A Yes, ma'am.

25 Q Has anything been added, deleted, change this

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 document since you last saw it?

2 A No, ma'am.

3 Q And what is the date on this document?

4 A November 1st, 2013.

5 Q Okay. Is that the date that you first met with  
6 investigators or was that a separate date?

7 A I don't recall what date.

8 Q Okay.

9 A I recall that time him coming to get my cell  
10 phone and retrieving the messages but I couldn't honestly  
11 tell you the date.

12 Q Okay. Do you think you spoke to investigators  
13 prior to November? Did you speak to police before then?

14 A Yes, ma'am.

15 Q And did you cooperate with them fully?

16 A Yes, ma'am.

17 Q Did you give them a statement?

18 A Yes, ma'am.

19 Q Okay. And I want to ask you, did you ever  
20 confront Mr. Williams about the events of that weekend?

21 A Right after I talked to Minor I texted Michael  
22 asking him -- or excuse me, I told him I didn't want him  
23 around my daughter no more. And he had no concerns  
24 about--

25 MS. MANIGAULT: Your Honor, I'm going to object

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 to anything -- her impressions about his concerns.

2 THE COURT: All right, sustained.

3 BY MS. BENTLEY:

4 Q Okay. Just yes or no, did you confront the  
5 Defendant?

6 A Yes, ma'am, via text right after I talked to  
7 Minor

8 Q Okay. And I'm going to show you what's been  
9 marked as Exhibit 1. I'm going to show you what has been  
10 marked as State Exhibit 1. Do you recognize, looking  
11 through it, what that document is?

12 A Yes, ma'am. Those are the text messages that  
13 were on my phone.

14 Q How do you know that?

15 A Because I recall sending them and it's got my  
16 phone number.

17 Q Okay. And are these all messages that you have  
18 received throughout time, different parts of time?

19 A These were only the messages at the end.

20 Q In November?

21 A These are the messages -- the first messages are  
22 from somebody I heard off of Craig's List and I have a  
23 lawsuit against him.

24 Q Okay.

25 A And then the second messages are the ones I sent

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 to Michael right after this happened on April 1st. And  
2 the time that said 6:24 and he left my house at 6:00.

3 Q Okay. If you can, I know you're upset, just  
4 answer the questions. So, you said you confronted him?

5 A Yes, ma'am.

6 MS. BENTLEY: And, Your Honor, this is basically  
7 to get what in what I would classify as admission of  
8 a party defendant. If may have a little bit of  
9 leeway regarding the question or response.

10 THE COURT: I'm going to allow you to ask the  
11 question, we'll see if there's an objection to it.

12 MS. BENTLEY: All right.

13 THE COURT: Go ahead and ask the question.

14 BY MS. BENTLEY:

15 Q What do you recall first texting Mr. Williams?

16 A I told him--

17 MS. MANIGAULT: Your Honor, objecting.

18 THE COURT: All right, ladies and gentlemen of  
19 the jury, go to the jury room for a little bit,  
20 please. Thank you, very much.

21 (WHEREUPON, the jury left open court at  
22 approximately 10:20 a.m.)

23 THE COURT: Solicitor, are you attempting to get  
24 into evidence the response text from the Defendant?  
25 Is that what you're?

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 MS. BENTLEY: Yes. What she does independently  
2 recall.

3 THE COURT: I'm sorry, you don't have a copy of  
4 it?

5 MS. BENTLEY: I do have a copy of it, Your  
6 Honor, yes.

7 THE COURT: So, you can show that to her and ask  
8 her if that is the response text.

9 MS. BENTLEY: Yes, sir, Your Honor.

10 THE COURT: Okay. All right. First, you would  
11 probably need to get some background based upon their  
12 prior work or prior texting.

13 MS. BENTLEY: Correct.

14 THE COURT: You know, some background  
15 information about that. And then go into that and  
16 then I'll hear the objection at that point in time.  
17 Go ahead.

18 BY MS. BENTLEY:

19 Q All right. You stated that you confronted  
20 Mr. Williams via text?

21 A Yes, ma'am, right after I talked to Minor

22 Q What was the substance of your confrontation  
23 text?

24 A I said I don't want him around my daughter no  
25 more.

TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 Q Did you say anything else to him?

2 A No, ma'am.

3 Q If I show you what's been marked as Exhibit 1 do  
4 you think it might refresh your recollection as to exactly  
5 what you said?

6 A Yes, ma'am.

7 Q Okay. Message No. 28 and 29, please.

8 A (The witness nods.)

9 Q Does that refresh your recollection?

10 A Yes, ma'am.

11 Q Okay. In addition to telling him that you don't  
12 want him around your daughter anymore, was there anything  
13 else that you said?

14 A He had something of mine and I said you can just  
15 give it back, delete my number.

16 Q Okay. What was his response, do you recall?

17 A He had no response about Minor

18 Q Okay. Do you recall exactly what his response  
19 was?

20 A No, ma'am.

21 Q Okay. If I show you, again, what's been marked  
22 as State's Exhibit 1, do you recall if that was the  
23 response that you recall receiving?

24 A Yes, ma'am.

25 Q Okay. Look at text number 30.

## TAMMY SUTTON-DIRECT BY MS. BENTLEY

1           A     Yes, ma'am.

2           Q     Okay. Do you recall his response now?

3           A     He had no concern about Minor but he said that  
4 he would give my stuff back, no problem. Like no big  
5 deal.

6           Q     Okay. I'm going to ask you, again, I'm going to  
7 show you what's been marked as State's Exhibit 1, text  
8 number 30. And I want you to look at it and tell me if  
9 you can tell me what that says.

10          A     He asked, What do I have?

11          Q     Okay. And did you then respond in kind?

12          A     Yes, ma'am.

13          Q     Do you recall exactly what you said or should I  
14 show you your message again?

15          A     I said, Yeah, that's what he had.

16          Q     Okay. Was there anything else that you asked  
17 him?

18          A     That, you know, I was -- I wasn't really  
19 concerned about that.

20          Q     Okay. Do you recall what his response was?

21          A     No, ma'am.

22          Q     Okay. I'm going to show you, again, what's been  
23 marked as State's Exhibit 1, Message 32, can you just read  
24 that for us?

25          A     He said, Oh yeah -- okay, yeah, I can understand

TAMMY SUTTON-DIRECT BY MS. BENTLEY

1 that.

2 MS. BENTLEY: All right. And that would be the  
3 exchange.

4 THE COURT: All right. I need for you to go  
5 into not only the background of this exchange but to  
6 establish their pattern of communication. You talked  
7 about it in general, you need to talk about phone  
8 numbers, being able to recognize the Defendant's  
9 phone number. You need to ask her questions about  
10 that.

11 MS. BENTLEY: Certainly.

12 BY MS. BENTLEY:

13 Q Ms. Sutton, you established that this is the  
14 recordings from your cell phone, correct?

15 A Yes, ma'am.

16 Q And you recognized the first messages were from  
17 somebody that you hired?

18 A Yes, ma'am.

19 Q And you said the second messages were from  
20 Mr. Williams, is that correct?

21 A Yes, ma'am.

22 Q Please tell me how you identified these as  
23 Mr. Williams responses to your text?

24 A Because it has his name and his phone number.

25 Q Okay. Do you independently recall his phone

## TAMMY SUTTON-CROSS BY MS. MANIGAULT

1 THE CLERK: Ms. Minor --

2 Katrinia, would you hold the Bible for her?

3 Ms. Minor place your left hand on the Bible,  
4 your left hand, the other hand, there you go. Raise  
5 your right hand.

6 Minor after being duly  
7 sworn, testified as follows:

8 THE CLERK: Can you say yes or no?

9 THE WITNESS: Yes.

10 THE CLERK: Thank you. All right, would you  
11 please have a seat in that green chair.

12 DIRECT EXAMINATION

13 BY MS. BENTLEY:

14 Q Hi Minor

15 A Hello.

16 Q Can you please tell me your whole name?

17 A Minor

18 Q Can you tell me how you spell Minor

19 A C-I-A-R-A.

20 Q Okay.

21 THE COURT: How old is she?

22 BY MS. BENTLEY:

23 Q Minor how old are you?

24 A Seven.

25 Q When is your birthday?

Minor

DIRECT BY MS. BENTLEY

1 A

2 Q Do you know what year you were born?

3 A No, ma'am.

4 Q Okay.

5 THE COURT: All right, ladies and gentlemen, in  
6 this particular trial you will obviously hear the  
7 testimony of a child. I tell you, as I explained to  
8 you, obviously do judge credibility and believability  
9 of every witness that testifies. Now, when you have  
10 a child that is a witness, you can consider not only  
11 the things that we would normally consider regarding  
12 whether or not the credibility and believability of a  
13 witness, but with a child you may also examine the or  
14 consider the age of the child, the's child's ability  
15 to observe and remember. The child's ability to  
16 understand and answer any questions that are asked of  
17 her. Because the potential exists for young children  
18 to not fully understand what is happening in a court  
19 proceeding. It is up to you to decide whether or not  
20 a child understands the seriousness of appearing as a  
21 witness in a criminal case, whether the child  
22 understands the questions, whether the child has a  
23 good memory, whether the child understands the  
24 difference between lying and telling the truth. So,  
25 it's up to you to determine this and to determine

Minor

DIRECT BY MS. BENTLEY

1           whether or not if, in fact, it happens or doesn't  
2           happen. A child may be influenced by how the  
3           question is asked. So, that -- it will be up to you  
4           obviously decide if the child understands all of  
5           these things. And, of course, whether or not the  
6           witness answered the questions truthfully. Thank  
7           you, very much.

8           All right, Solicitor.

9 BY MS. BENTLEY:

10          Q     Ms. Minor     do you go to school?

11          A     Yes, ma'am.

12          Q     Where do you go to school?

13          A     Robert E. Cashion Elementary.

14          Q     What grade are you in?

15          A     Second.

16          Q     What's your teacher's name?

17          A     Ms. Riznyk.

18          Q     Do you like Ms. Riznyk?

19          A     Yes.

20          Q     What is your favorite thing to do in school?

21          A     Read.

22          Q     Road. What do you like to read?

23          A     Like stories.

24          Q     Okay. Have you ever been in this room before,

25          Minor

Minor

DIRECT BY MS. BENTLEY

1 A No, ma'am.

2 Q Have you ever sat in that chair before?

3 A No, ma'am.

4 Q Do you know who any of these people are?

5 A (The witness nods.)

6 Q Who do you know?

7 A My mommy and Mike.

8 Q Okay. Who is your mommy? Can you point her

9 out?

10 A (The witness complies.)

11 Q You're pointing to your mommy in red?

12 A (The witness nods.)

13 Q What's your mommy's name?

14 A Tammy.

15 Q And you said you recognize Mike, who is that?

16 A I don't know.

17 Q Where is he?

18 A Sitting down right there.

19 Q Okay. Are you pointing to the man in the gray

20 suit?

21 A (The witness nods.)

22 Q Do you remember when you talked to him?

23 A Yes.

24 Q When did you talk to him?

25 A I don't know.

Minor

DIRECT BY MS. BENTLEY

1 Q Okay. Do you recognize anyone else in the  
2 courtroom?

3 A No, ma'am.

4 Q Okay. Do you have any pets Minor

5 A Yes, ma'am.

6 Q What are your pets?

7 A Dogs.

8 Q Okay. What kind of dogs do you have?

9 A I only know the Chihuahua.

10 Q Chihuahua, okay. Do you -- who do you live  
11 with?

12 A My mommy and my dogs and me.

13 Q Okay. Has anyone else ever lived with you?

14 A (The witness shook her head.)

15 Q Did your grandma ever live with you?

16 A Yes.

17 Q When was that?

18 A When we like pick her up for the weekend.

19 Q Okay. Do you know why you're here today?

20 A (The witness nods.)

21 Q Why?

22 A To ask you questions.

23 Q So, I can ask you questions?

24 A (The witness nods.)

25 Q Okay. You said you recognized your mommy and

Minor.

DIRECT BY MS. BENTLEY

1 Mike over there, do you recognize that man in the blue  
2 shirt?

3 A No, ma'am.

4 Q Okay.

5 MS. BENTLEY: I don't have any more questions  
6 for you, Minor Please answer any questions this  
7 lady right here has. Her name is Ms. Manigault,  
8 okay.

9 THE COURT: All right, cross-examination.

10 MS. MANIGAULT: Thank, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. MANIGAULT:

13 Q Minor I'm Dorothy. And you said you're five  
14 years old now?

15 A No, ma'am.

16 Q How old are you?

17 A Seven.

18 Q All right, you're seven years old. You say your  
19 birthday's in February?

20 A (The witness nods.)

21 Q Is that right?

22 A (The witness nods.)

23 Q And when did you start going to Robert Cashion  
24 Elementary School, first grade?

25 A I don't know when.

Minor

CROSS BY MS. MANIGAULT

1 Q You don't no when?

2 A (The witness shook her head.)

3 Q Do you remember where you went to school in the  
4 first grade?

5 A Robert Cashion Elementary.

6 Q Did you go to kindergarten?

7 A Yes, ma'am.

8 Q Where did you go to kindergarten?

9 A Robert Cashion Elementary.

10 Q And was the 4K or 5K, do you know?

11 A 5K.

12 Q 5K. All right. And do you know your address,  
13 your home address? Where you live?

14 A

15 Q Okay. Do you know how long you have lived  
16 there?

17 A No, ma'am.

18 Q How long have you had your dog?

19 A I don't know when.

20 Q Have you ever -- do you have a brother or  
21 sister?

22 A No, ma'am.

23 Q And has anybody else ever slept over at your  
24 house?

25 A My grandma.

Minor.

CROSS BY MS. MANIGAULT

1 Q Just your grandma?

2 A (The witness nods.)

3 Q Okay. Do you have -- have you ever had a sleep  
4 over party with some friends at your house?

5 A No, ma'am.

6 Q Have you ever slept over at any of your friends  
7 house?

8 A Yes.

9 Q Was that for birthdays or?

10 A No, ma'am.

11 Q Do you remember why you slept over at a friends  
12 house?

13 A Because we went to church.

14 Q Went to church. Do you go to church often?

15 A No, ma'am.

16 Q Okay. When -- when -- has your mommy ever  
17 gotten upset with you about anything?

18 A Yes, ma'am.

19 Q Yes. And how -- what do you do when your mommy  
20 gets upset?

21 A I try to make her feel better.

22 Q Try to make her feel better. Do you cry?

23 A Yes, ma'am.

24 Q Does your mommy cry sometimes?

25 A No, ma'am.

Minor

CROSS BY MS. MANIGAULT

1 Q No. Okay. So, when -- when your mommy's upset  
2 you try to make her feel better, is that right?

3 A (The witness nods.)

4 Q And sometimes you cry?

5 A (The witness nods.)

6 Q Do you remember anything that you did at school  
7 in first grade?

8 A No, ma'am.

9 Q Do you remember anything that you did at school  
10 when you were in 5K?

11 A Play in centers.

12 Q Play in what?

13 A Centers.

14 Q Centers. Okay. And do you remember who your  
15 teacher was at 5K?

16 A Mr. and Ms. Tucker.

17 Q Okay. And do you know how many students were --  
18 kids were in your class?

19 A No, ma'am.

20 Q Did you ever do anything bad at school?

21 A No, ma'am.

22 Q So, you never had to be punished at school, is  
23 that right?

24 A No, ma'am.

25 Q Did you ever have to be punished at home?

Minor

CROSS BY MS. MANIGAULT

1 A Yes, ma'am.

2 Q Okay. And why would you have to be punished at  
3 home?

4 A Because if I do something wrong.

5 Q What would you do wrong?

6 A Like eat something like I'm not supposed to.

7 Q So, you eat something that you're not supposed  
8 to, that's the only thing?

9 A (The witness nods.)

10 MS. MANIGAULT: Beg the Court's indulgence for a  
11 moment?

12 THE COURT: Yes, ma'am.

13 BY MS. MANIGAULT:

14 Q Minor you recognize this man?

15 A Yes, ma'am.

16 Q And that's Mike you said?

17 A Yes, ma'am.

18 Q And you recognize this lady because?

19 A She's my mommy.

20 Q Okay. All right.

21 MS. MANIGAULT: Thank you.

22 THE COURT: Any redirect, Solicitor?

23 MS. BENTLEY: No, Your Honor.

24 THE COURT: All right. She may step down then.

25 MS. BENTLEY: Can Ms. Minor please be excused,

Minor

CROSS BY MS. MANIGAULT

1 Your Honor?

2 THE COURT: Any objection to that?

3 MS. MANIGAULT: Yes, sir.

4 THE COURT: All right, well, I'm going to allow  
5 her to leave the courtroom.

6 MS. MANIGAULT: Yes, sir.

7 THE COURT: She can be at ease until -- unless  
8 the Court needs her.

9 MS. BENTLEY: Certainly.

10 You can come down.

11 THE COURT: All right, Solicitor, your next  
12 witness, please.

13 MS. BENTLEY: State calls Sarah Davis to the  
14 stand.

15 THE COURT: Ms. Davis, come around, please.

16 THE CLERK: Ms. Davis, please place your left  
17 hand on the Bible, raise your right hand.

18 SARAH DAVIS, after being duly sworn,  
19 testified as follows:

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

22 THE WITNESS: Sarah Davis.

23 DIRECT EXAMINATION

24 BY MS. BENTLEY:

25 Q Ms. Davis, where are you employed?

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1 A The Julie Valentine Center?

2 Q How long have you worked there?

3 A Since July 2011.

4 Q What is the Julie Valentine Center?

5 A The Julie Valentine Center is a rape crisis and  
6 child abuse center here in Greenville.

7 Q Okay. And tell me a little bit about your  
8 education and background a little bit.

9 A Sure, I have a Bachelor's in Psychology from  
10 Clemson and a Master's in Social Work from the University  
11 of South Carolina. And I'm also a licensed social worker  
12 in the State of South Carolina.

13 Q Okay. Have you ever worked as a social worker?

14 A The job that I had prior to working at the Julie  
15 Valentine Center was as a behavior modification specialist  
16 at the Department of Mental Health.

17 Q Okay. And what are some of your duties at the  
18 Julie Valentine Center, what's your current role?

19 A My current role is as a clinical coordinator.  
20 And as the clinical coordinator I supervise the forensic  
21 interview department. I also conduct forensic interviews  
22 and I also conduct child and adolescent therapy.

23 Q How long have you been a clinical coordinator?

24 A Since March of 2014.

25 Q Okay. And prior to being a clinical coordinator

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1     what was your role at the Julie Valentine Center?

2           A     I began preforming forensic interviews in  
3     July 2011.  And then I added the therapy duties in August  
4     of 2013.

5           Q     Can you explain what a forensic interview is?

6           A     Sure.  A forensic interview is semi-structured  
7     developmentally appropriate, not leading method of  
8     questioning children about allegations of abuse.

9           Q     And tell me a little bit about what that means.  
10    What's a semi-structured interview?

11          A     So, we have a protocol that we're trained to  
12    follow during the interview.  But that protocol, you don't  
13    have to follow it very rigid like you have to do all the  
14    sets in order, you can sort of let it flow with the child.  
15    To kind of just work with the kid and where they are in  
16    the interview.

17          Q     Okay.  Is there a different protocol for  
18    victim's of different ages or?

19          A     No.  That's the reason that it's semi-structured  
20    because you may have to do more things with a young child  
21    to sort of establish their development than you have to do  
22    with an older child.

23          Q     Is there a minimum age for a child to be able to  
24    participate in such an interview?

25          A     You have to be able to speak.  I've interviewed

SARAH DAVIS-DIRECT BY MS. BENTLEY

1 kids as young as two years old.

2 Q Okay. And is there an age where you stop  
3 performing interviews?

4 A We do forensic interviews with developmentally  
5 delayed adults. So, I believe I've interviewed a 44 year  
6 old woman before.

7 Q Okay. And how, in your three years conducting  
8 forensic interviews, how many interviews have you  
9 conducted would you say?

10 A Just over 530.

11 Q Okay. And do you know Minor

12 A I do.

13 Q How do you know Minor

14 A I did a forensic interview with her.

15 Q Do you recall the date of that interview?

16 A It was April 30th, 2012.

17 Q Okay. And what person or agency referred her to  
18 the Julie Valentine Center?

19 A She was a referred to us by Detective Robertson  
20 with the Greenville County Sheriff's Office.

21 Q Okay. Is Detective Robertson in this courtroom  
22 right now?

23 A He is.

24 Q Who is it?

25 A The man in the gray suit.

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1 Q Okay. Do you know his first name?

2 A Mike.

3 Q Okay. How old was Minor at the time of the  
4 interview?

5 A She was five.

6 Q Okay. And did you do anything to preserve the  
7 interview?

8 A Yes, I made a audio and a video recording.

9 Q Okay. I'm going to show you what's been marked  
10 as State's Exhibit 7. Can you tell me if you recognize  
11 this.

12 A I do.

13 Q How do you recognize it?

14 A I recognize the handwriting as one of your staff  
15 members at the Julie Valentine Center who makes the copies  
16 of the DVD's for court.

17 Q Okay. And have you previously had a chance to  
18 view this video?

19 A Yes.

20 Q And it is a fair and accurate representation of  
21 your interview with Minor

22 A It is.

23 Q Has anything been changed to be added or removed  
24 from it?

25 A No.

SARAH DAVIS-DIRECT BY MS. BENTLEY

1 Q It is an exact, I guess, duplication of your  
2 interview with Minor

3 A It is.

4 MS. BENTLEY: Okay, Your Honor, at this time The  
5 State moves Exhibit 7 into evidence.

6 THE COURT: Any objection?

7 MS. MANIGAULT: Yes, Your Honor.

8 THE COURT: All right. There are additional  
9 grounds you wish to object?

10 MS. MANIGAULT: Um --

11 THE COURT: Just tell me yes or no.

12 MS. MANIGAULT: Yes, sir.

13 THE COURT: All right, ladies and gentlemen, you  
14 got to go to the jury room, I'm sorry, go ahead.

15 (WHEREUPON, the jury left open court at  
16 approximately 11:15 a.m.)

17 THE COURT: All right, ma'am, be glad to hear  
18 from you.

19 MS. MANIGAULT: Thank you, Your Honor. Our  
20 objection is we're challenging the constitutionality  
21 of Section 17-23-175 which deals with the  
22 admissibility of out of court statements. And as  
23 objected previously, we are renewing our objection on  
24 the fact that this video would circumvent the  
25 confrontation clause of the rights of the Defendant.

SARAH DAVIS-DIRECT BY MS. BENTLEY

1 And additionally, that the video itself is suggestive  
2 in nature, leading questions to elicit answers. The  
3 questions were given in multiple choice answers. The  
4 repetitive nature of the questions and the fact that  
5 forensic interview and the protocol is not using a  
6 scientific method. And that is the gist of our  
7 objection.

8 THE COURT: All right. We'll deal with them one  
9 at a time. Tell me your first one.

10 MS. MANIGAULT: We're challenging the  
11 constitutionality of Section 17-23-175.

12 THE COURT: Response, Solicitor?

13 MS. BENTLEY: Your Honor, Section 17-23-125  
14 [verbatim] has been reviewed by the Supreme Court.  
15 There are certain safeguards that the legislature has  
16 put in there to ensure that there's confrontation  
17 clause violation. And it is otherwise been found --  
18 I mean, it complies with South Carolina law.

19 THE COURT: All right, thank you, ma'am.

20 I do not find Section 17-23-175 to be  
21 unconstitutional regarding the confrontation clause.  
22 I do believe that it is structured to allow a  
23 meaningful examination of any witness regarding the  
24 matters clearly already in this particular child.  
25 The minor has testified, has been subject to

SARAH DAVIS-DIRECT BY MS. BENTLEY

1 cross-examination. The Defense is aware of the  
2 contents of the video tape. Obviously it was played  
3 again yesterday regarding the motion hearing. And  
4 the child was available for cross-examination as the  
5 Defense had chosen to do so. So, I do not believe  
6 that is unconstitutional in any respect.

7 What's your next objection?

8 MS. MANIGAULT: Your Honor, the other objection  
9 the Court has ruled on previously, the suggestive  
10 nature of the questioning. The leading nature of the  
11 questioning, the repetitiveness of the questioning.

12 THE COURT: All right, ma'am. All right,  
13 regarding the leading and/or suggestive nature of the  
14 questioning or the repetitive, it would -- there may  
15 have been some questions that may have been repeated.  
16 I do not find it to be in any way violative of  
17 the -- either of the statute or the Defendant's  
18 rights. First, there were two charges that had to  
19 have been -- or had to be explored by the interviewer  
20 as an arm of the State in its investigation. Also  
21 regarding, I do not believe the questions were  
22 leading. I do not believe they suggested the  
23 answers. I think the questions were such that the  
24 response elicited could be of any nature not one  
25 directed by the question.

SARAH DAVIS-DIRECT BY MS. BENTLEY

1           As to the issue of the forensic examine, I find  
2           that this particular matter, I don't know that it's  
3           necessary to classify it, I have not classified it as  
4           such as a forensic examine under the particular areas  
5           of the Statute 17-23-175. This type of investigative  
6           interview is allowed under the protections set forth  
7           regarding the confrontation clause. And I find that  
8           it's a proper interview and a proper investigative  
9           technique and arm of the State and it is proper.  
10          Thank you, very much.

11           MS. MANIGAULT: Thank you, Your Honor.

12           THE COURT: All right, let's ask the jury to  
13           come back in, please, ma'am.

14           (WHEREUPON, the jury came into open court at  
15           approximately 11:20 a.m.)

16           THE COURT: All right, Solicitor, you may  
17           continue, ma'am.

18           MS. BENTLEY: Your Honor, The State renews its  
19           request to move Exhibit 7 into evidence.

20           THE COURT: Over the objection of the Defense  
21           I'm going to allow State's Exhibit 7 in evidence in  
22           this matter.

23           MS. BENTLEY: Thank you, Your Honor.

24           THE COURT: Yes, ma'am.  
25

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1 (WHEREUPON, State's Exhibit No. 7, having been  
2 marked in previous testimony, was received into  
3 evidence.)

4 BY MS. BENTLEY:

5 Q Ms. Davis, you testified that State's Exhibit 7  
6 is a recording of your interview with Minor  
7 is that correct?

8 A Yes.

9 Q Please describe the room where you interviewed  
10 Minor

11 A Sure. So, in the interview rooms we keep the  
12 furnishings pretty minimal so that there's not very much  
13 distraction for the child. We have two chairs, we have an  
14 easel with some easel paper on there. We have markers, a  
15 tape dispenser and anatomical drawings that we use.

16 Q Okay. Is anyone else in the room?

17 A No, just myself and the child.

18 Q Does anyone observe the interview?

19 A Any investigators can observe the interview.  
20 So, like the law enforcement investigator, DSS  
21 investigator.

22 Q Okay. But they're not in the room?

23 A No.

24 Q Does the child -- can the child see that person  
25 when they're in the room?

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1           A     No. We have a video camera so it's not like a  
2 two-way mirror or anything like that because there's a  
3 video camera up on the wall.

4           Q     Okay. I'm also going to show you what's been  
5 marked as State's Exhibit 8 through 10, please tell me if  
6 you can recognize those.

7           A     I recognize them.

8           Q     How do you recognize them?

9           A     They are from my interview with Minor

10          Q     And how do you know that they're from your  
11 interview with Minor

12          A     Because her name and the date of the interview  
13 is written at the top and my initials are also on the  
14 bottom.

15          Q     And what are State's Exhibits 8, 9 and 10?

16          A     State's Exhibit 8 is a female anatomical drawing  
17 that I used to identify anatomy during the interview.

18          Q     Okay.

19          A     Exhibit 9 is a male anatomical drawing used for  
20 the same. And Exhibit 10 is a copy of the easel paper  
21 that we use to like draw Minor       face and identify her  
22 family members.

23          Q     Okay. And aside from the markings that are on  
24 there, were any other markings made on those pieces of  
25 paper except what we would see in the interview?

SARAH DAVIS-DIRECT BY MS. BENTLEY

1           A     I added her name and the date and my initials  
2 following the interview. But other than that everything  
3 was done during the interview.

4           Q     Okay.

5                     Your Honor, at this time The State moves  
6 Exhibits 8, 9 and 10 into evidence.

7           THE COURT: Any objection?

8           MS. MANIGAULT: Your Honor, may we approach?

9           THE COURT: Absolutely.

10          MS. MANIGAULT: Thank you.

11                   (WHEREUPON, an off-the-record bench conference  
12 was held in the presence of the jury but out of  
13 the hearing of the jury.)

14          THE COURT: So, with that I'm going to allow 8,  
15 9 and 10 with the redaction as set forth on State's  
16 8, I'm going to allow them into evidence.

17                   (WHEREUPON, State's Exhibits Nos. 8-10, having  
18 been marked in previous testimony, were received  
19 into evidence.)

20 BY MS. BENTLEY:

21          Q     All right, Ms. Davis, aside from the drawings  
22 that we talked about, are there any other tools that you  
23 used in your interview with Minor

24          A     We can and I did in this interview anatomically  
25 correct dolls.

## SARAH DAVIS-DIRECT BY MS. BENTLEY

1 Q Okay.

2 Your Honor, at this time The State wishes to  
3 publish Exhibit 7 to the jury.

4 THE COURT: You may do so.

5 MS. BENTLEY: May Ms. Davis step down --

6 THE COURT: Yes, ma'am.

7 Can y'all dim the lights a little bit, Madam  
8 Clerk?

9 THE BAILIFF: Yeah, I'll get them over here.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit 7 was published to  
12 the jury.)

13 THE COURT: Go ahead, Solicitor.

14 MS. BENTLEY: Yes, sir, Your Honor.

15 BY MS. BENTLEY:

16 Q Ms. Davis, did you have any concerns about  
17 Minor ability to understand your questions when you were  
18 speaking with her?

19 A I didn't have any concerns in general. There  
20 were some questions that seemed like were somewhat  
21 difficult for her. Like questions dealing with  
22 prepositions like if somebody was holding her in or on top  
23 of her or under her but that would be developmentally  
24 appropriate for a five year old to have difficulty with  
25 those questions.

SARAH DAVIS-DIRECT BY MS. BENTLEY

1 Q Did you have any difficulty understanding any of  
2 her responses?

3 A Yes, her speech was kind of difficult to  
4 understand. Especially, at the beginning I sort of had to  
5 learn how she said certain words as we were building  
6 rapport and talking about her field trip, for example.

7 Q Was there anything that you would do in order to  
8 help you overcome that difficulty?

9 A Yes. I would repeat back to her what she would  
10 say to me. And that would be so that she could hear what  
11 I was hearing and then she would have the opportunity to  
12 correct me if I wasn't hearing her right.

13 MS. BENTLEY: Okay. I have no more questions  
14 for you, please answer any questions that  
15 Ms. Manigault may have.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MS. MANIGAULT:

19 Q Ms. Davis, can we talk for a moment about  
20 protocol and questioning?

21 A Yes.

22 Q Is that a list of questions you have or how do  
23 you develop a protocol?

24 A The protocol that I followed in this interview  
25 was the RATAC protocol. And it's not a specific list of

## SARAH DAVIS-CROSS BY MS. MANIGAULT

1 questions because the questions are, you know, determined  
2 during the interview based on what the child is saying  
3 based on what the allegations are. But it's five steps  
4 that we go through in the interview.

5 Q And it's RATAAC, R-A-T-A-C?

6 A Yes, it's an acronym.

7 Q Okay. And is that a scientific methodology,  
8 what is that?

9 A It is researched based, yes.

10 Q Okay. It has been approved by the court or?

11 A It's widely used in the State of South Carolina.  
12 It's used by most of the children advocacy centers in the  
13 State of South Carolina and throughout the nation and  
14 worldwide.

15 Q You say it's widely used. So, has it been  
16 verified, certified, founded?

17 A There has been research conducted on the  
18 protocol that it is appropriate to use with children.

19 Q So, it's researched?

20 A Yes.

21 Q All right. I think you explained to the jury or  
22 to the Court that your interview techniques, you referred  
23 to it as forensic, is that correct?

24 A It's a forensic interview, yes.

25 Q Okay. I think you informed the Court that with

## SARAH DAVIS-CROSS BY MS. MANIGAULT

1 your type of interview, that you do not use leading  
2 questions?

3 A Correct. We utilize a continuum of non-leading  
4 questions.

5 Q And what would you consider a leading question?

6 A A leading question would be a question that  
7 suggests information to the child that they have not  
8 already given me.

9 Q Okay. And would a leading question be a  
10 question if the child has said no to a previous question,  
11 would a leading question be to ignore or reject the no and  
12 give another affirmative question for that answer that  
13 you're eliciting or seeking?

14 A Could you ask that again?

15 Q If the child has given you an answer of no. He  
16 didn't touch me, he didn't do anything. Then the next  
17 question you ask is, how did it feel when he touched you?  
18 What would you call that?

19 A Well, I would ask the follow up question, how  
20 did you feel when he touched you, only if the child had  
21 already disclosed that there had been some kind of  
22 touching. So, even if the child throughout the interview  
23 says, no, there was no touching, if they had already  
24 previously made a disclosure of touching and provided me  
25 with core and contextural details, then I would just

## SARAH DAVIS-CROSS BY MS. MANIGAULT

1 continue to follow up and ask additional questions about  
2 what they had already disclosed.

3 Q Okay. And your procedure of interview with this  
4 child was to suggest the multiple choice of answers?

5 A That is a type of non-leading questions,  
6 multiple choice questions. Like I said before, use a  
7 continuum of non-leading questions and so some of those  
8 are very open-ended like tell me about that. And multiple  
9 choice questions are more direct questions like yes or no  
10 questions are also considered non-leading because the  
11 child can say, you know, answer one of multiple choices  
12 that I give. But we also always give the something else  
13 option and so they can say something else or give me a  
14 whole 'nother answer that I didn't give in my list.

15 MS. MANIGAULT: All right, thank you.

16 THE COURT: Any redirect?

17 MS. BENTLEY: No redirect, Your Honor.

18 THE COURT: All right, thank you, you may step  
19 down.

20 MS. BENTLEY: May Ms. Davis be excused?

21 THE COURT: Any objection to the witness being  
22 excused?

23 MS. MANIGAULT: No, Your Honor.

24 THE COURT: All right, ma'am, you're released  
25 from the subpoena, you may go back to your regular

## SARAH DAVIS-CROSS BY MS. MANIGAULT

1 THE COURT: You may proceed, Solicitor.

2 DIRECT EXAMINATION

3

4 BY MS. BENTLEY:

5 Q Investigator Robertson, where are you employed?

6 A Greenville County Sheriff's Office.

7 Q How long have you worked at the sheriff's  
8 office?

9 A The 23rd of this month will be 25 years.

10 Q Have you always been in law enforcement?

11 A Yes.

12 Q Tell me a little bit about your background.

13 A When I was hired I went to the Criminal Justice  
14 Academy, spent 10 years in uniform patrol, transferred to  
15 the Judicial Service Division for 11 years. And then in  
16 July of 2010 I transferred to the Criminal Investigation  
17 Division.

18 Q Okay. And are there different parts in the  
19 Criminal Investigation Division?

20 A There are.

21 Q Tell me about where you currently work.

22 A I'm in the Crimes Against Children's Unit.

23 Q And how long have you been in the Crimes Against  
24 Children's Unit?

25 A Since 2010.

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 Q Okay. And Investigator Robertson, were you  
2 working as a investigator in the Crimes Against Children's  
3 Unit in March of 2012?

4 A Yes.

5 Q As an investigator, did you come to work on a  
6 case involving the Defendant, Michael Williams?

7 A I did.

8 Q Please tell me when that case was assigned to  
9 you.

10 A The report was taken on April the 1st and I  
11 received it on April the 2nd.

12 Q Okay. Was there an incident location that was  
13 given to you?

14 A It was.

15 Q What was that?

16 A in Greenville County.

17 Q That is in Greenville County?

18 A Yes, ma'am.

19 Q Is all of in Greenville County?

20 A I believe so.

21 Q Okay. And tell me who was the alleged victim in  
22 this case?

23 A It was the child Minor

24 Q Okay. Did you meet with Minor on April 2nd?

25 A I did not.

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 Q Did you meet with anybody on April 2nd?

2 A No, I did not.

3 Q When was the first time that you met with  
4 somebody to talk about this case?

5 A I made contacted with the mother, Tammy, to see  
6 if she would come into the office to speak with me. She  
7 couldn't because of her work schedule. So, I arranged to  
8 meet her at her work.

9 Q Okay. When was that, do you recall?

10 A On April 3rd.

11 Q Okay. And where did you meet Tammy? You said  
12 it was at her place of work?

13 A At her place of employment.

14 Q Do you remember where that was?

15 A I do not.

16 Q Okay. And did Tammy provide you with a  
17 statement in this case?

18 A She did.

19 Q Was it written or oral?

20 A It was written.

21 Q Okay. Based on what Tammy told you what were  
22 your next steps as an investigator?

23 A I advised her that I was going to se the child  
24 up for a forensic interview at the Julie Valentine Center.  
25 And I completed the referral and sent it over to them.

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 Q Okay. Now, did you also interview Minor

2 A I did not.

3 Q Why is that?

4 A Normally with children that age we don't. We  
5 refer them over to the Julie Valentine Center for a  
6 forensic interview so they don't have to recount the  
7 incident more than they have to.

8 Q Okay. Did you meet Minor at some point.

9 A I did. I met her at the Julie Valentine Center.

10 Q Have you seen her since then?

11 A I think I seen her besides court yesterday one  
12 other time.

13 Q Okay. And how old was Minor when she had the  
14 interview at the Julie Valentine center?

15 A She was five.

16 Q Do you recall in relation to the alleged  
17 incident date how far after the interview took place?

18 A On April 3rd was the interview date.

19 Q Okay. Do you recall when this event took place?

20 A It was March 31st.

21 Q Okay. Did you execute a search warrant for the  
22 Sutton's residence?

23 A I did not.

24 Q Why not?

25 A I didn't feel that there was any evidence there

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 to obtain that would be good to this case.

2 Q Okay. Were you present -- you said you met  
3 Minor at the Julie Valentine Center, were you present for  
4 her forensic interview?

5 A I was.

6 Q After the interview what was your next step?

7 A After that interview I made contact with  
8 Mr. Williams to see if he would come into the office for  
9 an interview.

10 Q Okay. Can you please tell me where you first  
11 made contact with Mr. Williams?

12 A At his residence.

13 Q Was he home?

14 A He was.

15 Q Was there a vehicle there?

16 A There was.

17 Q Do you remember what type of vehicle it was?

18 A A blue pickup truck.

19 Q Okay. And did you speak with Mr. Williams that  
20 day about the allegations?

21 A I did not. I advised him that I was working --  
22 I was investigating a case that involved him and asked him  
23 if he could come down to the office and speak with me  
24 about it.

25 Q Did he agree to do so?

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1           A     He did.

2           Q     When did he end up coming to your office?

3           A     The next day.

4           Q     Okay. I'm going to show you what has previously  
5 been marked as State's Exhibits 5 and 6. And at this  
6 point can you just tell me if you recognize both of those  
7 exhibits?

8           A     I do.

9           Q     Can you tell me how you recognize State's  
10 Exhibit 5?

11          A     I have my signature on the bottom as a witness.

12          Q     Is that a form that you often use?

13          A     It is.

14          Q     And can you please tell us basically what  
15 State's Exhibit 5 is?

16          A     That is a Waiver of Rights form that we read to  
17 or have the suspects read when they come into the office.

18          Q     Is that the form that you read or had  
19 Mr. Williams read?

20          A     It is.

21          Q     How do you know that?

22          A     It has my signature, it also has his initials  
23 beside each sentence and his signature.

24          Q     Is that item dated?

25          A     It is.

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 Q What's the date?

2 A May 4th, 2012.

3 Q Is that the same date that you spoke with  
4 Mr. Williams?

5 A That is correct.

6 Q Is that also -- is there a time written on  
7 there?

8 A It is.

9 Q What is it?

10 A 2:55.

11 Q Okay. And aside from the writings that you  
12 recognize, have any other additions or deletions been made  
13 to that item?

14 A No, ma'am.

15 MS. BENTLEY: Your Honor, at this time The State  
16 moves Exhibit 5 into evidence.

17 THE COURT: Any objection?

18 MS. MANIGAULT: No objection, Your Honor.

19 THE COURT: All right, it's in evidence without  
20 objection.

21 (WHEREUPON, State's Exhibit No. 5, having been  
22 marked in previous testimony, was received into  
23 evidence.)

24 BY MS. BENTLEY:

25 Q Moving on to State's Exhibit 6, how do you

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 recognize that form?

2 A This is also a statement form that we have. We  
3 ask them to fill out if they will. It has my signature  
4 down as a witness. It also has Mr. Williams signature at  
5 the bottom.

6 Q So, that is the same form that you used when  
7 speaking with Mr. Williams?

8 A That's correct.

9 Q It is dated?

10 A It is.

11 Q What is the date?

12 A May 4th, 2012.

13 Q The handwriting on that form, whose handwriting  
14 is that?

15 A It's Mr. Williams.

16 Q Okay. And aside from the handwriting that you  
17 recognize as either yours or Mr. Williams, have any other  
18 changes been made to that?

19 A No, ma'am.

20 MS. BENTLEY: Your Honor, at this time The State  
21 moves Exhibit 6 into evidence.

22 THE COURT: Any objection?

23 MS. MANIGAULT: No objection, Your Honor.

24 THE COURT: All right, it's in evidence without  
25 objection.

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 (WHEREUPON, State's Exhibit No. 6, having been  
2 marked in previous testimony, was received into  
3 evidence.)

4 BY MS. BENTLEY:

5 Q All right, Investigator Robertson, where did you  
6 speak to Mr. Williams?

7 A The first time at his residence, the second time  
8 in my office.

9 Q Okay. Please describe your office to us, where  
10 is it located?

11 A It's at University Ridge at County Square.

12 Q So, it's not the main Law Enforcement Center?

13 A It is not.

14 Q And tell me a little bit about what your office  
15 looks like.

16 A It has a L-shaped desk, I have two chairs  
17 sitting in the front. It's just a squared off office.

18 Q Okay. Tell me, was anyone else present when you  
19 spoke with Mr. Williams in your office?

20 A No.

21 Q Was he under arrest at that time?

22 A No, ma'am.

23 Q Was he in handcuffs?

24 A No, ma'am.

25 Q Was he deprived of any food, water, bathroom

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 breaks?

2 A No, ma'am, he never asked.

3 Q Was he free to leave?

4 A Yes, ma'am.

5 Q Was he free to stop talking to you at any time?

6 A Yes, ma'am.

7 Q Did he agree to speak with you, though?

8 A He did.

9 Q Did you advise him of his rights?

10 A I did with this waiver.

11 Q Why did you do that?

12 A It's sheriff's office procedure. We do that to  
13 make sure they understand that even though in this  
14 interview whatever they say can and will be used against  
15 them and they have an option of not speaking with me at  
16 all.

17 Q Okay. Can you, please, read us the rights that  
18 are initialed on that form?

19 A Yes, ma'am.

20 Before we ask you any questions you must  
21 understand your rights. You have the right to remain  
22 silent, anything you say can be used against you in court.  
23 You have the right to talk to a lawyer for advice before  
24 we ask you any questions and to have him with you during  
25 questioning. You have -- if you have no money to pay a

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 lawyer's fee, the Court will appoint one to represent you  
2 without cost if you wish. If you decide to answer  
3 questions now without a lawyer present you will still have  
4 the right to stop answering questions at any time. You  
5 also have the right to stop answering at any time until  
6 you talk to a lawyer.

7 Paragraph says, I have read the statement of my  
8 rights and I understand what my rights are. I am willing  
9 to make a statement and answer questions. I do not want a  
10 lawyer at this time. I understand and know what I am  
11 doing. No promises or threats have been made to me and no  
12 pressure or coercion of any kind has been used against me.

13 Q Did you have any concerns about Mr. Williams  
14 ability to understand those rights?

15 A I did not.

16 Q Did he appear to be under the influence or  
17 suffering from any mental distress that day?

18 A No, ma'am.

19 Q And did you advise him of the allegations  
20 against him?

21 A I did.

22 Q Do you recall what you told him?

23 A I believe I told him exactly what was disclosed  
24 in the forensic interview.

25 Q Okay. Had you seen the forensic interview prior

## MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 to speaking with him?

2 A I did.

3 Q Okay. And did you advise him that he had been  
4 accused of sexual abuse.

5 A That's correct.

6 Q And did you tell him who the alleged victim was?

7 A I did.

8 Q Okay. And what did he do in response to that  
9 allegation by you?

10 A Of course, he denied it.

11 Q Okay. Did he provide you with a statement?

12 A He did.

13 Q Okay. And would you, please, read that  
14 statement to us?

15 A I'll try.

16 Q Well actually, pardon me, before you do that.  
17 Can you tell me what you asked him to provide you with the  
18 statement?

19 A I asked him to provide me what his relationship  
20 was with Tammy and if he would tell me about the time that  
21 the allegations were being made about them being in the  
22 room and what went on in the room between him and Minor

23 Q All right. To the best of your ability, please  
24 read his statement.

25 A Okay, it says -- you want me to start up here or

MICHAEL ROBERTSON-DIRECT BY MS. BENTLEY

1 just read what he wrote.

2 Q Just read.

3 A We came back in from somewhere and Minor wanted  
4 to read books and do puzzles. So, we sat near the door  
5 and played with puzzles -- can't make out that word. Then  
6 started -- starting reading books. While doing this Tammy  
7 my would come by every two or five minutes. Around six  
8 o'clock she told Minor to feed fish so they could get  
9 ready to go to her mom. After she was through feeding  
10 they got ready to leave. I gave Minor a hug, then gave  
11 Tammy a hug and said, Bye. They left and I left.

12 Tammy and me had a just friends relationship  
13 with no sex involved. But she always wanted more. Kept  
14 on saying she wanted us to have sex and be a daddy to  
15 Minor since she doesn't have one.

16 Q All right. And was that the extent of the  
17 statement he provided?

18 A It is.

19 Q Was he free to leave after that?

20 A Yes, ma'am.

21 Q I want to show you -- I want to show you what's  
22 previously been marked as State's Exhibits 3 and 4. Can  
23 you tell me -- first, do you recognize each of those  
24 documents?

25 A I do.

## MICHAEL ROBERTSON-CROSS BY MS. MANIGAULT

1 THE COURT: All right, you may step down, sir.

2 Next witness from The State.

3 MS. BENTLEY: The state calls Dr. Nancy  
4 Henderson.

5 THE CLERK: Please come forward. Place your  
6 left hand on the Bible, raise your right hand.

7 NANCY HENDERSON, after being duly  
8 sworn, testified as follows:

9 THE CLERK: Thank you, have a seat, please.  
10 Would you, please, state your name for the record.

11 THE WITNESS: Nancy Henderson.

12 THE COURT: Okay, could you scoot the chair up  
13 as close to the microphone as you could please,  
14 ma'am. Thank you.

15 DIRECT EXAMINATION

16 BY MS. BENTLEY:

17 Q Dr. Henderson, please tell us where you are  
18 employed and in what capacity?

19 A I'm employed with the Greenville Health System,  
20 I'm the director of the forensic pediatrics there at the  
21 hospital.

22 Q Okay. Is your main office at Greenville  
23 Memorial Hospital?

24 A That's my employer but I do work in a number of  
25 different locations as a part of that job.

NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 Q Please tell us where you work?

2 A Right. So, I am at the hospital, I'm involved  
3 in inpatient consult when there's a concern about abuse  
4 and neglect in evaluating that. I'm also involved with  
5 evaluations at the Julie Valentine Center for referrals  
6 for usually concerns of sexual abuse and some physical  
7 abuse. I also work at the Children's Advocacy Center in  
8 Spartanburg at a center similar as the Julie Valentine  
9 Center. I work there two days a week and see children  
10 there as well as participate in staffings. I also work at  
11 the Pendleton Place evaluating the children that come into  
12 foster care. Some of the children stay there and some of  
13 the children we just evaluate as an outpatient doing their  
14 initial medical assessments, developmental assessments.  
15 And then do follow up over at the center for pediatric  
16 medicine where I also see children.

17 Q All right. Dr. Henderson, can you, please, tell  
18 us a little bit about your educational background?

19 A Yes. My undergraduate experience, I graduated  
20 with a BS in Pharmacy. It was a five year undergraduate  
21 degree from Records University in New Jersey. I then went  
22 to medical school in Bowman Gray Medical School which is  
23 in Winston Salem, North Carolina and graduated in 1984.  
24 And then did my pediatric residency at T.C. Thompson  
25 Children's Hospital which is in Chattanooga, Tennessee and

## NANCY HENDERSON-DIRECT BY MS. BENTLEY

1 information with me.

2 Q Okay. And what were the findings of your  
3 forensic medical examine?

4 A Everything on her examine was normal.

5 Q Okay. And tell me what a normal examine means.

6 A So, a normal examine really means when, you  
7 know, I looked at just like the ears, chest and the  
8 genital examine, there were nothing -- nothing that I saw  
9 that was that concerning. So, that's everywhere from  
10 redness, discharge, tears, scars, everything. There was  
11 just nothing remarkable when I saw her examine that day.

12 Q Okay. It is possible for sexual touching or  
13 abuse to occur and there still be a normal examine?

14 A Yes. In fact, that's very, very common in my  
15 field. About 90 percent of the children I see have  
16 normal examines.

17 Q Why is that?

18 A Well, similar to what you had said, a lot of  
19 times when children are referred the allegations are about  
20 being touched. Sometimes it can be oral sex, sometimes it  
21 can be digital penetration. Even sometimes penile  
22 penetration and there are a number of reasons why the  
23 examine may be normal. Often children don't disclose  
24 right away. So, the abuse can happen, sometimes there's  
25 days, weeks and occasionally years before they will feel

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MS. BENTLEY

1 MS. MANIGAULT: No objection.

2 THE COURT: Very good. You are excused, ma'am,  
3 you may go back to your regular duties, thank you.

4 All right, next witness by The State, ma'am.

5 MS. BENTLEY: Your Honor, The State rests.

6 THE COURT: All right, very good.

7 There's some matters of law for the Court at  
8 this time from the Defense?

9 MS. MANIGAULT: Yes, sir.

10 THE COURT: All right, very good.

11 All right, Mr. Foreman, ladies and gentlemen of  
12 the jury, at this stage of the proceedings when The  
13 State rests, there are always -- it's proper for the  
14 Court to hear certain matters. At this time,  
15 obviously, I need to do that outside your presence.  
16 Please go to your jury room, I'll call you back out  
17 as soon as I can. Thank you, very much.

18 (WHEREUPON, the jury left open court at  
19 approximately 2:37 p.m.)

20 THE COURT: All right, Ms. Manigault, motions by  
21 the Defense.

22 MS. MANIGAULT: Your Honor, the Defense would  
23 move for the charge -- the case to be dismissed.

24 One, there was no testimony in trial from the alleged  
25 victim as to any elements of the crime as charged.

1 Stop there.

2 THE COURT: Okay. All right.

3 State want to respond to that?

4 MS. BENTLEY: Yes, sir, Your Honor. Under  
5 17-23-125, the Victim's statement in the interview  
6 which is -- has been admitted and is admissible, is  
7 the format for allowing some children to make the  
8 disclosure to the jury. The jury's seen the  
9 interview. The Victim was also subject to  
10 cross-examination. And it's a matter for the jury at  
11 this point to determine whether or not the interview  
12 alone is sufficient to find the Defendant guilty.

13 THE COURT: Thank you, ma'am.

14 All right. On that particular motion by the  
15 Defense I'm going to respectfully decline to grant  
16 your motion to a directed verdict motion on the two  
17 charges. Based on a failure by The State to produce  
18 evidence. Regarding this particular matter, that  
19 directed verdict motion, The Court, Trial Court, is  
20 only concerned with the existence of evidence.  
21 Whether or not the evidence exist, I'm not hear to  
22 judge credibility or believability regarding that  
23 particular evidence. And again, general standard is  
24 if there is any direct evidence or substantial  
25 circumstantial evidence reasonably tending to prove

1 the guilt of the accused, the case is properly  
2 submitted to the jury. I don't have the same  
3 standard that the jury does, that's beyond a  
4 reasonable doubt. The court's standard is is there  
5 any evidence or substantial circumstantial evidence  
6 reasonably tending to prove the guilt of the accused.

7 So, only when there would be -- situation would  
8 be that the evidence would be raising a mere  
9 suspicion that the accused was guilty would I -- or  
10 would The Court grant the directed verdict motion.  
11 In this particular case The Court did find it to be  
12 proper pursuant to our state statutes for the  
13 interview that was conducted with the victim to be  
14 played to the jury in accordance with the structures  
15 of statutes which I have already indicated, I  
16 believe, properly followed the directions of the  
17 statute and properly protected the constitutional  
18 rights of the Defendant and the confrontation clause  
19 by the ability to cross-examine The State to --  
20 cross-examine the victim to the extent the Defense  
21 wished to do so.

22 Based upon the interview and the evidence that  
23 was presented, I do find there is direct evidence and  
24 substantial circumstantial evidence that reasonably  
25 tends to prove the Defendant guilty of the crimes

1 charged. Now, it will be up to the jury to judge the  
2 credibility and believability of the witness, child  
3 witness, as I have explained that to the jury. And  
4 will so explain to them again. But the testimony and  
5 the evidence exist, therefore, the motion to -- for a  
6 directed verdict as to the two charges is denied.

7 Further motions by the Defendant, Ms. Manigault?

8 MS. MANIGAULT: None, Your Honor.

9 THE COURT: All right, thank you, very much.

10 All right, you indicated there was the potential  
11 for the Defendant to testify, do you want to talk to  
12 your client about that? You want us to take a short  
13 break and you talk to him about that before I ask him  
14 about his intentions?

15 MS. MANIGAULT: Yes, sir.

16 THE COURT: All right, very good.

17 We'll take a short break, about five, ten  
18 minutes, come back and resume the case at that time.  
19 Thank you, very much.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: Ms. Manigault, your client ready for  
22 me to question him regarding his right to testify?

23 MS. MANIGAULT: Yes, sir.

24 THE COURT: All right, very good.

25 All right, sir, if you'd please stand up.

1 I will give you the law that you will apply to the  
2 facts and evidence that you find to be true in this  
3 case. Then I'll submit the case to you for your  
4 deliberations and your unanimous decision in this  
5 particular matter. Please remember what I told you  
6 about the opening statements and the closing  
7 arguments by the attorneys. They are not evidence,  
8 cannot be considered by you as evidence because  
9 that's already been received. We've heard all of  
10 that evidence that is going to be considered by you  
11 in this case. But the closing arguments are  
12 important. They are each side's summation to you of  
13 what they believe the evidence has shown to you  
14 during the course of the trial and what that will be  
15 asking you to do as a result of your unanimous  
16 verdict in this matter. Remembering, of course, that  
17 you are judges of the facts of this particular case.  
18 So, with that I'll turn it over to The State for The  
19 State's closing argument.

20 MS. BENTLEY: May it please the Court?

21 THE COURT: Thank you, ma'am.

22 MS. BENTLEY: Ms. Manigault.

23 CLOSING STATEMENT

24 Good afternoon, ladies and gentlemen, I came  
25 before you a few hours before and I explained to you

1       who I was. I explained what you could expect from  
2       this case and here we are at the end. You have seen  
3       all the evidence that there is to see, you heard from  
4       all the witnesses available to The State. I told you  
5       at the beginning that sex abuse, criminal sexual  
6       conduct, crimes involving children, these are secret  
7       crimes. There are crimes that are not performed out  
8       in the open. They're not performed with an  
9       accomplice. The actions aren't going to leave  
10      fingerprints. They're not going to leave lots of  
11      signs of assault. And that's where we are now.

12           I told you, you also heard from Ms. Manigault  
13      and you heard from the Judge and you will hear again  
14      that The State had the entire burden of proof during  
15      today's trial. That's true in every criminal case.  
16      The State always has the burden of proof. The  
17      foundation of our criminal system so I want to start  
18      off with that now. Proof beyond a reasonable doubt.  
19      Proof beyond a reasonable doubt does not mean proof  
20      beyond all doubt. It is an extremely high burden.  
21      But there are few things in life that we can know  
22      with absolute certainty. None of us were present in  
23      Minor       playroom the weekend of March 31st, 2012.  
24      And since we were not there, we cannot know for  
25      absolute certainty what happened. We have to rely on

1 the testimony and evidence, people that either were  
2 there or were around or deal with these types of  
3 cases to make our judgment.

4 You are the finders of fact in this case. You  
5 determine what evidence to believe, what witness  
6 testimony to believe, what not to believe. And I  
7 presented to you present -- submit to you that  
8 everything that The State has given you today is more  
9 than enough to find the Defendant guilty. Proof  
10 beyond a reasonable doubt is proof that leaves you  
11 firmly convinced of the Defendant's guilt. Proof  
12 that when you go back to that jury room, when you  
13 deliberate, when you discuss the Exhibits, you are  
14 firmly convinced. You do not hesitate to sign your  
15 name to a verdict of guilty. If you go back there,  
16 if you discuss pros and cons, if you discuss bias and  
17 motive, that's not doubt. That's deliberations and  
18 that is your job.

19 And I submit to you that The State has overcome  
20 that burden. We have proven the weekend of  
21 March 31st, 2012, the Defendant, Michael Williams,  
22 performed oral sex and touched Minor on  
23 her vagina. I want to go through the evidence that  
24 The State presented. I know you heard it all today.  
25 This has not been an exceptionally long trial. But

1       let's talk about what you heard and what it means now  
2       that you've seen and heard everything.

3               You heard from Tammy Sutton. She is a single  
4       mother. She moved to South Carolina five and a half  
5       years ago with her daughter and her daughter's  
6       father. She now raises Minor on her own. It was  
7       hard for her to make friends when Minor was little.  
8       She mainly stayed in her house. What kind of house  
9       did she have? A forecloser. And she has a neighbor,  
10      Janet Cartee. And Janet also bought a house that  
11      needed a lot of work. Who worked on her house? Her  
12      cousin, Mr. Williams. Well, Ms. Sutton told you that  
13      she went out, she introduced herself, she also needed  
14      work too. They exchanged numbers, they began  
15      texting. Their friendship involved over the next few  
16      months. So, that they would hang out weekly. He  
17      didn't live close, he didn't live too far, they would  
18      go bowling together. And Minor always went. Minor  
19      did not stay with babysitters very often. She went  
20      to a Mom's Day Out at the Y occasionally but Minor  
21      went with Tammy and Michael whatever they would do.  
22      And sometimes Michael would stay over. Whether it  
23      was because it was late, because she liked the  
24      company, it doesn't matter, he was there.

25             The day of this alleged event, Michael had

1        stayed over the prior night. He stayed over  
2        Saturday. And Sunday he had remained there all day.  
3        Tammy was here, there, doing stuff around her house,  
4        in the dinning room where she had a couch, looking at  
5        the computer. And she said she never left. She  
6        never left Mr. Williams alone with her daughter but  
7        they were playing, she heard them playing. She would  
8        look in, she would walk by, she would check in, she  
9        thought everything was fine that way. She said she  
10       walked by a few times and he look startled but  
11       nothing out of the ordinary. Until it's 6:00 p.m.  
12       and it's time for them to leave. She and Minor have  
13       to go pick up her mother who stays with them from  
14       Sunday through Friday while Tammy works. She told  
15       you she had a job for six weeks.

16                And what happens when Tammy goes to the playroom  
17       to tell Minor it's time to go? She immediately  
18       notices that Minor is pulling at her pants, she's  
19       pulling up her pants, she's fixing her pants. And  
20       Tammy explained to you why that was unusual. She  
21       hadn't seen her do it earlier in the day. Tammy told  
22       you that her clothes fit fine. There was no reason  
23       for her to do that. On its face that's not immediate  
24       evidence of wrongdoing. So, she sends Michael on her  
25       way -- his way and she pulls Minor to the side.

1           Now, you were only able to hear the questions  
2           that Tammy asked her daughter. And what questions  
3           were those? First, she asked her why she was pulling  
4           at her pants. Her follow up questions was did he  
5           touch you on and Tammy said she said private part.  
6           Based on that Tammy went to pick up her mother and  
7           called the police. What else did we hear from Tammy?  
8           Well, we heard a little bit about her texting  
9           relationship with Mr. Williams. She testified that  
10          that was the only way they communicated when it  
11          wasn't in person, they never spoke on the phone. She  
12          said there was some flirting sometimes on the text  
13          messages. And she recalled two specific  
14          conversations. One was the week prior to this  
15          weekend. She had to work the Saturday that  
16          Mr. Williams ends upcoming over. And what did she  
17          tell you they talked about? She said she didn't ask  
18          but Mr. Williams pressured her in to try to get him  
19          to babysit Minor that day. She said it was a  
20          conversation, text conversation, that lasted for two  
21          days. For two days this 45 year old man is trying to  
22          get her to leave her five year old daughter alone  
23          with him. While she goes to work..

24               Ladies and gentlemen, as the Judge has told you,  
25               you do not leave your common sense at the door when

1       you become a juror. In addition, to the evidence  
2       before you, you also have your common sense. It is  
3       reasonable that a 45 year old man would just want to  
4       babysit the five year old child of a woman that he  
5       sees occasionally? Or is he trying to create an  
6       opportunity to get this child alone? She also told  
7       you that right after she spoke to Minor and she  
8       remembered the timeframe, she confronted Mr. Williams  
9       about what Minor told her. It was kind of confusing  
10      for y'all, I'm sure, going back and forth on the text  
11      messages and what could be read and what couldn't.  
12      But the gist was she said, Don't ever come over here,  
13      give me my stuff back, you know what you did. And  
14      she responded about the tiller. And she told you  
15      that he had one of her tiller, the lawn tool, and  
16      that he was going to fix it, he had to find parts for  
17      it. And that was his only response was about the  
18      tiller. Okay. That's fine. If you've just been  
19      accused of something, is that your only response?  
20      You can consider that when you go back in  
21      deliberations.

22            You heard from Investigator Robertson who's been  
23      in law enforcement 25 years, he's in the Crimes  
24      Against Children's Unit. He testified about a number  
25      of procedural things, about how he referred the

1 victim to the Julie Valentine Center. He explained  
2 that there was no search warrant in this case. There  
3 really wouldn't be forensic evidence to obtain. He  
4 also testified about speaking with Mr. Williams in  
5 earlier May. And he told you that at that time, this  
6 is what Mr. Williams looked like. He's definitely  
7 similar looking to someone who has been, you know,  
8 more than a quarter of their life where he looked  
9 like the same person? I don't know, that's something  
10 for you to consider. But Mr. Williams looked like  
11 this and he was cooperative, he spoke to the police.  
12 He agreed to give a written statement that we'll talk  
13 about at the end. He also told you that when he went  
14 to Mr. Williams house that he had a blue truck.

15 Why are all those pieces significant? Because  
16 you heard from Minor You heard from her  
17 twice, as I said you would. You heard from her today  
18 as she was at seven years old. She came in and she  
19 got on that stand and I thought did a really good job  
20 for someone who has never been in a courtroom and had  
21 no idea why she was here. She was here to answer  
22 questions. And she did. She answered basic  
23 questions about her name and how old she was and her  
24 pets. And she did not recognize the Defendant. She  
25 recognized her mom and she recognized the police

1 officer that she met with a couple of times. But  
2 again, two and a half years is a pretty long time.  
3 For her, it's more than a quarter of her life. And  
4 this is what he looked like then.

5 You also got to hear from Minor as she was less  
6 than 30 days after this event occurred. And you saw  
7 her exactly as she was at the Julie Valentine Center.  
8 You have an audio and video recording. And this  
9 audio/video recording is in evidence. I would  
10 encourage you to go back during your deliberations  
11 and watch it again if you don't remember it clearly.  
12 This is your evidence for you to do with as you wish.  
13 You can listen to it again, you can watch it again.  
14 So, if you doubt anything that I say or if  
15 Ms. Manigault and I disagree about something that  
16 happened during it, it's yours. You take it back  
17 there and you watch it.

18 What I want to say about that interview and what  
19 I think you need to take away as jurors is how  
20 natural Minor was. Again, she did not know why she  
21 was there. She talked as I would expect a five year  
22 old child to talk. She had a little bit of  
23 difficulty with her speech. But her answers were  
24 what I would expect a five year old to give. They  
25 weren't her first, they weren't coached. She didn't

1 know the names for a lot of the body parts. You have  
2 the diagrams here used by Sarah Davis. You can see  
3 where he just she just kind of calls the vaginal and  
4 the rear area, bottom for both a boy and a girl. And  
5 her mother told you she hadn't taught her body parts,  
6 she hadn't taught her touches. She didn't know. So  
7 she called it bottom. And she did not know that  
8 those were places that a little girl shouldn't be  
9 touched. She said that a little girl shouldn't be  
10 touched on her head. Because she didn't like that.

11 The questions that the Julie Valentine Center  
12 uses are non-leading questions. And that's  
13 important. Minor was never asked who touched her.  
14 Minor was told there are places on a girl's body that  
15 shouldn't be touched. And Sarah Davis pointed out,  
16 you know, you shouldn't touch on the boobies or this  
17 bottom or that bottom. And do you remember Minor  
18 said, None of it? Like a question.

19 And then Sarah said, that's right, none of it.

20 And what did Minor say? Only Michael touched me  
21 there.

22 And then Sarah asked a follow up questions.

23 Minor was not prompted to say that. She didn't quite  
24 understand what it was that she had even said. But  
25 then the disclosure starts coming out. He touched

1 her on her bottom and she pointed to front bottom  
2 with his finger and his tongue. And she told you a  
3 lot of core details about that whole scenario.  
4 Details you would expect a five year old to know,  
5 where it happened. In the playroom.

6 Whose playroom?

7 I don't know, it's just my playroom.

8 Where were you?

9 We were by the bathroom.

10 Tammy Sutton told you that the bathroom was not  
11 in the playroom, it was right outside the door of the  
12 playroom.

13 What were you doing?

14 We were reading books.

15 Minor told you it was Winnie the Pooh. She  
16 remembers what book they were reading. She tells you  
17 that Michael was sitting down on the rug. And she  
18 gives you a progression of how she was as this  
19 occurred. She was first standing up reading. And  
20 then she said Michael told her that she had to sit  
21 down before they read the book. And he encouraged  
22 her to sit down. And that's how this touching  
23 happened. And again, watch that interview again.  
24 Listen to the disclosure. To the words she uses.  
25 Those are her five year old memories of what

1           occurred. About a month after it occurred.

2           You heard from Sarah Davis, she basically lays a  
3           foundation for this to come in. She explains the  
4           pictures they used, she explained the protocol they  
5           used. She explained that they were in a plain room  
6           and why there were in a plain room. Then you heard  
7           from Dr. Nancy Henderson and Shauna  
8           Galloway-Williams. And they were both qualified as  
9           experts and the Judge will explain what that means at  
10          the end. But basically, they just kind of give you  
11          an opinion that another person couldn't give you.

12          And the only reason that we called them was  
13          because Minor was such a young child when this  
14          occurred. She's still a young child but she had just  
15          turned five years old. There was also no signs of  
16          abuse and Dr. Henderson explained that to you.  
17          Shauna Galloway-Williams explained that children can  
18          react a lot of different ways when they disclose.  
19          Once children understand what private parts are their  
20          often embarrassed. But you heard that Minor she  
21          wasn't -- Minor was not embarrassed, she didn't  
22          understand what she said. She didn't even know what  
23          her private parts were. So again, watch that video,  
24          again, after hearing from Dr. Henderson and  
25          Ms. Galloway-Williams.

1           The final person we heard from was Mr. Williams  
2           himself. On May 4th, 2012 he provided this  
3           statement, his own writing, his own words. And I  
4           want you to go back and look at what he says.  
5           Because he gives you an identical account of Minor  
6           except in one key way. She tells you that were in  
7           the playroom. He said that Minor wanted to read  
8           books. So there were reading books. They were near  
9           the door, which is exactly what Minor said. Minor  
10          said they were by the bathroom, just near the door.  
11          Near the door reading books in the playroom. We were  
12          sitting down. Well, Minor told you that eventually  
13          they were sitting down. And then where Minor told  
14          you, He touched my bottom, he tells you and Tammy  
15          walked by every two to five minutes. And that is  
16          significant, ladies and gentlemen, because he was  
17          paying attention. He was waiting and he was paying  
18          close attention to the times that Tammy Sutton walked  
19          by. He knew she was in the house. He knew she was  
20          in the house either in the dinning room, walking to  
21          her bathroom, he kept tabs on where she was and how  
22          long he had with Minor alone.

23                I want you to read the statement, I want you to  
24                go back through Minor disclosure video and I want  
25                you to return a verdict of guilty for criminal sexual

1       conduct with a minor in the first degree and criminal  
2       sexual conduct with a minor in the third degree. I  
3       want you to return verdicts that speak the truth  
4       about what happened to Minor                       in her  
5       playroom.

6               THE COURT: Ms. Manigault.

7               MS. MANIGAULT: May it please the Court?

8               THE COURT: Yes, ma'am.

9               MS. MANIGAULT: Ms. Bentley.

10                       CLOSING STATEMENT

11               MS. MANIGAULT: Ladies and gentlemen of the  
12       jury, again, this is very important for my client and  
13       for The State. And as I indicated to you in our  
14       opening statement, that you are the trier of the  
15       facts. You decide from the testimony that you heard  
16       what facts occurred. What occurred on this date.  
17       The Judge gives you the law and you're to take the  
18       law as he gives it to you. The Judge told you about  
19       opening argument is not facts and our closing  
20       arguments is not facts. But with that our arguments  
21       are just to -- our statements are just to highlight  
22       some points that we believe should be of interest to  
23       you or very important to the Defense.

24               As I indicated to you in the beginning, open  
25       statement, my client has entered a plea of not guilty

1 to the charges. CSC first with a minor, CSC third  
2 with a minor. So, he's entered a plea of not guilty.  
3 The presumption of innocence continues to say with  
4 him even after you've heard all the evidence and seen  
5 whatever -- the video. Your Honor, will tell you  
6 that that is not removed until the 12 of you come to  
7 a unanimous decision one way or the other. Guilty or  
8 not guilty. The decision has to be unanimous.

9 The burden of proof, as The State has freely  
10 admitted and The Court has told you, is on the State  
11 of South Carolina. Represented here these two days  
12 by Ms. Lisa Bentley. The Defendant, because he has  
13 entered a plea of not guilty, because in our system  
14 of jurisprudence in America of the United States, one  
15 of the best systems in the world, that presumption is  
16 very important for anybody that's charged with  
17 anything. It is very important. So, Your Honor,  
18 will tell you that because a person or Defendant  
19 decides -- and he's already told you, he doesn't have  
20 to come and prove anything to you. He didn't have to  
21 come and prove that he's innocent. The presumption  
22 is already there that he's innocent. So, the fact  
23 that he has not decided -- His Honor will instruct  
24 you that you cannot use that, you cannot weigh that  
25 against him. Because that is a part of his

1 constitutional right. Just like it's a part of every  
2 American citizens constitutional right.

3 The expert witnesses and any other witness that  
4 has been before you, the believability and the  
5 credibility of those witnesses are weighed by you.  
6 Your Honor, will tell you that just because he has  
7 qualified somebody as an expert witness, their  
8 opinion is whatever weight you decide to give it, if  
9 any. You may completely ignore the testimony. It  
10 has been said that you do not leave your common sense  
11 out. When I say completely ignore, you may believe a  
12 part of one person's testimony but not all of it.  
13 You may believe a part of another person's testimony  
14 but not all of it. And so, that's why we have 12  
15 jurors to decide and weigh and discuss what you  
16 believe has occurred. The testimony is as you recall  
17 it. And, Your Honor, has told you that, I told you  
18 that and Ms. Bentley has told you that.

19 The reasonable doubt. If there is any doubt in  
20 your mind as to whether The State has proved its  
21 case, the elements of the crimes as charged, then  
22 that doubt goes to the benefit of my client, Michael  
23 Williams. If you have a reasonable doubt that doubt  
24 goes to the benefit of my client. The Judge may  
25 charge you, he will give you the elements of the

1 charge, the crime of criminal sexual conduct, first  
2 degree with a minor. He will tell you what you have  
3 to look for in the testimony. He will give you any  
4 charges, CSC third, he will tell you what the  
5 elements are that need to be proved and you will  
6 decide whether what The State has presented lines up  
7 to your benefit. Or to the benefit of proving the  
8 charge as the Defendant has been charged.

9 All right. State's Exhibit 6 and State's  
10 Exhibit 5. This is my client's waiver of rights that  
11 he signed freely. The officer said he came, he went  
12 to his house, he told him he wanted to talk to him.  
13 He came in voluntarily the next day. Did not arrest  
14 him when he went to his house. He came in  
15 voluntarily the next day to the officer's office.  
16 All right. The officer gave him an explanation of  
17 what was going on and why he wanted him there. He  
18 read my client his Miranda rights or had my client  
19 read it to himself, I can't remember which way it  
20 went. But either way he signed the paper of the  
21 waiver saying that he freely talked to the officer.  
22 He wrote a statement out. And if you heard the  
23 testimony of the officer, the officer testified  
24 himself that the only thing he asked him to do in the  
25 statement was to talk about, generally, what kind of

1 relationship do you have with Minor and with Tammy.  
2 What is your relationship to them? And that's from  
3 the officer's testimony.

4 State's Exhibit 8 and 9 are the drawings that  
5 Ms. Sarah Davis used to show to Minor And if you  
6 would note on the video, she would pause, she would  
7 ask what something was, you can't see on the video  
8 clear but she would ask what a body part was and  
9 Minor would tell her. And she would stop and write  
10 something down. So, these are what Ms. Davis used.  
11 All right. And you will also notice that there were  
12 times in the video or if you'll recall, that Minor  
13 did not know what body parts were. But she was  
14 asked, What does your mommy call it? Or something of  
15 that nature.

16 It is important to note that Ms. Davis and  
17 Ms. Galloway testified that their interview process  
18 is a non-leading process. That's for you to decide.  
19 The video, as you've seen it, you have seen whether  
20 the questions were leading, whether the information  
21 was applied, whether there were choices given,  
22 whether words were planted in a five year old's mind.  
23 So you can recall that for yourself.

24 Your Honor has explained to you the testimony of  
25 a child. And he will explain in how you can view

1       that, he will explain that to you again. But there  
2       are several points that I wanted to point out. That  
3       there were several times in the video Minor kept  
4       saying to Ms. Davis, He did not touch me. And  
5       Ms. Davis question would be, right after she said, He  
6       didn't touch me, her question would be, Well, how did  
7       it feel when he touched you? Is that suggestive? Is  
8       that planting an idea? So, there were several times  
9       and you can recall -- all right, she said, He touched  
10      my bottom.

11             She said where? Did you have your clothes on?

12             Yes, all my clothes were on.

13             What did you have on?

14             Shorts.

15             Another time in the interview, What did you have  
16      on?

17             Blue jeans.

18             Another time in the interview, What did you have  
19      on?

20             A dress.

21             This is coming from Minor

22             Did he touch you under your clothes or on your  
23      clothes?

24             And Minor would say, On the clothes.

25             And as the interview goes along, Did he touch

1           your skin?

2                   The testimony from Ms. Davis and or  
3           Ms. Galloway, one or the other, saying that well, she  
4           may not have understood the words on, in or under.  
5           Okay. That's very important. That's very important.  
6           The words touching on your clothing, touching on your  
7           skin or touching within your vaginal area. Those  
8           very important words because they are elements of the  
9           crime that is charged. CSC is having to prove an  
10          intrusion into the body part. Minor said that he  
11          didn't hug me, he didn't kiss me.

12                   Who hugged you?

13                   Mommy, grandmommy.

14                   Who kissed you?

15                   Mommy, grandmommy, my doggie.

16                   Anybody ever pinched you?

17                   No.

18                   So, she understood very well very important  
19          words. So, it is difficult for me to see how she  
20          would not understand on top of my clothes, under my  
21          clothes or on my skin. So, as you notice on the  
22          video, as the questions went on, you notice how Minor  
23          was lying up and apparent to become a little bit  
24          frustrated or anxious or wanting to get through with  
25          this and wanting to play or go play. Of course,

1 that's to be expected from a child. She was five  
2 years old.

3 The fact that this statement that my client gave  
4 on May the 4th has some of the same background  
5 information as what Minor has said is good. And  
6 here's why. Because he was not trying to lie about  
7 his presence there. He didn't say I wasn't there.  
8 He didn't say I never went in the playroom. Because  
9 Ms. Davis [verbatim] herself testified they had a  
10 three month relationship. She testified to that.  
11 Maybe she'd see him once a week, maybe. Or on the  
12 weekends or whatever the regularity of their  
13 visitation was. But she testified about texting him.  
14 And there was a lot made about she text him that I  
15 don't want you coming back to my house. And he made  
16 no response. Well, we don't know whether he made no  
17 response or not because the text messages are not  
18 here for you to review.

19 Ms. Davis [verbatim] testified herself that a  
20 lot of the text messages were missing, deleted.  
21 Michael's and/or hers, I don't know which one. She  
22 said some text messages were deleted. The fact  
23 that -- the fact that Minor kept saying, He didn't  
24 touch me, he didn't do anything. Now, she flip  
25 flopped, I grant you that, I grant you that. But the

1 fact that she kept going back to -- all right the  
2 allegation is that this happened on the 31st of  
3 March. The interview was on the 30th of April. So,  
4 during that time I think she probably was talking to  
5 some people. Who, we don't know. Okay. She lived  
6 with her mother so she was probably talking to her  
7 mother about things. If she was talking to any other  
8 investigator -- Investigator Mike, who she recognized  
9 very quickly, she recognized her mommy. Solicitor  
10 asked her, do you recognize anybody else?

11 No.

12 Okay, the reason for this picture is they want  
13 to try to tell you that she couldn't -- Minor  
14 couldn't recognize Mike because he looked so much  
15 different. I'm offering you this for your  
16 consideration. That as you deliberate and weigh the  
17 testimony and the evidence that has been presented to  
18 you, that you come back with a verdict of not guilty  
19 on CSC first and not guilty on CSC third. We submit  
20 to you that The State has not proved the elements of  
21 the crime as charged and we ask for a not guilty  
22 verdict from all of you. Thank you.

23 JURY CHARGE

24 THE COURT: All right, ladies and gentlemen,  
25 it's now time for The Court to discuss with you the

1 law that you will apply to the facts and evidence  
2 that you find to be true in this case. I told you at  
3 the very beginning I would not indicate to you at any  
4 point in time what I thought the facts of this case  
5 were because that was your job, not my job in this  
6 particular case. If you came into the courtroom  
7 having any preconceived idea as to what the law is,  
8 what it ought to be, hope it would be, you disregard  
9 that. You'll take the law as I now give it to you  
10 and apply it to the facts and evidence that you  
11 collectively find to be true.

12 I told you at the very beginning that one of  
13 your jobs, duties and responsibilities was to judge  
14 the credibility and believability of the witnesses  
15 that came before you in this particular criminal  
16 trial. In doing so you can believe one witness  
17 against several, several against one. You can  
18 believe a portion of what a witness says and  
19 disregard the remaining portion of it. If you got a  
20 good and sound reason for doing so, you can disregard  
21 in it's entirety the testimony of a particular  
22 witness. You look at whether or not that witness has  
23 exhibited to you any kind of interest, motive, bias  
24 or prejudice they may have in giving you the  
25 testimony they gave you from the witness stand. You

1 obviously consider the demeanor, how did they appear  
2 when they testified before you. And, of course, the  
3 opportunity for knowledge. How did they come about  
4 that information they gave you from the witness  
5 stand?

6 Your job, your objective is to find the truth.  
7 It doesn't matter from what part of the evidence that  
8 comes. By your verdict you don't have any friends to  
9 reward, you don't have any enemies to punish and your  
10 verdict cannot be the result of any kind of passion,  
11 prejudice or sympathy. It has to be an examination  
12 of the facts and evidence and find that evidence  
13 which convinces you it is true.

14 Two types of evidence was presented in the first  
15 and every single case in this trial called direct  
16 evidence and circumstantial evidence. Direct  
17 evidence. Testimony of a person who claims to have  
18 actual knowledge of a fact. That's what they saw.  
19 What they heard. What took place in their presence.  
20 Circumstantial evidence, that's the -- a chain of  
21 facts indicating the existence of a fact. And the  
22 law doesn't make any distinction between the two.  
23 Now, if The State relies upon circumstantial  
24 evidence, all those circumstances do have to be  
25 consistent with each other and when taken together

1 point conclusively to the guilt of the accused beyond  
2 a reasonable doubt.

3 I qualified a witness or two to give their  
4 opinion in this case. We normally don't allow  
5 witnesses to give their opinion, they have to tell  
6 you about what they saw, what they heard, what took  
7 place in their presence. But sometimes witnesses by  
8 reason of their training, their education, their  
9 experience in a particular field, we'll allow them to  
10 give their opinion. Now, just because we did that  
11 doesn't give them any special status. You judge all  
12 the witnesses the same. You look at all the  
13 witnesses, you judge their credibility and  
14 believability. And to find that evidence which  
15 convinces you of the truth.

16 I remind you what I told you about when you  
17 heard the testimony of the minor child in this case.  
18 When you hear testimony from a child you must  
19 determine, as you must with all witnesses,  
20 credibility and believability and talk about those  
21 things we just talked about, their demeanor,  
22 opportunity for knowledge, those types of things that  
23 we talk about with every witness. Regarding a child,  
24 you also consider the age of the child, the child's  
25 ability to observe and remember facts, the child's

1       ability to understand and answer questions. Because  
2       young children may not fully understand what's  
3       happening in a criminal trial, you must decide  
4       whether the child understood the seriousness of  
5       appearing as a witness in a criminal trial, whether  
6       the child understood the questions, whether the child  
7       had a good memory, whether the child understands the  
8       difference between lying and telling the truth. And  
9       whether or not the child was or was not influenced by  
10      the way questions were asked. So, it's up to you to  
11      decide and make all those determinations.

12           A statement of the Defendant was admitted into  
13      evidence by The Court. Now, while I determined that  
14      that was an admissible part of the evidence in this  
15      case, it is you, collectively the jury, to make the  
16      ultimate decision of a couple of things. One,  
17      whether or not the Defendant made the statement. If  
18      you find the Defendant made the statement, then you  
19      decide whether or not the Defendant made the  
20      statement voluntarily, on his own freewill. And  
21      wasn't caused by any kind of pressure, fear, force of  
22      any kind. And whether or not the Defendant was  
23      appraised of his constitutional rights. And again,  
24      those being that you have the right remain silent.  
25      Anything that you can and say will be used against

1       you in a court of law. You have the right to have a  
2       lawyer present. If you cannot afford one one will be  
3       appointed for you. You can stop making a statement  
4       at any point in time that you so choose. All of your  
5       constitutional rights. The State has the burden of  
6       proving the validity of the statement. The Defendant  
7       made a statement of his own freewill, advised of his  
8       constitutional rights. And then, if you believe The  
9       State has done that beyond a reasonable doubt, that's  
10      The State's burden on everything, beyond a reasonable  
11      doubt, then you give it whatever consideration you  
12      want. Again, whatever consideration you believe it  
13      should have if any at all.

14             The Defendant did not testify in this case. I  
15      instruct you and I tell you and I emphasize to you  
16      that is not part of this case. I told you at the  
17      very beginning, the Defendant is presumed innocent of  
18      the crimes for which The State has brought against  
19      him unless and until The State can prove the  
20      Defendant guilty beyond a reasonable doubt. Told you  
21      the Defendant has no burden. The Defendant doesn't  
22      have anything to prove to you. The State must  
23      produce the evidence for you to consider. Whether or  
24      not The State can prove the Defendant guilty beyond a  
25      reasonable doubt. So, the assertion of a Defendant

1 of the constitutional right to remain silent cannot  
2 be used against them in any shape, manner or form.  
3 You can't talk about it in the jury room, you can't  
4 use it mentally to make a discussion in this case.  
5 It is not part of this case.

6 The presumption of innocence, we talked about  
7 that at the very beginning. It's an important rule  
8 of law that the Defendant in this case, the Defendant  
9 in any criminal case is presumed innocent of the  
10 crime or crimes charged that The State has brought  
11 against him unless guilt has been proven to you by  
12 evidence that satisfies you of the guilt of the  
13 Defendant beyond a reasonable doubt. This  
14 presumption of innocence, it's liken to a robe of  
15 righteousness. It's placed on the shoulders of the  
16 Defendant and it stays on the shoulders of the  
17 Defendant until it is stripped from the shoulders of  
18 the Defendant by evidence produced by The State which  
19 convincing you of the guilt of the Defendant beyond a  
20 reasonable doubt. This is not just some legal phrase  
21 or theory. It's an important right to which this  
22 Defendant, to which every American is entitled.  
23 They're presumed innocent unless and until The State  
24 can prove the Defendant guilty of crime or crimes  
25 charged beyond a reasonable doubt.

1           So, what's reasonable doubt? A kind of doubt  
2           that would cause an ordinary, reasonable person to  
3           hesitate to act. Proof beyond a reasonable doubt is  
4           proof that leaves you firmly convinced of the  
5           Defendant's guilt. There very few things that we can  
6           know with absolute certainty. You can doubt that the  
7           earth is going to keep spinning. But we're not  
8           talking about fanciful doubts, we're talking about  
9           doubts that here what The State is required to do is  
10          not overcome every possible doubt. If based upon  
11          your consideration of the evidence you are firmly  
12          convinced that the Defendant is guilty of the crime  
13          charged, you must find the Defendant guilty. On the  
14          other hand, if you are not firmly convinced that the  
15          Defendant is guilty of the crime charged, you must  
16          give the Defendant the benefit of the doubt and find  
17          him not guilty.

18          The Defendant is charged with two crimes. I  
19          will go over the elements of each crime. These are  
20          the elements that The State has to prove to you  
21          beyond a reasonable doubt by the facts and evidence  
22          that it has presented. The Defendant is charged with  
23          first degree criminal sexual conduct with a minor.  
24          The State has to prove beyond a reasonable doubt that  
25          the Defendant engaged in a sexual battery with the

1 victim. Now, sexual battery, what is that? That's  
2 sexual intercourse, cunnilingus, fellatio, anal  
3 intercourse or any intrusion, however slight, of any  
4 part of a person's body or of any object into the  
5 genital or anal openings of a person's body. The  
6 State has to prove also beyond a reasonable doubt  
7 that the victim was less than 11 years of old -- or  
8 11 years old at the time of that sexual batter.  
9 Consent, willingness, indifference, ignorance on the  
10 part of the minor, if any, as to what was taking  
11 place does not the effect the charge of criminal  
12 sexual conduct with a minor because the minor under  
13 the age of 14 cannot legally consent to any type of  
14 sexual activity.

15 Second charge, criminal sexual conduct with a  
16 minor, third degree. The Defendant, being charged  
17 with this crime, The State has to prove to you beyond  
18 a reasonable doubt that the Defendant -- the  
19 Defendant was over 14. Next, The State has to prove  
20 that the Defendant willfully and lewdly committed or  
21 attempted a lewd or lascivious act on or with the  
22 body of a child under 16 with the intent to arouse,  
23 appeal to or gratify the lust, passions or sexual  
24 desires of the Defendant or the child. Now, willful,  
25 that means voluntarily, intentionally. Lewd means

1 obscene, indecent. Lascivious, that means to incite  
2 lust, lewd or indecent behavior tending to deprave  
3 the morals with respect to sexual relations.

4 That, ladies and gentlemen, is the law. The law  
5 that you have to apply to the facts and evidence that  
6 you find to be true in this case. They're two  
7 verdict forms in this case, two charges. Very  
8 straightforward. As the caption of the case. State  
9 of South Carolina vs. Michael Edward Williams.

10 Criminal sexual conduct with a minor, first degree.

11 On the charge of criminal sexual conduct with a  
12 minor, first degree, we, the jury, by unanimous  
13 consent find the Defendant and it's two choices. I  
14 put one before the other, don't assign anything to  
15 that. You've got two choices, you've got to put one  
16 before the other. Not guilty or guilty. When you  
17 decided that -- when the jury decided that,

18 Mr. Foreman, you go on to the next charge. Criminal  
19 sexual conduct with a minor, third degree. On the  
20 charge of criminal sexual conduct with a minor in the  
21 third degree, we, the jury, by unanimous consent find  
22 the Defendant again, two choices, not guilty, guilty.

23 So, Mr. Foreman, these are the verdict forms  
24 that you will arrive in marking the unanimous verdict  
25 of the jury in this case. You'll check the

1       appropriate block, you will sign your name, you will  
2       put today's date. When you're done with those, you  
3       will knock on the door and let the Bailiff know that  
4       the jury has reached a unanimous verdict in this  
5       matter.

6               Now, unanimous, it means exactly what you think  
7       it means. It means 12-0. It does not mean 11-1,  
8       10-2, any combination thereof. So, whatever verdict  
9       the jury arrives at, it is 12-0. So, Mr. Foreman,  
10      check that block, you sign your name, you're telling  
11      the court, each and every member of the jury agrees  
12      that's their verdict. So, what I'm going to ask you  
13      to do, Mr. Foreman, is take the 12 members, yourself  
14      and the other 11 members of the jury to the jury  
15      room.

16             Madam Alternate, if you'll please stay with us.

17             Mr. Foreman, take the jury in the jury room do  
18      not, do not begin your deliberations until the  
19      Bailiff hands to you the verdict forms and the  
20      Exhibits. So, when the Bailiff hands those to you,  
21      then you may begin your deliberations. Mr. Foreman,  
22      take the jury to the jury room, please.

23             (WHEREUPON, the jury left open court at  
24      approximately 4:09 p.m.)

25             THE COURT: All right, is there any reason from

1 The State or the Defense that the Court should not  
2 release the alternate from her duties and  
3 responsibilities in this particular case, Solicitor?

4 MS. BENTLEY: No, sir, Your Honor.

5 THE COURT: Ms. Manigault?

6 MS. MANIGAULT: No, Your Honor.

7 THE COURT: All right, very good.

8 Now, regarding this particular case Ms. Robbie,  
9 I can release you from your duties and obligations in  
10 this case. I can't release you from the jury  
11 service, we'll talk about that in just a second. But  
12 your job was to step in the shoes of one of the other  
13 members of the jury if for some reason they couldn't  
14 go forward, somebody got sick or whatever. You won't  
15 believe how many times that happens, it happens all  
16 the time. Just didn't happen today. So, I  
17 appreciate your service in this particular case. We  
18 are going to be pick another jury in a criminal case  
19 tomorrow morning. I'm going to start tomorrow. So,  
20 I do need you to be back in the Jury Assembly Room  
21 tomorrow morning at 9:30 please, ma'am. With that  
22 you're now excused. Thank you, ma'am, I appreciate  
23 it.

24 (WHEREUPON, the alternate was excused.)

25 THE COURT: All right, with that, exceptions or

1 (Whereupon Court's exhibits 2, 3, 4 and 5 were marked)

2 (Whereupon court reconvened at 11:08 am)

3 **THE COURT:** You may be seated. Thank you. All right,  
4 counsel, it appears that the jury has requested to listen to  
5 a portion of the testimony of Investigator Michael  
6 Robertson. And the court reporter indicates she's prepared  
7 to play back that portion of the testimony as requested by  
8 the jury. And so that's what we're going to do. If you'd  
9 ask the jury to come in, please.

10 (Whereupon the jury entered the courtroom at 11:10 am)

11 **THE COURT:** All right. Mr. Foreman, based upon your  
12 written request, I believe the court reporter has found the  
13 portion of the testimony of Investigator Robertson that the  
14 jury was interested in hearing. I'm going to have the court  
15 reporter play that.

16 I'll leave it to you to indicate when you want us to  
17 stop. You can just raise your hand if you want to. And at  
18 the end of that, if for some reason that is -- there's more  
19 that you want or there's something else that you want,  
20 obviously, we're here at your convenience. We're just  
21 trying to accommodate the specific request as best we could.  
22 All right?

23 **MR. FOREMAN:** Thank you, sir.

24 **THE COURT:** All right. Go ahead, ma'am.

25 (Whereupon the following testimony of Investigator

1 Michael Robertson was played for the jury)

2 Q. Could you please tell me where you first made contact  
3 with Mr. Williams.

4 A. At his residence.

5 Q. Was he home?

6 A. He was.

7 Q. Was there a vehicle there?

8 A. There was.

9 Q. Do you remember what type of vehicle it was?

10 A. A blue pick-up truck.

11 Q. Okay. And did you speak with Mr. Williams that day  
12 about the allegations?

13 A. I did not. I advised him that there -- I was working  
14 -- I was investigating a case that involved him and asked  
15 him if he would come down to the office and speak with me  
16 about it.

17 Q. Did he agree to do so?

18 A. He did.

19 Q. When did he end up coming to your office?

20 A. The next day.

21 Q. Okay. I'm going to show you what's previously been  
22 marked as State's exhibits 5 and 6. And at this point can  
23 you just tell me if you recognize both of those exhibits?

24 A. I do.

25 Q. Can you tell me how you recognize State's exhibit 5?

- 1 A. I have my signature on the bottom as a witness.
- 2 Q. Is that a form that you often use?
- 3 A. It is.
- 4 Q. And can you please tell us basically what State's
- 5 exhibit 5 is?
- 6 A. This is a waiver of rights form that we read to or have
- 7 the suspects read when they come into the office.
- 8 Q. Okay. Is that the form that you read or had Mr.
- 9 Williams read?
- 10 A. It is.
- 11 Q. How do you know that?
- 12 A. It has my signature. It also has his initials beside
- 13 each sentence and his signature.
- 14 Q. Okay. Is that item dated?
- 15 A. It is.
- 16 Q. What is the date?
- 17 A. May 4th, 2012.
- 18 Q. And is that the same date that you spoke to Mr.
- 19 Williams?
- 20 A. That's correct.
- 21 Q. And is that also -- is there a time written on there?
- 22 A. There is.
- 23 Q. What is it?
- 24 A. 2:55..
- 25 Q. Okay. And aside from the writings that you recognize,

1 have any other additions or deletions been made to that  
2 item?

3 A. No, ma'am.

4 **MS. BENTLEY:** Your Honor, at this time the State moves  
5 exhibit 5 into evidence.

6 **THE COURT:** Any objection?

7 **MS. MANIGAULT:** No objection, Your Honor.

8 **THE COURT:** All right. It's in evidence without  
9 objection.

10 (Whereupon State's exhibit 5 was admitted into  
11 evidence)

12 Q. Moving on to State's exhibit 6, how do you recognize  
13 that form?

14 A. This is also a statement form that we have that we ask  
15 them to fill out, if they will. It has my signature down as  
16 a witness. It also has Mr. Williams' signature at the  
17 bottom.

18 Q. So that is the same form that you used when speaking  
19 with Mr. Williams?

20 A. That's correct.

21 Q. Is it dated?

22 A. It is.

23 Q. What is the date?

24 A. May 4th, 2012.

25 Q. The handwriting on that form, whose handwriting is

1 that?

2 A. It's Mr. Williams.

3 Q. Okay. And aside from the handwriting that you  
4 recognize as either yours or Mr. Williams, have any other  
5 changes been made to that?

6 A. No, ma'am.

7 **MS. BENTLEY:** Your Honor, at this time the State moves  
8 exhibit 6 into evidence.

9 **THE COURT:** Any objection?

10 **MS. MANIGAULT:** No objection, Your Honor.

11 **THE COURT:** All right. It's in evidence without  
12 objection.

13 (Whereupon State's exhibit 6 was admitted into  
14 evidence)

15 Q. All right. Investigator Robertson, where did you speak  
16 to Mr. Williams?

17 A. The first time at his residence. The second time in my  
18 office.

19 Q. Okay. Please describe your office to us. Where is it  
20 located?

21 A. It's at University Ridge at County Square.

22 Q. So it's not at the main Law Enforcement Center?

23 A. It is not. No, ma'am.

24 Q. Okay. Tell me a little bit about what your office  
25 looks like.

- 1 A. It has an L-shaped desk. I have two chairs sitting in  
2 the front. It's just a squared off office.
- 3 Q. Okay. Tell me, was anyone else present when you spoke  
4 with Mr. Williams in your office?
- 5 A. No, ma'am.
- 6 Q. Was he under arrest at that time?
- 7 A. No, ma'am.
- 8 Q. Was he in handcuffs?
- 9 A. No, ma'am.
- 10 Q. Was he deprived of any food, water or bathroom breaks?
- 11 A. No, ma'am. He never asked.
- 12 Q. Okay. Was he free to leave?
- 13 A. Yes, ma'am.
- 14 Q. Was he free to stop talking to you at any time?
- 15 A. Yes, ma'am.
- 16 Q. Did he agree to speak with you then?
- 17 A. He did.
- 18 Q. And did you advise him of his rights?
- 19 A. I did with this waiver.
- 20 Q. Why did you do that?
- 21 A. It's sheriff's office procedure. We do that to make  
22 sure they understand that even though in this interview  
23 whatever they say, you know, can and will be used against  
24 them. And they have an option of not speaking with me at  
25 all.

1 Q. Okay. Could you please read us the rights that are  
2 initialed on that form?

3 A. Yes, ma'am. Before we ask you any questions you must  
4 understand your rights. You have the right to remain  
5 silent. Anything you say can be used against you in court.

6 You have the right to talk to a lawyer for advice  
7 before we ask you any questions and to have him with you  
8 during questioning. If you have no -- if you have no money  
9 to pay a lawyer's fee, the court will appoint one to  
10 represent you without cost if you wish.

11 If you decide to answer questions now without a lawyer  
12 present, you will still have the right to stop answering  
13 questions at any time. You also have the right to stop  
14 answering at any time until you talk to a lawyer.

15 The paragraph says I have read the statement of my  
16 rights, and I understand what my rights are. I am willing  
17 to make a statement and answer questions.

18 I do not want a lawyer at this time. And I understand  
19 and know what I am doing. No promises or threats have been  
20 made to me. And no pressure or coercion of any kind has  
21 been used against me.

22 Q. Did you have any concerns about Mr. Williams' ability  
23 to understand those rights?

24 A. I did not.

25 Q. Did he appear to be under the influence or suffering

1 from any mental distress that day?

2 A. No, ma'am.

3 Q. And did you advise him of the allegations against him?

4 A. I did.

5 Q. Do you recall what you told him?

6 A. I believe I told him exactly what was disclosed in the  
7 -- in the forensic interview.

8 Q. Okay. Had you seen the forensic interview prior to  
9 speaking with him?

10 A. I did.

11 Q. Okay. And did you advise him that he had been accused  
12 of sexual abuse?

13 A. That's correct.

14 Q. And did you tell him who the alleged victim was?

15 A. I did.

16 Q. Okay. And what did he do in response to that  
17 allegation by you?

18 A. Of course he denied it.

19 Q. Okay. And did he provide you with a statement?

20 A. He did.

21 Q. Okay. And would you please read that statement to us.

22 A. I'll try.

23 (Whereupon the Foreman indicated to the Court)

24 **THE COURT:** All right, Madame Court Reporter.

25 (Whereupon the testimony was stopped)

1           **MR. FOREMAN:** Oh, I'm sorry.

2           **THE COURT:** All right. Finish out the statement, where  
3 he's reading the statement, please.

4           (Whereupon the testimony was continued for the jury)

5           Q. Well, actually, before you do that, can you tell me  
6 what you asked him to provide you in the statement?

7           A. I asked him to provide me with what his relationship  
8 was with Tammy and if he could -- if he would tell me about  
9 the time that the allegations were being made about him  
10 being in the room and what went on in the room between him  
11 and Minor

12          Q. All right. Investigator, please read his statement.

13          A. Okay. It says ---

14          (Whereupon the Foreman indicated to the Court)

15          **THE COURT:** Okay. Stop it, please. So I take it, Mr.  
16 Foreman, that answers the questions that you had posed to  
17 us, is that right?

18          **MR. FOREMAN:** Yes, it does, Your Honor.

19          **THE COURT:** All right. Very good. If you could take  
20 the jury back and resume your deliberations. Thank you,  
21 sir.

22          (Whereupon the jury exited the courtroom at 11:18 am)

23          **THE COURT:** As I indicated, we replayed that testimony  
24 at the request of the jury. It was a written request. I've  
25 marked it as a Court's exhibit. Counsel, if y'all wanted to

1 come up and read that, I'll be glad for you to do so. And  
2 they'd actually asked the Court a question. I told them I  
3 couldn't answer the question, we could replay testimony.  
4 And that's what they said. All right?

5 So I'll be glad for you to look at it. And if you have  
6 any questions or any other matters you want to bring to the  
7 Court's attention, please do so. With that, is there  
8 anything further at this point in time from the State?

9 **MS. BENTLEY:** Nothing from the State ---

10 **THE COURT:** From the Defense?

11 **MS. MANIGAULT:** Nothing, Your Honor.

12 **THE COURT:** All right. Thank you very much. Again,  
13 we'll be at ease until the jury needs us.

14 (Whereupon court was in recess at 11:19 am)

15 (Whereupon a bench conference was held off the record  
16 and Court's exhibit 6 was marked)

17 (Whereupon court reconvened at 3:21 pm)

18 **THE COURT:** Thank you very much. All right. Counsel,  
19 I understand that in the trial that the jury has rendered a  
20 verdict. Is the State ready to receive it?

21 **MS. BENTLEY:** Yes, sir, Your Honor.

22 **THE COURT:** And the Defense?

23 **MS. MANIGAULT:** Yes, sir.

24 **THE COURT:** All right. Very good. I don't know if all  
25 the participants here are involved in the State versus

VERDICT OF THE JURY

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1 Michael Edward Williams' matter, but I just want to make a  
2 comment to the -- everyone in the courtroom. We ask the  
3 jury to do a very difficult thing. And they've worked very  
4 hard to do that.

5 I do not know what the verdict is. We will all receive  
6 that verdict at the same time. Whatever the verdict is of  
7 the jury regarding the two charges, it will be received with  
8 respect and it will be received with silence.

9 I will not tolerate any kind of showing of emotion or  
10 any kind of reaction to the jury's verdict. If there is,  
11 you will be detained by a representative of the Greenville  
12 County Sheriff's Office and held for further proceedings.  
13 So if you cannot honor the Court's order, please leave the  
14 courtroom now. Thank you very much.

15 (No response)

16 **THE COURT:** All right. Ask the jury to come in,  
17 please.

18 (Whereupon the jury entered the courtroom at 3:25 pm)

19 **THE COURT:** All right, Mr. Foreman. Has your jury  
20 reached a verdict in this matter?

21 **MR. FOREMAN:** Yes, Your Honor, we have.

22 **THE COURT:** Good. Could you hand the verdict forms to  
23 the bailiff, please. Thank you, sir.

24 (Pause)

25 **THE COURT:** Madame Clerk, you may publish the verdicts.

**VERDICT OF THE JURY**

125

1           **MADAME CLERK:** Thank you. Your Honor, in the case of  
2   2012-GS-23-10445, the State of South Carolina versus Michael  
3   Edward Williams, number one, criminal sexual conduct with a  
4   minor in the first degree, on the charge of criminal sexual  
5   conduct with a minor in the first degree, we, the jury, by  
6   unanimous consent find the Defendant not guilty.

7           In the case of 2013-GS-23-0698, the question two for  
8   criminal sexual conduct with a minor, third degree, on the  
9   charge of criminal sexual conduct with a minor in the third  
10   degree, we, the jury, by unanimous consent find the  
11   Defendant guilty. These are signed by our foreperson, Mr.  
12   Bulger.

13           Ladies and gentlemen, if you agree these are the  
14   verdicts that you reached in your deliberation room would  
15   you please raise your right hand.

16           (Whereupon all jurors raised their right hand)

17           **MADAME CLERK:** Thank you.

18           **THE COURT:** Thank you very much. Does the State wish  
19   the jury polled?

20           **MS. BENTLEY:** No, Your Honor.

21           **THE COURT:** Does the Defense wish the jury polled?

22           **MS. MANIGAULT:** No, sir.

23           **THE COURT:** All right. Thank you very much.

24           Mr. Foreman, ladies and gentlemen of the jury, I want  
25   to thank you for your service in this case. You did exactly

SENTENCE OF THE COURT

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1           **MS. MANIGAULT:** Your Honor, we would renew our motions  
2           and ask the Court to set aside the verdict. We do not  
3           believe that the State proved its case or the elements of  
4           the crimes as charged. I want to make a motion for a new  
5           trial.

6           **THE COURT:** All right. Thank you, ma'am. Regarding  
7           this particular matter and the Defendant's motion for a new  
8           trial, the standard is when there is -- if the Court  
9           believes there's any competent evidence to sustain the  
10          jury's verdict, the trial court, if I had a different  
11          judgment than the jury, not saying that I do, but even if I  
12          did, a trial court may not substitute the judgment for that  
13          of the jury and overturn the verdict if there's any  
14          competent evidence to sustain the jury's verdict.

15          I'll say for the record, I don't have a -- believe that  
16          the Court has a different judgment than the jury's verdict  
17          in this matter. I find there was more than sufficient and  
18          competent evidence to sustain the jury's verdict in this  
19          matter. And, therefore, the motion for a new trial is  
20          denied.

21          Any other motions?

22          **MS. MANIGAULT:** No, Your Honor.

23          **THE COURT:** All right. Is the State ready to proceed  
24          with sentencing?

25          **MS. BENTLEY:** Yes, sir.

SENTENCE OF THE COURT

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1           **THE COURT:** All right. And Defense?

2           **MS. MANIGAULT:** Yes, sir.

3           **THE COURT:** All right. Very good. All right,  
4 solicitor. I'll be glad to hear from you, ma'am.

5           **MS. BENTLEY:** May it please the Court, Your Honor. You  
6 were present for the duration of the trial, through the  
7 presentation of the testimony and evidence. The maximum  
8 penalty for a lewd act on a minor, criminal sexual conduct  
9 in the third degree is fifteen years. The State believes  
10 that is an appropriate sentence in this case for a variety  
11 of reasons.

12           First and foremost, the age of the victim in this case,  
13 she had just turned five years old. Number two, Your Honor,  
14 this Defendant has a prior criminal sexual conduct with a  
15 minor and a contributing to the delinquency of a minor in  
16 2002.

17           He was sentenced to twenty years suspended to ten years  
18 and five years probation. He had very recently been  
19 released from prison for sexual abuse on a minor when this  
20 event occurred. And furthermore, Your Honor, this Defendant  
21 is awaiting trial for another criminal sexual conduct with a  
22 minor in Anderson County.

23           **MS. MANIGAULT:** I would object to any ---

24           **THE COURT:** I'm not going to take that into  
25 consideration. I'm taking into consideration the prior

**SENTENCE OF THE COURT**

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1 record, the facts and evidence of this case. Thank you. Go  
2 ahead. Anything else from the State?

3 **MS. BENTLEY:** Your Honor, that concludes the State's  
4 ---

5 **THE COURT:** All right. Thank you very much. All  
6 right, Ms. Manigault. Be glad to hear from you.

7 **MS. MANIGAULT:** May it please the Court, Your Honor.  
8 My client is a life-long resident of Greenville County. He  
9 is a graduate of Carolina High School. He is age forty-six.  
10 He suffers a medical condition of a heart murmur. He was  
11 working at South Forks Metal Fabrication for approximately a  
12 year and a half at the time of this arrest. And he is  
13 engaged. He has one child, age eighteen. He was living  
14 with his father, who has been in the courtroom with him  
15 throughout the three days that we were involved in this  
16 trial.

17 He is asking me if the Court would consider a minimum  
18 sentence in this case. He does acknowledge that he did  
19 receive that sentence in 2002 of twenty years suspended to  
20 ten years and five years probation. He does acknowledge  
21 that.

22 He had not completed his probation. If the Court is  
23 going to inquire about that, he had not, because his release  
24 was in 2010. So we'd ask -- he's asking the Court for mercy  
25 in this case. And he's asking for a minimum sentence.

SENTENCE OF THE COURT

130

1           **THE COURT:** Thank you, ma'am.

2           (Pause)

3           **MS. MANIGAULT:** Your Honor?

4           **THE COURT:** Yes, ma'am.

5           **MS. MANIGAULT:** He's reminded me, he was on ankle  
6 monitoring for about a year and a half. And he's asking the  
7 Court to consider giving him credit for that on electronic  
8 monitoring while he was on probation.

9           **MS. BENTLEY:** And the State would respectfully request  
10 that he not be given credit for that house arrest time, but  
11 any credit for time that he did serve in the detention  
12 center.

13           **THE COURT:** All right. Thank you, ma'am.

14           (Pause)

15           **THE COURT:** 2013-GS-23-698, the State of South  
16 Carolina, County of Greenville versus Michael Edward  
17 Williams regarding criminal sexual conduct with a minor,  
18 third degree. Mr. Williams, I've heard what your attorney  
19 has said, obviously, heard all the evidence that was  
20 presented in this matter.

21           I do take into consideration the prior record. I do  
22 find that to be important in the sentencing in this matter.  
23 Based upon the prior offenses that do involve minors and the  
24 relative short period of time that the Defendant was out  
25 before being arrested for this charge and now being

**SENTENCE OF THE COURT**

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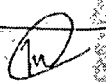
1 subsequently convicted by a jury of his peers, therefore,  
2 the sentence of the Court is the Defendant is committed to  
3 the State Department of Corrections for a determinate term,  
4 fifteen years. He's given credit for the time that he has  
5 spent in jail. Thank you very much.

6 **MS. BENTLEY:** Thank you, Your Honor.

7 (Hearing Ended at 3:34 pm)

8 (End of Requested Transcript of Record)

## WITNESSES

Michael Robertson 

Greenville County Sheriffs Office

6/12/2012

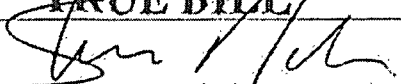
## ARREST WARRANT NUMBER

DIRECT PRESENTMENT

DOB: 10/24/1965 WM SSN: 248-436780

2013-6523006A5A

## ACTION OF GRAND JURY

TRUE BILL 

FOREMAN GRAND JURY

Foreperson of Grand Jury

## VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-2012-GS-23-LAB

000698A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS  
February2013  
TERM 2012

THE STATE

vs.

MICHAEL EDWARD WILLIAMS

Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR  
THIRD DEGREE

VIOLATION § 16-03-0655 (C)

ENTERED  
ACCT

A Certified Copy

Paul B. Williams  
Clerk of Court C.P. & G.S.  
Greenville County, SC

Dated 10/17/14

STATE OF SOUTH CAROLINA     )  
                                              )  
COUNTY OF GREENVILLE     )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT WITH A MINOR THIRD DEGREE

At a Court of General Sessions, convened on **FEB 19 2013** the Grand Jurors of Greenville  
County present upon their oath:

That MICHAEL EDWARD WILLIAMS did in Greenville County, on or about the 31st day of March, 2012,  
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 C. S-B, 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 §16-03-0655  
(C) 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.

  
SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF Greenville  
STATE VS.

Michael Edward Williams

AKA:

Race: WHITE Sex: M Age: 48

DOB: SS#:

Address:

City, State, Zip:

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit Lewd act

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2300698A

A/W#: 2013GS2300698A

Date of Offense: 3/31/2012

S.C. Code §: 16-03-0655(C)

CDR Code #: 3661

## SENTENCE SHEET

76

☒ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45 w/minor 1st or Lewd ActThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

77787

Bentley, Lisa

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 1.5 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.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. or Job Corp.

Recipient:

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:

\*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

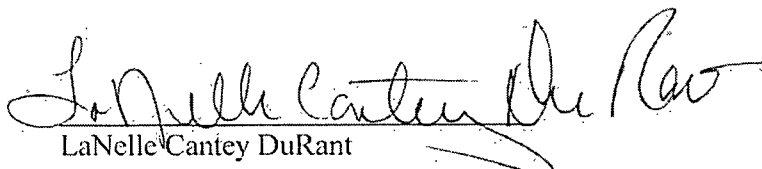
Judge Code:

Sentence Date:

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 4, 2016



LaNelle Cantey DuRant  
Appellate Defender

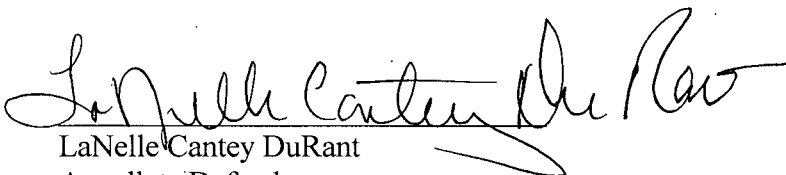
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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January 4, 2016

  
LaNelle Cantey DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

**RECEIVED**

JAN 04 2016

SC Court of Appeals