

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2014-002654

RECEIVED

JUL 15 2016

SC Court of Appeals

The State, ...Respondent,

v.

Wallace Steve Perry, ... Appellant.

RECORD ON APPEAL

V. Henry Gunter, Jr., Esquire
Assistant Attorney General
Office of the Attorney General
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Columbia, SC 29211
ATTORNEYS FOR RESPONDENT

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Chief Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589
(803) 734-1343
ATTORNEYS FOR APPELLANT

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**THE STATE OF SOUTH CAROLINA
In the Appellate Court**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions**

Honorable Edward W. Miller, Circuit Court Judge

Indictment Nos.: 2012GS2308495A; 8496; 8497; 8498

The State,

Wallace Steve Perry,

v.

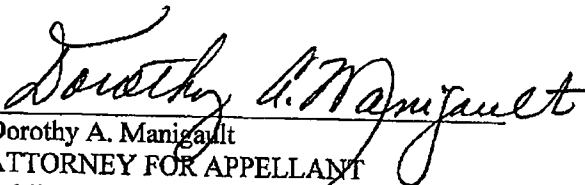
Respondent.

Appellant.

NOTICE OF APPEAL

Wallace Steve Perry, appeals his convictions and sentences in these cases. The sentences were imposed by the Honorable Edward W. Miller on December 3, 2014. Appellant was sentenced to Thirty (30) years on Criminal Sexual Conduct with a Minor 1st Degree (x2); and Twenty (20) years on Criminal Sexual Conduct with a Minor 2nd Degree (x2) after guilty verdicts.

Date: December 11, 2014



Dorothy A. Manigault
ATTORNEY FOR APPELLANT
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601

Other Counsel of Record:
W. Walter Wilkins, Solicitor, 13th Judicial Circuit
Kris Hodge and Katryna Salisbury, Assistant Solicitors
305 E. North Street, Suite 325
Greenville, South Carolina 29601
Attorneys for Respondent

RECEIVED
DEC 15 2014
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Honorable Edward W. Miller, Circuit Court Judge

Indictment Nos.: 2012GS2308495A; 8496; 8497; 8498

The State,

Wallace Steve Perry,

v.

Respondent.

Appellant.

PROOF OF SERVICE

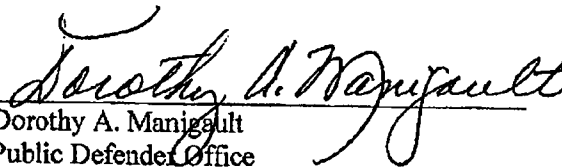
I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on December 11, 2014, addressed to:

Kris Hodge
Assistant Solicitor
13th Circuit Solicitor
305 E. North Street, Suite 325
Greenville, SC 29601

SC Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

Attorney General
P.O. Box 11549
Columbia, SC 29211

Office of Appellate Defense
Post Office Box 11433
Columbia, South Carolina 29211


Dorothy A. Manigault
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

December 11, 2014

RECEIVED
DEC 15 2014
SC Court of Appeals

002

OFFICE OF THE PUBLIC DEFENDER
13th JUDICIAL CIRCUIT
Greenville County Courthouse
305 East North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601

John L. Mauldin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

December 11, 2014

Via Regular Mail

Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

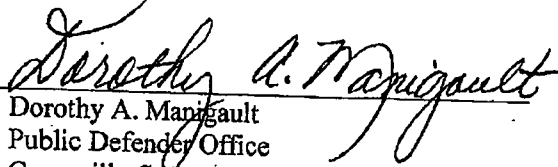
Re: **State v. Wallace Steve Perry**
Indictment No(s): 2012GS2308495A; 8496; 8497; 8498

Dear Clerk:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Greenville County Clerk of Court. Also enclosed is a certified copy of the indictment.

These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.


Dorothy A. Manigault
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

Enclosure

cc: Office of the Thirteenth Circuit Solicitor
Office of the Attorney General
Office of Appellate Defense

RECEIVED
DEC 15 2014
SC Court of Appeals

003

OFFICE OF THE PUBLIC DEFENDER

**13th JUDICIAL CIRCUIT
Greenville County Courthouse
305 East North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601**

John L. Mauldin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

December 11, 2014

Via Regular Mail

S.C. Office of Appellate Defense
P.O. Box 11433
Columbia, SC 29211

RECEIVED
DEC 15 2014
SC Court of Appeals

Re: State v. Wallace Steve Perry
Indictment No(s): 2012GS2308495A; 8496; 8497; 8498

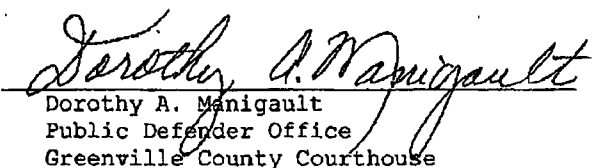
TO: SC OFFICE OF APPELLATE DEFENSE

Enclosed please find a copy of the Notice of Appeal in the above matter. The Court Reporter's name and address is as follows:

Teresa B. Johnson
Post Office Box 2812
Greenville, South Carolina 29602

Also enclosed are copies of our letters to the Court of Appeals and the Attorney General's office as well as Proof of Service on all parties involved. Copies of the indictments are also enclosed.

Please let us know what further service we can be in this matter.


Dorothy A. Manigault
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

Enclosure

OFFICE OF THE PUBLIC DEFENDER

**13th JUDICIAL CIRCUIT
Greenville County Courthouse
305 East North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601**

John I. Maudlin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

December 11, 2014

Via Regular Mail

Attorney General
P.O. Box 11549
Columbia, SC 29211

RECEIVED

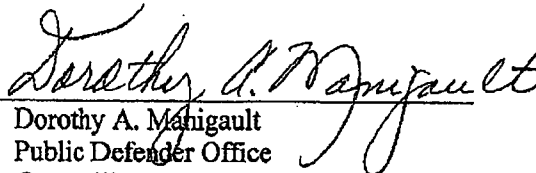
DEC 15 2014

SC Court of Appeals

Re: State v. Wallace Steve Perry
Indictment No(s): 2012GS2308495A; 8496; 8497; 8498

Dear Sir:

Enclosed please find a copy of the Notice of Appeal in the above matter along with Proof of Service. This matter is being referred to the Office of the Appellate Defense.



Dorothy A. Manigault
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

Enclosure

cc: Office of Appellate Defense
Thirteenth Circuit Solicitor Office

OFFICE OF THE PUBLIC DEFENDER

**13th JUDICIAL CIRCUIT
Greenville County Courthouse
305 East North Street (Rm 123)
GREENVILLE, SOUTH CAROLINA 29601**

John L. Mauldin
Public Defender

TEL (864) 467-8522
FAX (864) 467-8521

December 11, 2014

Via Regular Mail

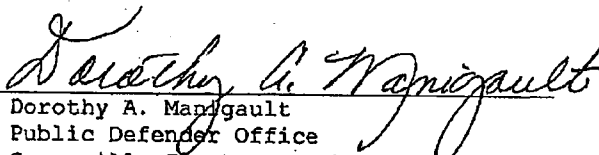
Kris Hodge
Assistant Solicitor
13th Circuit Solicitor's Office
305 E. North Street, Suite 325
Greenville, South Carolina 29601

Re: State v. Wallace Steve Perry
Indictment No(s): 2012GS2308495A; 8496; 8497; 8498

Dear Ms. Hodge:

Enclosed please find a copy of the Notice of Appeal in the above matter along with Proof of Service.

Sincerely yours,


Dorothy A. Mangault
Public Defender Office
Greenville County Courthouse
Greenville, South Carolina 29601
ATTORNEY FOR APPELLANT

Enclosure

cc: Clerk, S.C. Court of Appeals
Office of Appellate Defense
Attorney General Office

Dorothy Manigault, Esq.
Public Defender Office
305 East North Street, Suite 123
Greenville, South Carolina 29601



RECEIVED

DEC 15 2014

SC Court of Appeals

Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

2921131629 5012 - [Barcode]

WITNESSES

M A Thomas

MAT

Greenville Police Department

8/2/2012

ARREST WARRANT NUMBER
2012A2320600191

ACTION OF GRAND JURY

FREE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 12-3-14

DOCKET NO. 2012-GS-23-

000000

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2012

THE STATE

vs.

WALLACE STEVE PERRY

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0855(A)(1)

ENTERED
NOV 12 2012

A Certified Copy
 Paul B. Williams
 Clerk of Court C.P. & G.S.
 Greenville County, SC
 Dated 12-4-14

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on
County present upon their oath:

OCT 23 2012

the Grand Jurors of Greenville

That WALLACE STEVE PERRY did in Greenville County, between June 22, 1999 and June 20, 2005,
commit a sexual battery on ^{J.P.} J.P., who was less than eleven years of age. This is in violation of §16-3-
655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Wallace Steve Perry

AKA:

Race: WHITE Sex: M Age: 52DOB: 10-10-1962 SS#: 251-13-0430Address: 811 Mallett Hill RoadCity, State, Zip: Columbia, SC 29223DL#: 008168941 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 - victim under 11 yrs of age - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2308498A/W#: 2012A2320600191Date of Offense: 12/31/2006S.C. Code §: 16-03-0655(A)(1)CDR Code #: 0385

SENTENCE SHEET

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: W3 Hdy 8245
Hodge, Kris SC Bar# Defendant Attorney for Defendant SC Bar# WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; 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. 9 DMS
☐ 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 ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (If paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/ Deputy Clerk Paul S. WickhamCourt Reporter: J. Johnson

SCCA/217 (03/2011)

Presiding Judge Judge Code: 2130Sentence Date: 12-31-12

WITNESSES

M A Thomas *MAT*

Greenville Police Department

8/2/2012

ARREST WARRANT NUMBER
2012A2320600193

ACTION OF GRAND JURY
TRUE BILL
Joseph P. Davis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT
Guilty

Dwight L. Davis Jr.
Foreperson of Petit Jury
Date: 12-3-14

DOCKET NO. 2012-GS-23-
KBH
The State of South Carolina

000007

County of Greenville

COURT OF GENERAL SESSIONS

October TERM 2012

THE STATE

vs.

WALLACE STEVE PERRY

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE
VIOLATION § 16-03-0655(B)(1)

ENTERED
ACCL
[Signature]

Verified Copy
Paul B. W. Davis
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 12-4-14

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

At a Court of General Sessions, convened on

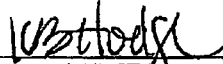
OCT 23 2012

the Grand Jurors of Greenville

County present upon their oath:

That WALLACE STEVE PERRY did in Greenville County, between June 22, 2005 and June 21, 2008,
commit a sexual battery on ^{in J.T.} ~~J.P.~~, who was fourteen years of age or less but who was at least eleven years
of age. This is in violation of § 16-03-655(B)(1) [formerly § 16-3-655(2)] 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.
Wallace Steve Perry

AKA:

Race: WHITE Sex: M Age: 52DOB: 10-10-1962 SS#: 251-13-0430Address: 811 Mallett Hill RoadCity, State, Zip: Columbia, SC 29223DL#: 008168941 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 - victim 11-14 - 2nd degreein violation of § 16-03-0655(B)(1)

of the S.C. Code of Laws, bearing CDR Code #

0396☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS(CSC☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury,

(Defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Hodge, Kris8245

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

20

days/months/years or

☐

under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and/or payment

of \$

; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 9 DAYS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$13390

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

M A Thomas

MAT

Greenville Police Department

8/2/2012

ARREST WARRANT NUMBER
2012A2320600192

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 12-3-14

DOCKET NO. 2012-GS-23-

KBH

000000

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October

TERM 2012

THE STATE

vs.

WALLACE STEVE PERRY

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

ENTERED
ACCTA Certified Copy
Paul B. U. Dennis
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 12-4-14

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

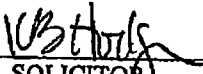
OCT 23 2012

the Grand Jurors of Greenville

County present upon their oath:

That WALLACE STEVE PERRY did in Greenville County, between May 10, 2006 and May 9, 2007, commit a sexual battery on J. P., who was less than eleven years of age. This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.Wallace Steve Perry

AKA:

Race: WHITE Sex: M Age: 52DOB: 10-10-1962 SS#: 251-13-0430Address: 811 Mallett Hill RoadCity, State, Zip: Columbia, SC 29223DL#: 008168941 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 - victim under 11 yrs of age - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2308496A/W#: 2012A2320600192Date of Offense: 12/31/2006S.C. Code § : 16-03-0655(A)(1)CDR Code #: 0385

SENTENCE SHEET

In violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Hodge, Kris

8245

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; 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. P. D. H.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fines:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

M A Thomas *MT*

Greenville Police Department

DOA: 8/2/2012 DOB: 10/10/1962 WM

SSN: 251130430

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

ACTION OF GRAND JURY

TRUE BILL

Jonathan P. [Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Dorsey L. [Signature]
Foreperson of Petit Jury

Date: 12-3-14

DOCKET NO. 2012-GS-23-
KBH

000005A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

October

TERM 2012

THE STATE

vs.

WALLACE STEVE PERRY

Indictment for

0396 ✓

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE

VIOLATION § 16-03-0655(B)(1)

ENTERED
ACCT. 10

RECEIVED

DEC 15 2014

SC Court of Appeals

A Certified Copy
Yvonne B. Williams
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 12-4-14

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

At a Court of General Sessions, convened on
County present upon their oath:

OCT 23 2012

the Grand Jurors of Greenville

That WALLACE STEVE PERRY did in Greenville County, between May 10, 2007 and May 9, 2010,
commit a sexual battery on J. P., who was fourteen years of age or less but who was at least eleven years
of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] 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.

Wallace S Perry

AKA:

Race: WHITE Sex: M Age: 52

DOB: 10-10-1962 SS#: 251-13-0430

Address:

City, State, Zip:

DL#: 008168941

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 - victim 11 to 14 yrs of age inclusive - Second deg.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2308495A

A/W#: 2012GS2308495A

Date of Offense: 5/10/2007

S.C. Code §: 16-03-0655(B)

CDR Code #: 0396

SENTENCE SHEET

X CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Hodge, Kris

8245

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 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 90 DAYS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 36-5-2995 (DUI Assessment)	\$12	\$
§ 36-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prnh)	\$300	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 36-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 911.5 (SCCJA Surcharge)	\$5	\$ 500
10% to County (if paid in installments)	\$	\$ 390
TOTAL	\$	\$ 13390

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	Case No(s) : 2012GS2308495A,
State of South Carolina,	)	2012GS2308496,
Plaintiff,	)	2012GS2308497,
	)	2012GS2308498
-VS-	)	TRANSCRIPT OF RECORD
Wallace Steve Perry,	)	
Defendant.	)	

December 1-3, 2014
Greenville, South Carolina

B E F O R E:

HONORABLE EDWARD W. MILLER, Judge.

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

KRIS HODGE, Esquire
KATRINA B. SALISBURY, Esquire
Attorneys for the Plaintiff

DOROTHY MANIGAULT, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



1 the end of trial and the jury spokesperson in
2 the courtroom should that become necessary.
3 It's a promotion without a raise in pay. No
4 combat pay for that.

5 If you all can decide, that will be great.
6 If not, I can help you out with it and make a
7 decision for you. I always like to give juries
8 a chance to decide on their own. With that,
9 Ladies and Gentlemen, if you will, go with our
10 bailiffs. They will show you where to go and
11 how to come back.

12 (WHEREUPON, the jury exits at approximately
13 12:26 p.m.)

14 THE COURT: We have anything we need to
15 discuss?

16 MS. HODGE: You want to take a break for
17 lunch first and come back for the motion or
18 should we do the Lyle --

19 THE COURT: Oh, you have a motion?

20 MS. HODGE: Yes, sir. A Lyle motion.

21 THE COURT: Oh, okay. Yeah.

22 MS. HODGE: I do need to go find my
23 witness though.

24 THE COURT: Okay. We'll just take a couple
25 of minutes and be at ease.

1 (WHEREUPON, a short recess.)

2 THE COURT: Okay.

3 MS. HODGE: All right. Thank you, Your
4 Honor. Your Honor, the state intends to call a
5 witness named Brandy Newcomer in its case-in-
6 chief. This would be a witness under 404(b),
7 prior bad act of the defendant. It's a prior
8 sexual abuse victim. If you'd like, we can go
9 ahead and proffer her testimony.

10 ~~Let me back up a little bit and say that~~
11 the allegations in this case from the two
Daughter Two Daughter Three
12 victims, [REDACTED] Jones and [REDACTED] Perry are that
Daughter Two
13 from, [REDACTED], ages approximately 5 to 7 when it
14 started and approximately 14 to 15 when it
15 ended was sexually abused by the defendant, who
16 was her father, bio dad. It was digital
17 penetration and two times, uh, the defendant
18 performing oral sex on the child. The second
19 victim is the sister. It started around 10,
20 went to maybe about 12. Same thing. Digital
21 penetration. No oral in this one.

22 The 404(b) witness that we'd call is from
23 his previous marriage, his stepdaughter. Her
24 allegations are her abuse started the same
25 approximate time frame as the girls. Of course,

1 there was digital penetration, oral sex. It did
2 progress on into actual vaginal/penile
3 penetration. We understand that that portion of
4 her testimony of her abuse could not be
5 admissible because it goes beyond the scope of
6 similar.

7 I want to put that out there that I know
8 that following State versus Wallace that the
9 court can redact or exclude testimony from the
10 jurors' presence or juror hearing the fact that
11 this did go on to vaginal penile penetration.
12 That would be what we would offer today. I just
13 want you to understand that I know the
14 limitations before we get started.

15 **THE COURT:** Okay.

16 **MS. HODGE:** So we'll call Ms. Brandy
17 Newcomer.

18 **THE CLERK:** Ma'am, if you will, please
19 pause at the end of the bench. Place your left
20 hand on the Bible and raise your right hand.

21 **BRANDY NEWCOMER**

22 having first been duly sworn, testifies as follows:

23 **THE CLERK:** Thank you. Please be seated.

24 And would you please state your name for the
25 record.

1 **THE WITNESS:** Brandy Newcomer.

2 **DIRECT EXAMINATION**

3 **BY MS. HODGE:**

4 Q And how do you spell your last name?

5 A N-E-W-C-O-M-E-R.

6 Q All right. Brandy, how old are you?

7 A I'm 36.

8 Q And are you currently married?

9 A No.

10 Q Have you ever been married?

11 A Yes, I have.

12 Q Do you have any children?

13 A Yes, I do.

14 Q And how many children?

15 A I have two.

16 Q How old are your children?

17 A 20 and 14.

18 Q Okay. And how about working? Do you work
19 currently?

20 A Yes, I do.

21 Q And do you live in another state?

22 A Yes, I live in NC.

23 Q Do you know the defendant in this case?

24 A Yes, I do.

25 Q And how do you know him?

- 1 A He was my stepdad.
- 2 Q You recall when he and your mother married?
- 3 A I think it was when I was five years old.
- 4 Q Where were you living at that time?
- 5 A When they got married, Roebuck.
- 6 Q And how long did they stay married?
- 7 A When I was 14.
- 8 Q So they were married approximately nine
- 9 years, is that about right?
- 10 A Yes.
- 11 Q Did you have any siblings that lived in the
- 12 house with you while they were married?
- 13 A Yes.
- 14 Q What was that?
- 15 A It was my sister.
- 16 Q She older or younger?
- 17 A She's younger.
- 18 Q During the time that your mom was married
- 19 to the defendant, did he ever do or say anything that
- 20 was inappropriate that adults shouldn't do to
- 21 children?
- 22 A Yes.
- 23 Q Tell us what he did.
- 24 A (No response.)
- 25 Q Can you give us a start time? Do you recall

1 the first time?

2 A I remember the very first time. We lived in
3 Conway, South Carolina. It was storming outside. He
4 come to my bedroom. I can't remember where my mom was
5 at. He come and laid down with me. At first, I didn't
6 think nothing about it. And then he started putting
7 his hands down my clothes. Then he ended up inserting
8 a finger inside of me.

9 Q Is that in your vaginal area?

10 A Uh-huh.

11 Q Do you remember how old you were?

12 A I was nine.

13 Q You were nine. Was this during the
14 nighttime?

15 A Yes.

16 Q Had you been asleep?

17 A Uh-huh.

18 Q Is that what woke you up?

19 A That and the storm.

20 Q And did that ever happen again?

21 A It happened quite a bit.

22 Q Would it be a nightly occurrence? Weekly?

23 A It wouldn't be nightly. It was
24 periodically.

25 Q Do you know approximately -- how long did

1 you live in Conway? How old were you when you left
2 there?

3 A I'm not sure. I know we left the Myrtle
4 Beach area when I was 13.

5 Q About four years?

6 A Uh-huh.

7 Q Over the course of time, did this happen
8 periodically over those four years?

9 A Yes.

10 Q Did he ever do anything else to you during
11 that time?

12 A Not during that time.

13 Q And would this primarily -- would this be
14 at your residence?

15 A Yes.

16 Q And did you share a room with anyone?

17 A No.

18 Q Did you ever say anything to anyone during
19 that time?

20 A No.

21 Q Was there any reason why?

22 A I was told my mom wouldn't believe me and
23 if I said anything he would make me out to be a liar
24 and then he would hurt my family.

25 Q About how many times do you think that he

1 did the digital penetration to you?

2 A (No response.)

3 Q Could it be more than 10?

4 A Yes.

5 Q More than 20 or 30?

6 A It could be around 20. I'm not too
7 positive.

8 Q Fairly regularly throughout the time?

9 A Uh-huh.

10 Q Okay. And once you moved, where did y'all
11 move to from Conway?

12 A We moved to Spartanburg.

13 Q Do you remember where you lived in
14 Spartanburg?

15 A We lived in a trailer park for a little
16 while. Then we moved to Barnett Street off of Paris
17 Circle.

18 Q And did the sexual abuse continue at that
19 point?

20 A Yes.

21 Q Can you tell us what he did to you when you
22 lived off of Barnett -- on Barnett Street?

23 A Uh, it progressed there. One incident, I
24 had two friends over. He snuck into my bedroom. The
25 penetration and everything started. Then he got up

1 and left. My friends were sleep on my floor. They
2 thought I snuck my boyfriend in. That's when they
3 realized what was going on.

4 Another incident, my mom was at work. I was
5 going out with a friend of mine. I went to go take a
6 bath. He come in there and had to bathe me before I
7 could go.

8 Q How old were you at that point?

9 A 13, 14.

10 Q And did you ever think to tell your mom
11 during this phase?

12 A I was too scared to.

13 Q Did you believe that something bad would
14 happen to you?

15 A Yes, I did.

16 Q And did he reinforce that by telling you
17 something was going to happen if you told?

18 A Yes.

19 Q At some point, did you ever tell anyone
20 about the sexual abuse?

21 A I finally told my mom.

22 Q What age were you when that happened?

23 A I was 14.

24 Q Had the abuse stopped at that point?

25 A Yes.

1 Q Did it stop before you told or once you
2 told?

3 A It stopped right before I told.

4 Q Did you guys report that to the
5 authorities?

6 A Yes.

7 Q That would be Spartanburg county?

8 A Uh-huh.

9 Q Were you -- did that ever go to a court
10 case?

11 A No, it didn't.

12 Q Do you know why it didn't go to a court
13 case?

14 A I asked my mom not to because I was afraid
15 he was going to kill my family.

16 Q How about -- how or what kind of -- what
17 has this done to you? What repercussions has this
18 had? Have you been to counseling?

19 A I tried that. I tried to deal with it on my
20 own. I tried to block it, but it keeps coming back.

21 Q Did the abuse ever happen anywhere other
22 than in the home that he lived in with you?

23 A No.

24 Q Okay. And was it primarily during the
25 nighttime hours?

1 A Most of the time.

2 Q And your mother would not be home or
3 around?

4 A Or she was asleep.

5 Q Thank you. Please answer any of Ms.
6 Manigault's questions.

7 MS. MANIGAULT: Your Honor, defense objects
8 to this witness.

9 THE COURT: Well, you have any questions
10 you want to ask her?

11 CROSS-EXAMINATION

12 BY MS. MANIGAULT:

13 Q Okay. Ms. Newcomer, uh, who is Melissa?

14 A My sister.

15 Q How old is she?

16 A She is 33 now.

17 Q And did she live with you and with your
18 family in Myrtle Beach?

19 A Yes.

20 Q And she lived with your family the entire
21 time in Myrtle Beach?

22 A Yes.

23 Q Did you and Melissa share a bedroom?

24 A Not that I can remember, no.

25 Q Does Melissa still live in South Carolina?

1 A No.

2 Q And it's your testimony that these
3 incidents occurred in Myrtle Beach for approximately
4 four years?

5 A From the time I was nine years old until we
6 moved, yes.

7 Q And you estimate that moved at age 13?

8 A To the best of my knowledge, we moved when
9 I was 13.

10 Q So estimate that would have been a four-
11 year period, is that correct?

12 A (Nods head.)

13 Q Yes or no.

14 A Yes.

15 Q So you are saying you're telling the court
16 that it happened over a four-year period, is that
17 correct?

18 A Around there.

19 Q Around there. And you moved to Spartanburg,
20 South Carolina?

21 A Uh-huh.

22 Q And you had been in Spartanburg for less
23 than a year's period? You said age 13 to 14.

24 A I know it stopped when I was 14.

25 Q So you moved from Conway when you were 13.

1 You moved to Spartanburg when you were 14?
2 A Uh-huh.
3 Q And it stopped when you were 14?
4 A About a year.
5 Q So that's about a year you are alleging.
6 And you said you told your mom at age 14?
7 A Uh-huh.
8 Q Did you report all of what you just
9 described to this court to any authority?
10 A Yes, I did.
11 Q Every incident you described, you reported?
12 A Uh-huh.
13 Q And you reported that in Spartanburg
14 county?
15 A Yes, DSS was involved.
16 MS. MANIGAULT: No more questions.
17 THE COURT: Any redirect?
18 MS. HODGE: No, sir.
19 THE COURT: Ma'am, I'm just -- how old are
20 you?
21 THE WITNESS: I'm 36.
22 THE COURT: All right. Thank you, ma'am.
23 Please step down.
24 THE WITNESS: Thank you.
25 THE COURT: You got anything else?

1 **MS. HODGE:** No, Your Honor. If you're
2 inclined to accept my version of what the State
3 intends to produce from the victims, unless you
4 would like me to proffer them at this point as
5 to what their allegations of sexual abuse are. I
6 don't know what the court would like.

7 **THE COURT:** Ms. Manigault?

8 **MS. MANIGAULT:** Yes, Your Honor.

9 **THE COURT:** Well, are you willing to
10 accept the recitation of what the victims are
11 going to say from the solicitor or would you
12 like them to testify? I'll tell you what, go
13 ahead and tell me what it is that you --

14 **MS. HODGE:** Yes, sir. The -- obviously,
15 we're going forward on the common scheme and
16 plan exception. The victims in the State's case,
17 Daughter Two
18 -- we'll go by first names if that makes it
19 easier. Daughter Two
20 will testify to the fact that she
21 was somewhere between five and seven. She can't
22 exactly recall when her abuse started. And it
23 ended at 15. Daughter Three
24 was 10 when her abuse
25 started and ended somewhere probably around 12
 or so. This age group is the same as we heard
 from Ms. Newcomer. She was 9 when it started and
 14 when it ended.

1 We're not talking pedophilia. These are not
2 teens. These are your preteen, tween years which
3 would be consistent between the three victims,
4 the relation of the abuser and the girls in the
5 State's case today are biological children. They
6 were visiting their dad in Greenville. This Lyle
7 witness was a stepdaughter who he was the
8 caretaker, the father in the house during that
9 time. In all of these, he's acting as the father
10 figure or the stepdad or biological dad.

11 The location of the abuse, all witnesses,
12 the State's witnesses will testify that this
13 always happened in his home where he lived or it
14 happened out in cars or in the barn. There's a
15 variety of places that we knew that the abuse
16 happened. Hotels or those kind of things. They
17 happened in the home of the defendant, in the
18 bedroom of the children.

19 The time of the abuse, the State's
20 witnesses and [REDACTED] talked about that it
21 happened during the nighttime hours or hours of
22 darkness. The two sisters, [REDACTED] and [REDACTED], will
23 testify it was early morning hours. It was still
24 dark. The use of coercion or threats, as Ms.
25 Newcomer stated, he told her not to tell. She

1 Daughter Two Daughter Three
2 wouldn't be believed. [REDACTED] and [REDACTED] were also
3 threatened that they would be the ones to get in
4 trouble and that they possibly could be taken
5 from their mom, threatening them not to say
6 anything about the abuse.

7 The sexual battery was similar. The State's
8 witnesses will testify the defendant -- it was
9 digital penetration with both girls and the
 Daughter Two
10 older sister [REDACTED]. Two times of oral sex. As you

11 heard Ms. Newcomer testify, it started as
12 digital penetration. It was digital penetration
13 for four years or so and then it progressed on
14 after that. Those would be the, under Wallace,
15 those are the similarities the State feels are
16 between the two cases.

17 There is a lapse in time obviously. Ms.
18 Newcomer is 36. These girls are 18 and 20. Ms.
19 Newcomer's abuse ended at 14 and within six to
20 seven years, the State's testimony will be that
21 these children were born and he started. So
22 really, there is about a six-year gap in the
23 abuse. Under Hubner, the court said that that is
24 not dispositive and they had a 14-year gap
25 between the victims in that recent Supreme Court
 case.

1 We obviously feel that this is relevant. We
2 feel it is more probative than it is
3 prejudicial. We already have two victims that
4 have testified about the defendant sexually
5 abusing them. It's not as if this is going to
6 somehow throw emotion or something that the jury
7 shouldn't consider into it. It's the same kind
8 of allegations. It shows clearly a motive or a
9 mode of operation, a common scheme or plan. We
10 believe it would be instrumental in helping a
11 jury determine the facts at issue here.

12 **THE COURT:** Aside from her argument, her
13 recitation of the facts, are you willing to
14 accept that?

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

16 **THE COURT:** Okay. So you would intend to
17 put Ms. Newcomer up after the victims, is that
18 right?

19 **MS. HODGE:** That is correct, Your Honor,
20 yes.

21 **THE COURT:** Okay. I don't know that
22 there's any reason the decision has to be made
23 right this minute. You have any argument you
24 want to make?

25 **MS. MANIGAULT:** I do.

1 **THE COURT:** Okay. Go ahead.

2 **MS. MANIGAULT:** Thank you, Your Honor. Your
3 Honor, the state is using the Lyle rule 404(b)
4 exception. That is a rule of exclusion. It is
5 not a rule of inclusion of prior bad acts. I
6 understand that if the court allows Ms. Newcomer
7 to testify, that would merely go to the
8 admission of evidence to show the propensity of
9 a person to maybe commit a similar crime.

10 ~~I argue to the court that the admission of~~
11 a prior bad act from 1993 and '94 or earlier
12 according to the testimony of Ms. Newcomer
13 should not be allowed. The state is only using
14 it to try to show that if that happened then,
15 than it probably did happen this time. The prior
16 bad act should be, her testimony should be
17 excluded.

18 **THE COURT:** DSS was involved in
19 Spartanburg. What do we know about that?

20 **MS. HODGE:** Well, we've got some records
21 that indicate it was investigated. I don't
22 believe that it ever went to a hearing or he
23 ever pled on anything. From what I understand --
24 we can have Ms. Newcomer come back. But after
25 speaking to her and her mother, she was told

1 basically it was going to be an uphill battle.
2 She was pregnant. They were going to use that to
3 show that she was somehow sexually promiscuous
4 and she also suffers some serious mental health
5 issues because of this. She basically said I
6 could not sustain a trial. I couldn't do it.
7 They left. They actually picked up and moved
8 away.

9 **THE COURT:** Okay.

10 ~~MS. MANIGAULT:~~ Your Honor, in response to
11 that, I have the Solicitor's office from
12 Spartanburg on subpoena regarding the charges on
13 Ms. Newcomer. I will tell the court that because
14 of all that was just described, he agreed to go
15 to pretrial without admitting any guilt. He
16 completed pretrial. They can't find those
17 records, but they did find an entry date and
18 completion date for a portion for the incident
19 that she described to the court today.

20 So I have the Solicitor's office on
21 subpoena to come and testify to that fact if the
22 court wants that done before you make a decision
23 or I can have them fax me their letter to say
24 when the pretrial entry completion was. Again,
25 there is no conviction in this case.

1 THE COURT: Okay. Well, get them to fax
2 whatever it is that you think.

3 MS. MANIGAULT: Okay.

4 THE COURT: The only other fact is Ms.
5 Newcomer had a sister who has not made
6 allegations would be a distinguishing factor.
7 Let's just think about it. I'm going to -- I'm
8 not going to rule right now. Anything else
9 before we break for lunch?

10 MS. HODGE: No, but Ms. Salisbury did just
11 point out that there is another sister in this
12 case that has not made allegations in our case
13 as well. I didn't know you were going to jump
14 over that as a factor.

15 THE COURT: Well, we were talking about
16 factors. I wanted the record to be complete. I
17 don't -- who is the -- I don't know anything
18 about the -- how old is that other sister?

19 MS. HODGE: There are two sets of twins.
Daughter Two

20 [REDACTED] has a twin, [REDACTED] Daughter One

21 THE COURT: Okay.

22 MS. HODGE: [REDACTED] Daughter One
23 has not ever alleged any
24 sexual abuse. She's on our witness list to
25 testify also.

25 THE COURT: Okay. All right. Good. Is

1 there any, uh, -- these are serious charges.

2 **MS. HODGE:** Right. He should be taken into
3 custody at this point, Your Honor. That would be
4 -- that would be the proper thing to do. He's
5 obviously heard what some of the testimony may
6 be and these are very serious charges.

7 **THE COURT:** Yeah.

8 **MS. MANIGAULT:** Your Honor, he has come to
9 court every session that he was bond-carded.

10 We'd ask the court to allow him to remain on
11 bond. He has come to appointments. He has
12 called. He has kept in contact.

13 **THE COURT:** Does he have a criminal
14 history?

15 **MS. MANIGAULT:** Forgery in 1994, I believe.
16 So he has appeared for court. If he was going to
17 run, he would have run before. We have gone over
18 discovery thoroughly.

19 **THE COURT:** Well, I won't take him in now.
20 We'll see how it goes this afternoon. What are
21 you going to present this afternoon?

22 **MS. HODGE:** We attempt to present the
23 mother, two girls and possibly Mr. Didway.

24 **THE COURT:** Okay. All right. See y'all in
25 an hour and seven minutes.

1 MS. HODGE: Thank you, Your Honor. May it
2 please the Court.

3 THE COURT: Yes, ma'am.

4 MS. HODGE: Ladies and Gentlemen of the
5 jury, you have been selected on a case that is
6 about a man, a man that is a father. When we
7 think about fathers, we generally think about
8 someone who loves, protects and cares for their
9 children. We've all heard the term "daddy's
10 little girl". So it really applies as to a
11 father/daughter type relationship.

12 This case, this man, this father is sadly
13 very different. Instead of loving two of his
14 daughters like he should emotionally, mentally,
15 spiritually, instead of protecting them, he
16 violated them. He violated their bodies, their
17 trust. Instead of caring for them, he cared
18 about himself more. His sexual gratification was
19 more important than the well-being of his girls.

20 That man is the defendant, Wallace Steve
21 Perry. The victims in this case, which they are
22 now young ladies, Daughter Two Daughter Three
23 [REDACTED] Jones and [REDACTED] Perry.
24 Daughter Two Daughter Three
25 [REDACTED] and [REDACTED] will be here to testify probably
today, possibly into tomorrow. They are going to
tell you about their childhood and about being

1 sexually abused by their father.

Daughter Two

2 [REDACTED] is going to tell you that it started
3 around the ages of 5 to 7. She's not exactly
4 sure, but those are her first memories.
5 Somewhere between 5 and 7, her father started
6 getting into bed with her during the early
7 morning. Still dark hours. He would lay down in
8 bed with her. He would put his hands in her
9 vaginal area. He would digitally penetrate her

10 with his finger. She will tell you that this
11 abuse lasted until she was about 15 years old.

12 It happened at two different apartment
13 complexes. It happened almost every week. She
14 and her sister, she had another sister and
15 brother who was going to visit their dad on the
16 weekends. She will tell you that it escalated
17 twice. He would perform oral sex on her.

Daughter Three Daughter Three

18 You will also hear from [REDACTED]. [REDACTED] is
19 the younger sister. She will tell you that
20 around age 10, she remembers her father sexually
21 abusing her. Doing a very similar thing. Coming
22 into the bed. Laying down with her in the early,
23 early morning hours at nighttime when she would
24 sleep and do the same thing. Put his hands down
25 her pants or pajamas, underwear, touch her

1 vaginal area. Digitally penetrate her. She will
2 tell you that it only happened in the first
3 apartment complex that they lived in. Once they
4 moved to the second apartment, the Carlisle
5 apartments, the abuse did not happen to her
6 anymore. But that she and ^{Daughter Two} [REDACTED]'s abuse
7 overlapped. So it was happening to both of them
8 at the same time.

9 The girls did not say anything for many
10 years. The reason they didn't is because
11 independently, as this was happening to them,
12 their father was telling them if you tell, you
13 will get in as much trouble as I will. You won't
14 see your mom again. Because of that love, trust,
15 protection that you would think as a child
16 you're getting from your caregiver, from your
17 dad, they believed those things. They didn't
18 tell. Then they got old enough and they got
19 brave enough to understand what he had done was
20 wrong and that they did need to tell.
21 ^{Daughter Three} [REDACTED], the younger sister actually told
22 first. Shortly thereafter, ^{Daughter Two} [REDACTED] told as well.
23 They told their mother. They told their
24 siblings. Then, of course, they reported it to
25 DSS and to law enforcement.

1 DSS, Department of Social Services, they
2 conducted an investigation. It goes through
3 Family Court. That case is not what we're here
4 on. That case has been settled. It's closed. We
5 are here for the criminal allegations, the law
6 enforcement investigation.

7 These incidents happened in Greenville city
8 limits at the Churchill apartments, which I
9 don't believe they are called that anymore. They
10 are on Pelham Road which is between Haywood Road
11 and East North Street across from the Publix.
12 That's the first incident location. The second
13 is the Carlyle apartments.

14 Law enforcement investigated these
15 allegations. As a result, the defendant was
16 charged two charges for each girl. The first one
17 is Criminal Sexual Conduct with a Minor in the
18 first degree. The second is Criminal Sexual
19 Conduct with a Minor in the second degree. In
20 South Carolina, Criminal Sexual Conduct with a
21 Minor is when a person commits a sexual battery
22 on a child. First degree means the child is
23 under 11 years old. Second degree is 11 to 14.

24 Sexual battery is a touching, an unlawful
25 touching in a sexual manner that has

1 penetration. Fondling is not sexual battery. Any
2 type of penetration whether it be digital
3 penetration, which is finger in the vaginal
4 area, in her anal area, oral sex on the child,
5 with the child on the perpetrator, it could be
6 penile vaginal intercourse or anal intercourse.
7 Some type of penetrating.

8 The State is going to prove to you that the
9 defendant is guilty of sexual battery on [REDACTED] Daughter Two
Daughter Three

10 before age 11 and after age 11 and [REDACTED],
11 before age 11 and after age 11. We're going to
12 do that in the evidence. Through the evidence in
13 this case, which is going to be testimonial, you
14 will hear again about what I've summarized.
15 You'll also hear from law enforcement, doctors,
16 therapists, possibly social worker,
17 interviewers. You will hear a group of evidence
18 that's all going to come from the witness stand.
19 Everything you're going to hear is testimony,
20 spoken word, what people saw, did and heard.

21 Other types of evidence that you see a lot
22 on television that we won't have here, those are
23 scientific tests, medical things. Unfortunately,
24 because these girls did wait, did delay the
25 disclosure, you're not going to have any type of

1 medical evidence. There won't be any type of DNA
2 evidence. Any bodily fluid that may have been
3 left behind from any of these assaults will be
4 gone. Years have passed obviously. You can
5 understand why we won't have that type of
6 evidence.

7 You will have extremely compelling
8 evidence, eyewitness testimony. You all will
9 want to hear from the person that saw it happen.

10 And you will. Jackie and Jill can tell you what
11 they saw, what they heard, what they felt, what
12 they didn't. They are eyewitnesses.

13 At the conclusion of all the evidence
14 presented, myself and Ms. Salisbury will be back
15 asking you to return a verdict in this case.
16 Verdict comes from the Latin word "veredicto",
17 which means to speak the truth. We'll be asking
18 you to return a verdict of guilty as to all
19 charges against Mr. Perry.

20 MS. MANIGAULT: May it please the Court.

21 THE COURT: Yes, ma'am.

22 MS. MANIGAULT: Ladies and Gentlemen,
23 again, I am Dorothy Manigault. I am the attorney
24 for Wallace Perry. Your Honor told you earlier
25 today as he was qualifying you, about the

1 indictments, the documents that allow these
2 charges to get to the court. Your Honor has told
3 you and will tell you again that a charging
4 instrument or document is not evidence. It's
5 only a means to convey a charge to the court, to
6 bring it to court.

7 Mr. Perry has entered a plea of not guilty
8 to all the charges, all indictments. When Your
9 Honor told you earlier that we have a dispute as

10 to the facts, that's exactly what a trial is, a
11 dispute about what happened. Somebody says it
12 happened. The defendant says it didn't happen.

13 So when the State presents evidence to you
14 or testimony to you, we ask that you listen very
15 closely. Because Your Honor will tell you the
16 principles of the law at the end of the case.
17 And even if I say a principle of law or the
18 Solicitor does, we will not intentionally
19 mislead you.

20 So you take what the judge says the law is.
21 He will tell you that a person comes to court
22 presumed innocent. Just because he's charged
23 doesn't make him guilty. Just because somebody's
24 accused him of something doesn't make him
25 guilty. He is presumed innocent. That cloak,

1 that trench coat, that robe of righteousness
2 remains with the defendant throughout the entire
3 trial and throughout your deliberation until you
4 reach a verdict on the charges. Because there
5 are four charges, four indictments, you have to
6 consider each indictment separately.

7 The State has a burden, what is called
8 proof beyond a reasonable doubt. The State can
9 not just parade individuals before you and
10 expect that the jury will swallow everything
11 that an individual says. Your Honor will tell
12 you when he charges you at the end. You have --
13 he told you earlier also, I believe. You have an
14 absolute right to believe whatever portion, all
15 of the testimony of a person, none of the
16 testimony of a person, some of the testimony of
17 a person. That is why we have you as fact-
18 finders figuring out what happened here.

19 There's an accusation. There's a denial. So
20 what happened? What happened? We submit to you
21 that when you hear the evidence presented in
22 this case, that you will, in fact, return a
23 verdict that's true. That verdict will be not
24 guilty on each indictment. Thank you.

25 **THE COURT:** All right. Call your first

1 witness.

2 MS. HODGE: Thank you, Your Honor. The
3 State calls Laura Jones.

4 THE CLERK: Ms. Jones, if you will, please
5 come forward and pause at the end of the bench.
6 Please place your left hand on the Bible and
7 raise your right hand.

8 LAURA JONES

9 having first been duly sworn, testifies as follows:

10 THE CLERK: Thank you. Please be seated.
11 Would you please state your name for the record?

12 THE WITNESS: Laura Jones.

13 DIRECT EXAMINATION

14 BY MS. HODGE:

15 Q All right. Ms. Jones, if you will, just
16 make sure you speak up loud enough so this last juror
17 here can hear you.

18 A Yes, ma'am. All right.

19 Q Thank you. How old are you, Ms. Jones?

20 A Uh, 55.

21 Q Okay. And are you currently married?

22 A No, ma'am.

23 Q Do you have any children?

24 A Yes, ma'am.

25 Q How many children have you got?

1 A 9.

2 Q And can you tell me -- you should be able

3 to tell me all their names and their ages.

4 A Uh, --

5 Q I know it's a lot.

6 A Okay. Josh is 33 -- 34. Jessica is 33.

7 Jennifer is 32. Uh, Justin is 31. Julie is 29 -- 27.

8 I had two sets of twins. ^{Daughter One} [redacted] and ^{Daughter Two} [redacted], they are 20.

9 And the other twins are ^{Daughter Three} [redacted] and ^{Son} [redacted], and they

10 are 18.

11 Q Thank you. Now, did some of your children

12 -- were you married at one time?

13 A Yes, ma'am.

14 Q And who was your husband?

15 A Harold Jones for the first five.

16 Q I'm sorry. The first five are his?

17 A Uh-huh.

18 Q How long were y'all married?

19 A 11 years.

20 Q Did you ever remarry after that?

21 A No, ma'am.

22 Q Did you start dating someone after that?

23 A Yes, ma'am.

24 Q Would that -- who was that person that you

25 dated and is the father of your two sets of twins?

1 A Uh, Steve Perry.

2 Q When did you and Mr. Perry meet?

3 A Uh, around the summer of '93, springtime,
4 summertime of '93.

5 Q Where did you meet him?

6 A He was like a neighborhood friend.
7 Everybody lived in the same neighborhood. My older
8 children played with his stepkids. So yeah, we got
9 together after their dad went to North Carolina.

10 Q Okay. So he was married to someone who
11 lived in your neighborhood?

12 A Yes, ma'am.

13 Q And he had stepchildren?

14 A Yes, ma'am.

15 Q Your children -- your older children were
16 friends with his?

17 A Yeah.

18 Q Cause your twins weren't here yet?

19 A No.

20 Q So did you and the defendant ever get
21 married?

22 A No, ma'am.

23 Q So tell us kind of your relationship
24 history.

25 A Uh, we had a good -- we had a good

1 friendship. We had a kind of rocky road there for a
 Daughter One Daughter Two
 2 while before [REDACTED] and [REDACTED] were born. He wasn't
 Daughter Three Son
 3 around. Then came back. Then [REDACTED] and [REDACTED] were
 4 born.

5 Q How long would you say that you guys were
 6 together? How many years?

7 A Uh, I think we finally separated probably
 8 August of 2000. Around August of 2000.

9 Q I'm sorry. I've got this thing about
 10 microphones today but it's right in my line of sight
 11 for your face. If -- you don't mind if I move it down
 12 a little bit?

13 A No, ma'am.

14 Q Is that better also? See your face a
 15 little better. Okay. When you guys decided to part
 16 ways, what did you decide about the children?

17 A Well, I mean when we parted ways, him and I
 18 remained friends. There was no kind of arguing about
 19 visitation. He got them when he got off work on
 20 Friday and was there at four o'clock and brought them
 21 home at four o'clock on Sunday. There was no argument
 22 or anything like that about, you know, when he saw
 23 the kids. He had them on the holidays.

24 Q Okay. Did he pay child support?

25 A Yes, ma'am. He did.

1 Q Was he pretty good about that?

2 A Yes, ma'am. He was.

3 Q Did y'all have to go through the courts for
4 any of this stuff or work it out amongst yourself?

5 A No, ma'am. We worked it out ourself.

6 Q During the time that y'all split, the kids
7 were seeing him, how old were they, I guess, about
8 this time when y'all first split up?

9 A Uh, ^{Daughter One} [REDACTED] and ^{Daughter Two} [REDACTED] were five. ^{Daughter Three} [REDACTED] and

10 Jacob were three.

11 Q Did he move to another place nearby or
12 somewhere farther away?

13 A He moved to Greenville. I stayed in
14 Spartanburg.

15 Q You had all the kids living with you? You
16 had fulltime or primary care?

17 A Oh, yes.

18 Q Okay. And he would have them when?

19 A He would have them on the weekends.

20 Q Was it every weekend?

21 A Yes, ma'am.

22 Q He saw them a good bit?

23 A Yes, ma'am.

24 Q Did you have any reason not to let your
25 kids go see him during that time?

1 A No, ma'am. No, ma'am. I thought he was a
2 very good father.

3 Q Were y'all able to communicate, keep in
4 touch, talk about the kids if issues came up and
5 stuff like that?

6 A Yes, ma'am. We always talked. [REDACTED] had a
7 lot of issues in school. We had to talk quite often
8 during the week.

9 Q So when did you first learn that there
10 might be something going on between the defendant and
11 your children?

 Daughter Three

12 A [REDACTED] told me some time in March. I think
13 towards the latter part of March.

14 Q Do you remember what year or how many years
15 ago this is?

16 A Uh, 2012.

17 Q So about two years ago?

18 A Yes, ma'am.
 Daughter Three

19 Q Did [REDACTED] tell you that she had been
20 sexually abused?

21 A Uh, yes. She said that her daddy had been
22 touching --

23 MS. MANIGAULT: Your Honor, I object to
24 anything that --

25 BY MS. HODGE:

1 Q Right. Without telling details.

2 A Yeah.

3 Q That he had messed with her?

4 A Yes.

5 Q All right. Did she tell you when this
6 happened to her?

7 A Uh, --

8 Q As far as ages or dates or anything like
9 that?

10 A No.

11 Q Did she tell you where this abuse took
12 place?

13 A It happened when they were on their
14 visitations.

15 Q Would it -- did she say it was in a home or
16 somewhere else?

17 A It was at his house, uh, -- apartments.

18 Q What did you do when he told you that?

19 A Sat and talked about it. Couldn't believe
20 it. Like I said, him and I were like best friends
21 throughout this whole thing. I wanted my daughters to
22 be able to graduate. I didn't want anything to get in
23 their way. They were in plays. I didn't want anything
24 to get in that way. So I waited before I had called
25 DSS. I wanted my two daughters to succeed and go

1 ahead and graduate and get their stuff out of the way
2 before I said anything.

Daughter Three

3 Q Had you noticed -- let's talk about [REDACTED]
4 first. Was there anything while she was younger that
5 you had noticed about her behavior or anything like
6 that once she told you that gave you a signal?

7 A No, ma'am.

8 Q She seemed to be --
Daughter Three

9 A No, [REDACTED] was always the bubbly one. Daughter Two

10 Q And how about your other daughter [REDACTED]

11 A After it happened, after I found out and I
Daughter Two
12 had to go to classes, uh, [REDACTED] used to just stay away
13 from the family. She would come home and she wouldn't
14 be around anybody. It was like she was a depressed
15 kid, but I never noticed that.

16 Q What did you think she was being, just a
17 teenager?

18 A Yeah, just a normal brat. Daughter Two

19 Q All right. But did [REDACTED] eventually tell you
20 also that she had been sexually abused?

Daughter Three Daughter Two
21 A [REDACTED] told me and then [REDACTED].
Daughter Two

22 Q Did [REDACTED] tell you about how old she was
23 when any of that was going on?

24 A No.

25 Q How about did she tell you where it

1 happened to her?

2 A I'm pretty sure it was -- the apartments
3 are kind of -- maybe Churchill at Pelham.

4 Q Did you ever go to any of the apartments
5 that the defendant lived in?

6 A No, ma'am. I never did.

7 Q Now, you have another daughter and son that
8 would go for these visits, is that right?

9 A Yes, ma'am. Son and Daughter One
10 Q Son and ?

11 A Uh-huh. Daughter One

12 Q And is the daughter?
13 Daughter One

13 A is the daughter, yes. Daughter One

14 Q Were there ever any allegations from
15 that anything happened to her?

16 A No, ma'am. Son

17 Q Were there ever any allegations from
18 that anything ever happened to him?

19 A No, no.

20 Q And you said the girls were active in some
21 plays or something?

22 A Yes.

23 Q Okay. What was that? Daughter One Daughter Two

24 A They were crazy into drama, and
25 were. Their last play their high school year was

1 "Hairspray". They did so much practicing. My
2 daughter, [REDACTED], has got a -- she's got a crazy --
3 she's drama anyway with her, you know, stomach
4 problems and stuff. I just did not want to ruin her
5 senior year or the last play or let them graduate.

6 Q Did you anticipate it was going to be
7 difficult bringing this out to light?

8 A Oh, yes. Yes, I did.

9 Q What changed? Or did something change to
10 make y'all decide it was time to?

11 A After the play was over, that night, my
12 oldest son and my daughter talked to me and said it
13 was time. It was just time.

14 Q Who did you contact?

15 A I contacted DSS in Spartanburg.

16 Q Did someone come out and start
17 investigating?

18 A Yes, ma'am. They came out. They
19 investigated. We went to court probably four or five
20 times up there. They took --

21 MS. MANIGAULT: Your Honor, objection to
22 anything happening in that proceeding.

23 BY MS. HODGE:

24 Q We're not going there, Ms. Jones. Let me
25 redirect you a little bit. DSS investigated and came

1 out and talked to people in the family?

2 A Yes, ma'am.

3 Q And talked to you?

4 A Yes, ma'am. Daughter Three

5 Q Talked to [REDACTED]?

6 A Uh-huh. Daughter Two

7 Q Talked to [REDACTED] Did they talk to your other
Son Daughter One

8 children as well, [REDACTED] and [REDACTED]?
Son Daughter One

9 A Yes, they talked to [REDACTED] and [REDACTED]

10 Q That's a separate case than what we're
11 dealing with?

12 A Uh-huh.

13 Q And that case is over as of last year,
14 correct?

15 A Yes, it was closed.

16 Q Police, did the police also contact you and
17 need to speak to you and the children?

18 A Yes, ma'am, Detective Thomas.

19 Q Detective Thomas?

20 A Uh-huh.

21 Q Do you remember where she's a police
22 officer?

23 A Greenville. Greenville City.

24 Q Greenville City Police?

25 A Yeah.

1 Q What time are we talking -- what month are
2 we into now? Do you remember?

3 A (No response.)

4 Q Would May be about right, of 2012?

5 A Uh, around that time, yes. Yeah.

6 Q As a result of having come forward to the
7 authorities, did ^{Daughter Three} [REDACTED] and ^{Daughter Two} [REDACTED] specifically have to
8 go speak to, uh, a forensic interviewer or someone at
9 the Advocacy Center in Spartanburg?

10 A Yes, ma'am. They did. They had to go to
11 forensic and the counselor. They had to have that
12 examination.

13 Q Have a medical examination as well?

14 A Uh-huh.

15 Q And you say counselor, who did they see as
16 a counselor?

17 A Bomar Edmonds.

18 Q How many times do you think they saw Mr.
19 Edmonds or how long were they in counseling after
20 this?

21 A Uh, every Tuesday night for six months.
22 Even longer.

23 Q And as a result of all of this coming out
24 from the girls telling you what has happened, what's
25 happened to your family?

1 A Uh, in not so many -- well, it's broke us
2 all apart. You know, we lost everything that we had.
3 Our family is not the same.

4 Q Did anything ---

5 A Don't think ---

6 Q --- good come out of it?

7 A --- it ever be -- uh, no, I don't think
8 anything good came out of it.

9 Q Before this happened, did your children,
10 specifically Jackie or Jill ever tell you that they
11 had problems with their father, they didn't like
12 their father, they had some reason that they --

13 A No.

14 Q As far as you knew, everything was fine?

15 A Yes.

16 Q Did you ever speak to the defendant about
17 this after it was disclosed to you?

18 A Uh, it wasn't so much as us yelling at each
19 other or anything like that, no. We spoke in
20 Spartanburg county in the outer rooms and stuff.

21 Q Did he ever say anything to you about the
22 allegations?

23 A Uh, no, we kind of stayed away from that.
 Son

24 Q Talked about [REDACTED] or --

25 A Yeah. More or less, [REDACTED]. Son

1 -- did you ever live together in the same household?

2 A Yes, ma'am.

3 Q How long did you live together in the same
4 household?

5 A Maybe five years.

6 Q Five years? And what was the total duration
7 of your relationship with Steve?

8 A From '93 to 2000. So maybe six years.

9 Q From '93 to 2000?

10 A Uh-huh.

11 Q So you lived together most of that time?

12 A Yes, ma'am.

13 Q When he left in 2000, did [REDACTED] and/or [REDACTED]
14 spend any time with one of your older daughters? Did
15 they go to stay with them any?

16 A Uh, yeah. Up in North Carolina?

17 Q Yes.

18 A Yes.

19 Q And how often would that be?

20 A Uh, if my daughter Jennifer needed them to
21 babysit her stepchildren or her son like over
22 Christmas break. [REDACTED] had gone too.

23 Q So there would be some weekends that they
24 would be with your daughter Jennifer?

25 A Uh-huh.

1 Q And so that means they would forego any
2 visitation with Wallace Steve Perry?

3 A Yeah. But we talked about it.

4 Q And y'all agreed that was fine?

5 A Uh-huh.

6 Q I believe you said y'all worked out the
7 details of the separation and visitation and the
8 child support on your own?

9 A Yes, ma'am. We didn't have any problems.

10 Q All right. And, uh, I believe you testified
11 that you, uh, and Steve never married?

12 A No.

13 Q But y'all always had a good friendship?

14 A Yes, ma'am.

15 Q All right. Now, y'all separated in 2000.
16 You testified earlier that one of the girls said
17 something to you in March of -- what year was that?

18 A Uh, 2012.

19 Q So in March of 2012 is the first time that
20 you had any indication from either one of the girls
21 about anything that may have happened? All right. So
22 there was no discussion from 2000 to 2012, is that
23 right? Nothing was brought up?

24 A (No response.)

25 Q You need to answer yes or no.

1 A No.

2 Q And during that time, Mr. -- or Steve Perry
3 exercised his visitation on weekends?

4 A Yeah. Yes, he did.

5 Q And I believe you testified that even when
6 the girls said something to you, that they could not
7 give you the age or the dates when things were
8 supposed to happen?

9 A I think it was hard for them to talk to me.

10 They told the counselors down at the Advocacy Center.

11 Q Did they give you any dates or ages?

12 A No.

13 Q They didn't give you any details?

14 A No.

15 Q And that's either girl.

16 A No.

17 Q All right. When was the play?

18 A The play was, I'm thinking, May 11, 12th or
19 13th.

20 Q Of what year?

21 A 2012.

22 Q So it's your testimony today that the girl
23 said something to you in March of 2012. So you didn't
24 do anything about it and then you finally reported it
25 in June of 2012?

- 1 A Uh, no, it was May.
- 2 Q You reported it in May of 2012 after the
- 3 play?
- 4 A Uh-huh.
- 5 Q Did Steve Perry come to the play?
- 6 A Yes, he did.
- 7 Q Did he bring anybody with him to the play?
- 8 A Yes, he did.
- 9 Q Who did he bring to the play?
- 10 A He bought his girlfriend Angela and, I
- 11 believe, her daughter. It might have been her
- 12 daughter or her son.
- 13 Q Okay. So Steve came to the play?
- 14 A Uh-huh.
- 15 Q That both girls were in?
- 16 A Uh-huh.
- 17 Q And he brought Angela, and Angela may have
- 18 brought one or two of her children?
- 19 A Uh-huh.
- 20 Q And Angela was now his new girlfriend?
- 21 A Yes, ma'am.
- 22 Q And your children had been around Angela,
- 23 is that correct?
- 24 A Yes, ma'am.
- 25 Q And you were aware of that?

1 A Uh-huh.

2 Q I believe you testified that you had never
3 gone to, uh, visit any of the apartments. Was there
4 ever any complaints from the girls to you about the
5 apartments themselves, that they didn't like the
6 apartment or anything like that?

7 A Oh, God, no. He always lived in nice
8 apartments.

9 Q He always lived in nice apartments?

10 A Uh-huh.

11 Q Now you said one of your daughters is drama
12 anyway. Which one is that?

13 A Uh, [REDACTED]. Daughter One

14 Q All right. You testified that it was March
15 when something was mentioned to you. After something
16 was mentioned to you, did you stop the visitations of
17 the girls going to see --

18 A Uh, they stopped them, I believe.

19 Q Okay. So from March to May, the visitations
20 continued?

21 A No.

22 Q The girls did not go down?

23 A They might have gone back a couple of more
24 times. I'm not really too sure.

25 Q Okay. Thank you. No further questions.

1 **THE COURT:** Anything else?

2 **REDIRECT EXAMINATION**

3 **BY MS. HODGE:**

4 **Q** As regard to the visitation after the kids
5 told you, had they been going -- he moved. Did the
6 defendant move from Greenville at some point to
7 Columbia?

8 **A** Yes, ma'am. He did. The kids did not like
9 to go the long ride.

10 **Q** Did they --

11 **A** They had got older. They had got, uh, to
12 where they wanted to be with their friends on the
13 weekends like normal teenagers. They didn't want to
14 have to go to Columbia every weekend. That's why I'm
15 saying I'm not sure too much about the visitations
16 after. I left that up to them. [REDACTED] may have gone
17 down there a couple more times. I don't even think he
18 did.

19 **Q** So you are not sure about that time frame.
20 All right. Thank you.

21 **A** Uh-huh.

22 **THE COURT:** All right. Thank you. You can
23 step down.

24 **MS. HODGE:** Your Honor, the State calls
25 Daughter Three
 [REDACTED] Perry.

1 **THE CLERK:** Ma'am, if you will, please
2 place your left hand on the Bible and raise your
3 right hand. Daughter Three

4 █████ **PERRY**
5 having first been duly sworn, testifies as follows:

6 **THE CLERK:** Thank you. Please be seated.
7 Please state your name for the record. Daughter Three

8 **THE WITNESS:** My name is █████ Perry.

9 **THE CLERK:** Thank you.

10 **DIRECT EXAMINATION**

11 **BY MS. HODGE:** Daughter Three

12 **Q** All right. █████, make sure you speak into
13 the microphone. If you need to move it, you can. Just
14 speak up loud enough so we can hear back here. So how
15 old are you, █████?

16 **A** I'm 18.

17 **Q** When is your birthday?

18 **A** May 10th.

19 **Q** What year were you born?

20 **A** 1996.

21 **Q** Are you in school right now?

22 **A** No, ma'am.

23 **Q** Had you graduated high school?

24 **A** I have.

25 **Q** When did you graduate?

1 A May 22nd, 2014.

2 Q So you just graduated. Where did you go to

3 high school?

4 A Boiling Springs High School.

5 Q Are you working currently?

6 A Yes, ma'am.

7 Q Where do you work?

8 A I work at Ingles.

9 Q And you have several brothers and sisters,

10 is that right?

11 A Yes, ma'am.

12 Q Okay. Do you have a twin?

13 A I do.

14 Q Who is your twin?

15 A Son █████ Perry.

16 Q And who is you father, who is your mother?

17 A Steve Perry and Laura Jones.

18 Q Ms. Jones that just testified, correct?

19 A Yes, ma'am.

20 Q And the defendant is your father?

21 A Yes, ma'am.

22 Q Are you residing in Spartanburg county?

23 A Yes, ma'am.

24 Q Now, your parents were not married, is that

25 right?

1 A Uh-huh.

2 Q Did they live together for a time and
3 separate, is that correct?

4 A Yes, ma'am.

5 Q How old do you -- how old do you think you
6 were when they split up?

7 A About three.

8 Q Did your dad move from the house that you
9 guys were living in when they split?

10 A Yes, ma'am.

11 Q Where did he move to?

12 A Churchill.

13 Q And what is Churchill?

14 A It is an apartment in Greenville.

15 Q Okay. Did your dad have a job at Churchill?

16 A He did. He was the maintenance man.

17 Q Okay. So he would live on property ---

18 A Yes, ma'am.

19 Q --- and work there? Do you remember how
20 often you would see your dad once your mom and dad
21 split?

22 A It was every weekend.

23 Q And who would come get you or who would
24 take you? How did that work?

25 A He would come get us on Friday at 4:00.

1 Then we'd be back Sunday by 3:00 or 4:00.

2 Q Is that pretty much the way it was all
3 growing up?

4 A Yes, ma'am.

5 Q Uh, let's see. Can you tell me who all
6 would go down for the weekend visitation?

7 A It would be me, my sister █████, my sister
8 █████, and my brother █████.
Daughter One Son

9 Q And how big was this apartment at
10 Churchill?

11 A It was two, no, three bedrooms.

12 Q Who would sleep where?
Son Son

13 A █████ -- █████ had his own room. My dad had
14 his own room. And then me, █████ and █████ would share
15 a room.
Daughter One Daughter Two

16 Q Did you all sleep in one bed or have
17 different beds? How did that work?

18 A Me, █████ and █████, we slept on an air
19 mattress.
Daughter One Daughter Two

20 Q And how much older are █████ and █████

21 A They are two years older than me and █████.
Son

22 Q What was a typical -- that you could
23 remember, what was a typical weekend like when you
24 would go visit your dad?

25 A We would go out of school. We would go home

1 and my dad would already be there waiting to pick us
2 up. Then we would go to the grocery store on Friday
3 and then go back home and have -- it was kind of like
4 our Friday dinner was pizza and cottage cheese or
5 whatever. And we would watch Judge Judy. Then
6 Saturday, we would go up to the pool. We would go see
7 a movie or something. And then Sunday, it was
8 football. And then we went home.

9 Q Uh, now, how long did your -- did your dad
10 ever move from the Churchill apartment complex?

11 A Yes, ma'am.

12 Q Do you know about what age you were?

13 A Uh, age probably 11.

14 Q So from three-ish to 11 --

15 A Uh-huh.

16 Q --- you guys were at Churchill?

17 A Yes, ma'am.

18 Q Did your dad ever do anything to you that
19 dads shouldn't do to their daughters when y'all were
20 at Churchill?

21 A Yes, ma'am.

22 Q Can you tell us what you can remember about
23 maybe when that started or what happened?

24 A I remember one night I had a nightmare. I
25 went to my dad's bedroom. I thought he would comfort

1 me like a dad should. I remember waking up with my
2 underwear on the floor. I wasn't sure if I just
3 turned too hard or if I tossed and turned. And then
4 it kept happening and then it happened a lot. It
5 happened probably like on one hand. Then I woke up.
6 It was one early morning. He had his finger in my
7 vagina.

8 Q Do you remember maybe how old you might
9 have been at that time?

10 A I -- I know it was when I was really skinny
11 and everyone thought that I was anorexic or whatever.
12 And I started gaining weight in the sixth grade. I
13 had to be younger than the sixth grade or sixth grade
14 and below.

15 Q And so did you -- do you know about how
16 many times that happened to you?

17 A I didn't keep count. I know that this
18 happened maybe less than five times.

19 Q And was there anything ever said to you
20 when this was happening or any explanation?

21 A I just remember him saying that if we told
22 anybody, we would be the ones who got in trouble and
23 get taken away from my mom.

24 Q And did this happen -- this five or so many
25 times, did it happen inside the apartment?

1 A Yes, ma'am.

2 Q Was it in a bedroom or living room or
3 bathroom?

4 A It was in a bedroom.

5 Q And would -- do you know when in the night
6 this would happen? Was it right when you went to bed?

7 A No, it was early in the morning at about
8 six or five o'clock in the morning, he would come in
9 our bedroom.

10 Q Would he actually get in the bed with you?

11 A Yes, ma'am.

12 Q Would your other sisters be in there when
13 that had happened to you?

14 A Uh, yes. Yes. I'm thinking of Carlyle, but
15 yes, they were in there.

16 Q Did either of your sisters ever wake up,
17 that you know of or ever say anything to you?

18 A Uh, not that I know of. Not that they woke
19 up and heard it or know what was going on, no.

20 Q Was your dad an early riser?

21 A He was.

22 Q Did he get up around that time normally?

23 A Yes, ma'am.

24 Q How about you kids, were y'all up at five
25 o'clock in the morning?

1 I would feel -- I wouldn't feel him pull her towards
2 him, but I could just sense it by the force that was
3 going on in the bed.

4 Q And did he ever use that kind of force on
5 you? Did he ever --

6 A No, ma'am.

7 Q --- grab you or pull you?

8 A Not that I remember. Daughter Two

9 Q Okay. Did you ever talk to █████ about that

10 after that happened?

11 A Not that day. I just know, I think, maybe
12 whenever it stopped with her, I told her, I was like
13 I know what he's doing to you. And we couldn't be too
14 loud. We were in the bedroom. If we would get loud,
15 he would get mad. So we tried to keep it quiet.

16 Q When you were talking to each other, you
17 mean?

18 A Yes, ma'am.

19 Q When you said y'all had moved to car -- he
20 had moved to the Carlyle by this point?

21 A Uh-huh.

22 Q So I think we tried to narrow down
23 somewhere between you were about 11 or 12 when y'all
24 moved to the Carlyle?

25 A Yes, ma'am.

1 Q How long did he live there?

2 A I'm not sure whenever he moved to Columbia.
3 Maybe whenever I was either 15 or 16.

4 Q So when y'all were at the Carlyle apartment
5 now, did he ever -- did he ever do anything to you
6 there?

7 A No, ma'am.

8 Q Ever get in the bed and try to do anything
9 to you there?

10 A Huh-uh.

11 Q You saying that's when you heard him do
12 something to your sister?

13 A Yes, ma'am.

14 Q Okay. How about your other sister ██████ Daughter One
15 Did you ever hear or see --

16 A ██████ Daughter One
17 slept out on the couch. We had either
18 a king or a queen-sized bed. It was pretty big. Us
19 girls shared a room, but ██████ Daughter One
20 always slept out on
21 the couch. So I didn't hear anything or see anything.

22 Q Has ██████ Daughter One
23 ever come to you or has anything
24 ever been said, anything ever happen to ██████ Daughter One

25 A No.

Q At the Carlyle apartment, did your dad have
friends or people come around that might hang out and
see you guys on a regular basis?

1 A Yes, ma'am.

2 Q When this was happening to you, how would
3 you act or what would you try to do during the
4 daytime?

5 A What do you mean?

6 Q Were you letting on that something was
7 going on or were you --

8 A No.

9 Q --- normal?

10 A Yeah, normal.

11 Q Did you ever think I need to tell my mom
12 about this or I need to tell somebody about this?

13 A Yes, but I was too scared to.

14 Q Why were you scared?

15 A Because he told us if we told her we would
16 get taken away from her.

17 Q You believed that at that time?

18 A Whenever you're young, yeah.

19 Q At some point as you grew up, did you come
20 to realize that wasn't true or that you needed to
21 tell?

22 A Yes, ma'am.

23 Q How did that come about?

24 A You want me to tell you about the night
25 that I told my mom?

1 Q Sure. Was there something that made you
2 feel like you needed to tell your mom?

3 A Yes, ma'am.

4 Q Okay.

5 A We had a youth service one time. We used to
6 have youth on Thursday. We had a really small youth
7 group. It was just really powerful.

8 MS. MANIGAULT: Your Honor, I'm going to
9 object. This is not responsive to the question.

10 I'm going to object to anything she describes.
11 The question was what led up to this. I'm
12 objecting to any testimony she has about a youth
13 group.

14 THE COURT: She doesn't need to go into a
15 description of the event itself. If that's the
16 event that caused it, then she can say that.

17 THE WITNESS: Yeah, it was a youth night.

18 BY MS. HODGE:

19 Q And there was a message that spoke to you?

20 A Yes, ma'am.

21 Q And when you heard that message, what did
22 you feel like you needed to do?

23 A I wasn't sure if I wanted to tell my mom. I
24 knew my mom and my dad's relationship, their
25 friendship. They were best friends. He would take

1 care of us. He would pay child support. He would make
2 sure we were doing okay.

3 Q Were you worried it was going to upset your
4 mom?

5 A Yeah.

6 Q Or hurt her?

7 A (Nods head.)

8 Q So were you having a conflict inside about
9 what to do?

10 A Yes, ma'am.

11 Q Did you talk to somebody about that?

12 A I did.

13 Q Who did you talk to?

14 A My youth pastor, Nate.

15 Q And what did you say to Nate?

16 A Uh, I just told him, uh, that the message
17 was really powerful and I needed to talk to him and
18 I'm not sure if I can go into details without getting
19 into trouble.

20 Q Here's what you can do. You can talk about
21 what you said to him.

22 A Okay.

23 Q Without his responses back to you, just
24 tell us what you said and then what he did and then
25 what you said.

1 A Okay. From what I can remember because it
2 was two years ago, I remember telling him that I
3 needed to talk to him. It was over text message that
4 I actually told him about my dad molesting me. Then
5 he ended up coming over. I can't remember anything
6 else I told him.

7 Q So you confided in him?

8 A Uh-huh.

9 Q As a result of that, he came to your house?

10 A Yes, ma'am.

11 Q Okay. Were you encouraged to tell somebody?
12 Tell your mom or somebody?

13 A I was.

14 Q As a result of your conversation with Nate,
15 did you tell your mom?

16 A Yes, ma'am.

17 Q And how did that go? What did you tell her?
18 Did you go into detail or no?

19 A I did not go into detail just because I
20 didn't want to hurt her then.

21 Q Had you -- before today, had you ever told
22 her all the details?

23 A I think she's heard it through counseling.
24 But I personally haven't had the chance to talk to
25 her.

25 Q How old were you at this time?

1 A Whenever I told my mom?
2 Q Yeah.
3 A 16.
4 Q So you were still a minor and you were
5 worried about that?
6 A Yeah.
7 Q But you told her anyway.
8 A Uh-huh.
9 Q And did you make a decision about calling
10 police or doing any of that kind of stuff?
11 A My brother Josh and my sister Jenny, they
12 talked to my mom. My mom came to me and she said, you
13 know --
14 MS. MANIGAULT: Your Honor, I'm going to
15 object to anything that the mom said or anybody
16 else said.
17 THE WITNESS: Okay. Yes, we did go to
18 Greenville.
19 BY MS. HODGE:
20 Q Okay. As a result of a family meeting,
21 would that be about right?
22 A Uh-huh.
23 Q Then y'all decided that at some point, it
24 needed to be told. Did you and █████ Daughter Two
25 after you had told your mom, did y'all get together
at any point

1 and talk about what had happened?

2 A I can't remember to be honest with you.

3 Q Was there ever a time when you and her just
4 compared stories or did anything like that?

5 A Huh-uh.

6 Q Is this something that you want to go
7 around talking to everybody?

8 A No.

9 Q Did you then go into therapy after you
10 disclosed?

11 A Yes, ma'am.

12 Q Did you tell Mr. Edmonds eventually?

13 A Yes, ma'am.

14 Q Who is Mr. Evans?

15 A He's my counselor at the -- I think it's
16 the Advocacy Center.

17 Q In Spartanburg?

18 A Yes, ma'am.

19 Q As a result of having gone to authorities,
20 did you have to give a lot of interviews, talk to a
21 lot of people about this?

22 A Yes, ma'am.

23 Q Did you talk to a DSS worker?

24 A Yes, ma'am.

25 Q Did you talk to Detective Mary Ashley

1 Thomas?

2 A Yes, ma'am.

3 Q Did you talk to a forensic interviewer, Mr.
4 Garrett?

5 A Yes, ma'am.

6 Q Did you have to get a medical examination
7 done as well?

8 A Yes, ma'am.

9 Q And you saw Mr. Edmonds and did y'all talk
10 about all of this in therapy?

11 A Yes, ma'am.

12 Q Then, of course, you come to the
13 Solicitor's and come to court to tell the jury about
14 this.

15 A Uh-huh.

16 Q Is there some reason why you are telling us
17 this?

18 A Now?

19 Q Uh-huh.

20 A Just because I realize of someone else's
21 bad mistakes doesn't mean I'm going to be the one to
22 get in trouble.

23 Q Was there some kind of punishment you were
24 trying to do to your dad or some vendetta you had
25 against your dad?

1 A No.

2 Q Are you telling what really happened to
3 you?

4 A Yes, ma'am.

5 Q You're not making this up or making some
6 crazy lie on your dad?

7 A No.

8 Q Do you still love your dad?

9 A Yes.

10 Q Is this a difficult situation obviously?

11 A Yeah.

12 Q You having mixed feelings about it?

13 A Yes, ma'am.

14 Q Do you know -- do you personally know a
15 lady named Brandy Newcomer?

16 A I do not.

17 Q Had you ever seen her face before today or
18 met her?

19 A I was little. I can't remember her.

20 Q You don't know her?

21 A No.

22 Q You haven't talked to her in the last 17
23 years of your life?

24 A No, ma'am.

25 Q Okay. And so did anything good come out of

1 telling as far as any financial motive, any extra
2 great attention you got, anything great come out of
3 all of this?

4 A No. My family -- it kind of split us all
5 apart. We lost our house. Then our car started on
6 fire. Not that it was his fault, but we just lost
7 everything and we're living with our sister. He
8 stopped paying child support. One good thing did come
9 out of this is that I've grown closer with God and I
10 know that he's by my side.

11 Q Is your dad present in court today?

12 A Yes, ma'am.

13 Q He's at counsel table?

14 A Yes, ma'am.

15 Q Thank you. Please answer any of Ms.
16 Manigault's questions.

17 CROSS-EXAMINATION

18 BY MS. MANIGAULT:
Daughter Three

19 Q █████, who do you live with now?

20 A My sister Jenny and my mom Laura.

21 Q Okay. And where do y'all live now?

22 A We live -- you want me to give you the
23 address?

24 Q No, what county?

25 A Spartanburg.

1 Q Spartanburg county. All right. And how long
2 had you lived in the place? Is it a house or an
3 apartment?

4 A It's an apartment.

5 Q How long have you lived in the apartments
6 you live in now?

7 A Uh, we just moved back in with her, I want
8 to say in August. Either August or the beginning of
9 December.

10 Q August 2012? I mean 2014?

11 A We had to move in with her two different
12 times.

13 Q Where were you living before you moved in
14 with your mother in August?

15 A Before I moved in with Jenny.

16 Q You said you moved in with somebody in
17 August, who was that?

18 A Yeah, with my sister Jennifer.

19 Q Where were you living --

20 A We were living in a trailer park.

21 Q Okay. And who was living there with you
22 besides you and your mom?

23 Son
24 A Uh, █████ and █████. Daughter One

25 Q How long did you live with Jenny?

26 A I want to say from maybe half a year to a

1 year.

2 Q And that was all of -- all in 2014 or some
3 in 2013?

4 A Some in 2012, 2013 and 2014.

5 Q So where does Jenny live?

6 A She lives in Autumn Parks.

7 Q That's in Spartanburg?

8 A Uh-huh.

9 Q And had y'all gotten evicted from your

10 previous home?

11 A Yes, ma'am. We got evicted from our
12 apartment in College Point because we didn't have
13 enough money to pay for it because he stopped paying
14 child support.

15 Q Okay. Now, you testified earlier that he
16 always, he paid child support and took care of you,
17 is that right?

18 A Yes, ma'am.

19 Q All right. Now, how many times had y'all
20 been evicted?

21 A Uh, from my knowledge, maybe once.

22 Q How many times have y'all moved since 2000,
23 if you can remember? Anytime that you can remember
24 that y'all moved.

25 A About three times.

1 Q Three times?

2 A Yes, ma'am.

3 Q That includes the time that you moved back
4 and forth with Jenny?

5 A Yes.

6 Q Okay. Now, did you have any idea how much
7 money your father was paying for child support?

8 A I believe \$500 a month or week. I don't --
9 I can't remember.

10 Q So you don't know for sure?

11 A Yes, ma'am.

12 Q And was your mother working?

13 A Yes, ma'am.

14 Q And what kind of job did she have?

15 A She was a bakery manager at Ingles.

16 Q Okay. How long had she had that job?

17 A She's -- I'm wanting to say 13 years, 12 to
18 13 years.

19 Q And are you working now?

20 A Yes, ma'am.

21 Q Where do you work?

22 A Ingles.

23 Q Ingles. And how many bedrooms are in the
24 apartment that y'all have now?

25 A Uh, there is two.

1 Q How many people live there did you say?
Daughter One

2 A It's me, my mom, █████ and my sister Jenny.

3 Q Okay. And who shares bedrooms?
Daughter One

4 A It's me, my mom and █████ sleeps out on the
5 couch and my sister Jenny lives there in her own
6 room.

7 Q Now, you testified earlier that your father
8 had a three-bedroom apartment?

9 A Yes, ma'am.

10 Q And your testimony was your father had his
11 own room?

12 A Uh-huh.
Son

13 Q █████ had his own room?

14 A Uh, yes, from what I remember.

15 Q That's what you testified earlier.

16 A Yes, ma'am. Daughter One
Daughter Two

17 Q And you, █████ and █████ stayed in the same
18 room?

19 A Yes, ma'am. Daughter One

20 Q Then, later, your testimony was that Jamie
21 slept on the couch.

22 A That was at the Carlyle apartments.

23 Q A different apartment?

24 A Yes, ma'am.

25 Q How many bedrooms did he have at the

1 Carlyle?

2 A Two.

3 Q Two?

4 A Uh-huh.

5 Q And who shared bedrooms there?

Daughter One

6 A Since █████ slept out on the couch, it was

Daughter Two

Son

Son

7 me and █████ in one room and █████ and -- █████ -- uh,

Son

8 █████ and Steve in the other.

9 Q All right. Now, you testified also, uh, at

10 the -- is it Churchill with the three bedrooms?

11 A Yes.

12 Q The three of you slept in the same bed?

13 A Uh-huh.

14 Q Three girls?

15 A Yes.

16 Q And you are testifying that some time at

17 the Churchill, your father would come in early

18 morning or late night, over in the morning and bother

19 you?

20 A Yes, ma'am.

21 Q And there were two other girls sleeping in

22 the bed?

23 A Yes, ma'am.

24 Q And who was the oldest?

25 A █████ Daughter Two

1 Q And you are testifying that your age may be
2 sixth grade or less at that time?

3 A Uh-huh.

4 Q All right. So how old was, uh, the other
5 two girls? Daughter One Daughter Two

6 A █████ and █████, I want to say they were 13,
7 12 to 13.

8 Q Okay. So your testimony is your father came
9 into the room, laid down on the bed with you and the

10 other two girls did not wake up?

11 A Yes, ma'am.

12 Q That's your testimony?

13 A Uh-huh.

14 Q And you're testifying that your father, in
15 some manner, bothered you or put his hand down your
16 pajamas?

17 A Yes, ma'am.

18 Q Did he do anything else?

19 A Uh, besides put his finger in my vagina,
20 no, ma'am.

21 Q Okay. Did he do anything else to the other
22 girls laying on the bed?

23 A Not from what I remember at Churchill.

24 Q Okay. And how long would this, that you are
25 accusing him of, take?

1 A Uh, --

2 Q How much time?

3 A Maybe 10 minutes.

4 Q 10 minutes?

5 A Uh-huh.

6 Q How big was the bed?

7 A I think we had pretty big air mattresses.
8 Probably the biggest one they had.

9 Q So it was an air mattress?

10 A Yeah.

11 Q So when you had the nightmare you described
12 to the court, was that at the Churchill or the
13 Carlyle?

14 A That was at the Churchill.

15 Q All right. So your testimony is all of this
16 that you are accusing your father of happened between
17 5:00 and 6:00 a.m. in the morningtime?

18 A Yes, ma'am.

19 Q And nobody else would be stirring in the
20 apartment?

21 A No.

22 Q You said your father moved to Columbia ---

23 A Yes, sir.

24 Q --- when you were age 15 or 16?

25 A Yeah. I think it was whenever I just turned

1 15.

2 Q Did you testify that he only bothered you
3 at one place but not the other?

4 A Yes, ma'am.

5 Q Okay. So what place is it that you're
6 testifying today that you said he got out of bed
7 because your brother was kicking him. Where was that?

8 A That was at the Carlyle, but that was for
9 █████. Daughter Two

10 Q Oh, okay. All right. And your testimony is
11 nothing happened to you -- how old were you when you
12 were in sixth grade?

13 A Uh, 10 or 11.

14 Q So after the age of 11, nothing ever
15 happened to you?

16 A No, ma'am.

17 Q You still visited with your father on the
18 weekends?

19 A Yes, ma'am.

20 Q Did the other girls visit with your father
21 on some of those weekends also?

22 A Yes, ma'am.

23 Q You testified that you reported this to
24 your mother in 2012?

25 A Yes, March.

1 Q March. And you were in a play?

2 A I was not. That was my sister, █████. Daughter Two
Daughter Two

3 Q █████ was in a play. And the play was in

4 May?

5 A Uh-huh.

6 Q What grade were you in?

7 A I was in 10th.

8 Q You were in 10th grade?

9 A Yes, ma'am.
Daughter Two

10 Q And █████ was the only one that was in the

11 play? Daughter Two Daughter One

12 A █████ and my sister █████.

13 Q And so they were both graduating that year?

14 A Yes, ma'am.

15 Q And you were the one that told your mother

16 first?

17 A Yes, ma'am.

18 Q And she decided not to do anything about it

19 until the end of May? Daughter One Daughter Two

20 A Yes, ma'am, because of █████ and █████.

21 Q Okay. That's what she testified here today?

22 A Uh-huh.

23 Q You keep aluding to the fact that y'all

24 have lost everything.

25 A Yes, ma'am.

1 Q Was your mother working still?

2 A She was.

3 Q Okay. And you were working too?

4 A I was not at the moment.

5 Q At the time. Did you visit with, uh, -- was
6 there any time that you didn't want to -- did not go
7 to see your father because you were doing something
8 else?

9 A Yes, ma'am.

10 Q With friends?

11 A Uh-huh.

12 Q So you would tell that to your mom and she
13 would relay it to your dad?

14 A Yeah.

15 Q And that would not be a problem?

16 A No.

17 Q And after you reported this to your mom,
18 did you go visit your dad?

19 A Uh, no, I did not.

20 Q So you reported it in March and you did not
21 go -- when was the next time you saw him?

22 A Honestly, I don't think I saw him since
23 March of 2012.

24 Q Okay. Did you go to the play in May?

25 A I think so, yes, but I was in the back.

1 Q You didn't see him there?

2 A Huh-uh.

3 Q All right. Thank you..

4 THE COURT: Anything else?

5 MS. HODGE: Nothing from the State.

6 THE COURT: All right. You may step down.

7 Thank you.

8 How are y'all doing? You need a short
9 break? All right. Let's take about a 10-minute

10 break.

11 Everyone remain seated until the jury is
12 out.

13 (WHEREUPON, the jury exits at approximately
14 3:27 p.m.)

15 (WHEREUPON, a short recess is taken.)

16 (WHEREUPON, the jury enters at approximately
17 3:44 p.m.)

18 THE COURT: Okay. Call your next witness.

19 MS. SALISBURY: Please the Court, Your
20 Honor. The State calls Mr. Nathan Didway.

21 Mr. Didway, if you would, come up and be
22 sworn.

23 THE CLERK: Sir, please place your left
24 hand on the Bible and raise your right hand.

25 NATHAN DIDWAY

1 having first been duly sworn, testifies as follows:

2 **THE CLERK:** Thank you. Please be seated.

3 Sir, please state your name for the record.

4 **THE WITNESS:** Nathan Didway.

5 **DIRECT EXAMINATION**

6 **BY MS. SALISBURY:**

7 **Q** Mr. Didway, I have to stand way back here
8 so I can be sure that I can hear you. That way, if I
9 can hear you, the jury can.

10 **A** Yes, ma'am.

11 **Q** Uh, how old are you?

12 **A** I'm 31.

13 **Q** Do you work?

14 **A** I do.

15 **Q** Where do you work?

16 **A** I'm a youth pastor at a church and office
17 manager at a daycare center.

18 **Q** All right. How long have you worked at the
19 church?

20 **A** The current church that I'm at now, right
21 at four years.

22 **Q** Generally speaking, where do you live?

23 **A** I live in Boiling Springs.

24 **Q** Now, the church at which you are working
25 right now, you said you've been working there for

1 four years?

2 A Yes, ma'am.

3 Q At that church, is that how you met the
4 Jones and Perry family?

5 A Yes, ma'am.

6 Q Can you describe for the jury a little bit
7 about how that relationship started, when it started
8 and your role?

Daughter Three

9 A Yes, ma'am. About 2011, [REDACTED] Perry
10 started coming to our youth group with a friend. As
11 youth pastor there -- it's a very small church. So I
12 was introduced to her. Later on, her brother came.
13 That led to a close relationship with the entire
14 family.

15 Q Do you maintain a close relationship with
16 that family even today?

17 A Yes, ma'am.

18 Q Now, since your relationship started with
Daughter Three
19 [REDACTED], what was your -- what was the dynamic between
20 you two?

21 A Uh, strictly youth pastor student. She
22 would come to our youth on a very regular basis. She
23 was one of about 10 at the time that attended. Uh, my
24 youth ministry is very relational. So we would, as a
25 group, we would go out for Cokes, milkshakes or

1 whatever on a somewhat regular basis. So we spend a
2 lot of time together outside of youth and church.

3 Q Was it common for you to discuss personal
4 type issues?

5 A Life, yes. Lots of times.

6 Q Did you feel that she confided in you
7 regularly?

8 A Yes, ma'am.

9 Q Did she ever share with you any information
10 regarding the relationship she had with her father?

11 A Uh, nothing in detail. I never met him,
12 didn't even know who he was. So she never really
13 talked to me about him at all up until she told me
14 about this.

15 Q All right. You mentioned that she told you
16 about this incident. Let's focus in on that.

17 A Uh-huh.

18 Q When do you recall first learning the
19 incidents of which you were advised?

20 A Thanks to text messaging, I know exactly.
21 It was March 11, 2012. She told me over text.

22 Q And without describing specifically what
23 she said, did she tell you when any events had
24 happened between she and her father?

25 A She had given me a general age range.

1 Q What was that range?

2 A 10 or 12.

3 Q Did she indicate to you where any of these
4 incidents were happening?

5 A No, ma'am.

6 Q After that electronic exchange, what
7 happened next?

8 A Uh, it was Sunday afternoon. She told me
9 over text. After that, well, in the text, I had told
10 her that she would need to tell her mother. That I
11 would have to make sure she did. Legally as youth
12 pastor, I have to report as well to the parents
13 themselves. That night, that Sunday night, I actually,
14 uh, gone there with her brother to play some
15 basketball. It also provided for ^{Daughter Three} [REDACTED] and I to be
16 able to talk more in detail about it. She was really
17 nervous, you know, really scared to tell her mom.

18 That Sunday night, it gave me an
19 opportunity to confer with her and talk to her and
20 really tell her you don't have a choice. You're going
21 to have to tell her. I offered to be with her if she
22 wanted me to to tell her mom. I kind of gave her a
23 time frame. I said, well, if you don't by this point,
24 I'm going to have to tell her myself. Within two
25 days, she told her.

1 Q Did you maintain sort of some involvement
2 as the events unfolded?

3 A Somewhat. The main thing for me was that
4 her mother knew. So, uh, from then, I just let the
5 family handle it. I didn't intervene unless I was
6 asked. Once the proceedings started taking place and
7 once some different things were happening, they would
8 let me know where we were at with the case and where
9 we were at with the allegations and that sort of
10 thing. So just hanging out and being close to the
11 family.

12 Q Did you ever speak with any of the other
13 siblings about their experiences?

Daughter Three

14 A Uh, not before [REDACTED], uh, had anything
15 else come out. I always told them that I could, I
16 would talk to them if they wanted to know anything.
17 But I wasn't the first one to give them any
18 information. I let the family completely take care of
19 that in-house.

Son

20 And afterwards, especially [REDACTED] -- me and
21 him were really, really close. Her twin brother. They
22 would just talk to me about advice. We prayed
23 together, whatever we needed to do. I talked with
24 Laura pretty regularly as well if I could just stop
25 in and come over to try to give her strength and be

1 there for support. Daughter Two

2 Q Did you ever talk to [REDACTED] about her
3 experience?

4 A I did not.

5 Q All right. Do you remember ultimately, at
6 some point while you were involved, speaking with the
7 police?

8 A Uh, at one point, a detective did come and
9 get a statement from me there at my place of work at
10 the church.

11 Q Did you share with that detective all of
12 the information that you shared with the jury today?

13 A Yes, ma'am.

14 Q All right. And do you remember giving a
15 statement to that detective?

16 A Yes, I did.

17 Q All right. (Pause.)

18 All right, sir. If you would, answer any
19 questions that Ms. Manigault may have.

20 A Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MS. MANIGAULT:

23 Q What is the name of the church that you are
24 a youth pastor?

25 A LifeSpring.

1 Q LifeSpring?

2 A Yes, ma'am. All one word, capital S.

3 Q Okay. And you said you are a day -- office
4 manager for a daycare center?

5 A Yes, ma'am.

6 Q Who started coming to your church?

7 A The original --

8 Q Out of this family.

9 A [REDACTED] Daughter Three

10 Q Just [REDACTED]?

11 A Yes, ma'am.

12 Q You said she came with a friend. Who was
13 her friend?

14 A Her friend Katie.

15 Q Katie?

16 A From school.

17 Q They were about the same age?

18 A Yes, ma'am.

19 Q And later you said that another one of her
20 family members started coming?

21 A Her twin brother ^{Son} [REDACTED].

22 Q And when did they start coming there? You
23 said 2011?

24 A Yes, ma'am. Around their freshman year,
25 2011.

Son

1 Q When did [REDACTED] start coming?

2 A He came later in the semester. She had been

3 coming for a couple of months before he started

4 coming.

5 Q The same year?

6 A Yes, ^{Son}ma'am.

7 Q And did [REDACTED] eventually move in with you?

8 A Yes, ma'am. Son

9 Q How long did [REDACTED] stay with you?

10 A Uh, I'd say for the past year, year and a

11 half.

12 Q So is he still living with you?

13 A Yes, ma'am. Daughter Three

14 Q You said that you -- excuse me. Has [REDACTED]

15 or [REDACTED] or any of the others lived with you? Daughter Two

16 A No, ma'am. Son

17 Q And you say that [REDACTED]'s lived with you for

18 about a year and a half?

19 A Yes, ma'am.

20 Q He started living with you in 2011 or 2012?

21 A Uh, 2012.

22 Q 2012? Uh, you had a chance to talk with the

23 mother, Laura?

24 A I talked with her, yes, ma'am.

25 Q She attended church also?

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1 **THE CLERK:** Thank you. Please be seated.

2 Please state your name for the record.
 Daughter Two

3 **THE WITNESS:** [REDACTED] Jones.

4 **DIRECT EXAMINATION**

5 **BY MS. SALISBURY:**
 Daughter Two

6 **Q** [REDACTED], how old are you?

7 **A** I'm 20.

8 **Q** And when is your birthday?

9 **A** June 22nd.

10 **Q** Of what year?

11 **A** 1994.

12 **Q** And do you work?

13 **A** I do.

14 **Q** Where do you work?

15 **A** Ingles gas station.

16 **Q** Generally speaking, where do you live right
17 now?

18 **A** Spartanburg.

19 **Q** Where did you go to high school?

20 **A** Boiling Springs.

21 **Q** Do you live by yourself right now?

22 **A** I do.

23 **Q** Before you got your own place, where did
24 you live?

25 **A** I lived with my mom and my sisters.

1 Q How long have you been on your own?

2 A I've been on my own probably for more than
3 a year.

4 Q Okay. Before you got your own place and
5 before you moved out by yourself, what was the
6 arrangement when you lived with your mother and your
7 siblings?

8 A Well, it was before they moved in with my
9 sister. I was living with my sister Jenny. I would
10 kind of like watch her son while she would go to
11 work. Then when they got evicted, they moved in. Then
12 I got pregnant. So we decided that we were going to
13 get our own house.

14 Q Let's go back to when you were really
15 young. As far back as you can remember, where's the
16 first place you can remember living?

17 A Like with both parents?

18 Q Sure. As far back as you can recall.

19 A I remember hearing about when my mom and
20 dad were together. I remember hearing a lot about
21 living at Farnsworth. It was a house that him and my
22 mom had together.

23 Q You remember living in the house when both
24 of your parents lived together?

25 A I don't remember it. I just remember

1 hearing of us living there.

2 Q Okay. Do you remember the living situation
3 after your parents weren't living together anymore.

4 A My mom got her own doublewide in
5 Spartanburg. My dad moved to an apartment complex in
6 Greenville.

7 Q All right. Do you remember anything about
8 that particular apartment complex?

9 A It's off of Pelham Road. We lived in
10 apartment 66.

11 Q Do you remember how old you may have been?

12 A I was five when they split up.

13 Q All right. What do you remember about the
14 frequency with which you would visit that Pelham Road
15 apartment?

16 A Every weekend, Friday to Sunday, 4:00 to
17 4:00.

18 Q Who -- with whom would you be with?

19 A My dad.

20 Q And who would come with you? Son Daughter One

21 A My brother and my two sisters, [REDACTED], [REDACTED]
Daughter Three
22 and [REDACTED].

23 Q What were the weekends like? What would you
24 do?

25 A Friday, he would come and pick us up and we

1 would go to BiLo to go to the grocery store and we
2 would get food for the weekend. We'd have pizza and
3 cottage cheese for dinner every Friday night. Then
4 Saturday, we would go out to eat or go see a movie or
5 spend the day at the pool. On Sundays, we would go to
6 like friend's house, his friend's house and watch
7 football or stay at home and watch football with him.
8 Then we'd go home.

9 Q Back to your mother's house?

10 A Back to our mom's, yes, ma'am.

11 Q Now, what were the -- what was that
12 apartment like? Three bedrooms, how was it laid out?
13 What was that apartment like?

14 A Churchill at Pelham, if I can remember, it
15 was three bedrooms. It was a townhome. It had an
16 upstairs. The kitchen and the living room were
17 downstairs. And upstairs were the three bedrooms and
18 a bathroom. I'm thinking a master bathroom. I can't
19 remember. I know my and my sisters' walls were like a
20 baby blue color. And you could look out of the window
21 directly to see the pool.

22 Q What were the -- what were the sleeping
23 arrangements like at that particular apartment?

24 A ^{Son} [REDACTED] slept in his own room on a twin bed.
25 My dad had his own room. Me and my sisters had our

1 own room. We had to share air mattress.

2 Q As best you can remember, what -- let me
3 ask it this way, do you ever remember your father,
4 the defendant touching you in what we would consider
5 an inappropriate way?

6 A Yes, ma'am.

7 Q What's the first memory you have of that
8 happening?

9 A The first memory I have of a clear memory,

10 it was on a Friday night. We had just ate dinner,
11 which was pizza and cottage cheese. Him and my
12 brother ^{Son} [REDACTED] stayed downstairs. They were watching
13 something on TV. I can't remember exactly what it
14 was. It was boring. So me and my sisters went ^{Daughter Three}
15 upstairs to watch TV. They went in -- [REDACTED] and
16 ^{Daughter One} [REDACTED] went in our bedroom. They were watching like
17 "That's So Raven", I think. And I didn't want to
18 watch it. I wanted to watch "Lizzy McGuire". So I
19 went in his bedroom and I laid on the bed because he
20 had a box in his bedroom as well. And I guess he had
21 told ^{Son} [REDACTED] that he had to use the bathroom or he
22 probably made up an excuse.

23 MS. MANIGAULT: Your Honor, objection.

24 THE COURT: Don't speculate.

25 THE WITNESS: Sorry.

1 BY MS. SALISBURY:

2 Q That's okay. Just tell us what you
3 remember.

4 A He came up there and he told me to scoot
5 over in the bed. And he stuck his fingers down my
6 pants. That's when everything began. That's the first
7 time I can remember anything ever happening. He
8 fingered me. It didn't last for more than 10 minutes.
9 I remember when he got done, he told me that if I

10 told, I would get in trouble and that I wouldn't be
11 able to see my mom again because I'd be taken. I
12 would get in just as much trouble as he would. As a
13 young child, I was scared. I didn't really know what
14 to think about it or anything. I was just lost.

15 Q You remember how old you were at that
16 point, that first incident that time in his bedroom?

17 A The first incident I remember which was
18 that when I was 7 years old.

19 Q Now, was that the only time that he --

20 A Yes, ma'am.

21 Q Okay. Do you remember the next time?

22 A It was every weekend, both Saturday and
23 Sunday, early mornings around 5 or 6 o'clock in the
24 morning. He would come in there and lay in the bed.
25 And he would finger me. Just like any other time, he

1 would threaten that we'd be taken or we'd get in
2 trouble. He always made it feel like it was our fault
3 that it was happening.

4 Q Now, you described the three girls, that
5 y'all shared that air mattress in that bedroom.

6 A Yes, ma'am.

7 Q Would the other two girls be in the bed
8 when it happened?

9 A Yes, ma'am.

10 Q Did you ever say anything, be loud?

11 A No, I was always scared to wake them up.
12 With him saying that I'd get in trouble for telling,
13 I was scared that if they would wake up, that they
14 would tell my mom and everything would come out. I
15 was just scared.

16 Q So as best as you can remember, did that
17 happen every time you visited this apartment at the
18 Churchills on Pelham?

19 A It did.

20 Q Now, at some point, do you remember him
21 moving to a different apartment?

22 A Yes, ma'am. He moved to, uh, the Carlyle
23 apartments off of Halton Road.

24 Q Do you remember about when that was?

25 A It was around 2007, I think.

1 Q What were the arrangements like in that
2 particular apartment?

3 A In that apartment, it was a two-bedroom
4 apartment. Him and [redacted] shared his room. Then me and
5 [redacted] slept in the second bedroom and [redacted] slept on
6 the couch.

7 Q Did you and [redacted] share a bed in that
8 bedroom?

9 A We did.

10 Q What do you remember happening in that
11 bedroom?

12 A In that bedroom, it would be the same as it
13 was at Churchill. He would come in early morning,
14 finger me. And then at the Carlyle, that's where it
15 led to the two times of oral abuse.

16 Q All right. Let's talk about those specific
17 times. Where were you? What was happening?

18 A The first time I remember it happening with
19 the oral abuse, I was sitting in the chair. We were
20 all watching a movie. It was like a late Friday
21 night. We were watching a movie and we all fell
22 asleep. He woke [redacted] and [redacted] up and told them to
23 go in the room. Then he pulled my pants down. He ate
24 me out.

25 Q What do you mean? What physically did he

1 do?

2 A Like, have oral sex with me.

3 Q Did he put his mouth ---

4 A Yes, ma'am. On my vagina. Yes, ma'am.

5 Q How long did that last?

6 A It probably lasted around -- it never
7 lasted more than 10 minutes. At the most, that time
8 it was probably like seven minutes.

9 Q Did he say anything to you?

10 ~~A No. Just after. The "don't tell your mom"~~
11 kind of thing.

12 Q Now, what's the other time that you can
13 remember where it progressed beyond the digital
14 penetration you described?

15 A Being in the, uh, -- being in our bedroom
16 in the bed. He would come in. He would come down the
17 hallway and I would always end up waking up. I can
18 hear his footsteps coming down the hall. He'd lay in
19 the bed. I would try to pull away from him, but he
20 would grab me with a tighter force so I couldn't get
21 away. He'd finger me. One time, the same thing
22 happened but he had oral sex with me in the bed.

23 Q Did he ever require you to perform oral sex
24 on him or touch him in any way?

25 A No, ma'am.

1 Q Now, you mentioned being able to hear him
2 in the hall and waking you up and those kinds of
3 things. Each time that this happened when you were
4 visiting, was it always around the same time of day?

5 A It was always early morning, around 5:00 or
6 6:00. And the two times that I said were at night
7 were the only two times that ever happened at night.
8 The time where I was laying in the bed watching TV,
9 that was at night. The oral sex when we were watching
10 ~~the movie, that was at night. The other times were at~~
11 5 and 6 o'clock in the morning, when it was still
12 dark outside.

13 Q Okay. And you testified a little bit
14 earlier that he would pick y'all up or that you would
15 go there on Friday night and come back after football
16 on Sunday afternoon.

17 A Yes, ma'am.

18 Q Was it -- did these incidents happen both
19 in the early morning hours on Saturday morning and on
20 Sunday morning?

21 A Yes, ma'am.

22 Q At some point, do you remember him moving
23 from those apartments on -- at Carlyle?

24 A From the Carlyle, he moved to an apartment
25 complex in Columbia.

1 Q All right. Were there ever any instances of
2 him touching you or performing any sexual acts on
3 you?

4 A No, ma'am.

5 Q How old do you think you were when he moved
6 from that apartment complex, the Carlyle?

7 A I was probably around 16, going on 17.

8 Q Did you ever visit that apartment in
9 Columbia?

10 A I did until all the -- until it all came
11 out.

12 Q Were there -- were there ever any weekends
13 over the time that this happened -- you said best you
14 can remember beginning around 7 years old until he
15 moved when you were about 16 going on 17. At any time
16 in between there, were there weekends when it didn't
17 happen?

18 A When I was on my period or -- there were
19 times when he had girlfriends that it didn't happen.
20 Like, when he moved to Columbia, he -- Angela had
21 moved in with him, so it didn't happen. Then he had a
22 girlfriend in the past, Julia. Whenever they were
23 seeing each other, it didn't happen.

24 Q Was that a good thing?

25 A To me, it was.

1 Q Did you feel like it was positive when he
2 had a girlfriend?

3 A Yeah. I loved him having a girl -- woman
4 around.

5 Q Now, did you ever talk with anyone at any
6 time, from the time that it started when you were
7 seven years old until you were a teenager. Did you
8 ever talk with anybody about what was happening?

9 A In 10th grade after a pep rally, we went
10 down to my dad's. He came and got us. And he would
11 make us take the trash out to the trash compactor
12 every Friday afternoon when we got down there. Me and
13 my sister ^{Daughter One} decided to take the trash that day. I
14 tried to tell her, but it was too hard for her to
15 hear. So I just left it alone.

16 Q When you say it was too hard for her to
17 hear, what do you mean?

18 A She was like, ^{Daughter Two}, just be quiet. Just be
19 quiet. I don't want to hear it.

20 Q So did you decide to try to tell anybody
21 else?

22 A No, I was like I don't know if I could tell
23 anybody else at that point. If it was hard for her to
24 hear, I knew it would be hard for my mom to hear.

25 Q Ultimately, did you finally tell anybody

1 what had been going on? Daughter Three

2 A Yes, ma'am. After [REDACTED] had came forward,
3 I had told my mom as well.

4 Q What -- what do you remember happening
5 after you shared that with your mom?

6 A I remember I had my play in May. He came. I
7 didn't see him. Like, I didn't see him or speak to
8 him. I knew he was there. But I didn't speak to him
9 or see him. After that, I graduated in May, on May
10 24th, 2012. Then June, that's when we went and talked
11 to Detective Thomas.

12 Q And do you remember giving a statement to
13 her?

14 A I do.

15 Q And did you tell her the story that you are
16 telling the jury today?

17 A Yes, ma'am.

18 Q Was that the truth then?

19 A Yes, ma'am.

20 Q And is it the truth today?

21 A Yes, ma'am.

22 Q How -- looking back, how do you feel --
23 this longstanding behavior of your father, how did
24 that affect you?

25 A I mean, my whole childhood, I tried to find

1 my own ways to cope with it. It was really hard on
2 me. I was very depressed. Like, now that it's over,
3 that I feel like it's over, I've become a braver
4 person. I have my own family. I have things to look
5 forward to every day and I'm proud of myself.

6 Q Have you been going to counseling?

7 A I did. I went to counseling for six months
8 or a little over six months with Bomar Edmonds at the
9 Advocacy Center.

10 Q Was that helpful to you?

11 A It was. It helped me a lot.
Daughter Two

12 Q Thank you, ■. If you would, answer any
13 questions Ms. Manigault has.

14 A Yes, ma'am.

15 THE COURT: Cross?

16 MS. MANIGAULT: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. MANIGAULT:

19 Q You're 20 years old now?

20 A Yes, ma'am.

21 Q And you've been living on your own for
22 about a year?

23 A Yes, ma'am.

24 Q How old is your child?

25 A She will be a year old on Friday.

1 Q You said we decided to get our own place.

2 Who is "we"?

3 A Me and the father of my child, Chris.

4 Q All right. Could you describe the sleeping
5 arrangements on the air mattress?

6 A The air mattress?

7 Q Yeah, that was at Churchill. Daughter Three

8 A I would be on the outside, [REDACTED] would be
Daughter One

9 in the middle, and [REDACTED] would be on the side like
10 towards the wall.

11 Q So the air mattress was pushed to the wall?

12 A Yes, ma'am.

13 Q And how big would you say the air mattress
14 was?

15 A Probably one of the biggest ones you could
16 find.

17 Q So that would be a double?

18 A A double.

19 Q Would the air mattress stay pumped, stay up
20 or y'all would let it out when you leave?

21 A It would stay.

22 Q Stay.

23 A And if the air would deflate a little, we'd
24 pump it back up.

25 Q And did you have a sheet on the air

1 mattress or you just slept on the air mattress?

2 A Just the air mattress that I can remember.

3 Q And did it make any kind of sound when

4 y'all laid down on it?

5 A A little.

6 Q Now, you said that your father would come

7 in the room and lay on the air mattress?

8 A Beside -- on the floor, beside it on the

9 floor.

10 Q Okay. So he would be -- you are saying that

11 he was closest to the door?

12 A Yes, ma'am.

13 Q And you were right on the edge?

14 A Yes, ma'am.

15 Q Did y'all sleep that way all the time, you

16 on the edge?

17 A Yes, ma'am.

18 Q Who in the middle?

19 A [REDACTED]. Daughter Three

20 Q [REDACTED]'s in the middle.

21 A [REDACTED] on the other side close to the wall.

22 Q Okay. So that was always your sleeping

23 arrangements on that air mattress?

24 A Yes, ma'am.

25 Q When you went to Carlyle, did you have an

1 air mattress or a regular mattress?

2 A We had a regular mattress.

3 Q So with that arrangement, it was just you
4 and --

5 A [REDACTED] Daughter Three

6 Daughter Three Daughter One

7 Q [REDACTED] in the room and [REDACTED] would sleep on
8 the couch?

9 A Yes, ma'am.
10 Son

11 Q [REDACTED] with his father?

12 A Yes, ma'am.

13 Q So the -- the Churchill at Pelham, you
14 visited your father there from age, you said 5?

15 A Yes, ma'am.

16 Q Until?

17 A Until he moved to the Carlyle in 2007. And
18 then he moved from Carlyle to Columbia. I stopped
19 seeing him when I was around 17 years old.

20 Q So when he moved from the Churchill, you
21 were age 7, 9, 11?

22 A Around 13, I'm thinking. Or 11. I'm not
23 really sure.

24 Q What year were you born?

25 A 1994.

Q And you testified earlier that you were
accusing your father of starting to touch you

1 inappropriately at age 5?

2 A Yes, ma'am. I think there is some kind of
3 blockage there from the ages of 5 to 7. I tried to
4 block it out for so long. I can't really remember.

5 Q Are you accusing him of inappropriate
6 touching from the age of 5? Yes or no?

7 A Yes.

8 Q And where would that had happened?

9 A Churchill at East.

10 ~~Q Churchill at East.~~

11 A North Church Street. I mean, East North
12 Street.

13 Q So it was from the age of 5 until ---

14 A Seven.

15 Q --- 7 you were at Churchill?

16 A We were at East, Churchill East. Then he
17 moved to the car -- to Churchill at Pelham.

18 Q So when he was at Churchill, how many years
19 are you saying that he had touched you
20 inappropriately? How many years is that?

21 A Four.

22 Q Four. So it would have been past the age of
23 7.

24 A Yes, ma'am.

25 Q I'm asking. I'm not suggesting. I'm just

1 asking so I can get a clarification. Do you really
2 remember what age it was or you're not sure?

3 A I'm not sure.

4 Q All right. So when he moved to the Carlyle,
5 I believe you were between the ages of 11 and 13?

6 A I think I was 13 when we moved in.

7 Q He stayed at the Carlyle for either two or
8 three years because you said you were 15 or 16 when
9 he moved to Columbia, is that right?

10 ~~A I think I was around 17. 15. Around like~~
11 15, 16, or 17.

12 Q Okay. All right. You're saying that -- are
13 you accusing him of anything happening at the
14 Carlyle?

15 A Yes, ma'am.

16 Q I'm trying to be clear.

17 A Yes, ma'am. The digital penetration and
18 oral sex.

19 Q Okay. What are you accusing him of that
20 happened at Churchill?

21 A Just the digital penetration.

22 Q So how high is this air mattress?

23 A It was like --

24 Q Use those steps right there behind you.

25 A Probably up to the second set.

1 Q So the air mattress height would be up to
2 the second step?

3 A If I remember correctly, yes, ma'am.

4 Q And you are saying that you are on the
5 edge, he's laying on the floor, your other sister is
6 in the middle?

7 A Yes, ma'am.

8 Q What's her name?

9 A [REDACTED] Daughter Three

10 Q [REDACTED] is in the middle? Daughter Three

11 A Uh-huh.
Daughter One

12 Q And [REDACTED] is on the wall?

13 A Yes, ma'am.

14 Q How much space was between the two of you
15 when y'all laid on that air mattress?

16 A At the time, we were pretty little. So
17 there was a good bit of spacing between each of us.
18 Probably around that much.

19 Q Show us again. Go ahead.

20 A If I'm remembering correctly.

21 Q Did you ever -- when you discussed this
22 with your mother, you said it was March? Or what
23 month was it of 2012?

24 A When it all came out, it was March 2012.

25 Q That's when you discussed it with your

1 mother?

2 A Yes, ma'am.

3 Q All right. And did you give your mother any
4 details or age or place where this was supposed to
5 have happened?

6 A No details and no age. No, ma'am.

7 Q So you are just testifying today that you
8 told your mother something happened but didn't give
9 her an estimate of the age or time frame or year it
10 was supposed to have occurred?

11 A Yes, ma'am.

12 Q And you lived with your mother until age
13 what?

14 A I was around 15 when I started living with
15 my older sister.

16 Q Okay. So you left your mom's home at age
17 15?

18 A Yes, ma'am.

19 Q You ever live with your mom anymore after
20 that?

21 A Yes, ma'am. When she came back to live with
22 my sister when she got evicted from her home.

23 Q Now, do you have any recollection or memory
24 of when, uh, your dad and mom separated? You have any
25 recollection of that?

1 A Of what happened?

2 Q No, no.

3 A Or the time.

4 Q The year they separated.

5 A It was around 2000, I'm thinking. The year
6 2000. My grandma, my mom's mom had just passed away.

7 Q And from 2000 to 2012, you continued to see
8 your father on weekends?

9 A Yes, ma'am.

10 Q And you said he had a girlfriend named
11 Angela?

12 A Yes, ma'am. When we stopped seeing him.

13 Q What's her last name? Do you know?

14 A At the time, it was Ramey.

15 Q Now, when you were seeing your dad, how
16 long was he dating Angela? You have any idea? You
17 know?

18 A They had dated before. Then she moved to
19 Oklahoma. She came back. That was around the time he
20 had moved to Columbia. She moved in with him.

21 Q Okay. Now, --

22 A They been together since.

23 Q How long were they together before she
24 moved to Oklahoma? Do you know?

25 A It was only a couple of months that they

1 had seen each other, I think. I'm not really sure.

2 Q Was she ever at your father's house when
3 you went to visit on weekends?

4 A Yes, ma'am. She'd come over and watch
5 football.

6 Q You know of a guy name John Riddle?

7 A (Shakes head.)

8 Q Okay. All right. Daniel. You know a guy
9 named Daniel Riddle?

10 A Yes, ma'am.

11 Q And did he live with your father in the
12 apartment at one point?

13 A Yes, ma'am. But he would leave on the
14 weekends and we would come.

15 Q Okay. How long did he live with your
16 father?

17 A A year, I'd say.

18 Q And did he have a young son?

19 A He did. His name was --

20 Q Did y'all see his son?

21 A Every so often, yes, ma'am.

22 Q And that would be on the weekends?

23 A Yes, ma'am.

24 Q Did Mr. Riddle have his own bedroom at
25 either of the apartments that your father lived?

1 A Before --

2 Q Did Mr. Riddle stay with your father at

3 Churchill?

4 A Churchill at Pelham.

5 Q Okay. Son

6 A He had [REDACTED]'s room.

7 Q How long --

8 A [REDACTED] Son

9 [REDACTED] would sleep in his room on the

10 weekends.

11 Q I'm sorry. How long did [REDACTED] Son

12 A How long did he have a bedroom?

13 Q Yeah.

14 A Daniel was there before [REDACTED]. Son

15 A Got his bedroom. He slept there during the week and [REDACTED]

16 A slept there on the weekend.

17 Q So [REDACTED] Son

18 A never slept with your father at

19 A either apartment?

20 A At the Carlyle, he did. And occasionally,

21 Q he would sleep with him at Churchill. Son

22 A The testimony was [REDACTED] had his own

23 A bedroom. You are only saying that -- you meant for

24 A that weekend. Is that what you're saying?

25 A For several weekends. Daniel would -- okay.

 [REDACTED] and us would go down there on the weekend.

1 Q Correct.

2 A Daniel would leave on the weekends and go
3 off with his girlfriend or whoever he went off with,
4 go see his dad or parents, whatever.

5 Q Okay. Son Son

6 A Okay. [REDACTED] -- [REDACTED] would sleep in there
7 on the weekends or occasionally he would sleep in my
8 dad's room.

9 Q Okay. That's what I just said. That he

10 would have that bedroom for the weekend?

11 A Yes, ma'am. I didn't know if you meant for
12 one weekend.

13 Q Now, when you say that Daniel, Mr. Riddle,
14 would leave, that would be every weekend?

15 A Every weekend. I can never remember him
16 staying the night. He would come early Sunday morning
17 to get ready for church and he would be right back
18 out.

19 Q When did you meet his son?

20 A When we met him.

21 Q And did the son spend the night?

22 Son A I can't ever remember. If he did, him and
23 [REDACTED] were friends and he stayed with [REDACTED].

24 Q How old was the son? Son Daughter Three

25 A A year younger than [REDACTED] and [REDACTED] if I

1 remember correctly.

2 Q These are your answers? You keep looking in
3 the audience. Are these your answers?

4 A Yes, ma'am. They are my answers.

5 Q Okay. All right. Now, it is your testimony
6 that you tried to tell which sister something about
7 this incident?

Daughter One

8 A My twin sister [REDACTED].

9 Q And she said that she didn't want to hear
10 it? Is that what you said?

11 A It's not that --

12 Q When you were taking out the trash.

13 A Yes, ma'am. It's not that she didn't want
14 to hear it.

15 Q What did she say to you?
Daughter Two

16 A [REDACTED], don't. It's hard. I don't want to
17 hear it.

18 Q All right. Beg the Court's indulgence.
19 (Pause.)

20 In preparation for your testimony today,
21 did anybody suggest to you the dates that your father
22 lived at the Carlyle or the Churchill?

23 A No, ma'am.

24 Q Nobody told you that?

25 A No, ma'am.

1 Q All right. You told -- you told the
2 Solicitor and investigating officers those dates, is
3 that what you're saying?

4 A Yes, ma'am.

5 MS. MANIGAULT: All right. No further
6 questions, Your Honor.

7 MS. SALISBURY: Very briefly, Your Honor.

8 THE COURT: Okay.

9 REDIRECT EXAMINATION

10 BY MS. SALISBURY:

11 Q If you will just bear with me, I just want
12 to make sure that I understand these dates very, very
13 clearly. As best as you can remember, what's the
14 earliest time that you remember your father sexually
15 abusing or touching you?

16 A The first time I remember is age 7.

17 Q All right. And where would you have been
18 living at that time?

19 A Churchill at Pelham.

20 Q And you described that continued virtually
21 every weekend even after you moved to a different
22 apartment complex?

23 A Yes, ma'am.

24 Q You remember when he moved to that
25 different apartment complex?

1 A The Carlyle?

2 Q Yes, ma'am.

3 A I'm thinking it was 2007.

4 Q All right.

5 A I'm not really sure.

6 Q That's okay. Do you remember about how old

7 you would have been when he moved?

8 A 13, I think.

9 Q And do you remember there being more

10 ~~ongoing instances of these nighttime sexual assaults~~

11 even after he moved to the Carlyle?

12 A Yes, ma'am.

13 Q So did it continue from the time you were 7

14 up until --

15 A The time it stopped.

16 Q When you were how old?

17 A 15.

18 Q Did it happen that entire portion of your

19 life?

20 A Yes, ma'am. It did.

21 Q Even though that was going on, happening

22 virtual every time you saw him, did you still love

23 him?

24 A I did. He's my dad. He gave me life.

25 Q All right. Thank you, ■. Daughter Two

1 **THE COURT:** All right. You can step down.

2 Thank you.

3 Call your next witness.

4 **MS. SALISBURY:** The State calls Detective
5 Mary Ashley Thomas.

6 Detective, if you would, please come up and
7 be sworn.

8 **THE CLERK:** Ma'am, if you will, please
9 place your left hand on the Bible and raise your
10 right.

11 **MARY ASHLEY THOMAS**

12 having first been duly sworn, testifies as follows:

13 **THE CLERK:** Thank you. Please be seated.
14 Please state your name for the record.

15 **THE WITNESS:** Mary Ashley Thomas.

16 **THE CLERK:** Thank you.

17 **DIRECT EXAMINATION**

18 **BY MS. SALISBURY:**

19 **Q** Detective, where do you work?

20 **A** Greenville Police Department.

21 **Q** How long have you been with the Greenville
22 Police Department?

23 **A** Going on 12 years.

24 **Q** What's your current capacity at the police
25 department?

1 A I am an investigator in the Violent Crime
2 Unit.

3 Q And how long you been in that particular
4 role?

5 A About a year.

6 Q What did you do before that?

7 A Crimes Against Children Unit.

8 Q And is that the unit you were assigned when
9 you investigated this case?

10 A Yes, ma'am.

11 Q All right. So in your capacity as an
12 investigator working cases involving crimes against
13 children, what were your general responsibilities?
14 What did you do?

15 A Uh, we investigate any crimes against
16 children, which could be sexual abuse, physical
17 abuse, neglect, child deaths, anything of that
18 capacity.

19 Q In that capacity, how do you become
20 involved in any particular case?

21 A It depends. This particular case, the
22 family made a report to the Department of Social
23 Services. The case worker there that was assigned the
24 case then forwarded it to our department. And I was
25 assigned the case.

1 Q We'll get to the specifics of this one in
2 just a second.

3 A Okay.

4 Q But generally speaking, when you get
5 involved in any particular type of investigation,
6 what is your responsibility moving forward?

7 A To investigate a case.

8 Q What does that require you to do?

9 A Every case is different.

10 ~~Q Do you generally and routinely interview~~
11 witnesses?

12 A Yes.

13 Q Do you visit scenes?

14 A Yes.

15 Q Do you ever collect any evidence?

16 A Not personally, but our crime scene
17 investigation unit would.

18 Q Ultimately, once you had completed your
19 investigation, do you make the decision whether to
20 make any criminal charges?

21 A Yes, ma'am.

22 Q All right. Now, talking about this case
23 specifically, how do you remember becoming involved
24 in this investigation?

25 A Like I said, the caseworker for DSS in

1 Spartanburg, uh, made a report to our agency. I was
2 assigned that report and made contact with that
3 caseworker. That's how I became involved with this
4 family.

5 Q You remember about when you got that
6 contact from Spartanburg?

7 A Can I look at my notes?

8 Q If it would help refresh your memory, sure.

9 A Yes. (Reviewing.)

10 It was May 15th, 2012.

11 Q All right. Once you were assigned to this
12 particular investigation, what did you decide to do
13 first?

14 A I contacted the family to interview the
15 victim and get their side of the story.

16 Q All right. Did you interview each of the
17 victims straight away?

18 A I did, yes.

19 Q With whom did you speak first?
Daughter Three

20 A [REDACTED] first.

21 Q And where did you interview her?

22 A At the Law Enforcement Center downtown
23 Greenville.

24 Q You remember about how long that interview
25 lasted?

25 **A** She did. She said it was at her father's

Daughter Three

1 apartment when he lived at the Churchills at Pelham.

2 Q All right. And did you determine whether
3 that location was inside of Greenville county?

4 A Yes, it was in the city limits of
5 Greenville.

6 Q Okay. Now, after you finished your
7 interview with Daughter Three, what did you do next? With
8 whom did you speak next? Daughter Two

9 A I spoke with [REDACTED] next.

10 Q All right. And what was her general
11 demeanor during your conversation with her that day?
Daughter Three

12 A It started off the same as [REDACTED]. She was
13 shy at first. Very upset. They both shed a lot of
14 tears during the interviews. Feelings of guilt. They
15 felt like --

16 MS. MANIGAULT: Your Honor, I'm going to
17 object to anything that she thinks they felt
18 like.

19 THE COURT: I sustain that.

20 BY MS. SALISBURY:

21 Q That's all right. We'll move along. During
22 that interview, did she describe to you her ages, any
23 benchmarks for when the abuse by her father took
24 place?

25 A She did. She believed that it started

1 around the age of 5 and started also when he resided
2 at Churchills at Pelham and continued to the Carlyle
3 apartments. She believe it stopped around 15 years of
4 age.

5 Q After finishing those interviews and
6 wrapping up their written statements and everything
7 that you did as a part of that day's investigation,
8 what did you decide to do next to advance your
9 investigation of the case?

10 A I investigated both of the apartment
11 complexes to confirm that he had resided in both of
12 these locations.

13 Q All right. Why does that help with the
14 investigation?

15 A It corroborates what our victims are
16 telling us. It shows that they were very truthful --

17 MS. MANIGAULT: Your Honor, I'll object to
18 the statement vouching for the victims.

19 THE COURT: Yeah. She didn't ask for that.
20 Go ahead.

21 THE WITNESS: Yes, sir.

22 BY MS. SALISBURY:

23 Q Based on what you learned from speaking
24 with those witnesses, were you able to develop or
25 acquire any documentation about the dates and times

1 during which the defendant lived at each of these
2 places?

3 A Yes, an approximate date and time.

4 Q Did you visit -- so did you first visit
5 Churchills at Pelham?

6 A I did.

7 Q And did you visit the Carlyle?

8 A I did.

9 Q All right. After acquiring whatever

10 documentation or learning the information from people
11 with whom you spoke with at those apartment
12 complexes, what happened next?

13 A Well, I learned that he resided at the
14 Churchills from possibly 2002 and 2006. They had been
15 sold to another management company. So the exact
16 dates may not be right according to --

17 MS. MANIGAULT: I have an objection. I need
18 to talk with the Solicitor for just one moment.

19 THE COURT: You all approach the bench.

20 (WHEREUPON, a bench conference is held off the
21 record.)

22 THE COURT: Go ahead.

23 BY MS. SALISBURY:

24 Q Detective, we'll just pick up where we left
25 off. After you spoke with the staff at the apartment

1 complex ---

2 A Yes.

3 Q --- what did you do next in the
4 investigation?

5 A I met with the youth pastor at Daughter Three
6 church.

7 Q Okay. Did you get a written statement from
8 him?

9 A I did.

10 Q And at any point -- well, before I get
11 ahead of myself there. Was there anything else to do,
12 in your opinion to further investigate the case?

13 A No. In cases where there's delayed
14 reporting, there's no crime scene to go back and
15 search physical evidence that may be on someone's
16 body that we do get a lot of times in sexual assault
17 cases. It's gone due to the delayed reporting. So in
18 this case, no, there was not anything further to
19 collect or investigate.

20 Q So just to be clear, was there any physical
21 evidence that you collected or that you had anybody
22 else collect during any part of the investigation?

23 A No.

24 Q All right. Did you ever take any
25 photographs of any scenes or injuries or anything

1 like that?

2 A No.

3 Q All right. And ultimately, based on --
4 after you completed your investigation, what did you
5 do?

6 A Uh, obtained warrants on Mr. Perry.

7 Q Did you do anything else after you secured
8 those warrants?

9 A Uh, I also spoke with the counselors who,

10 uh, conducted the forensic interviews, the medical
11 doctor. We all met in reference to this case.

12 Q Okay. Was there anything else that advanced
13 your investigation of the case after collecting all
14 those statements and speaking to all those potential
15 witnesses?

16 A No.

17 Q Okay. Thank you, ma'am. If you would,
18 answer any questions Ms. Manigault has for you.

19 CROSS-EXAMINATION

20 BY MS. MANIGAULT:

21 Q Could you, uh, -- is it investigator or
22 detective?

23 A Detective.

24 Q Detective?

25 A Yes, ma'am.

1 Q All right. Could you tell us -- I missed
2 the date that you were contacted initially by anybody
3 on this case.

4 A Yes, ma'am. It was May 15th, 2012.

5 Q And could you tell us the date of the
6 interview that you had with, I think, [REDACTED] Daughter Two

7 A Yes, ma'am. That was on May 31st, 2012.

8 MS. MANIGAULT: I have no further
9 questions, Your Honor.

10 THE COURT: Okay. Thank you very much. You
11 may step down.

12 THE WITNESS: Thank you.

13 MS. HODGE: Can we approach about a
14 scheduling issue?

15 THE COURT: Yeah.

16 (WHEREUPON, a bench conference is held off the
17 record.)

18 (WHEREUPON, State's Exhibit 1 is marked for
19 identification purposes.)

20 THE COURT: All right. Ladies and
21 Gentlemen, I told you about the three types of
22 evidence. You've seen oral testimony. I believe
23 the parties have reached a stipulation. I would
24 ask Ms. Hodge to publish that to you.

25 MS. HODGE: Thank you, Your Honor. This is

1 State's number 1. We would move to admit this
2 into evidence.

3 MS. MANIGAULT: No objection, Your Honor.

4 THE COURT: Okay.

5 (WHEREUPON, State's Exhibit 1 is admitted into
6 the record.)

7 MS. HODGE: This is JMG Realty to
8 Assistant Solicitor Kris Hodge. Attached are
9 four South Carolina apartment leases for

10 employee Wallace Steve Perry. The property
11 address, the Carlyle, 620 Halton Road,
12 Greenville South Carolina 29607. His first lease
13 date is November 16th, 2007 to November 30,
14 2008. The second lease, December 1, 2008 to
15 November 30, 2009. The third, December 1, 2010
16 to December 31, 2010. And the fourth, January 1,
17 2011 to December 31, 2011.

18 THE COURT: Okay. All right. Ladies and
19 Gentlemen, uh, we're going to break for the day.
20 This is a good time for scheduling purposes to
21 do that. I'm going to ask y'all to be back at
22 9:30 in the morning. You all see if I'm right or
23 not about wanting to talk about it, talk about
24 the case. If you're like me, I can't decide what
25 to have for dinner without discussing it.

1 So whoever you're going to see tonight,
2 they are going to want to talk to you about it.
3 They are not going to have been here. They're
4 not going to have heard my instructions. You
5 just have to very politely, but firmly tell them
6 you can not talk about it. I will tell you you
7 can not go online and do research. You can't go
8 visit the scenes. You can't do any of that. I
9 think you understand why.

10 You had to have been involved in some cases
11 outside of this jurisdiction where some of the
12 people got on some of this social media and
13 talked about it. Don't do any of that. Y'all
14 have a very pleasant evening. I'll see you back
15 in the morning. Thank you.

16 (WHEREUPON, the jury exits at approximately
17 4:47 p.m.)

18 **THE COURT:** All right. I understand we
19 have a motion.

20 **MS. MANIGAULT:** Yes, Your Honor. I have a
21 motion to require the disclosure of the alleged
22 victims' counseling records. I understand that
23 the State right now has plans to call a Bomar
24 Edmonds. The State revealed this morning to the
25 court that he was a therapist for either one or

1 both of the girls. I would like an opportunity
2 to review his files before he testifies.

3 THE COURT: All right. What's the State's
4 position?

5 MS. HODGE: Yes, Your Honor. We're in the
6 process of getting those. We did not provide
7 them in discovery because they are not
8 discoverable. But I have contacted the Advocacy
9 Center who was in the possession of the records.

10 Mr. Edmonds retired, I think about a year ago.
11 He doesn't personally have access. I had to
12 subpoena them from the CAC. They should be here
13 -- they might be here when I go back to my
14 office. Or I can email them to her tonight if I
15 get them afterhours.

16 THE COURT: Would you like them to be
17 emailed, Ms. Manigault?

18 MS. MANIGAULT: That's fine.

19 THE COURT: Or --

20 MS. MANIGAULT: If she has them, I can get
21 a copy of them now.

22 MS. HODGE: Yeah, we can check that now.

23 THE COURT: If not, I can give you time in
24 the morning to review it. You can not disclose
25 it to anybody else.

1 MS. MANIGAULT: I will not.

2 THE COURT: Anything else before we break?

3 MS. MANIGAULT: I don't think so.

4 THE COURT: Okay.

5 MS. MANIGAULT: Oh, yes, sir. Your Honor,
6 I'm asking that my client be allowed to stay out
7 on bond. As I indicated to the court earlier, he
8 has appeared for two years --

9 THE COURT: Okay. You don't have to repeat

10 it.

11 MS. MANIGAULT: And he --

12 THE COURT: Mr. Perry, I'll tell you this,
13 I'm going to allow you to stay out. If you don't
14 show up, I'm going to consider it contemptible.

15 MR. PERRY: Yes, sir.

16 THE COURT: So you make sure you're here
17 right on time.

18 MR. PERRY: Yes, sir. Not a problem.

19 THE COURT: Very good.

20 MS. HODGE: Not that there would be, but
21 no contact.

22 THE COURT: Absolutely. I'm sure that's
23 part of the bond.

24 MS. MANIGAULT: It is.

25 THE COURT: No contact directly or

1 indirectly.

2 MS. MANIGAULT: It is, Your Honor.

3 THE COURT: Okay. All right. Okay. See
4 everybody tomorrow.

5 (WHEREUPON, the Court recesses for the day at
6 approximately 4:49 p.m.)

7

P R O C E E D I N G S

(WHEREUPON, the Court resumes on the 2nd day of December, 2014 at approximately 9:44 a.m.)

THE COURT: Okay. You got something?

MS. MANIGAULT: Yes, sir. Two things. Uh, I handed up to the court and to the Solicitor two additional witnesses for the, uh, defense list of witnesses. Mr. Dushane who is the vice president of Churchills properties and Ms. Jami

Rosamond who was the manager of Carlyle apartments.

MS. HODGE: Your Honor, we would object to that. They weren't announced to the jury to see if anybody knew anyone. In addition, these are people that obviously are going to talk about time frames of when the defendant lived, staying at his apartments. That's what I'm assuming its for. And that information has been known to the defense from Day 1. It's all in the discovery. They stipulated to the letter that I sent probably a couple of weeks ago. It's not like it was a surprise yesterday that this lease came in with the dates that he lived there.

THE COURT: What's the reason for the delay?

1 **MS. MANIGAULT:** Your Honor, I talked with
2 the Solicitors. When I received the letter of
3 stipulation, I asked about the 2005 prior lease.
4 The information was that he lived there prior to
5 this date on these leases. He said that he
6 didn't have any way of getting that, uh, copies
7 of those lease. So we were able to contact, for
8 Carlyle, Ms. Jami Rosamond, last night to have
9 her come in this morning. That's why we are

10 adding her. Mr. Dushane will be testifying about
11 Daniel Riddle living with the defendant and
12 working for the property.

13 **THE COURT:** Well, why the delay?

14 **MS. MANIGAULT:** Your Honor, Ms. Rosamond
15 lives out of town.

16 **THE COURT:** How would you not know about
17 it before now? That's what I mean.

18 **MS. MANIGAULT:** We are not saying we didn't
19 know about it. We said that we informed the
20 Solicitor that we needed the information on
21 previous leases before 2007. The Solicitor said
22 they had no way of getting that because the
23 system -- the apartment complex changed the
24 system or something like that.

25 **MS. HODGE:** There is also the defense

1 opportunity to investigate the subpoena. We got
2 what we could get. If that actually is the
3 reason for the delay, they had been given all
4 the information as I said, from Day 1, in
5 discovery. There were dates in the officer's
6 police report about when the defendant
7 supposedly lived at these apartment complexes.
8 We followed up with the only one that we could
9 get documentation from. It's nothing new. It's
10 not a surprise.

11 THE COURT: Well, let me talk to the
12 lawyers for a second.

13 (WHEREUPON, a bench conference is held off the
14 record.)

15 (WHEREUPON, there is a pause.)

16 THE COURT: You've had enough time?

17 MS. MANIGAULT: Yes, sir.

18 THE COURT: All right. And, uh, well, I'm
19 going to ask the jury if they would know these
20 people and, uh, all the usual questions. Because
21 of the nature of the, from what I was told the
22 testimony would be, it's in the vein of
23 impeachment. I think I will allow it. I think to
24 do otherwise would not be appropriate.

25 Now, what about the proffer, proffer from

1 yesterday. I'm inclined to allow it. You've got
2 something you want to say about that?

3 **MS. MANIGAULT:** Yes, Your Honor. I would.
4 Of course, we object to the Lyle witness, Ms.
5 Brandy Newcomer. As I stated to the court
6 previously, Lyle is an exclusionary rule rather
7 than inclusionary. I would like to list case law
8 for the record.

9 **THE COURT:** Okay.

10 **MS. MANIGAULT:** The first case is People v.
11 Molineux, M-O-L-I-N-E-U-X. The cite is 168 N.Y.
12 264, 61 N.E. 286. This is a 1901 case that the
13 State of South Carolina has followed up until a
14 rule of State v. Lyles. However, Your Honor, we
15 believe that the exceptions of common plan and
16 scheme only applies or embraces the commission
17 of two or more crimes that are so related to
18 each other that the proof of one tends to
19 establish the proof of the other.

20 For example, the armed robbery or bank
21 robbery. There is an assault in that incident.
22 There is a stolen car. There is another crime
23 that has been committed. That is a pattern or a
24 scheme or part of the plan for that crime.

25 In this case, if the court allows this

1 witness to testify, this would be more
2 prejudicial than probative. My client should not
3 have to prove -- should not be allowed to bring
4 against my client his character to prove this
5 crime from prior testimony or from a prior
6 alleged incident. This merely raises the
7 presumption that he would have committed the
8 crime or have been more apt to have committed
9 the crime. It muddies the water for my client.

10 His defense then turns from the pressing
11 cases and have to go back to the prior bad act
12 that the court is allowing in allegedly from '93
13 or '94. It confuses the defense. It raises
14 issues. It diverts the attention of the jury
15 from the immediate case at hand. It is only
16 trying to show that my client -- it just creates
17 a serious prejudice, Your Honor. I think if the
18 court would weigh that, that my client deserves
19 the benefit of that testimony staying out.

20 I just want to read one thing from State
21 versus Tuffour, T-U-F-F-O-U-R, it's 364 S.C.
22 497, 2005 case. It says that the appellate
23 courts of this state have unwaiveringly adhered
24 to the rule of exclusion of prior bad act
25 evidence to show criminal compensity or that the

1 defendant is a bad person unworthy of
2 presumption of innocence. It says it bears
3 reminding that Lyle Rule 404(b) sets forth a
4 rule of exclusion and not inclusion.

5 Again, Your Honor, I believe that the
6 common plan and scheme idea deals more with the
7 charges that are current than with previous
8 behavior. For instance, to say that, as the
9 Solicitor stated that the -- this is a common

10 scheme and plan or pattern because of the prior
11 bad act happened to a stepdaughter, happened in
12 the home. This current charge happened to a
13 natural daughter and happened in the home.

14 Your Honor, that is just a part of a normal
15 or regular CSC charge. The facts or incidents
16 have been alleged. It happened somewhere. It
17 happened to people that may be, uh, -- the
18 person is familiar with, but it does not show a
19 pattern or a scheme or a plan.

20 Secondly, Your Honor, I submitted to the
21 court yesterday, uh, two letters from the
22 Solicitor's office in Spartanburg county. I'm
23 asking the Court to make that a court -- part of
24 the court's record. One letter said, uh,
25 regarding these charges that the prior witness,

1 Brandy Newcomer will testify about, those
2 records have been destroyed. There is no way I
3 can review the records to see what she is
4 saying, what she said to the court in the
5 proffer is what she said back in 1993, '94. The
6 Solicitor herself said that there was some
7 mental issues or whatever. I don't know what the
8 extent of that is.

9 The second prong of that, Your Honor, is my
10 client was allowed to go to pre-trial
11 intervention. I submitted a letter to the court
12 yesterday to show that the date of entry of
13 pretrial intervention charged in Spartanburg
14 county from 1993 and '94 and the date of
15 completion of pretrial. It would appear to me
16 that my client should be able to rely on the
17 fact that all that occurred with the consent of
18 the individuals back then and not be brought up
19 at a later date to try to hammer him or slam him
20 on the current charges.

21 We just don't believe that that is an
22 appropriate witness for Lyle. Your Honor, we ask
23 the Court to exclude that under any of the
24 exceptions. I don't think it fits under any of
25 the exceptions that's listed in the cases.

1 And as far as State versus Wallace, Your
2 Honor, Justice Pleicones did the dissent.

3 **THE COURT:** Justice Pleicones did a
4 dissent? Okay.

5 **MS. MANIGAULT:** One of the justices. Either
6 way, Your Honor, we think that Wallace is bad
7 case law. We believe that the decision of
8 Wallace is unconstitutional and we challenge
9 that also.

10 **THE COURT:** So you are arguing against
11 precedent?

12 **MS. MANIGAULT:** That was one case. It may
13 turn around, but we are arguing against that. We
14 believe that it's unconstitutional to allow
15 prior bad acts in to prove the current charge..

16 **THE COURT:** Okay. Anything from the State?

17 **MS. HODGE:** I think the court is bound by
18 precedent. I would ask that you follow the
19 precedent of Wallace. It was actually a case
20 that I tried. I know that case fairly well.

21 In addition, there's been a recent case
22 coming up at Court of Appeals. In this instance,
23 it was an interlocutory appeal. The State versus
24 Wayne McCombs where the trial court excluded
25 Lyle evidence and Court of Appeals came back and

1 reversed that and cited to Wallace specifically
2 for the reasons to let it in. Again, the State
3 feels this is common scheme or plan evidence
4 which makes it inclusive and, to the State's
5 case, that's its relevant. It is more probative
6 than unfairly prejudicial.

7 THE COURT: Okay. One -- I just have one
8 question. You brought up the, uh, mental health
9 issues. Can you expound on that?

10 MS. HODGE: I was asking her about what
11 kind of, how she's been affected since the
12 abuse.

13 THE COURT: Just the --

14 MS. HODGE: It was more of -- yes. Having
15 to go through therapy and treatment. Similar to
16 the victims in this case.

17 THE COURT: All right. So there's no --

18 MS. HODGE: There's nothing as to
19 competency of the witness. No.

20 THE COURT: Okay. All right. Well, I'm
21 going to find that the State has shown the prior
22 bad act by clear and convincing evidence that it
23 is probative. It does fit under the 404(b)
24 exception and I'm going to allow it.

25 MS. HODGE: Thank you, Your Honor.

1 **THE COURT:** All right. Anything else
2 before we start?

3 **MS. HODGE:** One other thing. I don't know
4 if Mr. Edmonds is here. Do you want to proffer
5 his qualifications first? Is that something we
6 should do before we bring the jury in? We only
7 have three witnesses and he's one of them. I
8 didn't know if you wanted to bring them in for a
9 short witness and send them out and bring them
10 back in.

11 **THE COURT:** Did you have an opportunity to
12 review the records?

13 **MS. MANIGAULT:** Half of them, Your Honor. I
14 would like to proffer his testimony if possible.

15 **THE COURT:** You want to do it now?

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

17 **THE COURT:** Okay. Just tell the jury we
18 are taking care of some issues. If they need to
19 step outside or whatever.

20 Okay.

21 **MS. HODGE:** Mr. Edmonds, if you would come
22 on up.

23 **THE CLERK:** If you would, please pause at
24 the end of the bench. Please place your left
25 hand on the Bible and raise your right hand.

1 Left hand on the Bible. Sir, left hand on the
2 Bible. Left hand. Thank you.

3 **BOMAR EDMONDS**

4 having first been duly sworn, testifies as follows:

5 **THE CLERK:** Thank you. Please be seated.
6 Would you please state your name for the record.

7 **THE WITNESS:** My full name is Thomas Bomar
8 Edmonds Junior..

9 **THE CLERK:** Thank you, sir.

10 **DIRECT EXAMINATION**

11 **BY MS. HODGE:**

12 **Q** Mr. Edmonds, what has been your occupation
13 in life?

14 **A** I am a clinical social worker.

15 **Q** And tell us about your educational
16 background.

17 **A** I have a Masters in Social Work from the
18 University of Georgia.

19 **Q** Tell me about what your work experience has
20 been.

21 **A** I worked at the Spartanburg Mental Health
22 Center for 26 years. I retired with 30 years state
23 service. Then I developed a private practice. I
24 taught behavioral science to family practice doctors,
25 did insurance work for managed care psychotherapy and

1 also contracted with the Children's Advocacy Center
2 for treating children who had been sexually abused.

3 Q And how many years had you been treating
4 children who had been sexually abused?

5 A I finished graduate school in 1969. This
6 will be my 45th year. I saw children who were
7 sexually abused all through that period of time. More
8 emphasis in the last six to eight years that I've
9 contracted with the Children's Advocacy Center.

10 Q And do you know approximately how many
11 clients? Do you have a count or a ballpark of how
12 many clients you have counseled?

13 A Uh, it would have to be in the hundreds. If
14 I saw maybe five a year after 45 years, that would be
15 225.

16 Q While you were -- have you retired?

17 A Yes, I'm retired, but I do voluntary
18 psychotherapy with adults.

19 Q In fact, have you still been in contact or
20 providing some therapy to ^{Daughter Two} [REDACTED] and ^{Daughter Three} [REDACTED]?

21 A I saw them -- I was having some anxiety
22 regarding court hearings. I worked with them relating
23 to relaxation.

24 Q While you were actively practicing and
25 practicing treating children for sex abuse, did you

1 keep up with current articles, journals, publications
2 that dealt with those topics?

3 A I would read articles that were in the
4 Journal of Social Work and the Journal of Clinical. I
5 attended seminars and trainings.

6 Q Have you ever been qualified as an expert
7 in court in the treatment of children who have been
8 sexually abused?

9 A Yeah.

10 Q Which courts have you been qualified in?

11 A General Sessions and Spartanburg and
12 Spartanburg Family Court and Union Family Court.

13 Q Would you like some water?

14 A Oh, that would be nice.

15 Q I'll get one from here. What type of
16 treatment do you generally use or what type model do
17 you use when you are treating children who had been
18 sexually abused?

19 A Standard practice for children who had been
20 sexually abused, trauma focused cognitive behavioral
21 therapy.

22 Q All right. Need a sip before I ask you
23 another question? Does that type of therapy require
24 specialized training on your part to know how to
25 administer that?

1 A Yes, it does.

2 Q Has that therapy method been studied and
3 utilized by professionals in the field?

4 A It's been numerous comparative studies.
5 It's considered the best practice. For one, that is
6 what's well known here in South Carolina is Project
7 Best that's developed by the Medical University of
8 South Carolina and the leadership of Dr. Ben Sanders,
9 the Department of Psychiatry.

10 Q Yes, sir. Did you -- were you a part of
11 trauma focus cognitive behavioral therapy prior to
12 Project Best or did you go through Project Best?

13 A Well, I went through Project Best but
14 trauma focus, cognitive behavioral therapy really is
15 an amalgamation of a number of therapies that I have
16 been doing through the years. But I thought it was a
17 stroke of genius that they came up with putting them
18 all together to treat troubled children.

19 Q During the course of treating children that
20 have been sexually abused, are you familiar with the
21 various dynamics that come into play in those kinds
22 of cases?

23 A Yes, ma'am.

24 Q All right. Things such as, uh, delay and
25 disclosure of abuse?

1 A Yes.

2 Q Or piecemeal or partial disclosures?

3 A Yes.

4 Q All right. Or trauma that occurs because of
5 disclosure or after disclosure?

6 A Yeah, sometimes disclosure can be the worse
7 part. Sometimes they lose the caretaker parent. They
8 lose income. They lose their places of residence.
9 Sometimes the parent. Sometimes DSS assumes that the

10 nonoffending parent has done something wrong or
11 failed to protect. Sometimes they take that parent
12 away from the child and require some kind of
13 training.

14 Q Did you ever participate in training any
15 nonoffending caregivers? Did you do any therapy for
16 that?

17 A Say that again?

18 Q Did you ever participate or lead the
19 nonoffending caregivers groups?

20 A No, I never lead any groups.

21 Q And you do family therapy, individual
22 therapy?

23 A Yes, family counseling. Daughter Two Daughter Three

24 Q And you counseled [REDACTED] Jones and [REDACTED]
25 Perry?

1 A Yes, ma'am.

2 MS. HODGE: All right. As far as his
3 qualifications and to what extent we would ask
4 him to be qualified as an expert witness, that's
5 all the questions I have.

6 CROSS-EXAMINATION

7 BY MS. MANIGAULT:

8 Q Mr. Edmonds, you said you retired. When did
9 you retire?

10 A When did I retire?

11 Q Yes, sir.

12 A End of January of this year.

13 Q What kind of requirements -- were there any
14 requirements that you were to maintain as a clinical
15 social worker?

16 A Have to have 40 hours of continuing
17 education.

18 Q And you maintained that for a period of 45
19 years?

20 A I was just relicensed for two more years,
21 until December 2016.

22 Q Okay.

23 A 2016.

24 Q All right. Now, what kind of special
25 training -- the titles were so long I couldn't catch

1 the special training that you have had to work with
2 the Children's Advocacy Center.

3 A Years ago, I went to Tulane University and
4 took courses, some courses in behavior. I've gone to
5 Smith College and done summer work in treating
6 children. I've gone to seminars with the Child
7 Advocacy Center, National Child Advocacy Center in
8 Huntsville Alabama. I went to the national training
9 for the American Association with Professions with

10 Child Abuse. I've gone to the USC Upstate Child
11 Advocacy Studies and then the University of Georgia.
12 I go to the annual training with Spartanburg Regional
13 for Domestic Violence.

14 Q And all of that is within the 40 hour CE
15 units?

16 A Yes.

17 Q And I believe you testified that your
18 concentration for your last six or seven years with
19 the Children's Advocacy Center was with children sex
20 abuse, sexual abuse?

21 A That's right. Daughter Two Daughter Three

22 Q You testified that you saw [REDACTED] and [REDACTED]
23 October 9th of what year?

24 A Of this year.

25 Q That's for anxiety with court hearings?

1 **A** Yes.

2 **Q** Thank you.

3 **THE COURT:** How many times have you been
4 qualified as an expert?

5 **THE WITNESS:** In General Sessions court,
6 about three or four times. In Family Court,
7 numerous times.

8 **THE COURT:** Okay. What were you -- in what
9 field were you qualified as an expert?

10 **THE WITNESS:** Clinical social work. And I
11 was considered an expert in child therapy and
12 sexual abuse.

13 **THE COURT:** Okay. All right. Any other
14 questions?

15 **MS. HODGE:** No, sir. We would move to
16 admit him as an expert in the treatment of child
17 sex abuse and child sex abuse dynamics.

18 **THE COURT:** Yes?

19 **MS. MANIGAULT:** I would object to that,
20 Your Honor.

21 **THE COURT:** On what basis?

22 **MS. MANIGAULT:** He said that he was
23 qualified as a clinical social worker. He didn't
24 say for sexual dynamics.

25 **THE COURT:** What are you proffering the

1 testimony for? If he only saw them in October --

2 MS. HODGE: No, sir. He saw them for over
3 a year. That's just his most recent. He
4 counseled them after they disclosed.

5 THE COURT: Okay. When did you start
6 seeing these women?

7 THE WITNESS: I started seeing them in
8 August, actually August the 14th, 2012. I saw
Daughter Three
9 [REDACTED] through April the, uh, 16th of 2013 and
Daughter Two

10 [REDACTED] through April the 23rd of 2013. So I saw
11 them about 24 times. They were having some
12 recent anxiety and requested they be seen. So I
13 agreed to come back and see them on one session
14 again.

15 THE COURT: All right. And what's the
16 testimony going to be?

17 MS. HODGE: Your Honor, the testimony
18 would be regarding did they present with -- did
19 they disclose sexual abuse under the time and
20 place exception, did they have symptoms of
21 trauma that are consistent with children who
22 have been sexually abused and then for him to
23 educate the jury about delayed disclosure. One
24 of the most common questions jurors have when
25 they are why didn't they tell, why don't they

1 tell. It requires someone with knowledge beyond
2 the scope of the ordinary person to explain to
3 them there are several dynamics at play. That
4 would be what we would ask him.

5 THE COURT: All right. Those three --
6 other than your general objection, you object to
7 the three areas that they intend to proffer his
8 testimony?

9 MS. MANIGAULT: We only object to two of
10 the areas, the dynamics of when they disclosed
11 sexual abuse. I have to wait and see what the
12 testimony is going to be before I can lodge an
13 objection to that. But the other two, I
14 understand that they are --

15 THE COURT: Okay. I'm going to qualify
16 him. I'll do it in front of the jury. I assume
17 you want to do that.

18 MS. HODGE: Yes, sir. Yes, sir.

19 THE COURT: All right. If you would, take
20 your seat back. All right. Is the jury back in?

21 THE BAILIFF: Yes, sir.

22 THE COURT: Are y'all ready or you need --
23 you ready to go?

24 MS. HODGE: Yes, sir. We're ready.

25 MS. MANIGAULT: Yes, sir.

1 **THE COURT:** Very good.

2 (WHEREUPON, the jury enters at approximately
3 10:22 p.m.)

4 **THE COURT:** All right. Ladies and
5 Gentlemen, welcome back. Thank you for your
6 patience. I do want to ask, I had omitted two
7 names in the -- when I was qualifying you to
8 serve yesterday with potential witnesses. So I
9 would like to know if anyone has a business,

10 social or personal relationship with Arrie
11 Dushane or Jami Rosamond. Anybody?

12 (No response.)

13 Okay. Thank you very much.

14 All right, Ms. Hodge.

15 **MS. HODGE:** Thank you, Your Honor. Ms.
16 Salisbury.

17 **MS. SALISBURY:** May it please the Court,
18 Your Honor. The State would call Dr. Nancy
19 Henderson. Dr. Henderson, if you would, come up
20 and be sworn.

21 **THE CLERK:** Ma'am, if you would, please
22 place your left hand on the Bible and raise your
23 right hand.

24 **NANCY HENDERSON**

25 having first been duly sworn, testifies as follows:

1 **THE CLERK:** Thank you. Please be seated.
2 Please state your name for the record.

3 **THE WITNESS:** Nancy Ann Henderson.

4 **THE CLERK:** Thank you.

5 **DIRECT EXAMINATION**

6 **BY MS. SALISBURY:**

7 **Q** Dr. Henderson, what kind of doctor are you?

8 **A** I'm a pediatrician.

9 **Q** And where do you currently work?

10 **A** I work for Greenville Health System.

11 **Q** Could you tell the jury a little bit about
12 your educational background.

13 **A** Sure. I did my undergraduate work at Wake
14 Forest College of Pharmacy and graduated in 1980 with
15 a BS in Pharmacy. I then attended Bowman Gray School
16 of Medicine in Winston-Salem, North Carolina and
17 graduated in 1984 with my medical degree. I then went
18 to TCThompson Children's Hospital and did a three-
19 year pediatric residency. And I became board
20 certified in General Pediatrics. And then moved to
21 South Carolina where I'm licensed as a physician here
22 and subsequently became sub-boarded in the area of
23 Child Abuse Pediatrics, which is a relatively new
24 sub-specialty in 2009.

25 **Q** And how long have you been practicing as a

1 pediatrician?

2 A I've been practicing since I graduated from
3 finishing my residency.

4 Q How -- over the years, approximately how
5 many patients do you think you've treated or examined
6 as it relates to your specific focus in pediatrics?

7 A Initially, when I moved here to South
8 Carolina, I was working parttime. Some of that was in
9 the area of general pediatrics. As the career became

10 more specialized, I'm working for the last five years
11 fulltime in the area -- I probably see about 2 to 250
12 children related to the area of child abuse.

13 Q Do you have any particular specialized
14 training as it relates to this field of child abuse
15 examination?

16 A Yes, as I was mentioning, there in 2009,
17 the Academy of Pediatrics set up a sub-board to
18 become certified in. And to be able to sit for that
19 board, you had to have at least 50 percent of your
20 practice over a five-year period prior to registering
21 to qualify. Then I had to take an exam, a four-hour
22 exam which has to be recertified every 10 years. The
23 same as in with general pediatrics, that has to be
24 recertified every 10 years as well.

25 Q Now, does that specialization include the

1 physical abuse and sexual abuse?

2 A Yes, it is the entire area of child abuse
3 and neglect. It includes sexual abuse, physical
4 abuse, neglect as well.

5 Q You testified that you've seen between 200
6 and 225 clients. Is that each year?

7 A Yes.

8 Q And how many years do you believe you've
9 been operating at that level of examination?

10 A I would say for, uh, the last five years,
11 it has been at that level since we started doing
12 inpatient and outpatient work as well.

13 Q Just to be clear, are those examinations
14 physical examinations that you conducted of these
15 children who allege abuse of some kind?

16 A Yes, ma'am.

17 Q Now, have you ever been qualified as an
18 expert in a court in the field of either child sexual
19 abuse or child sexual assault?

20 A Yes. Usually, it's either in the area of --
21 it's usually just qualifying in child abuse and
22 pediatrics.

23 Q And which courts have you been qualified as
24 an expert?

25 A Both in General Sessions and in Family

1 Court. I work at the Advocacy Center up in
2 Spartanburg as well as the one here in Greenville. I
3 see children in Cherokee, Union county, as well as
4 Spartanburg. I've been in their courts, as well as
5 here in Greenville, Pickens, Anderson. So I've been
6 qualified in both Family and General Sessions court
7 in all of those counties.

8 Q Can you estimate about how many times
9 you've qualified?

10 A Probably in court maybe about two times a
11 month. I've received a lot more subpoenas than that.
12 But usually about two times a month, I've appeared in
13 court related to patients I see.

14 MS. SALISBURY: Okay. Your Honor, at this
15 time, the State moves to have Dr. Henderson
16 qualified as an expert in the field of pediatric
17 medicine and the field of child assault -- child
18 sexual assault examinations.

19 THE COURT: You have any objections?

20 MS. MANIGAULT: No.

21 THE COURT: Okay. So qualified.

22 MS. SALISBURY: Thank you, Your Honor.

23 BY MS. SALISBURY:

24 Q Back in 2012, did you have an occasion to
25 conduct examinations of, in this case, Ms. [REDACTED] Daughter Three

Daughter Two

1 Perry and [REDACTED] Jones?

2 A Yes, I did.

3 Q All right. Where did this actual
4 examination take place?

5 A Those examinations occurred at the
6 Children's Advocacy Center in Spartanburg.

7 Q Do you remember who was with each of those
8 girls at the time of the examination?

9 A Their mother.

10 Q And as best you can recall, what was the
11 reason that they arrived at the Advocacy Center to
12 participate in this examination?

13 A There were concerns of allegations of
14 sexual abuse and they were referred from law
15 enforcement for a medical examination.

16 Q All right. Any time a child either comes to
17 you or is brought to the Advocacy Center for the
18 purpose of undergoing an examination of any kind,
19 what are the steps that you take?

20 A Okay. So typically what happens is I have a
21 child life specialist that works with me. She usually
22 brings the, uh, child adolescent back along with, uh,
23 the person that they are brought there with. She goes
24 over the exam with them to let them know what's going
25 to happen. A lot of times, especially in younger

1 children, she helps to make sure what their body part
2 names are. She goes over that.

3 Then, uh, I will go back and talk with the
4 parent or guardian to find out past medical history
5 since they are not previous patients of mine. Then I
6 typically talk with the child by themselves to have
7 an understanding what may have happened, what
8 concerns or symptoms they may be having related to
9 their body and then offer them the opportunity to

10 have whoever they would like to during the actual
11 physical examination which includes a head to toe
12 examination.

13 I use a copascope, which is a device that
14 just allows for magnification of the genital area and
15 allows for photo documentation. They get to see that.
16 And then decide what tests, if needed, to check for
17 sexually transmitted infections. Allow the child to
18 dress. And then bring them back in, discuss the
19 findings and decide what would be the appropriate
20 follow up.

21 Q Did you follow that same procedure when
22 examining each of the victims in this case?

23 A Yes, I did.

24 Q Okay. Do you recall what background
25 information you gathered from the victim's mother,

1 Laura Jones, before you began your examination? What
 2 was pertinent to your diagnosis and your examination?
 3 A I have my records. Would it be okay if I --
 4 Q If that would help refresh your memory, you
 5 can certainly consult those.
 6 A With regard to [REDACTED], she had had a
 7 history of ADD in the past. Not presently on any
 8 medicines. She was a good student. In the 11th grade
 9 at the time. And was having some problems with some
 10 diarrhea with meals. Those were symptoms that mom had
 11 shared related to her. Daughter Two
 12 With regard to [REDACTED] --
 13 Q That's okay. I'll stop you right there.
 14 Let's just focus on [REDACTED] at this point. So with
 15 respect to [REDACTED], after you spoke with the girls'
 16 mother about that relevant information, did you then
 17 speak to [REDACTED], yourself?
 18 A Yes, I did.
 19 Q Did she give you any information that was
 20 relevant to your diagnosis and your examination?
 21 A She had shared about what had happened to
 22 her.
 23 Q Okay. Did she describe to you what exactly
 24 happened?
 25 A Yes, she did.

1 Q What information did she relate to you?

2 A She had said --

3 MS. MANIGAULT: Your Honor, I don't know
4 where these questions are headed. If she's
5 asking a general question of what information
6 the alleged victim related to regarding what
7 happened, I am objecting. It goes beyond time
8 and place.

9 THE COURT: Re-ask the question.

10 MS. SALISBURY: I understand, Your Honor.

11 I'll try to ---

12 THE COURT: Okay.

13 MS. SALISBURY: --- rephrase the question.

14 THE COURT: All right.

15 BY MS. SALISBURY: Daughter Three

16 Q With respect to what [REDACTED] shared with you
17 before you began your examination, did she indicate
18 to you when the events that she described took place?

19 A Yes, she did.

20 Q What did she share with you about when
21 these events took place?

22 A She said it happened between the ages of 10
23 and 13.

24 Q Did she describe to you where these events
25 took place?

1 A Uh, no, she did not.

2 Q And what exactly did you learn about --
 Daughter Three
 3 learn from [REDACTED] her purposes of beginning your
 4 examination? What did she share with you that was
 5 relevant to you deciding how to conduct this
 6 examination?

7 A She shared about the abuse and what that
 8 consisted of to me.

9 Q And how did that -- what did you decide to
 10 do for purposes of your examination after learning
 Daughter Three
 11 that information from [REDACTED]?

12 A Well, based on that information -- I'd even
 13 add in general I did what I had mentioned before full
 14 head to toe physical exam and also did some tests
 15 related to concerns for sexually transmitted
 16 infections.

17 Q Okay. Well, moving specifically to your
 Daughter Three
 18 examination of [REDACTED], based on what you learned from
 19 her about what she described happened, what were you
 20 looking for?

21 A When I do my exam, I'm really looking for
 22 everything. I'm looking for general medical problems.
 23 I'm looking for, uh, any injuries. Sometimes I see
 24 children that have self-inflicted injuries, scars,
 25 things like that, other types of abuse may be evident

1 on the exam, other medical problems as well. And I'm
2 also looking specifically at the genital area looking
3 for any kind of tears, scars, discharge and things
4 like that.

Daughter Three

5 Q Based on what [REDACTED] shared with you about
6 the particular sexual assault that she experienced,
7 what were you looking for?

8 A I was looking for all of those things.

Daughter Three

9 Q Okay. Based on what [REDACTED] shared with you,

10 did you expect to find any indications of injury?

11 A It would have been very unlikely based on
12 the information that she had shared to find anything
13 on the exam.

14 Q Why?

15 A Well, for a number of reasons. At the time
16 that I saw her, she was 16. The incidents had
17 happened at least three years prior. So the genital
18 area has incredibly good blood supply and even small
19 tears or even larger tears can heal very, very
20 quickly. So with there being years delay between the
21 last incident and the time of the exam, it would make
22 it unlikely to find something on the exam. Another
23 reason that what she had shared happened often never
24 finds any evidence on exam. So even if I had seen her
25 earlier, the likelihood of seeing a trauma, permanent

1 trauma related to that is extremely uncommon.

2 Q After conducting -- what were the findings
3 of your examination?

4 A She had a little bit of discharge. Because
5 of that, we went and had her tested for sexually
6 transmitted infection, which was negative, and the
7 rest of her exam was normal.

8 Q And what is -- what does normal mean?

9 A Normal means that there were no tears, no
10 scars, uh, and there were no specific findings on her
11 exam that in and of itself would have linked to
12 allegations of abuse. But in light of what she had
13 shared with me and, as I mentioned, finding a normal
14 exam is something quite common and not surprising in
15 this particular case.

16 Q So in your opinion, were your findings
17 consistent with Daughter Three [REDACTED] having experienced sexual
18 abuse?

19 A Yes.

20 MS. MANIGAULT: Your Honor, I object to
21 that. It goes beyond -- it's improper voucher by
22 the witness.

23 THE COURT: I think she testified that
24 your findings were consistent. So I -- it's
25 close, but I'm going to overrule your objection.

1 MS. SALISBURY: Thank you, Your Honor.

2 BY MS. SALISBURY: Daughter Three

3 Q With respect to [REDACTED], what were your
4 specific recommendations in terms of her treatment
5 and moving forward after the examination?

6 A Well, we're still waiting -- at that point,
7 we're still waiting on the results of the cultures.
8 So it's going to follow up with that, which
9 ultimately were negative. Certainly no contact with

10 the person that they had talked about -- she had
11 talked about doing this to her. Participate in
12 counseling and then at the Advocacy Center. We always
13 staff these cases with the people involved, law
14 enforcement, DSS, to come to the table and share what
15 our findings were and also recommended that as well.

16 Q Let's move to your examination of [REDACTED]. Daughter Two

17 A Yes.

18 Q Did you conduct that examination the same
19 day?

20 A Yes, ma'am.

21 Q All right. And did you gather information
22 Daughter Two from [REDACTED] before beginning the actual medical
23 examination?

24 A Yes, I did.

25 Q And how did she describe the injury as you

1 prepared to conduct your examination? I'm sorry. Not
2 the injury but the specific allegations.

3 A She shared with me about what had happened,
4 when it happened. She also shared that it happened
5 between the ages of 5 to 7 and the last incident was
6 at 16.

7 Q Did she indicate to you where any of this
8 particular abuse happened?

9 A She did not.

10 Q Now, after gathering the information from
11 Daughter Two [REDACTED], did you begin your actual physical examination
12 of her?

13 A Yes, I did.

14 Q And what were the findings of Daughter Two
15 examination?

16 A She, as well, had a normal examine.

17 Q And normal, as you described, with respect
18 Daughter Three to [REDACTED] in the sense that there were no injuries,
19 no scars of any kind?

20 A No injuries, scars. She did have discharge
21 as well. I did testing for sexually transmitted
22 infections, checked her urine, urine culture to make
23 sure there were no infections there. They also came
24 back negative.

25 Q All right. Based on what Daughter Two [REDACTED] described to

1 you with respect to the abuse that she experienced,
2 did you expect to find any injuries to Daughter Two [REDACTED]

3 A A normal exam would be quite common almost
4 the majority of time with those type of allegations.
Daughter Two

5 Q And with respect to [REDACTED] were your
6 findings during that examination consistent with the
7 possibility that she had also experienced sexual
8 abuse?

9 A Yes, a normal exam would be consistent with
10 those types of findings, with those allegations that
11 she had made.

12 Q Is that the case even with long-term abuse
13 that is alleged to have occurred over several years?

14 A Yes. As I said, even if we had seen that
15 child right after at age 16 when that was -- at that
16 last incident, it is very uncommon to see findings,
17 actual medical findings on exam even if they had gone
18 on for years.

19 Q And what were your specific findings of
Daughter Two
20 recommendations with respect to [REDACTED]'s treatment?

21 A Well, the findings were as same as for her
22 sister, no contact with the alleged perpetrator for
23 her to continue with counseling which is extremely
24 important on follow up with the cultures that were
25 done, which were negative..

1 Q Now, during your entire encounter with each
2 of these girls, do you remember noting any particular
3 behavioral problems or behavioral issues with respect
4 to either of these victims? Daughter Two

5 A Well, I think with [REDACTED] there were some
6 concerns of depression. Both of the girls had been
7 overweight. There was often some connection with
8 that. Not necessarily. So one of the girls had been
9 fairly angry. And all of those kind of emotions had
10 been fairly common with these type of concerns.

11 Q All right. Thank you, Doctor. If you would,
12 answer any questions Ms. Manigault has.

13 MS. MANIGAULT: I have no questions, Your
14 Honor.

15 THE COURT: All right. Thank you, ma'am.
16 You may step down.

17 Release her from her subpoena?

18 MS. SALISBURY: The State would like to
19 release her.

20 MS. MANIGAULT: No objection.

21 THE COURT: Okay. All right. Call your
22 next witness.

23 MS. SALISBURY: May it please the Court.
24 The State calls Ms. [REDACTED] Daughter One Perry. I apologize.
25 [REDACTED] Daughter One Jones. If you would, please come up and be

1 sworn.

2 THE CLERK: Ma'am, if you will, please
3 your left hand on the Bible and raise your right
4 hand.

5 Daughter One
6 ■ JONES

7 having first been duly sworn, testifies as follows:

8 THE CLERK: Thank you. Please be seated.

9 Please state your name for the record.
Daughter One

10 THE WITNESS: ■ Lynn Jones.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MS. SALISBURY:

14 Q Ms. Jones, how old are you?

15 A I'm 20 years old.

16 Q Generally speaking, where do you live?

17 A Spartanburg.

18 Q Are you still in school?

19 A Yes, ma'am.

20 Q Where do you go to school?

21 A Spartanburg Community College.

22 Q And how are you related to the witnesses
Daughter Three

23 that we've met so far, Ms. ■ Perry and Ms. ■ Daughter Two
Jones?

24 Daughter Two Daughter Three

25 A ■ Jones is my twin sister and ■

Perry is my younger sister.

1 Q Now, we've heard from each of your sisters
2 about their recollection of their childhood
3 experiences. I just want to get right into what you
4 remember. Can you tell me -- can you tell the jury a
5 little bit about your memories as a child when your
6 parents separated?

7 A I remember just like them. I remember my
8 mom and dad separating. I'm not good with years or
9 time. So I don't really remember the time. I know it
10 was before I had started school. They always had a
11 good friendship. The never argued over us or
12 anything. It was just kind of an agreement. We stayed
13 at mom's during the week and left on Fridays to go to
14 my dad's house and then we return on Sundays.

15 Q Is that the arrangement, basically every
16 weekend as best you can remember?

17 A Yes, ma'am.

18 Q And do you have any specific memories about
19 where you visited your father on those weekends?

20 A Just his apartments.

21 Q Do you remember where those apartments
22 were?

23 A The first one -- I don't remember the
24 names. Churchill at East maybe. Then we moved to the
25 -- which was the first apartments on -- I think it's

1 East Main Street maybe. It's something. I get
2 confused. It's over there near the BiLo and the
3 Blockbuster. Those were the first apartments. The
4 second apartments were on Pelham Road near Bruster's
5 and Publix. The third were the Carlyle apartments on
6 Halton Road. And the last apartment complex was in
7 Columbia.

8 Q Okay. Now, do you remember with respect to
9 -- let's start back as early as you can remember what
10 the sleeping arrangements were like when you visited
11 your father?

12 A Well, as early -- as early as I can
13 remember, we did share a room -- well, the first
14 place we lived, which was behind the Blockbuster, we
15 slept on an air mattress in the living room. We'd eat
16 in the kitchen on like a cardboard box or something.
17 I'm not sure. Those are the earliest memories I have
18 because I was so young then. When we moved to the
19 second apartments, I'm not sure where I slept. I
20 believe it was on the air mattress as far as I could
21 remember. Then, at the Carlyle, I always slept on the
22 couch.

23 Q When you visited, uh, at your father's
24 apartment on the weekend, who would be with you?

25 A My brother, my twin sister and my younger

1 sister.

2 Q Would all four of you share a bed?

3 A No. In the Car -- are you talking about the
4 Carlyle?

5 Q No, let's start earlier than that.

6 A Okay.

7 Q As far back as you can remember, what are
8 the -- what were the specific sleeping arrangements?
9 Like, where were everybody...

10 A Uh, the earliest I remember, we all did
11 share air mattress.

12 Q The four kids?

13 A I'm not 100 percent sure on ■. I believe
Daughter Three Daughter Two
14 he also shared. But I know ■, ■ and I did.

15 Q So the three girls shared this air
16 mattress?

17 A Yes.

18 Q All right. Now, moving forward to the
19 Carlyle, was that arrangement different?

20 A Yes.

21 Q How was it different? Daughter Two

22 A My brother and my dad shared a room. ■
Daughter Three
23 and ■ shared a room and I slept on the couch.

24 Q Why?

25 A Cause there was never room for me in the

1 bed is what was said.

2 Q Did you always start out sleeping on the
3 couch or is that something that happened that you
4 found you didn't have room during the night?

5 A It was kind of like a gradual thing at the
6 Carlyle. I remember there would be mornings where my
7 dad would say [REDACTED] had restless leg syndrome and his
8 legs would shake at night. So he would come in our
9 room and lay down with us and he would send me to the
10 couch.

11 Q Was that a frequent occurrence?

12 A Yeah. Yes, ma'am.

13 Q And so eventually, did you just start
14 sleeping on the couch from the outset?

15 A Yes.

16 Q Now, did you ever refuse to leave the bed?

17 A There is one incident that I do remember. I
18 must have fallen asleep in there watching TV. It was
19 not normal for me to sleep in there with them. It was
20 early, early in the morning. It had to be maybe 5:00
21 or 5:30. It was really early. My dad had come in
22 there to lay down. He told me to go to the couch. I
23 just would not wake up. I was tired. So he then woke
24 every one of us up, including my brother. He made us
25 sit up.

1 Q Now, during those times when you would be
2 at your father's apartment, any one of those
3 apartments, did you ever see anything happening
4 between him and your sisters?

5 A No.

6 Q Did you ever hear anything?

7 A No.

8 Q Now, what was your relationship like with
9 him growing up?

10 A I don't think we had a good relationship. I
11 always felt like I was never good enough. I felt like
12 he loved everyone more than me. Nothing I ever did
13 could amount to any one of my brother or sisters.

14 MS. MANIGAULT: Your Honor, I'm objecting
15 to this. It's irrelevant.

16 THE COURT: Yeah, what's the relevance?

17 MS. SALISBURY: Your Honor, it may not be
18 appropriate for me to respond.

19 THE COURT: Okay. Well, I'll tell you
20 what, let's take a short break, Ladies and
21 Gentlemen. Don't talk about it. We'll get back
22 with you very soon.

23 (WHEREUPON, the jury exits at approximately
24 10:49 a.m.)

25 THE COURT: What's the relevance?

1 **MS. SALISBURY:** Your Honor, it's my
2 understanding that Ms. Jones is prepared to
3 testify that she was treated differently than
4 her sisters which, of course, suggests that she
5 wasn't being sexually assaulted by her father.
6 If he expressed favor to the victims in this
7 case and treated this witness differently, then
8 that certainly supports the State's theory of
9 the case that while those two victims were being

10 assaulted, this daughter was being treated
11 differently because she wasn't his favorite from
12 a sexual prospective.

13 **THE COURT:** Ms. Manigault?

14 **MS. MANIGAULT:** Your Honor, that's beyond a
15 stretch. It is immaterial. It is irrelevant.
16 There is nothing in the information and
17 discovery that says that she was treated
18 differently. There's no information to that at
19 all. This is just popping up somehow from
20 somewhere. I'm still objecting. It's irrelevant.
21 It's immaterial. The doctor testified that all
22 the girls were --

23 **THE COURT:** Trying to prove the rape by
24 extrinsic evidence, right?

25 **MS. MANIGAULT:** Sir?

1 **THE COURT:** Trying to prove the abuse by
2 extrinsic evidence. Am I right about that?

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

4 **THE COURT:** No?

5 **MS. SALISBURY:** I wouldn't characterize it
6 that way, Your Honor. I would suggest that this
7 witness' characterization of her experience
8 growing up is relevant to the jury's
9 determination of whether these victims were

10 telling the truth. It is --

11 **THE COURT:** You are bolstering your own
12 witnesses. And you also have exceeded the 403
13 analysis in my view. So with all due respect to
14 this witness, don't -- I'm not going to allow
15 you to do it.

16 **MS. SALISBURY:** Okay.

17 **THE COURT:** All right. We'll just take a
18 short break.

19 Ma'am, you can step down. Don't talk about
20 your testimony to anybody. Okay?

21 **THE WITNESS:** Yes, sir.

22 (WHEREUPON, a short recess is taken.)

23 **THE COURT:** All right. Y'all ready?

24 Come on back up.

25 Okay.

1 **THE BAILIFF:** Yes, sir.

2 (WHEREUPON, the jury enters at approximately
3 11:10 a.m.)

4 **THE COURT:** All right.

5 **BY MS. SALISBURY:**

6 Q I just have a couple more questions for
7 you. When you were visiting your father when he lived
8 at the third apartment you described, the Carlyle
9 apartments, do you remember having a conversation

Daughter Two
10 with █████ when you guys were taking out the trash?

11 A Yes.

12 Q What do you remember about that
13 conversation?

14 A I just basically remember her saying I need
15 to tell you and I want to tell mom what's been
16 happening and what dad's been doing. I was just like,
Daughter Two
17 no, █████ you know we'll get in trouble because the
18 saying always was on the weekends, on Sundays when we
19 got dropped off at my mother's house, "What happens
20 down here stays down here. What happens at your mom's
21 house stays at your mom's house." That was what we
22 were told if we got in trouble, if we got a whipping.
23 Anything that happened down there was supposed to
24 stay down there. That's what we were told as
25 children.

1 Q Now, at any time during the days when you
2 would, during the weekends when you would visit your
3 mother, did he ever touch you in any sexual way?

4 A No.

5 Q All right. Ms. Jones, if you would, please
6 answer any questions Ms. Manigault has.

7 THE COURT: Cross?

8 CROSS-EXAMINATION

9 BY MS. MANIGAULT: Daughter One

10 Q All right. [REDACTED], you said you're 20?

11 A Yes, ma'am.

12 Q And you are [REDACTED] Daughter Two
[REDACTED]'s twin sister?

13 A Yes, ma'am.

14 Q Is your recollection when you parents
15 separated you had not started school, so you believe
16 that you were maybe five?

17 A Yes, ma'am.

18 Q And it's your testimony that the third
19 apartment was the Carlyle apartment?

20 A Yes, ma'am.

21 Q Is it your testimony that that's where you
22 slept on the couch?

23 A Yes, ma'am.

24 Q And you slept on the couch only?

25 A Yes, ma'am. As I said earlier, there were a

Daughter Three

1 few times that I slept in the bedroom with ■ and
Daughter Two

2 ■ That may have been when I had fallen asleep in
3 there watching TV.

4 Q But it's your testimony that -- what kind
5 of house was it a loveseat, a regular sofa?

6 A It was a regular sofa. It was brown. It had
7 pillows that went against the back of the couch that
8 came off.

9 Q All right. But you are saying at the first

10 two places that you recall, the three girls slept on
11 an air mattress?

12 A Yes, ma'am, if I remember correctly.

13 Q In the first place, there was an air
14 mattress, is that right?

15 A Yes, ma'am.

16 Q How many, uh, bedrooms was at the first
17 place?

18 A I was five years old. I'm not sure. I don't
19 remember correctly. It may have been one bedroom. I
20 know it was really small. We had wicker furniture.

21 Q Okay. But you can remember that you slept
22 on an air mattress, right?

23 A I can remember that, yes, ma'am.

24 Q And the second place, where was that?

25 A The apartments at Pelham.

- 1 Q And you slept on an air mattress there?
- 2 A Yes, ma'am.
- 3 Q How many bedrooms is that?
- 4 A I believe it was three bedrooms.
- 5 Q How old were you when you started going to
- 6 the apartment at Pelham with the three bedrooms?
- 7 A I have no clue.
- 8 Q Were you in school?
- 9 A Yes.
- 10 Q When you slept on the air mattress, what
- 11 position did you sleep?
- 12 A I always slept against the wall.
- 13 Q Against the wall?
- 14 A Yes, ma'am.
- 15 Q All right. All right. You said that at the
- 16 Carlyle or at none of the places that you didn't see
- 17 anything or you didn't hear anything?
- 18 A No, ma'am.
- 19 Q So that's an accurate recount of what you
- 20 said? You didn't hear anything?
- 21 A No, ma'am.
- 22 Q You didn't see anything?
- 23 A No, ma'am.
- 24 Q And how often did you visit with your dad?
- 25 A Well, most of the time, I went down there

1 on the weekends. But they were -- when I started
2 getting older, I would say when I was about 14, I
3 would maybe go every other weekend. Some months, if I
4 had things to do on the weekends with my friends or
5 my church family, I would do things with them. I
6 would just go down there like whenever I had the
7 chance.

8 Q Okay. Thank you.

9 THE COURT: Any redirect?

10 MS. SALISBURY: No redirect, Your Honor.

11 THE COURT: All right. Thank you, ma'am.

12 You may step down.

13 MS. HODGE: The State calls Bomar Edmonds.

14 THE CLERK: Sir, if you will, please place
15 your left hand on the Bible and raise your right
16 hand.

17 BOMAR EDMONDS

18 having first been duly sworn, testifies as follows:

19 THE CLERK: Thank you. Please be seated.

20 Would you please state your name for the record.

21 THE WITNESS: My full name is Thomas Bomar
22 Edmonds, Jr.

23 THE CLERK: Thank you.

24 DIRECT EXAMINATION

25 BY MS. HODGE:

1 Q Mr. Edmonds, I want to direct your
2 attention this way to make sure we can speak up so
3 the last jurors can hear you over here. What is your
4 occupation or profession?

5 A I'm a clinical social worker.

6 Q When did you begin practice as a clinical
7 social worker?

8 A I graduated from the University of Georgia
9 with a Master of Social Work in 1969.

10 Q Can you tell us what your employment
11 history was after you graduated?

12 A I worked with Spartanburg Mental Health
13 Center for 26 years. I retired after 30 years state
14 service. Subsequent after that, I developed a private
15 practice, which I do contract work with the
16 Children's Advocacy Center. I did some manage care
17 for insurance companies. Behavioral science to family
18 practice doctors at Spartanburg Regional Medical
19 Center.

20 Q And you stated that you have retired. What
21 are you doing currently?

22 A Say it again?

23 Q What are you doing currently?

24 A I'm currently volunteering seeing adults,
25 psychotherapy patients for St. Luke Free Medical

1 Clinic.

2 Q When did you retire?

3 A Uh, January of this year.

4 Q Do you have any licenses?

5 A I'm a licensed independent social worker
6 with a clinical practice.

7 Q Have you treated children who have been
8 sexually abused in your years of practice?

9 A I've seen children who were sexually abused

10 all through the 45 years. Most recently, in the last
11 seven or eight years when I was on contract with the
12 Children's Advocacy Center.

13 Q For people's education, what is the
14 Children's Advocacy Center? What does it do, what
15 purpose does it serve?

16 A The purpose is they evaluate children who
17 have allegations regarding sexual abuse. The forensic
18 evaluators refer to the treatment team to treat
19 children who have been sexually abused or physically
20 abused.

21 Q And that's where you were working the last
22 six, seven, eight years of your practice?

23 A Yes.

24 Q Approximately how many clients do you think
25 that you've counseled in those years regarding

1 children who have been sexually abused?

2 A In my entire career or --

3 Q Yes, sir. Your entire career, yes, sir.

4 A Just sexually abused, it would be in the
5 hundreds.

6 Q All right. While you were working at the
7 Advocacy Center and really all throughout your
8 career, would you have to get continuing education to
9 keep your licensure up?

10 A In order to be licensed, we have to have 40
11 hours of continuing education every two years.

12 Q Did you take any specialized training in
13 regards to child sex abuse treatment?

14 A I took particular training in trauma focus,
15 cognitive behavioral therapy which is the treatment
16 of choice of children who have been sexually and
17 physically abused.

18 Q And where did that -- where did you get
19 trained or certified with that?

20 A With the Medical University of South
21 Carolina.

22 Q Did you attend other courses regarding
23 child abuse, sexual abuse specifically?

24 A I've been to the National Children's
25 Advocacy Center in Huntsville, Alabama on several

1 occasions, the National Symposium on Child Abuse, the
2 American Professional Society for Abused Children,
3 the Upstate South Carolina Child Advocacy Studies,
4 the Spartanburg Regional Medical Center Domestic
5 Violence.

6 Q Have you been qualified as an expert in the
7 treatment of children who have been sexually abused
8 before?

9 A Yes.

10 Q And in regard to treatment of sexual abuse,
11 do you have to become familiar with the dynamics of
12 sexual abuse?

13 A Yes..

14 Q Are you familiar or have you ever been
15 qualified as an expert to talk about sexual abuse
16 dynamics?

17 A Yes.

18 Q Specifically things such as delayed
19 disclosure?

20 A Yes..

21 Q Would that be one of those things? All
22 right.

23 MS. HODGE: At this time, Your Honor, we
24 would move to qualify Mr. Edmonds as an expert
25 in child sex abuse treatment and child sex abuse

1 dynamics.

2 THE COURT: All right. Subject to my
3 previous ruling.

4 MS. MANIGAULT: Yes, sir.

5 THE COURT: Okay.

6 BY MS. HODGE:

7 Q All right. Have you had an opportunity to
8 counsel or provide therapy or counseling to Daughter Two
9 Jones and Daughter Three Perry?

10 A Yes.

11 Q When did you first start seeing those
12 girls?

13 A I saw them in August of 2012 and terminated
14 with them -- terminated with Daughter Three on April the, uh,
15 16th of '13 and with her sister Daughter Two on the 28th --
16 excuse me, the 23rd of April of '13.

17 Q And how did they come to you for
18 counseling?

19 A They were referred by the forensic end.

20 Q At the Children's Advocacy Center?

21 A Children's Advocacy Center.

22 Q Was your office located within the Advocacy
23 Center?

24 A Yes, that's where we see the children.

25 Q And did you see them individually or

1 relaxation therapy. We do affect modulation. Affect
2 modulation is whenever they express they have a whole
3 lot of anger or sadness or whatnot. We would have
4 them rate that on a scale of 0 to 10, 0 being no
5 anger or no sadness and 10 being the maximum. And we
6 would do relaxation therapy over weeks period of time
7 to try to gradually bring whatever level it is down
8 to 0. Usually, it's 8 or 10 or 9. We try to modulate
9 that.

10 The cognitive is to help them sort out
11 their distorted thoughts about things about feeling
12 guilty and responsible and things of that nature to
13 sort of help clear up their thoughts. Sometimes they
14 have intrusive thoughts. We also teach them how to
15 relax.

16 Q Would you say anger and sadness are things
17 that are common in children who had been sexually
18 abused?

19 A Oh, most definitely.

20 Q So they need to learn how to deal with
21 that?

22 A Yes.

23 Q Intrusive thoughts, are those common in
24 children who have been sexually abused?

25 A Yes.

1 Q And what does that mean?

2 A It means that they are having thoughts
3 regarding what happened to them and sometimes
4 thoughts about what they wish they had done about it.
5 They have thoughts about feeling guilty, feeling
6 remorseful, feeling sad, feeling alone, feeling, uh,
7 like they are damaged goods.

8 Q And so let me go back a little bit with
Daughter Two
9 [REDACTED] first. Since she's the older one, we'll go with

10 her. Did she have any of those feelings or report any
11 of those feelings to you as far as --

12 A Generally, her symptoms were primarily
13 depression, anxiety. She had reported a depression
14 from childhood. She had intrusive thoughts, bad
15 dreams, some anxiety, a good deal of social
16 withdrawal. She actually had some symptoms of chest
17 pains.

Daughter Three

18 Q How about [REDACTED] Did she have any of those
19 types of symptoms?

Daughter Three

20 A [REDACTED]'s symptoms were anxiety and
21 withdrawal. As I recall, she had some fears of being
22 outside by herself. She was irritable and out of
23 sorts. Another set of time, she could be mean to
24 others. She actually told me she regretted the fact
25 that she was taking it out on other people.

1 Q All right. These are things that you are
2 targeting or focusing on in your treatment?

3 A Yes.

4 Q Is there another segment of the therapy
5 once you get through those stages?

6 A We usually, after they have gone through a
7 trauma narrative, we ask them -- although they've
8 verbally told me what has happened, then the protocol
9 is for them to write up a trauma narrative in some

10 detail about what happened and their feelings and
11 thoughts about the event. Then we process that with
12 them and then a little later on, we'll have the
13 parent to come in and process it with the parent.
14 That gives them an opportunity to share and interact
15 with the parent about it. Often the parent feels
16 guilty about the feeling that I haven't done enough
17 to protect and have an opportunity to share those
18 kinds of things with the parent and the child.

19 Q Did Daughter Two verbally and written disclose to
20 you that she was sexually abused?

21 A Yes.

22 Q Did she tell you any age when it may have
23 started or concluded?

24 A She said from about 6 to age 16.

25 Q Did she tell you any locations of where the

1 abuse happened?

2 A The location was Churchill East, Churchill
3 Pelham and Carlyle apartments.

4 Q Okay. And as far as Daughter Three
5 the younger
6 daughter, did she tell you when her abuse may have
7 started and ended?

7 A She said from about 10 to 14.

8 Q Did she give you any locations?

9 A She identified Churchill -- I want to say

10 Churchill Pelham and then Carlyle.

11 Q Okay. Did she say anything actually
12 happened at Carlyle?

13 A At both places.

14 Q All right. And once they give the trauma
15 narrative, you said it's written out, is it just a
16 story, if you will?

17 A Yes.

18 Q We're talking about the word "trauma". What
19 is trauma?

20 A Trauma is an extremely stressful event or
21 series of events when people feel like they are
22 physically emotionally stressed and they feel
23 helpless and powerless. It can have enduring
24 consequences.

25 Q Would being sexually abused be considered a

1 trauma?

2 A Definitely.

3 Q Are there symptoms that -- maybe you
4 already talked about a little bit. Are there other
5 symptoms, trauma symptoms?

6 A Well, the ones that I've mentioned,
7 depression, anxiety, intrusive thoughts, flashbacks,
8 irritability, somatic complaints from backaches,
9 headaches, chest pains. In younger children,

10 sometimes there's a sexual sophistication, I guess
11 you'd say, beyond the age of expectation.

12 Q Advanced sexual knowledge?

13 A Yeah.

14 Q Okay. I believe you said that you
Daughter Two Daughter Three
15 terminated therapy with [REDACTED] and [REDACTED] in April of
16 2013, is that right?

17 A Yeah, that's right.

18 Q Is that a successful completion in your
19 view?

20 A Yes, they both had been on medication. I
Daughter Three
21 think [REDACTED] had been on low dose Valium. With
22 relaxation, she was able to relax more and her school
23 performance improved and they were having less
24 intrusive thoughts and less thoughts about the abuse.

25 Q And did you see them any time recently

1 regarding to any more anxiety?

2 A I saw them on October the 9th. They
3 indicated that they were having some anxiety about
4 appearing in court. So I, I guess you say, came out
5 of retirement and saw them on October the 9th and
6 helped them with some relaxation exercises to help
7 them be calm.

8 Q And that was of this year?

9 A Yes.

Daughter ThreeDaughter Two

10 Q Okay. In this case, did [REDACTED] and [REDACTED]
11 both, what we call, delay disclosing sexual abuse?

12 A Did they both delay?

13 Q Did they both delay ---

14 A Yes.

15 Q --- disclosing sexual abuse? And what is
16 the term "delayed disclosure"? What does that mean?

17 A Delayed means a period of time between the
18 event and actually telling it to someone of
19 significance. Or if there is a series of events,
20 sometimes there's a delay in telling it after the
21 last event.

22 Q Is that a common phenomenon in child abuse
23 cases?

24 A It's more common than telling right away.

25 Q Is there a certain period of time that is

1 the norm or do you see delayed disclosures from a day
2 later, a month, a year?

3 A It varies.

4 Q Do some people --

5 A Some people never tell.

6 Q Are there -- can you give us reasons based
7 on your knowledge and expertise about why children
8 don't tell right away when something happens?

9 A Well, very often, they are ashamed. They

10 feel like they have done something wrong. They are
11 afraid. They are afraid they will get in trouble. And
12 very often, they are threatened and bribed. Also they
13 feel guilty. They feel guilty about having those
14 feelings and are ashamed to share them.

15 Q Would it make any difference or have you
16 known it to make any difference if the perpetrator is
17 a family member?

18 A The feelings would be more intense. The
19 feelings toward a perpetrator, sometimes they also
20 have good experience with the perpetrator as well as
21 bad. Many of the children tell me that they don't
22 want to see bad things to happen to the perpetrator
23 but they want the abuse to stop.

24 Q Once the disclosure of sexual abuse is
25 made, would that be a traumatic event that cause some

1 --

2 A Well, it is. Often, it's even more so.
3 Sometimes they lose their parent. DSS often will feel
4 like the children have not been adequately protected
5 by the caretaker parent. Sometimes they are removed
6 from their parent. They have to be interrogated often
7 by DSS and then often by the police. In many cases,
8 they lose their financial resources, their homes,
9 their possessions and security.

10 Q Then when you were talking about possible
11 reason for delay, did you say embarrassment? Did I
12 hear that that they are embarrassed to tell?

13 A Yes.

14 Q Is it common or uncommon in your experience
15 for children to, if they are not telling anybody,
16 they are keeping it a secret, to try to act normal on
17 the surface or in front of other people?

18 A They will try to act normal. But very
19 often, there is change in behavior and other people
20 notice it at school and so forth, which is agitation,
21 withdrawal, irritability, daydreaming, difficulty
22 concentrating, difficulty focusing.

23 Q Can they still be around the perpetrator,
24 maybe out in public and no one ever know?

25 A Well, very often, I think I mentioned

1 before, it fits in all socioeconomic groups. Some of
2 these families look very normal on the surface.

3 Q Thank you. Please answer any of Ms.
4 Manigault's questions.

5 CROSS-EXAMINATION

6 BY MS. MANIGAULT:

7 Q Mr. Edmonds, I noted in one of your reports
8 that one of the girls were on medication for ADD,
9 ADHD?

10 A I think if that was on my report, I was
11 just reporting what I was told.

12 Q And you were told they were on medication
13 for ADHD or ADD?

14 A Uh-huh.

15 Q Do you remember which girl that was?

16 A It was [REDACTED]. Daughter Three
Daughter Three

17 Q It was [REDACTED]. Were you informed on how
18 long they were on that medication?

19 A I don't recall. I sure don't.

20 Q It was your recollection that [REDACTED] Daughter Three
21 report, according to you, between the ages of 10 to
22 14.

23 A Could you say that again?
Daughter Three

24 Q The allegations that [REDACTED] related to you
25 as far as the time frame of her age?

1 A She said from 10 to 14.

2 Q All right. And I believe you said that --
3 do you know anything about ADHD?

4 A Somewhat.

5 Q What are some of the symptoms?

6 A There are two types of attention deficit.
7 There is attention deficit without hypoactivity and
8 there is attention deficit with hyperactivity. And
9 usually kids that are hyperactive are on the move all

10 the time, restless. They lose their papers. They are
11 constantly forgetting things. They are busy all the
12 time. Children without hyperactivity have trouble
13 focusing and concentrating.

14 Q Have you -- I believe you testified that in
15 your years of practice, you dealt with hundreds of
16 children?

17 A Yes.

18 Q With either sexual and/or physical abuse?

19 A Yes.

20 Q Have you counseled any with ADHD along with
21 the alleged abuse?

22 A Well, the -- some of the symptoms of sexual
23 abuse could mimic the attention deficit without the
24 hyperactivity. The problems would be the intrusive
25 thoughts and the anxiety and the rumination would be

1 interfering with focus. Somebody might diagnose it as
2 attention deficit. In my opinion, it would be
3 attention deficit without hyperactivity not attention
4 deficit with hyperactivity.

5 Q All right. Thank you.

6 A You're welcome.

7 THE COURT: Anything else?

8 MS. HODGE: No, Your Honor.

9 THE COURT: All right. Thank you, sir. You

10 may step down. Released from subpoena?

11 MS. MANIGAULT: No objection.

12 MS. HODGE: Thank you.

13 THE COURT: Okay.

14 MS. HODGE: The State would call Brandy
15 Newcomer.

16 THE CLERK: Please place your Bible and
17 raise your right hand.
18 Brandy

19 **BRANDY NEWCOMER**
20 having first been duly sworn, testifies as follows:

21 THE CLERK: Thank you. Please be seated.
22 Please state your name for the record.

23 THE WITNESS: Brandy Dawn Newcomer.

24 THE CLERK: Thank you.

25 **DIRECT EXAMINATION**

BY MS. HODGE:

1 Q Ms. Newcomer, how old are you?

2 A I'm 36.

3 Q And are you married?

4 A No.

5 Q Have you been married before?

6 A Yes, I have.

7 Q And do you have children?

8 A I have two.

9 Q And how old are your children?

10 A 20 and 14.

11 Q And are you currently working?

12 A Yes, I am.

13 Q And how far did you go in school?

14 A I quit in the ninth grade but I went back
15 and got my GED.

16 Q Do you currently reside in another state?

17 A North Carolina.

18 Q Did you previously live in South Carolina?

19 A Yes, I did.

20 Q Did you grow up in South Carolina?

21 A Yes, I did.

22 Q Do you know the defendant in this case?

23 A Yes, I do.

24 Q How do you know him?

25 A He was my stepfather.

1 Q When were he and your mother married? Do
2 you recall?

3 A I think they got married when I was five.

4 Q And did you have any siblings at that time?

5 A I think my sister was two at the time.

6 Q And do you and your -- who is your father?

7 A My biological father?

8 Q Your biological father.

9 A Benjamin Burgess.

10 Q Is that your sister's biological father?

11 A No.

12 Q Okay. The defendant is not your sister's
13 biological father?

14 A No.

15 Q So you and your half-sister were living
16 together and your mom married the defendant?

17 A Yes.

18 Q Did the defendant move into your home or
19 did you move into his home when they got married?

20 A I'm not sure.

21 Q Where were you living when you recall your
22 mom and the defendant being together initially?

23 A I don't remember but I know I heard of
24 Roebuck.

25 Q Roebuck?

1 A Uh-huh.

2 Q Do you know how long you stayed in Roebuck?

3 A No, I don't.

4 Q Do you remember moving somewhere else or
5 living somewhere else after that?

6 A We moved quite a bit. I remember living in
7 Spartanburg. I remember living in Myrtle Beach back
8 to Spartanburg.

9 Q All right. How long were your mom and the
10 defendant married, do you know that?

11 A We left when I was 14.

12 Q So from five years old to 14, so about nine
13 years they were together?

14 A That's about right.

15 Q Was he living in the same home with you
16 during those nine years?

17 A Yes.

18 Q And at some point, did you live in Conway?

19 A Yes.

20 Q Do you remember how old you were when you
21 lived in Conway?

22 A My earliest memory was nine.

23 Q Can you tell us if there was anything that
24 happened to you when you were nine in Conway that the
25 defendant did?

1 A Yes.

2 Q Tell us what that was.

3 A It was storming outside. I remember that
4 much. I remembered he came into my room and he put
5 his hands down my pajamas and my underwear and
6 inserted a finger into my private area.

7 Q Had you asked him to come into the room?

8 A No.

9 Q Was your mother home, do you know?

10 A I'm not sure. I think she was asleep.

11 Q Do you know -- was this after you had gone
12 to bed?

13 A Yes.

14 Q Had you been asleep?

15 A Yes.

16 Q Did this wake you up?

17 A Yes, but I didn't let him know.

18 Q When you say you didn't let him know, what
19 did you --

20 A I acted like I was still asleep.

21 Q Did you hear him say anything or did he say
22 anything to you at that point?

23 A Not until after it was done.

24 Q Do you recall -- did he do anything else in
25 that incident?

1 A No.

2 Q And do you recall what, if anything, he
3 said after he did that?

4 A Not to tell because no one would believe me
5 and it would hurt my family.

6 Q Was anybody else in your room? Did you
7 share a room or have your own room at that time?

8 A To my knowledge, I had my own room.

9 Q Did you tell your mother ---

10 A No.

11 Q --- right after that? Why didn't you?

12 A I was scared my family would be hurt.

13 Q Did that ever happen again?

14 A Yes.

15 Q Do you know how many times or for how long
16 that went on?

17 A My last incident that I can remember was
18 after we moved to Spartanburg.

19 Q And how old were you when you moved to
20 Spartanburg?

21 A To the best of my knowledge, we were -- I
22 was 13.

23 Q So from nine in Conway and the night of the
24 storm, did the defendant sexually abuse you at that
25 location more than just this one time?

1 A I can't say yes or no. I don't remember.

2 Q Did he ever -- did he ever do digital
3 penetration again to you?

4 A Yes.

5 Q Okay. That's what I'm -- that's what I'm
6 getting at. While you lived in Conway, do you recall?

7 A No, not that I recall in Conway.

8 Q Okay. Then you moved to Spartanburg?

9 A Uh-huh.

10 Q Did he continue or did it happen again in
11 Spartanburg?

12 A Yes.

13 Q Do you know about how many times that
14 happened to you?

15 A I would say about five.

16 Q By this point now, you're up to 13 years
17 old?

18 A (Nods head.)

19 Q And did the abuse stop at some point?

20 A Stopped when I was 14.

21 Q Did you tell someone at that point?

22 A I told my mom.

23 Q Did you tell your mom before it stopped or
24 did telling make it stop?

25 A No, I told after it stopped.

1 Q Were your mom and the defendant still
2 married at that time?

3 A Yes.

4 Q And when he would do that to you, when he
5 did the digital penetration, did he come into your
6 room, was it always in your room that this would
7 happen?

8 A Most of the time, yes. There was one
9 incident in the bathtub, but most of it was in my

10 bedroom.

11 Q And what was the bathtub incident?

12 A Nobody was home. I was trying to go out
13 with a friend and he had to bathe me before I left.

14 Q How old were you at that point?

15 A Probably right before I turned 14.

16 Q Did he ever -- did the abuse ever progress
17 to oral sex? Did he ever do that to you?

18 A Once.

19 Q When you told your mom, what happened? What
20 did y'all do?

21 A We moved.

22 Q You moved away from Spartanburg?

23 A Yes, we moved to North Carolina.

24 Q Did your mom divorce him, leave him?

25 A Uh-huh.

1 Q Did you report to authorities?

2 A Uh-huh.

3 Q Has anyone else ever sexually abused you?

4 A No. Daughter Two Daughter Three

5 Q Do you know [REDACTED] Jones or [REDACTED] Perry

6 personally?

7 A Not personally, no.

8 Q You were about 14, is that when your mom

9 left?

10 A Yeah, I was about 14.

11 Q And during that time, did you know some

12 members of the family of Daughter Two Daughter Three [REDACTED] and [REDACTED]?

13 A Yes, I did.

14 Q Who did you know?

15 A Jessie, Jenny, Josh, Justin and Julie.

16 Q And how did you know them?

17 A They were my and my sister's best friends.

18 Q Where did y'all live?

19 A We lived on Barnett Street in Spartanburg

20 right around Hearon Circle.

21 Q Were y'all neighbors?

22 A We lived on one street. They lived on the

23 next street over. Daughter Two Daughter Three

24 Q Were [REDACTED] and [REDACTED] even born at this

25 point?

1 A No, they weren't.

2 Q And did you -- would any of the members of
3 their family have met the defendant to your house?

4 A Oh, yeah. They all met him.

5 Q After your mom left the defendant, did you
6 ever hear that Ms. Jones started dating the
7 defendant?

8 A I heard, but I couldn't tell you how I
9 heard because I'm not sure.

10 Q You weren't around?

11 A No. I ended up moving to Indiana.

12 Q Okay. So before today or yesterday, I guess
13 the court appearances, have you ever met [REDACTED] or
14 [REDACTED] Daughter Two
Daughter Three?

15 A No.

16 Q Ever talked to them on the phone?

17 A No.

18 Q Ever talked to them about what happened to
19 you?

20 A No.

21 Q In fact, did you even talk to anyone in law
22 enforcement regarding their case?

23 A No.

24 Q When is the first time that you talked to
25 anyone involving this case?

1 A When your private investigator found me.

2 Q So you were not coming forward with the
3 information, our office located you?

4 A Uh-huh.

5 Q Once you had disclosed what the defendant
6 had done to you, did you have any symptoms or any
7 issues that started to arise for you?

8 A Uh-huh.

9 Q Tell us a little bit about your life and
10 what's happened because of the abuse.

11 MS. MANIGAULT: Your Honor?

12 THE COURT: Yes.

13 MS. MANIGAULT: I'm going to object to
14 this.

15 THE COURT: How is this relevant?

16 MS. HODGE: They -- may we approach,
17 Judge.

18 THE COURT: Yeah, come on up.

19 (WHEREUPON, a bench conference is held off the
20 record.)

21 BY MS. HODGE:

22 Q Let me just rephrase my question to you.
23 After you disclosed about the abuse, did you go to
24 any counseling, any services?

25 A I tried to get counseling, yes.

1 Q Okay. Have you had some issues dealing with
2 this throughout your life?

3 A Yes.

4 Q It's been difficult for you?

5 A Yeah.

6 Q And is the person that you say sexually
7 abused you and been married to your mother, is he
8 present in court today?

9 A Yes, he is.

10 Q And where is he?

11 A He's sitting at the counsel table.

12 Q And is that Wallace Steve Perry?

13 A Yes.

14 Q Thank you. Please answer any of Ms.
15 Manigault's questions.

16 THE COURT: Cross?

17 CROSS-EXAMINATION

18 BY MS. MANIGAULT:

19 Q Ms. Newcomer, you said that right now you
20 are age 36?

21 A Yes.

22 Q Excuse me. And it's your recollection that
23 when your mother married Wallace Perry, you were
24 approximately five?

25 A (Nods head.)

1 Q And you lived with Mr. Perry until age 14?

2 A (Nods head.)

3 THE COURT: Yes or no.

4 THE WITNESS: Yes, ma'am.

5 BY MS. MANIGAULT:

6 Q All right. Excuse me. And when you were in
7 Conway, you testified that at age nine on a stormy
8 night, he entered your room?

9 A Yes.

10 Q And you don't recall whether your mom was
11 home or whether she was asleep?

12 A No, I don't.

13 Q Did your mom work?

14 A Yes, she did.

15 Q Did she work at night?

16 A She worked all different shifts.

17 Q Where did she work?

18 A In Conway?

19 Q Excuse me?

20 A I'm trying to think.

21 Q Oh, sorry.

22 A I'm not sure in Conway where she worked.

23 Q Okay. So you don't know whether she worked
24 day, afternoon or night in Conway?

25 A I can't remember.

1 Q All right. So she may have been home and
2 she may not have been home. How -- how -- do you
3 recall how -- did you live in a house, in an
4 apartment in Conway?

5 A I think it was a trailer.

6 Q You lived in a trailer?

7 A Yes.

8 Q Do you recall how many bedrooms?

9 A I think it was three bedrooms.

10 Q And what was your age when you moved from
11 Conway?

12 A I'm not exactly sure what age we moved from
13 Conway because we moved -- we lived in Myrtle Beach,
14 well, Surfside and Garden City too. I can't remember
15 exactly. But I think we moved back to the Spartanburg
16 area when I was 13.

17 Q Okay. So you at least lived in that area,
18 Myrtle Beach, Conway and Surfside for about four more
19 years?

20 A Somewhere around in there, yes.

21 Q Okay. You are certain that you moved back
22 to Spartanburg at age 13?

23 A Not certain. But if I'm not mistaken, yes,
24 it was around age 13.

25 Q All right. Is it your testimony that, uh,

1 what you are accusing Mr. Perry of happened one time
2 in Conway and several times in Spartanburg?

3 A Yes. The one time I could remember in
4 Conway. But it's happened in Surfside and Garden City
5 too. But Conway was when it started.

6 Q Okay. And you testified that previously it
7 happened at Surfside?

8 A Previously when --

9 Q In this proceeding.

10 A Not in this proceeding.

11 Q All right. And you moved to Spartanburg and
12 you lived on Barnett Street you said?

13 A I think that was the name of the street,
14 Barnett Street.

15 Q And how many -- what happened in
16 Spartanburg? You said he gave you a bath at age 14.

17 A Uh-huh. I said it was between 13 and 14
18 when he done that.

19 Q Were you handicapped in any fashion?

20 A No.

21 Q Broken arm, broken leg?

22 A Nope.

23 Q And you said you were going out with
24 friends?

25 A I was going to -- I was going somewhere

1 with a friend and her mom.

2 Q Was there anybody around or in the house
3 when you were accusing Mr. Perry of doing this to you
4 while you were in Spartanburg?

5 A Not with the bath, no.

6 Q With any of the allegations you're accusing
7 him of.

8 A There were people in the house.

9 Q There were people in the house?

10 A Uh-huh.

11 Q Who were in -- who was in the house?

12 A My sister, my grandmother, Steve, sometimes
13 one of the siblings from the Jones family was there.

14 Q Who is Steve?

15 A Wallace.

16 Q Oh, you talking about --

17 A Yes. My mom was there sometimes. But
18 sometimes, she was at work.

19 Q And how big was this house that y'all lived
20 in?

21 A The house we lived in ---

22 Q In Spartanburg.

23 A --- in Spartanburg was a two-bedroom with a
24 sunroom. But I slept in the sunroom. You had to go
25 through the kitchen to get to my bedroom and out the

1 back door.

2 Q How much older were -- are you than your
3 sister?

4 A I'm three years older than my sister.

5 Q Okay. And you said again this apartment in
6 Spartanburg was two bedrooms?

7 A Apartment?

8 Q House. I'm sorry. House, wherever you
9 lived.

10 A It was considered a two-bedroom with a
11 sunroom. But we turned it into a three-bedroom
12 because that's where I slept.

13 Q Okay. Did you sleep alone?

14 A Yes, I did.

15 Q Where did your sister sleep?

16 A In the bedroom -- it was Steve's and my
17 mom's room, the bathroom, my sister's room. The
18 living room was here. Dining room was here. Kitchen
19 was here. You had to go through the dining room and
20 kitchen to get to my bedroom and then to get out the
21 backdoor.

22 Q So the other two bedrooms were at the front
23 part of the house. Is that what you're saying?

24 A There was a door connecting my room and my
25 sister's room.

1 Q All right. No further questions.

2 THE COURT: Any redirect?

3 MS. HODGE: No, sir.

4 THE COURT: All right. Thank you, ma'am.

5 You may step down.

6 Okay. Call your next witness.

7 MS. HODGE: The State rests.

8 THE COURT: All right. Mr. Foreman, Ladies

9 and Gentlemen of the jury, we -- I've got a

10 couple of legal issues I need to take up outside

11 of your presence. So we'll take a short break

12 and get back to you very shortly. Don't talk

13 about the case.

14 (WHEREUPON, the jury exits at approximately

15 12:00 p.m.)

16 THE COURT: Okay. Any motions?

17 MS. MANIGAULT: Your Honor, the defense

18 would make a motion for directed verdict on the

19 indictments, more specifically the two CSC first

20 indictments. As far as the elements for the

21 crime as charged, we believe there is not

22 sufficient evidence to support.

23 THE COURT: Okay. Well, I think there's a

24 reasonable inference from the evidence presented

25 in the light most favorable to the nonmoving

2 A I did. My big mouth. They all know I had a
 Daughter Two
3 big mouth. Me and [REDACTED] yammering away in the front
4 yard. I -- she asked me point blank what was going
5 on. I opened my mouth before Steve had the
6 opportunity, being out of place, and just told her
7 they were kind of seeing each other and Angela was
8 coming back to town. I think they were mostly -- they
9 were angry because he hadn't told them yet and they

11 Q All right. And did Angela eventually move
12 back to town?

14 Q Was there ever any indication from the
Daughter Two Daughter Three
15 girls to you, either [REDACTED] or [REDACTED], that anything
16 was wrong regarding your father's treatment of them
17 or anything like that?

237

1 like the fact that I moved in. It was just a very
2 tense situation. I had told Steve on numerous
3 occasions that I felt like that they were not happy
4 with the fact that my kids and I moved in.

5 I told Steve that night that I shouldn't
6 go. I didn't want to cause problems. It was his
7 children's play. But he wanted me to go. He wanted me
8 to spend time with time with him and his kids with my
9 children.

10 Q Okay. When you would go to see his
11 apartment at the Carlyle, is there -- strike that.
12 How often would they spend any weekend time with you
13 overnight?

14 A Coming to my house, I don't think it was
15 but once or twice that they actually spent the night
16 at my house with me.

17 Q And have y'all separated -- you have boys
18 and girls?

19 A I have a daughter and a son. Well, I have
20 four children, but only two were at home at the time.

21 Q Did y'all swap children at any point? Some
22 stay at your house and some stay at his house?

23 A Yeah. My son would go spend the night.
24 Normally, the same night that his girls would come
25 and spend the night at his house, my son would go

1 A Oh, yes, ma'am. Every other weekend.

2 Q He came every other weekend?

3 A Yes, ma'am. That was his visitation with
4 his son.

5 Q And when Daniel's son was there, were your
6 children ever there?

7 A Yes, ma'am. I had -- at that point in time,
8 I had my children almost every weekend, all four. So
9 every time that Cole came over, they were able to
10 basically spend the weekend together.

11 Q All right. Now, Mr. Perry, you've heard the
12 Daughter Two Daughter Three
12 allegations that [REDACTED] and [REDACTED] has made against you
13 regarding you coming into their room at Churchill on
14 Pelham and fondling them under their pajamas and
15 fingering them, according to them. You've heard that
16 allegation?

17 A Yes, ma'am.

18 Q Did you do that?

19 A No, ma'am. Never.

20 Q Have you ever inappropriately touched
21 either of your girls?

22 A No, ma'am. I have never done anything to
23 harm either one of my girls. Never.

24 Q Have you, uh, ever molested [REDACTED] Daughter Two

25 A No, ma'am.

1 Q Have you ever touched her on her breasts?

2 A Absolutely not.

3 Q Have you ever touched her on her vagina
4 area?

5 A Absolutely not.

6 Q Have you ever touched her on her buttocks?

7 A No, ma'am.

8 Q Have you ever --

9 A Excuse me. During punishment, my children

10 did receive spankings. Other than spanking, never
11 touched my daughters inappropriately.

12 Q All right. Now, have you ever -- you heard
13 the testimony of Daughter Three and Daughter Two. Are you telling
14 this jury and this court that you never touched Daughter Two
15 inappropriately, you never touched Daughter Three
16 inappropriately?

17 A Yes, ma'am. Absolutely not.

18 Q You heard the testimony, I think she used
19 the term he ate me out.

20 A Yes, ma'am.

21 Q Which she described as oral sex. Have you
22 ever done that to either of your daughters?

23 A No, ma'am. Never. Absolutely not. Ever.

24 When that accusation first came to light, this case
25 kind of started in many stages. It started out with

1 different things, but never, never have I ever
2 touched my children inappropriately.

3 Q All right. Now, excuse me. Was there any --
4 is there any indication to you that your children did
5 not like you dating or living with Angela or any
6 woman?

7 A Yes, ma'am. There was -- there is. During
8 the time that Angela and myself was talking about her
9 coming back from Oklahoma, my kids were doing
10 ~~different things at the time so I was having a really~~
11 hard time getting all four together at the same time.
12 Any time we needed to discuss anything, we sat down
13 and we talked about it. All four of us. Even with
14 their mother if we needed to. So I was having a hard
15 time getting them together.

16 We went over to visit with Alex and Patty.
17 Evidently, they had a discussion in the front yard
18 about Angela coming back. My girls confronted me
19 about Angela coming back. They told me that I lied to
20 them about it. I tried to explain to them I didn't
21 lie to them. I hadn't had a chance to speak with them
22 about it. I told them I wanted to do it when all four
23 of them were together. It just made it much easier
24 for all of us to sit and talk about it.

25 Daughter Two
I continued to explain to more so [REDACTED] and

1 A Yes, ma'am.

2 Q And you heard testimony that you had been
3 accused of coming into their bedroom, lying down on
4 the floor ---

5 A Yes, ma'am.

6 Q --- by the air mattress or lying on the air
7 mattress itself. Did you ever do that?

8 A No, ma'am. Absolutely never laid down in
9 the floor in their bedroom or even near an air

10 mattress or on an air mattress. I would usually get
11 up -- I wasn't that early of a riser. That's prior
12 testimony. I wasn't that early of a riser. I'd get up
13 in between 7:30 or 8:00 and have coffee or something
14 like that.

15 Of course, it's the weekend. The kids want
16 to sleep in. So if you're trying to wake them up at
17 9:00, 9:30, they are thinking, hey, it's way too
18 early. I would normally try to start waking them up
19 between 9:00 and 9:30 to decide where we would go, if
20 we would fix breakfast, if we would go and have
21 breakfast and to discuss our plans for what we want
22 to do for the day.

23 Q Now, you've heard testimony that one of
24 your daughters, I think it was ^{Daughter One} [REDACTED], said she slept
25 on the couch most of the time?

1 break. Y'all will be ready to go in about 10
2 minutes?

3 MR. PERRY: Yes, sir.

4 THE COURT: The lawyers.

5 MS. MANIGAULT: Yes, sir.

6 THE COURT: All right. Take a short break.

7 (WHEREUPON, a short recess is taken.)

8 THE COURT: Ready to go?

9 MS. MANIGAULT: Yes, sir.

10 MS. HODGE: Yes, sir.

11 MR. PERRY: Yes, sir.

12 (WHEREUPON, the jury enters at approximately
13 3:12 p.m.)

14 THE COURT: All right. Ladies and
15 Gentlemen, I want you to know we've finished the
16 first two stages of the trial. If you remember,
17 I broke the trials into five parts. We have done
18 the opening statements. Now all of the evidence
19 that was going to be presented has been
20 presented to you. We're about to move into the
21 closing arguments of the attorneys. So I ask you
22 to pay close attention as they advocate their
23 positions to you. Thank you very much.

24 Ms. Manigault?

25 MS. MANIGAULT: Thank you, Your Honor.

1 Ladies and Gentlemen, as the Court has
2 said, we thank you for your attention in this
3 case. In my opening argument or statement to
4 you, I advised you that the Court would give you
5 the law or the charge in this case and you would
6 take the law as charged by Your Honor and apply
7 it to the facts and evidence that you heard.

8 The other premise of law that I discussed
9 with you is burden of proof. The burden is on

10 the State of South Carolina through the
11 Solicitor's office of Greenville County 13th
12 Judicial Circuit to prove beyond a reasonable
13 doubt that the accusations did occur as alleged.

14 The other principal of law is reasonable
15 doubt. That principal of law, Your Honor will
16 explain it to you and define it for you. That
17 principal of law is if the State did not prove
18 the element of each crime as charged to the
19 satisfaction of 12 jurors to the point beyond a
20 reasonable doubt that it did happen as charged,
21 then that presumption, that doubt accrues to the
22 defendant, it immediately goes in his favor. If
23 the jurors, the 12 of you, agree that you don't
24 believe that the State has met the burden of
25 proof, then that goes to the favor of the

1 defendant.

2 Now, Your Honor, will charge you all the
3 principal of laws. The evidence that you heard,
4 I believe that there is only one piece of
5 evidence that is paperwise submitted to you by
6 the State. The testimony of each person is
7 considered evidence presented to you. Your Honor
8 will tell you about your believability and
9 credibility of witnesses. I mentioned it to you

10 in opening statement that you can believe all of
11 what a witness says, none of what a witness
12 says, portions of what a witness says, but
13 that's all up to 12 of you to agree.

14 The issue here is you do not leave your
15 commonsense at the door when you walk into the
16 jury room. You use your commonsense. And you
17 apply and you all talk together, the 12 of you
18 will talk together to decide, to see what is
19 believable, what is credible. What is the
20 credible information? What is the believable
21 information?

22 You heard some of the witnesses testify,
23 all of the witnesses testify. And you will note
24 that some of the report dates are different
25 according to who they are supposed to be talking

1 to. If you are going to report, it's not for
2 your convenience. It's not going to be favorable
3 to you. You are reporting whatever you allege
4 happened at the times you said it happened. Now,
5 when we talk about the testimony of any witness,
6 it is your responsibility to remember that
7 testimony as you heard it, not as I say it or
8 not as Ms. Foster would say it. But as you heard
9 it. Neither of us would intentionally -- sorry,

10 Hodge. Neither of us would intentionally mislead
11 you. So just remember the testimony as you heard
12 it and when you get in the jury room, you will
13 have a chance to share and weigh what you've
14 heard.

15 Now, the testimony, the charges are for
16 Criminal Sexual Conduct in the first degree and
17 Your Honor will tell you, read the law to you
18 that when a person is accused of that, engaging
19 in a sexual battery with the victim who is less
20 than 11 years of age. That's first degree. Your
21 Honor will also tell you that. He will -- in
22 more detail.

23 He will also tell you that Criminal Sexual
24 Conduct in the second degree, which Mr. Wallace
25 has two charges for is when a person is accused

1 of engaging in a sexual battery with a victim
2 who is 14 years of age or less, but who is at
3 least 11 years. He will explain, give you the
4 definition for that or everything else that you
5 need to know.

6 Why am I harping on those points? That is
7 important because testimony has been all across
8 the board, 5 to 7, 10 to 13, 11 to 14. Reported
9 to Dr. Henderson. I believe she testified 10 to

10 14 or 10 to 13. Whatever you remember she said.
11 Report to somebody else, a different time span.
12 It is important for the time span because of the
13 charge itself. You have to decide what happened
14 when where and the time frame, if you believe
15 any of the testimony of the alleged victims.

16 Now, you've had an opportunity to observe
17 all the witnesses. You've had an opportunity to
18 observe Mr. Wallace. Mr. Perry did not have to
19 -- he comes to court with the presumption of
20 innocence. He did not have a burden of proof to
21 present anything to the court or to prove his
22 innocence. As I told you before, that cloak is
23 on him when he came in and remains with him
24 until you come to a decision one way or the
25 other. He had no burden to bring anybody to

1 prove him innocent. The burden of proof to prove
2 him guilty is on the State of South Carolina.

3 You heard his testimony. He is denying the
4 accusations with his daughter ^{Daughter Two} [REDACTED]. He is

5 denying the accusations with his daughter
6 ^{Daughter Three} [REDACTED].

7 Now, the twist here is the stepdaughter
8 Brandy Newcomer has been allowed to testify on
9 the allegations she has made. That case is not
10 on trial. That case -- I don't know what her

11 testimony was of when it happened. But that
12 case, that testimony is not to prove -- not to
13 be considered by you to prove that he did or is
14 guilty of the charges that he faces today. That
15 testimony was allowed by the court. You weigh
16 that testimony and give it the weight that you
17 want to give it.

18 Your Honor will even give you a charge on
19 expert witness testimony. You give it the weight
20 -- just because they are an expert does not mean
21 you have to accept everything that they say. You
22 give it the weight that you believe that it
23 deserves at the time you are deliberating.

24 Delayed reporting. Mr. Edmonds, I believe,
25 the therapist, the clinical social worker
26 testified about delayed reporting and the

1 reasons for delayed reporting that he has
2 encountered in his 45 or more years of service
3 as a clinical social worker. Delayed reporting
4 can be for those reasons that he told you and
5 delayed reporting can also be for lying,
6 manufacturing, falsifying, embellishing, adding
7 to to make it sound better, to make it -- you
8 know, delayed reporting gives people a chance,
9 persons a chance to get with other individuals

10 to discuss what they should say or what they
11 should not say. So delayed reporting can be an
12 opportunity to for anybody to embellish.

13 Does delayed reporting mean that it's true?
14 No, it does not. Delayed reporting doesn't mean
15 that just because the person came forward and is
16 saying, accusing an individual of a crime does
17 not mean that it is true. Your Honor told you
18 that we have disputes about the facts of the
19 case. And that is what a trial is, it is a
20 dispute. The defendant says he is not guilty.
21 The state is presenting witnesses for your
22 consideration. So that is what it is about.

23 There has been testimony about where Mr.
24 Wallace lived, three apartments, three places.
25 This will come in from the Carlyle, I believe.

1 We had Jami to come in and testify that she was
2 a manager for the Carlyle to give you additional
3 dates which would contradict some of what the
4 children, the victims have said.

5 We ask that you remember all the testimony,
6 discuss it thoroughly. These are very important
7 matters for my client. We believe that there is
8 reasonable doubt to the charges and we ask that
9 you find in favor of the defendant in this case

10 a verdict of not guilty on the CSC first times
11 two and CSC second.

12 **THE COURT:** Yes, ma'am.

13 **MS. HODGE:** May it please the court, Your
14 Honor.

15 What happens down here stays down here.
16 That's what this defendant told his children
17 every single time he took them back to their
18 mother's house on Sunday afternoon. What
19 happens at dad's house stays at dad's house.

20 Instead of loving and protecting and caring
21 for those children, as you have heard over the
22 course of this trial, what actually was going on
23 over a span of several years was that this
24 defendant was damaging his children. He was
25 violating their trust and he was caring more for

1 his own satisfaction than taking care of them.
2 This defendant took advantage of his role as a
3 father figure in every conceivable way.

4 Over the course of this trial, you have
5 been able to see from the family, who has
6 endured the trauma of carrying a secret like
7 this for years that they seem conflicted. It
8 troubles them even to this day to have to deal
9 with the reality that their father who they

10 loved, who gave them life, who they thought
11 cared for them more than anyone else could
12 betray them to such an extraordinary degree.

13 Now, as you have heard and as the judge is
14 going to instruct you in just a few minutes,
15 this defendant is charged with two separate
16 counts of Criminal Sexual Conduct with a Minor
17 in the first degree. To prove that the
18 defendant is guilty of that crime, the state has
19 to prove two things. One, that a sexual battery
20 occurred and, two, that the victim of that
21 battery was under the age of 11 years old at the
22 time.

23 Now, the judge will describe for you what a
24 sexual battery is. Generally, it is any
25 intrusion, however slight, into the body parts

1 of the victim. In this case, you have heard
2 repeated testimony of digital penetration. The
3 defendant's fingers inside the victims vaginally
4 area. That is the penetration. That is the
5 sexual battery. You have heard testimony from
6 Daughter Two [REDACTED] that there were two instances of oral sex.
7 As you will hear from the judge in just a few
8 minutes, that particular type of penetration is
9 also a sexual battery.

10 Now, I want to talk about what you heard
11 with respect to each of the victims in this case
12 and what has come out over the course of the
13 trial with respect to the criminal sexual
14 conduct first-degree, this meant what they were
15 under the age of 11 years old. First, we will
16 start with Daughter Three [REDACTED]. You will remember Daughter Three [REDACTED] was
17 the younger of the two sisters. She was from
18 the second set of twins. Her twin brother is
19 Son [REDACTED].

20 She described that the very first instance
21 that she ever recalls of any inappropriate
22 contact between she and her father was waking up
23 with no underwear. You remember she talked
24 about having a bad dream. She had a nightmare.
25 She went into her father's room expecting him to

1 comfort her. At some point, she described, she
2 woke up and realized she was no longer wearing
3 underwear. She thought that was a little bit
4 unusual.

5 The next memory that she described was
6 being awoken to the defendant's hands inside of
7 her vagina. That's the memory that she has from
8 having stayed in the townhouse apartment that
9 she described was the brick building apartment

10 66 at the Churchills apartment. She knows that
11 she was not quite in six grade yet. She had to
12 be under the age of 11. She characterized it as
13 being somewhere between 9 to 10, 11 years old.

14 She described for you the times that this
15 continued over the years it would be during the
16 early morning hours. 5:00, 6 o'clock in the
17 morning she woke up after having gone to bed.
18 Having gone to bed on the air mattress that each
19 of the girls described that they shared in that
20 first apartment. They will each able to

21 Daughter Two
21 describe for you that [REDACTED] slept on the outside,
22 Daughter Three [REDACTED] slept in the middle and -- [REDACTED] on the
22 Daughter Two Daughter One
23 outside, [REDACTED] in the middle and [REDACTED] against
24 the wall. Each of them described for you the
25 same sleeping arrangement. That is how it was

1 every night on the shared air mattress.

2 They described to you that they had a
3 Friday night ritual. Each of them was very
4 clear about this pizza and cottage cheese dinner
5 that they would have on Friday night. They can
6 remember these experiences almost as vividly as
7 those instances of being violated.

8 Now, turning to Daughter Two Daughter Two
9 is a little bit fuzzier. She said she was

10 somewhere between five and seven years old,
11 isn't quite sure how old she would have been.
12 She know it would've been somewhere between five
13 and seven years old. She describes the first
14 instance of being in the defendant's bed. I
15 can't remember what she said how she described
16 it to you. What is important about Daughter Two is that
17 she describes an ongoing pattern where the
18 defendant would come into their room, lay down
19 beside the bed and then gripped her tightly.

20 What is important is each of these girls
21 described the exact same behavior by the
22 defendant after he was finished with whatever
23 satisfaction he got and that was to tell them do
24 not tell your mother, do not tell anyone. You
25 will be taken away from your mother. You won't

1 experienced it themselves, the ones who had to
2 hold it all these years and finally ultimately
3 come in here and tell you about the horrific
4 details of what they encountered over their
5 entire adolescents. Why is their testimony
6 credible? Why is it believable? Why should you
7 believe what they said?

8 The judge is going to instruct you about
9 the State's burden of proof as you've heard.

10 The State is required to prove the defendant is
11 guilty beyond a reasonable doubt. He is going
12 to characterize that reasonable doubt is a doubt
13 to which you can assign a reason. There has
14 been some evidence presented in this case that
15 presents a conflict. One person says this and
16 someone says the opposite or something
17 different. That carries a conflict to the
18 evidence. That is not necessarily a reasonable
19 doubt.

20 It is your job as factfinders to decide
21 which of those versions is the truth, to resolve
22 the conflict, to arrive at which fact is true.
23 So what would be a doubt to which you can assign
24 a reason. Is it reasonable to think that each
25 of these girls will come into this courtroom,

1 disclose, have to go through the process of
2 testifying and face their father, accusing him
3 of something he didn't do, to have to talk to
4 police, counselors, DSS investigators all over
5 something that wasn't true?

6 Is it reasonable to think that they would
7 concoct the story of her their father when all
8 the testimony we have heard over the course of
9 this trial is what a good relationship they had?

10 You heard from the defendant himself that the
11 relationship was great. They had great family
12 time. They did activities together. They spent
13 weekends doing fun things. Everyone seemed
14 happy. Everyone was acting normal. No one, no
15 one in this entire trial has been able to give
16 to you a reason why these girls would fabricate
17 this story. The only reasonable explanation is
18 that it is the truth.

19 You heard some testimony about the girls
20 possibly being unhappy with the defendant's
21 girlfriend at the time or being upset that
22 something may be didn't go their way. If the
23 basis of the reason to lie about a story of this
24 is that they didn't like the defendant's
25 girlfriend, did it work? Was it working? If it

1 did not cause that girlfriend leaving him when
2 that story came out, why go through with this
3 trial? Why go through with this process? Why
4 come in here and take an oath and lie to each of
5 you if it did not get the desired result?

6 If anything, the testimony that you heard
7 from everyone in the family was that this was
8 such a traumatic incident for everyone involved
9 that this has absolutely devastated their family

10 life, their home life. You heard about
11 evictions. You heard about financial troubles.
12 You heard about the general disruption it has
13 caused to the family dynamics.

14 You've heard several people testify that
15 the defendant and Ms. Laura Jones, the girl's
16 mother, were great friends. They had a great
17 civil arrangement about how they were going to
18 work out visitation and child support and all of
19 those issues that you have to deal with when you
20 share custody. If anything, this revelation
21 cost that relationship too. If the girls were
22 fabricating the story, ask yourselves why. What
23 did they gain? More importantly, what have they
24 lost?

25 If you believe that the girls are coming up

1 with the story making up a lie that is not true,
2 why this version that on weekend visits during
3 the early morning hours there was digital
4 penetration and that is all they ever do except
5 with the two instances of oral sex? If these
6 girls are making up a story to get the dad in
7 trouble or to in some way exact revenge on him
8 for something, why not come up with something
9 more powerful. Why not describe something even
10 more horrific than just those instances?

11 The only explanation is that it is the
12 truth. If you believe that these girls chose to
13 lie to DSS investigators, their family, their
14 mother, the police, and now to you, you have to
15 believe that they are independently willing to
16 see their father convicted of crimes he didn't
17 commit. You have to believe that there is some
18 motivation that is causing them to have such
19 extraordinary hatred for their own father that
20 they want to see him punished for something he
21 hadn't done.

22 As I said, at no point during the trial
23 have we remotely even to believe that that is
24 what has gone on. If anything, you have seen
25 these girls carry the pain, trauma and hurt over

1 thought it was going to be devastating to the
2 family in a number of ways, relationally and
3 financially. And it was. The delay in their
4 disclosure makes perfect sense. They waited
5 until they simply could not carry it anymore.
6 Daughter Three described to you that it was a moment at
7 church that she decided it was time. That is
8 when she turned to her pastor.

9 It is easy to think that the girls lack of

10 precision in recalling specific incidences and
11 dates and times somehow reflects the fact that
12 what they said is a true. But I implore you to
13 think about what it is like to dial back and
14 consider the mind of a child. What was going on
15 at nine years old or seventh grade or fifth
16 birthday party? Those details are a little bit
17 fuzzy. I imagine they are a little bit fuzzy
18 for everybody.

19 I would suggest that they are particularly
20 fuzzy when the same behavior, the same assault,
21 the same attack occurs over and over and over
22 again. Those no longer become isolated
23 instances that are clear in your mind. Instead,
24 they went together as one horrible nightmare.
25 Are the details fuzzy? Sure. Is it reasonable

1 to think that their inability to be precise
2 about what happened when they were 9, 10, 11, 12
3 somehow means that it didn't happen?

4 Everything else points to the fact that it
5 did. The consistent pattern. The consistency
6 between the two girls' experiences themselves.
7 The fact that they have been consistent about
8 the disclosure throughout, that this is when it
9 happened, this is how it happened, this is what

10 we did.

11 I encourage you to think about the
12 testimony that paints a picture about the
13 family. You heard testimony from Daughter One Daughter One
14 was Daughter Two's twin sister. She described nights
15 when she would be ordered out of the bed, that
16 her father would come into the room and say go
17 sleep on the couch. Looking back, it probably
18 makes sense why he did that.
19 Daughter One also testified about an instance
20 where she and Daughter Two were walking to take the
21 trash one night and Daughter Two started to tell her I
22 need to talk about something, I don't know what
23 to do. Daughter One said don't go there. Don't mess
24 it up. Daughter Two described the same conversation.
25 Is those outside instances from the girls

1 mother, from the counselor who described their
2 depression and anger, from Daughter One and her sister,
3 those give context to what was going on that can
4 give you confidence that what they said is
5 squarely the truth?

6 Now as you are deliberating, you will
7 consider each of the charges separately. You
8 will have to consider when each of the girls
9 turned that critical age of 11 when this became
10 a criminal sexual conduct in the first degree
11 and transferred into criminal sexual conduct of
12 a minor in the second degree. The evidence that
13 you have seen throughout the course of this
14 trial is that the sexual abuse started well
15 before 11 years old. And for Daughter Two, continued
16 well after. At least for Daughter Three, continued
17 through the age of 11.

18 There has been difficult but powerful
19 testimony about what each of these girls have
20 gone through. I ask each of you to very, very
21 carefully consider what you have heard
22 throughout the course of this trial. Is it
23 reasonable for these girls, for Daughter Three and Daughter Two
24 independently to have crafted a lie, the
25 consequence of which has been devastation to

1 their family in every way?

2 In a few minutes, you will have a chance to
3 go back and begin your deliberations. I will
4 ask that each of you reach a verdict -- all 12
5 of you must agree on a verdict. We ask that you
6 return a verdict that the defendant is guilty of
7 each of the four counts with which he is
8 charged. Thank you.

9 **THE COURT:** All right. Mr. Foreman,

10 Ladies and Gentlemen of the jury, during this
11 trial, you and I have certain duties to perform.
12 As the trial judge, it is my responsibility to
13 preside over the trial of the case and to rule
14 on the admissibility of the evidence offered
15 during the trial. It is also my duty to charge
16 you the law applicable to the case. It is your
17 duty as jurors to accept and apply the law as I
18 now state it to you. If you think you have any
19 idea as to what the law is or what the law
20 should be and it does not agree with what I now
21 tell you the law is, you have sworn an oath to
22 set aside your own opinion and apply the law
23 exactly as I now state it to you.

24 In every case tried in this court before
25 the jury, the jury is the sole and exclusive

1 judge of the facts and the trial judge cannot
2 comment on it or make any statements about the
3 facts of the case. Please do not think by
4 anything I may have said or done throughout the
5 course of the trial that I have such an opinion.
6 You are the sole judges of the facts.

7 I instruct you that the fact that the
8 defendant was arrested, charged and indicted in
9 a case is not evidence of guilt in this case.

10 Nor does it create any presumption or inference
11 of guilt. These documents are simply the formal
12 written instruments which contain the charges
13 made against the defendant. They serve as the
14 formal documents for which the case is processed
15 and brought into court.

16 There are four indictments in this case.
17 They allege different offenses against the
18 defendant. The first indictment that I am
19 referring to would be Criminal Sexual Conduct
20 with a Minor in the first degree with regards to
Daughter Two
21 [REDACTED] Jones. The next indictment is Criminal
22 Sexual Conduct with a Minor in the second degree
Daughter Two
23 with [REDACTED] Jones. The third indictment is
24 Criminal Sexual Conduct with a Minor in the
Daughter Three
25 first degree with [REDACTED]. And the fourth

1 indictment is the charge of criminal sexual
2 conduct of a minor in the second degree with
Daughter Three
3 [REDACTED] Perry.

4 Each indictment charges a separate and
5 distinct offense. You must decide each
6 indictment separately on the evidence and the
7 law applicable to it uninfluenced by your
8 decision as to any other indictment. A
9 defendant may be convicted or acquitted on it

10 any or all of the offenses charged. You will be
11 asked to write a separate verdict of guilty or
12 not guilty for each indictment.

13 Now, necessarily, you must determine the
14 credibility or believability of the witnesses
15 who have testified in the case. It becomes your
16 duty to evaluate the evidence and determine
17 which evidence convinces you it is true. In
18 determining the believability of the witnesses,
19 you may believe one witness over several or
20 several over one. You may believe a part of the
21 testimony of a witness and reject the remaining
22 part. You may believe the testimony of a
23 witness in its entirety or reject that same
24 testimony in its entirety. You may consider
25 whether the witness has an interest in the

1 result of the trial, whether the witness is
2 prejudiced for either the state or the
3 defendant, the opportunity for the witness to
4 have seen the matters and things about which the
5 witness has testified and the way the witness
6 acts on the witness stand or what we call the
7 witness' demeanor.

8 The rules of evidence ordinarily do not
9 permit witnesses to testify to opinions or
10 conclusions. An exception to this general rule
11 exists for witnesses we call experts. A witness
12 who by education and experience who has become
13 an expert in some art, science or profession may
14 give an opinion as to the subject in which the
15 witness has been certified as an expert and may
16 also give the reasons for the opinion. You, the
17 jury, should consider any expert opinion given
18 by a witness. And like any other evidence in the
19 case, give it the weight that you think it
20 deserves.

21 Now, the defendant has pled not guilty to
22 this indictment. That plea puts the burden on
23 the State to prove the defendant guilty. A
24 person charged with committing a criminal
25 offense in South Carolina is never required to

1 prove themselves innocent. I charge you that it
2 is a cardinal and a signal rule of our law that
3 the defendant in a criminal trial will always be
4 presumed to be innocent of the crime for which
5 an indictment has issued unless guilt has been
6 proven by evidence satisfying you, the jury, of
7 guilt beyond a reasonable doubt.

8 A reasonable doubt is the kind of doubt
9 that will cause a reasonable person to hesitate

10 to act. A reasonable doubt may arise from the
11 evidence that is in a case -- from the lack of
12 evidence in a case. You, the jury, must
13 determine whether or not reasonable doubt exists
14 as to the guilt of the defendant. The state has
15 the burden of proving each and every element of
16 a crime beyond a reasonable doubt. And any
17 reasonable doubt that you may have in your
18 deliberations should be resolved in favor of the
19 defendant.

20 There are two types of evidence which are
21 generally presented during a trial: direct
22 evidence and circumstantial evidence. Direct
23 evidence directly proves the existence of a fact
24 and does not require a deduction.
25 Circumstantial evidence is proof of the chain of

1 facts and circumstances indicating the existence
2 of the main fact. Crimes may be proven by
3 circumstantial evidence. The law makes no
4 distinction between the weight or value to be
5 given to either direct or circumstantial
6 evidence. However, to the extent that the State
7 relies on circumstantial evidence, all of the
8 circumstances must be consistent with each other
9 and, when taken together, point conclusively to

10 the guilt of the accused beyond a reasonable
11 doubt. If the circumstances and really portray
12 the defendant's behavior as suspicious, the
13 proof as failed.

14 The defendants -- excuse me, the state has
15 the burden of proving the defendant guilty
16 beyond a reasonable doubt. The burden rests
17 with the State regardless of whether the State
18 relies on direct evidence, circumstantial
19 evidence or any combination of the two.

20 The defendant is charged with first-degree
21 Criminal Sexual Conduct with a Minor. The State
22 must prove beyond a reasonable doubt that the
23 defendant engaged in a sexual battery with the
24 victim. A sexual battery is defined as sexual
25 intercourse, cunnilingus, fellatio, anal

1 intercourse, intercourse or any intrusion,
2 however slight, of any part of a person's body
3 or of any object into the genital or anal
4 openings of another person's body except when
5 the intrusion is accomplished for medically
6 recognized treatment for diagnostic purposes.

7 The State must then prove beyond a
8 reasonable doubt that the victim was less than
9 11 years of age at the time of the sexual

10 battery. Consent, willingness, indifference or
11 ignorance on the part of the minor, if any, as
12 to what was taken place does not in any way
13 affect the charge of criminal sexual conduct of
14 a minor. An unmarried woman under the age of 14
15 cannot legally consent to a sexual battery.

16 The defendant is also charged with second-
17 degree sexual conduct with a minor. The State
18 must prove beyond a reasonable doubt that the
19 defendant engaged in a sexual battery with the
20 victim. A sexual battery is sexual intercourse,
21 cunnilingus, fellatio, anal intercourse or any
22 intrusion, however slight, of any part of a
23 person's body or any object into the genital or
24 anal openings of another person's body except
25 when the intrusion is accomplished for medically

1 recognized treatment or diagnostic purposes.

2 Then I will tell you the State must then
3 prove beyond a reasonable doubt that the victim
4 was at least 11 years of age but not more than
5 14 years of age at the time of the sexual
6 battery. I also again remind you that consent,
7 willingness, indifference or ignorance on the
8 part of the minor, if any, as to what has taken
9 place does not in any way affect the charge of

10 Criminal Sexual Conduct with a Minor. An
11 unmarried woman under the age of 14 cannot
12 legally consent to such sexual battery. I will
13 also tell you that the testimony of a victim
14 need not be corroborated in prosecutions for
15 criminal sexual conduct.

16 Now, Mr. Foreman, Ladies and Gentlemen of
17 the jury, there are two possible verdicts for
18 each indictment which you may arrive at in this
19 case. There is no significance in the order in
20 which I state them. One must be before the
21 other. Two possible verdicts with respect to
22 each indictment are guilty or not guilty. I
23 will tell you remind you again that each
24 indictment must stand on his own. You can reach
25 one decision with respect to one unaffected by

1 your decision with respect to each of the other
2 indictments.

3 I want to tell you that all 12 of you must
4 agree on the verdict. Your verdict must be
5 unanimous. Your verdict cannot be based on
6 sympathy, passion, prejudice, bias, emotion or
7 any other consideration which is not in evidence
8 in the case. You have no friends to reward, you
9 have no enemies to punish.

10 Mr. Foreman, we prepared a verdict form
11 that I'm going to send back into the jury room
12 with you that addresses each separate
13 indictment. I think it identifies the charge of
14 what we call CSC with a minor first or CSC with
15 a minor second as to each of the two victims.
16 There are two charges with respect to each of
17 the two victims. You will have to come to four
18 decisions unanimously. When you have decided
19 and finished, there is a place for you to sign
20 your name. Please indicate to the bailiffs and
21 we will receive you back into court to take your
22 verdict at that time.

23 Right now, I'm going to excuse you all back
24 to your jury room and ask you not to begin your
25 deliberations. I need to go over my charge on

1 the law with the attorneys to make sure I did
2 not misstate something or omitted something.
3 When the verdict form comes back with the
4 tangible evidence, you may begin your
5 deliberation.

6 At this time, I will excuse everyone with
7 the exception of Mr. Bloomstran.

8 (WHEREUPON, the jury exits at approximately
9 3:57 p.m.)

10 THE COURT: Mr. Bloomstran, I'm sorry I
11 made you sit up here for two days. You are just
12 as qualified as every one of those 12, but the
13 law would not allow more than 12. I thank you
14 for your service in this case. I wish I could
15 tell you you were done for the week.

16 What can I tell him, Ms. Troope?

17 THE CLERK: Call back after 6 o'clock.

18 THE COURT: Call back after 6 o'clock
19 please. Thank you very much. Thank you.

20 (WHEREUPON, the alternate exits the courtroom.)

21 THE COURT: All right. Any exception or
22 objection to the charge from the state?

23 MS. HODGE: No, sir.

24 THE COURT: From the defense?

25 MS. MANIGAULT: None, Your Honor.

1 **THE COURT:** All right. Let's give them
2 the verdict and the evidence. Before we go,
3 anyone gets a way --
4 You can go ahead and take it back to them.
5 Would you put the documents that you wanted
6 to submit -- have they been marked as a Court's
7 Exhibit?
8 **MS. MANIGAULT:** Your Honor, I gave them to
9 the court but I did not submit them. I did not.
10 It is two letters from the Solicitor's office in
11 Spartanburg.
12 **THE COURT:** I have two copies of one.
13 **MS. MANIGAULT:** One should talk about the
14 pretrial. The other should talk about the
15 record.
16 **THE COURT:** All right. Have you seen
17 these?
18 **MS. HODGE:** Yes, sir.
19 **THE COURT:** Okay. Go ahead and mark this.
20 All right. Be at ease. Thank you very much.
21 (WHEREUPON, Court's Exhibit 1 is marked for
22 identification purposes.)
23 (WHEREUPON, the jury begins deliberation at
24 approximately 3:59 p.m.)
25 (WHEREUPON, the Court resumes at approximately

1 4:58 p.m.)

2 THE COURT: All right. We have got a
3 note. It just says transcript for [REDACTED] Daughter Three Perry
4 and transcript for DSS counselor. We did not
5 have a DSS counselor. But they must be referring
6 to --

7 MS. HODGE: Domar Edmonds.

8 THE COURT: To the who?

9 MS. HODGE: Domar Edmonds.

10 THE COURT: We may bring them back in the
11 morning. Let's bring them in.

12 THE BAILIFF: Yes, sir.

13 (WHEREUPON, the jury enters at approximately
14 5:00 p.m.)

15 THE COURT: All right. Ladies and
16 Gentlemen, I have your note. It reads
17 transcript for [REDACTED] Daughter Three Perry and transcript for
18 DSS counselor. We didn't have a DSS counselor
19 testify so we are assuming that you are
20 referring to Bomar Edmonds.

21 THE JUROR: Yes, sir.

22 THE COURT: The elderly gentlemen.

23 THE JUROR: Yes, sir.

24 THE COURT: Okay. We don't have a trans--
25 this is a modern courthouse but we don't have --

1 and this is one of the best court reporters in
2 the state, but we don't have transcript that we
3 can give you. What we can do is allow you to
4 relisten to the testimony. I will tell you that
5 Bomar Edmonds' testimony is 21 minutes or 23
6 minutes and ^{Daughter Three} [REDACTED] Perry's testimony is 31
7 minutes.

8 So what I'm going to suggest is to let you
9 all talk about that for a minute. If you want
10 to listen to it, I would recommend that we come
11 back in the morning and we'll listen to the
12 testimony then. If this was the end of the week
13 and my last trial, we would soldier through
14 tonight. But it is 5 o'clock so I'm going to let
15 you all go back and see if that's what you would
16 like to do or just how you want to. If you want
17 to come back in the morning and listen to the
18 testimony at that time or, if you insist, we
19 will stay the night. Okay. Why don't you all
20 go talk about it.

21 **THE JUROR:** Thank you.

22 **THE COURT:** Okay.

23 (WHEREUPON, the jury exits at approximately
24 5:03 p.m.)

25 (WHEREUPON, there is a pause.)

1 **THE COURT:** Some decisions have been made.
2 They do want to come back in the morning.

3 (Pause.)

4 Let me see the lawyers up here real quick.

5 (WHEREUPON, a bench conference is held off the
6 record.)

7 **THE COURT:** The note reads we have reached
8 a verdict on three counts and come back in the
9 A.M. What time? What do we do with the

10 paperwork partially filled out?

11 You want to speak to your lawyer for just a
12 second?

13 **MR. PERRY:** That is fine. I just spoke to
14 her.

15 **THE COURT:** Okay. That's fine.

16 Take this. Tell them to be back -- is 9:30
17 acceptable? And straight to the jury room? Put
18 them in that. Give them the scotch tape. Let
19 them staple it shut. Tell them we're going to
20 keep it secure overnight. (Pause.)

21 **THE BAILIFF:** Then you want them brought
22 in?

23 **THE COURT:** Yeah. Do that.

24 **THE BAILIFF:** Okay.

25 (WHEREUPON, the jury enters at approximately

1 5:12 p.m.)

2 **THE COURT:** If we had some of that wax
3 that you heat up and have a little seal on it, I
4 would let you do that but this is the best we
5 have got. We're going to keep it locked in the
6 closet tonight. No one will see it. No one is
7 going to know what is in here. Is 9:30? 9
8 o'clock?

9 **THE JUROR:** We were going for 9:00, sir.

10 **THE COURT:** 9 o'clock. Okay. Y'all just
11 come on back. Go directly to the jury room. As
12 soon as everyone gets here, don't start
13 deliberating until everyone gets here. I can't
14 emphasize enough how vital it is that you will
15 not talk about this tonight. The temptation is
16 going to be enormous. The temptation of the
17 people you are going to see is going to be
18 enormous. They're going to want to know. You
19 can't just talk to -- you know you've come this
20 far in this important case. Stay strong to your
21 oath. We will see you tomorrow morning at 9
22 o'clock.

23 **THE JUROR:** Thank you.

24 **THE COURT:** Good night. Y'all have a
25 pleasant night. And nobody get sick.

1 (WHEREUPON, the jury exits at approximately
2 5:14 p.m.)

3 THE COURT: Sometimes a good overnight
4 helps people clear their heads and come to a
5 clear decision. Maybe before 9 o'clock. Anyway,
6 see y'all tomorrow.

7 (WHEREUPON, the Court recesses at approximately
8 5:15 p.m.)
9

P R O C E E D I N G S

(WHEREUPON, the proceeding resumes on the 3rd day of December, 2014 at approximately 9:00 a.m.)

(WHEREUPON, jury deliberation resumes at approximately 9:00 a.m.)

(WHEREUPON, the Court resumes at approximately 9:30 a.m.)

(WHEREUPON, the jury enters at approximately 9:32 a.m.)

THE COURT: All right. Welcome back, Ladies and Gentlemen. We are ready to replay the testimony. All right. Daughter Three (WHEREUPON, the entire testimony of [REDACTED] Perry and Bomar Edmonds is played for the jury.)

THE COURT: All right.

THE JUROR: Thank you, sir.

THE COURT: Yes, sir. Return to deliberations.

(WHEREUPON, the jury exits at approximately 10:24 a.m.)

THE COURT: All right. We will be at ease.

(WHEREUPON, jury deliberation resumes at approximately 10:25 a.m.)

(WHEREUPON, jury deliberation ends at

1 approximately 10:45 a.m.)

2 (WHEREUPON, the jury enters at approximately
3 10:51 a.m.)

4 THE COURT: Mr. Foreman, I understand you
5 have reached a verdict?

6 THE JUROR: Yes, we have, sir, Your
7 Honor.

8 THE COURT: All right. Would you hand it
9 to the bailiff.

10 (WHEREUPON, the verdict form is passed to the
11 court.)

12 THE COURT: Madam Clerk, if you would,
13 publish it for us.

14 THE CLERK: All right. Your Honor, in the
15 case of 2012-GS-23-0385, 03 -- excuse me -- 0385
16 and 396, the State of South Carolina versus
17 Wallace Steve Perry, Number 1, as to the charge
18 of Criminal Sexual Conduct with a Minor in the
Daughter Two
19 first degree, [REDACTED] Jones, we, the jury, find the
20 defendant guilty. Number 2, as to the charge of
21 Criminal Sexual Conduct with a Minor in the
Daughter Two
22 second degree with [REDACTED] Jones, guilty. As to
23 the charge of Criminal Sexual Conduct with a
Daughter Three
24 Minor in the first degree with [REDACTED] Perry, we,
25 the jury, find the defendant guilty. In the

1 charge of Criminal Sexual Conduct with a Minor
Daughter Three
2 in the second degree with [REDACTED] Perry, find him
3 guilty. This is a certified decision, unanimous
4 decision of the jury by Dorsey Finn, our
5 foreperson.

6 Ladies and Gentlemen, if you agree that
7 these are the verdicts you reached in your
8 deliberation room, would you please raise your
9 right hand?

10 (WHEREUPON, each juror responds.)

11 THE CLERK: Thank you.

12 THE COURT: Let the record reflect that
13 they all raised their right hand.

14 Anything further from the jury from the
15 State?

16 MS. HODGE: Not from the State, Your
17 Honor.

18 THE COURT: From the defense?

19 MS. MANIGAULT: Nothing, Your Honor.

20 THE COURT: All right. Mr. Foreman,
21 Ladies and Gentlemen, I want to thank you all
22 for your service. You all have been an
23 extremely conscientious jury. I am continually
24 impressed and very proud of our citizens who
25 serve. I thank you deeply for it. I wish I

1 could tell you you are free for the week but I
2 have to ask you all to call back after 6:00
3 tonight. Okay? Thank you. You are welcome to
4 stay, leave, whatever you want to do. Okay.
5 Thank you very much. All right.

6 **THE BAILIFF:** They want to stay.

7 **THE COURT:** We do have to ask the foreman,
8 we have a couple of other things we need to get
9 you to sign before you leave.

10 All right, Ms. Manigault.

11 All right. Do you have a prior criminal
12 history?

13 **MS. HODGE:** Your Honor, 1983, Fraud Check
14 conviction times three. 1995, Forgery
15 conviction.

16 **THE COURT:** All right.

17 **MS. HODGE:** He spent eight days before
18 making bond.

19 **THE COURT:** Okay. Now before we go any
20 farther, we had discussions at sidebar with
21 respect to what the potential sentences are.
22 The State -- I think we all agree that during
23 the course of the events for which Mr. Perry has
24 been convicted, the law changed twice. Correct?

25 **MS. HODGE:** That's correct. There are

1 three possible sentences.

2 THE COURT: For the CSC with the minor
3 first degree. Originally, it was 0 to 30 years.
4 The first change was from 10 to 30 years. The
5 next one was from 25 years to life. Over the
6 State's objection, I am not going to consider,
7 as a benefit to the defendant, the latter two
8 changes just so there is no question down the
9 road about what sentence ranges are considered.

10 I know that is over the State's objection.

11 MS. HODGE: Yes, sir.

12 THE COURT: Whether or not it is a correct
13 decision on my part, it does eliminate the
14 necessity for determination by the jury as to
15 the dates of, the actual dates of the criminal
16 conduct.

17 All right, Ms. Manigault.

18 MS. MANIGAULT: Please the court, Your
19 Honor. Excuse me. I would like to hand up a
20 letter from one of his former employees --
21 employer that could not be here -- he is out of
22 town -- for the court to read.

23 THE COURT: (Reviewing.)

24 Okay.

25 MS. MANIGAULT: Thank you, Your Honor.

1 Your Honor, we were appointed to represent Mr.
2 Perry on December 5, 2012 and our first
3 interview with him was on January 22, 2013.
4 Whenever he came into the Public Defender's
5 Office, we went over the case with him. On that
6 same date, we provided him a copy of all of the
7 discovery that we had at that point. We went
8 over that discovery with him.

9 He continued to appear for court all
10 through 2013 and 2014. He appeared in October
11 and the case was continued. I forgot to tell
12 him, but he stayed here all day waiting for
13 trial.

14 Your Honor, he -- we have had ample
15 opportunity to review all of the documentation
16 that has been provided to us by the state. He
17 has had ample opportunity to review the
18 documents that has been provided by the state
19 from the Department of Social Services. The
20 only documents that he did not review is the
21 documents that I have got from the counselor who
22 testified, the clinical counselor, Mr. Edmonds.
23 He knew generally the information that would be
24 in there because that information was in the DSS
25 file also for Spartanburg County.

1 He has consistently from day one indicated
2 to me that he was not guilty. He did not do
3 these things. He did not want to enter a guilty
4 plea. That has been for the past two years.
5 Your Honor, the state gave us an offer, a plea
6 offer which I reviewed with him. That offer was
7 a cap of 15 on the two CSC seconds. Dismissal
8 of the two CSC first charges. He refused.

9 That offer continued and was open until
10 October 3rd. I did not get in touch with him
11 then but I did get in touch with him by mid-
12 October and explained with him and asked him if
13 he wanted me to contact the Solicitor's office
14 and ask that that negotiation to be given back
15 to him. Even just before the holidays, he came
16 in again. We talked about the entire case.

17 I explained to him that the information
18 from Spartanburg County, I could not obtain it
19 from the Solicitor's office. It was destroyed.
20 It was no longer available. Discussed that the
21 solicitor had informed us of her plan to
22 introduce under the lower case, the prior bad
23 act. Gave the name of the person. I explained
24 all of that to him and went over that with him.
25 I asked him about that. He denied that also.

1 He instructed me that he did not want me to
2 contact the Solicitor's office about the 15-year
3 offer. I asked him to think about it before the
4 holidays, Thanksgiving holidays this year and to
5 call back to speak with the PD office to let me
6 know. He called back the next day and told me
7 he did not want me to contact the solicitor
8 about any plea agreement. He wanted to go to
9 trial because he was not guilty.

10 Your Honor, I understand the jury has
11 spoken. The verdict is guilty so that discussion
12 is over. I asked the court if you would
13 consider a minimum sentence in this case. He
14 has worked all of his life. He is 53 years old.

15 As the court heard, he loves his children.
16 His children still love him. He has worked, he
17 says he was in the military and received a less
18 than honorable discharge. The court heard the
19 circumstances about that yesterday when he
20 testified. He has medical condition type II
21 diabetes, blood pressure. He does take
22 medication. He also has a medical condition of
23 a tumor on the base of his skull that he was
24 being treated for or seen about.

25 He had work for JMG Realty which provided a

1 letter to the court. He evidently has been an
2 excellent employee for many companies that he
3 worked for. All of them speak highly of him,
4 even Mr. Shane who came and spoke yesterday
5 about hiring him. Ms. [REDACTED] Daughter One Rosamond testified
6 yesterday how she has explained -- and she is
7 still here today -- that he was a good employee.

8 Your Honor, we are asking the court, we
9 realize that anything like this that happens to

10 two children is egregious. We realize the jury
11 has spoken. There is no further arguments
12 against that. We'll just ask the court for
13 mercy in this case. Thank you.

14 One other thing, Your Honor, there was one
15 witness named Daniel Riddle that my client asked
16 me to subpoena. We subpoenaed him for the case
17 in October. He was willing to come and was
18 willing to come for this trial. However, by the
19 time we had gotten the subpoena, he had already
20 left town for the holidays and will be gone til
21 the end of this week. The only testimony that
22 Mr. Riddle would have provided was that he was a
23 roommate with Mr. Perry for a year and a half
24 period at the Carlyle.

25 Right?

1 MR. PERRY: Churchhill.

2 MS. MANIGAULT: At the Churchill. That
3 testimony came in anyhow through Mr. Dushane and
4 through Ms. Rosamond. There would have been
5 nothing else that Mr. Riddle could have --

6 THE COURT: It would have been cumulative?

7 MS. MANIGAULT: Yes, sir. It would have
8 been cumulative testimony.

9 THE COURT: All right. Before I say

10 anything else, I just want to mention what an
11 excellent job was done by the attorneys for both
12 sides. Is there anything else?

13 MS. HODGE: Your Honor, I don't believe
14 that anyone from the victim's family would like
15 to speak.

16 THE COURT: Okay. All right. Mr. Perry
17 these are some of the most difficult cases that
18 we see in the court system and that we deal with
19 as a society. It is not unusual for people who
20 perform these kinds of heinous criminal acts to
21 have much the same background as you have.

22 MR. PERRY: Yes, sir.

23 THE COURT: I will tell you right now that
24 this is your opportunity to address your
25 children and fess up responsibility for your

1 conduct. You haven't done it up until now. We
2 tried to work it out during the course of this
3 trial. You absolutely refused. It shows
4 absolute lack of remorse and acceptance of
5 responsibility, totally. I think perhaps it has
6 got something to do with who you are and how you
7 view yourself. I am not sure you accept -- you
8 are willing to acknowledge at this stage what
9 you have done, but I will give you that

10 opportunity. Is there anything you want to tell
11 me?

12 MR. PERRY: Well, Judge, I will say this.
13 We started this two and a half years ago. I
14 have held steady on everything ever since. I do
15 love my children with all of my heart. Whatever
16 caused this to come about, for us to be here
17 today, I am very sorry. But I did not, did not
18 do the acts that I was accused of. I hope this
19 in no way that affects your judgment of me.

20 But during this whole process, I have held
21 steady. The other day, I told you I wouldn't
22 disappoint you about being back. I waited two
23 and a half years to get here. There is no way
24 that I was going to do that. My children, I
25 love them with all my heart, always have. I

1 promised my son that I would go through with
2 this and I did exactly what I promised my son.

3 THE COURT: Where there is smoke, there is
4 fire. Wasn't there another punitive victim in
5 this?

6 MS. HODGE: Yes, sir.

7 THE COURT: Wow. 53?

8 MR. PERRY: Yes, sir.

9 THE COURT: So there's no question about
10 the sentence, 30 years, 20 years, 30 years, 20
11 years. Good luck.

12 MS. HODGE: Thank you, Your Honor.

13 THE COURT: Okay.

14 (WHEREUPON, Court's Exhibits 2 and 3 were marked
15 for identification purposes.)

16 (WHEREUPON, the proceedings conclude at
17 approximately 11:08 a.m.)

18

19

20

21

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE General Sessions COURT

CASE NO(s). 12-8495A; -96; -97; -98

EXHIBITS RECEIPT

PLAINTIFF	<u>State</u>	PLAINTIFF'S ATTORNEY	
DEFENDANT	<u>Wallace Perry</u>	DEFENDANT'S ATTORNEY	
JUDGE	<u>Miller</u>	DATE OF HEARING	

The following exhibits were received by me from Teresa B. Johnson, Court Reporter for the Thirteenth Judicial Circuit, on the 3 day of Dec, 20 14.

They are, as follows:

Plaintiff / Petitioner / State Exhibits	Defendant / Respondent Exhibits	Court Exhibits
1 <u>Wage Statement</u> ID / EV	1 ID / EV	1 <u>Letter (2)</u>
2 ID / EV	2 ID / EV	2 <u>Wing Note</u>
3 ID / EV	3 ID / EV	3 <u>Wing Note</u>
4 ID / EV	4 ID / EV	4
5 ID / EV	5 ID / EV	5
6 ID / EV	6 ID / EV	6
7 ID / EV	7 ID / EV	7
8 ID / EV	8 ID / EV	8
9 ID / EV	9 ID / EV	9
10 ID / EV	10 ID / EV	10
11 ID / EV	11 ID / EV	
12 ID / EV	12 ID / EV	
13 ID / EV	13 ID / EV	
14 ID / EV	14 ID / EV	
15 ID / EV	15 ID / EV	
16 ID / EV	16 ID / EV	
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24 ID / EV	24 ID / EV	
25 ID / EV	25 ID / EV	

Mary Jones
Clerk of Court

12-3-14
Date Received



October 14, 2014

Greenville County Courthouse
305 E. North Street
Suite 325
Greenville, SC 29601-2185

Re: Wallace Steve Perry
Case No. 022012041666

Attn: Kris Hodge, Assistant Solicitor

Kris attached four (4) South Carolina Apartment Leases for:

Employee: Wallace Steve Perry

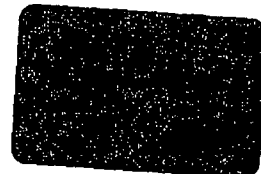
Property address: The Carlyle 8101
620 Halton Road
Greenville, SC 29607

Lease from: November 16, 2007 – November 30, 2008
Lease from: December 1, 2008 – November 30, 2009
Lease from: December 1, 2010 – December 31, 2010
Lease from: January 1, 2011 – December 31, 2011

If you have any questions or need additional information, please contact me at (404) 995-1130 or email address jwilkins@jmgrealty.com.

Sincerely,

Jo Wilkins
Human Resources Director
JMG Realty, Inc.



10200 Richmond Avenue
Suite 250
Houston, TX 77042
PH: 713.513.1000 | FX: 713.513.1002

5605 Glenridge Drive
Suite 1010
Atlanta, GA 30342
PH: 404.995.1111 | FX: 404.995.1112
JMG REALTY, INC.

4840 Dalry Road
Suite 104
Melbourne, FL 32904
PH: 321.728.4447 | FX: 321.725.3352

**SEVENTH JUDICIAL CIRCUIT
SOLICITOR'S INTERVENTION PROGRAMS**

P.O. Box 5666
Spartanburg, South Carolina 29304

180 Library Street
Spartanburg, S.C. 29306
Phone: (864) 596-2630
Fax: (864) 596-2268

Cherokee County
Gaffney, S.C. 29340
Phone: (864) 487-6216
Fax: (864) 487-8537

December 1, 2014

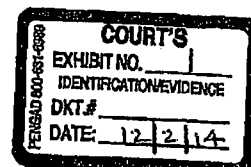
To: Tracy Burkett (Public Defender's Office)
From: PTI
RE: Wallace Perry

Mr. Wallace was accepted into PTI on 8/23/1994 and he completed 12/16/1994.

Charge: Lewd Acts, On Child Under 14 (GS 4876)
DOA: 7/26/1993
Arresting Agency: SCSO
Officer: Plumley

I am sorry this all the information that I have, we destroy all case information 2 years after completion.

Amanda R. Walker



**SEVENTH JUDICIAL CIRCUIT
SOLICITOR'S INTERVENTION PROGRAMS**

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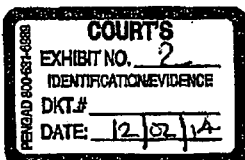
I am sorry this all the information that I have, we destroy all case information 2 years after completion.

Amanda R. Walker

TRANSCRIPT FOR
JACKIE Perry

TRANSCRIPT FOR
DAS COUNSELOR

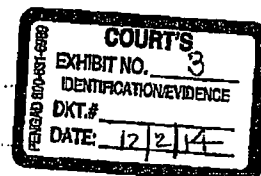
Dorsey L. Perry Jr



mm
We have reached a verdict on 3 counts
and, come back in the AM. what time?

What do we do with the papers work
partially filled out.

Donny L. Rine Jr



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2014-002654

The State, ... Respondent,

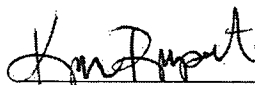
v.

Wallace Steve Perry, ... Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

COLLINS & LACY, P.C.



KERRI A. RUPERT
krupert@collinsandlacy.com
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660 (voice)
(803) 771-4484 (facsimile)

July 14, 2016

ROBERT M. DUDEK
Chief Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEYS FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2014-002654

RECEIVED
JUL 15 2016
SC Court of Appeals

The State, ... Respondent,

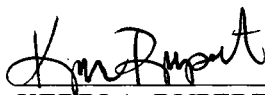
v.

Wallace Steve Perry, ... Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material
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ATTORNEYS FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUL 15 2016

SC Court of Appeals

Appeal from Greenville County
Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

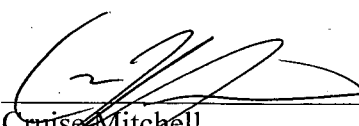
V.

WALLACE STEVE PERRY,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above referenced case has been served upon Henry Gunter, Esquire, at Rembert Dennis Building 1000 Assembly Street, Room 519, Columbia, SC 29201; and upon Wallace Steve Perry, #362330, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 15th day of July, 2016.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 15th day of July, 2016.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.