

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
D. Garrsion Hill, Circuit Court Judge

SC Court of Appeals

Case No.: 2013-GS-23-003231; 003232; 003233; 003234; 003235; 003236
Appellate Case No.: 2015-000312

The State, ... Respondent,
vs.
Jerald Denton Gaskins, Jr., ... Appellant.

RECORD ON APPEAL Volume II

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1 A At our house, yes, sir.

2 Q So they would come primarily over to y'all's house.
3 How often would they, as a couple, come to your parents
4 home?

5 A At first, it started like maybe once or twice a week.
6 And then maybe a little bit more, probably not too much,
7 like they came three or four times a week.

8 Q So starting --

9 A Depending on what days.

10 Q So starting in March of 2011, they, as a family,
11 would come to your parents home three or four times a week
12 every week?

13 A Almost every week, yes, sir.

14 Q Okay. And did that -- how long did that continue?
15 We talked yesterday about approximately a 15-month span of
16 time. Was it during that entire 15 months?

17 A That they came over?

18 Q Yeah.

19 A They came over, yes.

20 Q All right. And three or four times a week?

21 A Or two, one or two. It varied depending on --

22 Q Okay. But there really weren't any weeks where
23 Jerald and Rachel and usually, I guess, their baby didn't
24 come over to the house, at least, a couple times a week?

25 A Yes.

1 Q Okay. And when they came over, how long would they
2 usually be there?

3 A A few hours or so.

4 Q And what sorts of things did everybody do while they
5 were there?

6 A Just hung out. Jerald and my dad would go to the
7 back room, you know, play the guitar, and everything.
8 Because that's what they did. They listened to music.
9 And me, and my mom, and Rachel, whether she had the baby
10 or not, we'd sit out in the kitchen and just talk and --
11 or play with the baby.

12 Q So Jerald primarily hung out with Walt, your dad?

13 A At my house, yes.

14 Q And that was, again, anywhere from two to four times
15 every week?

16 A Yeah.

17 Q For this entire 15-month stretch that --

18 A Until -- yes.

19 Q And so it sounds like you spent a good bit of time
20 with Rachel?

21 A At my house.

22 Q And would it be fair to say that the two of you got
23 to be friends with one another?

24 A Not close, but friends. But not close friends.

25 Q And you would even babysit for their child sometimes;

1 is that correct?

2 A Only if they had to go to the store.

3 Q All right. And, sometimes, when they were -- when
4 all three of you were together, you -- even though Rachel
5 was there and Jerald was there, you would help take care
6 of the baby; is that correct, play with it? I'm not
7 talking about the normal things that a mom would do, but
8 play with the baby, just, you know, enjoy being around the
9 child?

10 A Yeah.

11 Q Okay. And, at some point, you -- well, we'll get to
12 that in a minute.

13 I believe you said that -- when you testified
14 yesterday that when you first -- after you first met him
15 at this horseshoe tournament, it was really just the --
16 almost immediately that the two of you started talking and
17 texting with one another; is that correct?

18 A Actually, it was a couple weeks later. Because I had
19 just got my phone taken after he came to the house. And
20 then the texting started because he wanted the ring tone.

21 Q Okay. So when you said yesterday a couple of hours
22 later he showed up at my house, he gave me his number, and
23 we began talking and texting, that really wasn't as
24 immediate as it sounds, based on what you said yesterday?

25 A No. Because I said yesterday that I did -- that my

1 phone was taken. And then a couple -- it was about a
2 couple weeks later because a grade did fall. And I got my
3 phone taken. And then I got it back.

4 Q And that was the phone you had from your parents?

5 A Yes, sir.

6 Q And, presumedly, a phone over which they had control
7 since it was on their plan, I would imagine?

8 A Yes, sir.

9 Q Okay. And you said you then a couple weeks, I guess,
10 after meeting him is the first time you went to the house
11 at Tigerville?

12 A After the texting started, yes, sir.

13 Q Yeah. And that was at the invitation of both Rachel
14 and Jerald; is that correct?

15 A No.

16 Q Well, let me ask you. Do you recall meeting with
17 Investigator Perry of the sheriff's office there at your
18 school?

19 A At my school, yes.

20 Q Do you remember that he came down there? And I
21 believe you asked your guidance counselor to sit in on the
22 meeting.

23 A I didn't ask her. She was already sitting in. She
24 asked if it was okay to sit in. And I told her it was
25 fine.

1 Q And that's Ms. Hunt, Karis [phonetic] Hunt; is that
2 correct?

3 A Yes, sir.

4 Q All right. You don't -- so your testimony here today
5 is you don't recall telling Investigator Perry that Jerald
6 and his wife, Rachel, later asked you to come over to
7 their home on Tigerville Road?

8 A As far as I can remember, it was just him.

9 Q Okay.

10 A Because he was usually the one to invite me to the
11 house.

12 Q So you're saying Rachel had nothing to do with it?

13 A The first time, I don't recall. But the rest of the
14 times, yes, it was just him.

15 Q Well, let me ask you. You had just met this guy.
16 You had only known him for a little bit. He was primarily
17 friends with you dad. What was the big attraction about
18 going over to hang out with Jerald if he's the only one
19 that wanted you over there?

20 A He told me he had his daughter.

21 Q Okay.

22 A And they were describing their daughter to me. And I
23 like children. So I wanted to meet the baby.

24 Q Okay. So you go over there and you say the very
25 first time over there, he starts to talk to you about sex?

1 A The first -- yes.

2 Q So the very first time you make a trip over there to
3 his house on Tigerville Road, he talks to you about sex?

4 A Yes.

5 Q He asked you if you were a virgin?

6 A Yes.

7 Q And your reaction that you described yesterday would
8 seem to be understandable, a 13-year-old girl and somebody
9 who was a grown man starts asking you if you're a virgin
10 and having sexual talk is you felt really uneasy about it.
11 You didn't like it; is that right?

12 A Yes, sir.

13 Q All right. And, yet, you continued to go back time
14 and time and time again?

15 A Yeah.

16 Q Okay. Now, when your mom testified and, also, when
17 you testified, I mean, what I heard described -- and
18 you -- I want you to tell me if this is accurate or not --
19 is somebody who was a good student in school?

20 A Yes, sir.

21 Q What grade were you in?

22 A I was in eighth.

23 Q And where were you going to school?

24 A Northwest Middle.

25 Q And a fairly popular girl. I mean, you had lots of

1 friends?

2 A I did.

3 Q Your mother described you as very sociable?

4 A I am still a social person.

5 Q Yeah. I mean, you were involved in extracurricular
6 activities like volleyball?

7 A Yes.

8 Q You had lots of friends; is that correct?

9 A Yes, sir.

10 Q You talked to those friends on the telephone a good
11 bit?

12 A Some of them, yes. The others, I just talked to at
13 school.

14 Q Y'all went places together, you did things together?

15 A Yeah.

16 Q You had a -- basically, a full and complete life?

17 A Yes.

18 Q You were not unhappy at home?

19 A No.

20 Q You didn't feel neglected by your parents?

21 A No.

22 Q You felt like they gave you the proper amount of
23 attention?

24 A Yes.

25 Q You were just not unhappy at all?

1 A No.

2 Q And, yet, you -- your own testimony yesterday was,
3 virtually, every weekend you continued to go to whatever
4 house Jerald was living in?

5 A Not every weekend.

6 Q Well, I believe that you said yesterday more often
7 than not; is that not true?

8 A More often on every weekend, but not every weekend.

9 Q Well, over the course of the 15 months that y'all
10 discussed yesterday, which I believe you said was about
11 the approximate time limit, that would be somewhere in the
12 neighborhood of 70 weekends, give or take. Any idea how
13 many of those weekends you spent with Jerald and Rachel?

14 A Out of 70?

15 Q Yeah.

16 A I don't know the math.

17 Q Well, let's say in an average --

18 A I couldn't tell you.

19 Q Well, let's say in an average month, how many times
20 were you at the Gaskins home?

21 A In a month?

22 Q Yeah.

23 A It varied. It could be one month I could be over
24 there every weekend, or every other weekend, or maybe just
25 two weekends or -- not two weekends, but one weekend.

1 Q So why would a girl who has all of this going for her
2 in her life, happy home, lots of friends spend virtually
3 every weekend with Rachel and Jerald Gaskins?

4 A Because I was a social person. I like making
5 friends. That's just me. And they had a kid. And I
6 liked the kid. I grew fond of the child.

7 Q So the sole attraction to you then was to go over
8 there and be with that child?

9 A At the start, yes, until I kept getting invited over
10 for whatever.

11 Q Well, what was the reason that you kept going?

12 A He kept inviting me.

13 Q And why did you want to go?

14 A Because I thought it was just going to be a normal
15 weekend with the baby, and just hanging out with them, and
16 playing the games like we usually did.

17 Q So every time that you went, despite the fact that
18 you said these things were going on with Jerald that you
19 didn't like, you continued to go back with the expectation
20 that it was going to be what you described as a normal
21 weekend?

22 A I went back with the expectation that I wasn't going
23 to let myself do that again. But with his manipulating
24 talk and everything...

25 Q Well, he didn't manipulate you into going, did he? I

1 mean, you went --

2 A No.

3 Q -- on your own free will --

4 A I went for the sake of hanging out. But I went with
5 the mind that I wasn't going to do anything again.

6 Q I mean, Jerald -- this is not a relative of yours.
7 This is not somebody that lived --

8 A No.

9 Q -- in your home; correct?

10 A Correct.

11 Q I mean, you had complete free will about whether or
12 not you were going to be around him or not?

13 A Yes.

14 Q And this is not a situation -- I mean, you have not
15 contended at any point that you were somehow in love with
16 this man, and wanted to be with him, and engaged in a
17 sexual relationship with him because that's something you
18 enjoyed and wanted to do. That is not what you have said,
19 is it?

20 A No.

21 Q I mean, what you have testified to, basically, is he
22 manipulated you, coerced you, practically forced you to do
23 things that you didn't want to do with him?

24 A Yes.

25 Q So that's the position that you have in this case?

1 A Yeah.

2 Q I mean, you even went so far as to say that this
3 became a controlling relationship where he limited your
4 exposure to your friends and would not give you any
5 freedom?

6 A Yes.

7 Q And, yet, he had no control over any of that, did he?

8 A Yes, he did.

9 Q Explain that to me. How did he have control over
10 whether you have friends, or where you could go, and the
11 things you could do?

12 A Because once I started going over there and all the
13 sexual stuff started happening, he claimed that I was his
14 and that I couldn't go here because these people were bad,
15 or they weren't good influences, or they weren't real
16 friends.

17 Q But nobody forced you to go there?

18 A I went -- of course, I went there on my own will.
19 But it was for everybody, not just him.

20 Q Okay. So Rachel was your friend. You just said a
21 few minutes ago that she wasn't your good friend --

22 A Not a close friend.

23 Q But, apparently, a close enough friend that you
24 wanted to endure all of the things you say were coming
25 your way from this man so you could go over there; is that

1 right?

2 A Excuse me?

3 Q In other words, she wasn't a very close friend?

4 A Yes.

5 Q You didn't really like being around Jerald?

6 A No. Well, I did, but not all the time. Like I said,
7 it was for everybody.

8 Q I believe you said that the first time that the two
9 of you had any sexual relations, Rachel was right there in
10 the house?

11 A Yes.

12 Q Now, was this the house -- this is the house in
13 Tigerville?

14 A Yes.

15 Q Was it a house or a trailer?

16 A It was a house.

17 Q Okay. And how big was this house?

18 A It was a two bedroom, one bath.

19 Q Okay. So not a very big house at all?

20 A No, sir.

21 Q It probably had a living room, a kitchen?

22 A It had a living room, a small dining room, a kitchen,
23 and a back porch.

24 Q Okay. Was anybody else there, or just Rachel?

25 A It was Rachel.

1 Q Was the baby there?

2 A I believe she was sleeping.

3 Q And so your testimony is then that with -- in this
4 small house with his wife in this one bathroom taking a
5 shower --

6 A A bath.

7 Q -- the two of you got undressed and had sex with one
8 another?

9 A Yes.

10 Q And you're saying that he -- I believe you said he
11 used a condom?

12 A Yes.

13 Q And I believe you said when he was done, he put the
14 condom in a trash can?

15 A Yes.

16 Q Where was the trash can located where he put this
17 condom?

18 A I don't recall.

19 Q You don't know?

20 A I was still in the room putting my clothes on when he
21 disposed of it.

22 Q Okay. But you saw him dispose of it?

23 A No.

24 Q And do you recall what kind of condom it was?

25 A No.

1 Q Okay. And you said he used condoms every time?

2 A Yes.

3 Q So he just always had condoms with him?

4 A Or he went and bought them.

5 Q Okay. During this time -- and he moved -- they moved
6 several times, as you recounted yesterday when you were
7 talking to the Solicitor; correct?

8 A Yes, sir.

9 Q And every time he moved, you would still go wherever
10 it was they lived to the house, even when they lived in
11 Central, which is a pretty good drive from here?

12 A Yes.

13 Q You didn't, generally, take any friends, or anything
14 with you?

15 A I did take one.

16 Q Who?

17 A My friend, Daylin.

18 Q How often would Daylin go with you?

19 A Not often.

20 Q And, normally, wherever they lived, there was
21 somebody else living in the house with them; is that
22 correct?

23 A Correct.

24 Q There was a guy named Josh and Josh's girlfriend that
25 lived with them at a couple of different locations?

1 A Yes.

2 Q There was a Jamie McCrary that lived with them at a
3 couple of different locations?

4 A Yes.

5 Q And so, ordinarily, when you would go over there,
6 there would be people in the house?

7 A Yes.

8 Q I mean, we know Rachel didn't work, so she was home a
9 good bit?

10 A Yes, unless he let her go to her grandma's.

11 Q Okay. And so there were times that -- and she did go
12 visit with her family; is that correct?

13 A Just her grandma.

14 Q She would visit with her grandma?

15 A That was it.

16 Q Okay. And how many -- and on how many occasions
17 would she go to visit with her grandma?

18 A It would be every now then, just occasionally, not
19 often.

20 Q So she was normally at the house when you were there?

21 A Most of the time, yes.

22 Q And usually somebody like Josh, or Josh's girlfriend,
23 or Jamie McCrary, or somebody else was, also, there?

24 A Yes.

25 Q There -- and when y'all were at your house, of

1 course, the whole family was around?

2 A Yes.

3 Q So there were really very few times that you were
4 ever alone with Jerald; is that correct?

5 A Few times?

6 Q Very few. I mean, normally there were people around?

7 A Not often.

8 Q Not often?

9 A I was alone with him a few times, a few times that
10 all this happened.

11 Q Okay. And your sister, Jamie, she wasn't -- she was
12 in Florida up until August of 2012; correct?

13 A Yes, sir.

14 Q So she wasn't around to hang out with Jerald, and
15 Rachel, and all of y'all the way the whole family was, was
16 she?

17 A No, sir, not except in February when we went down
18 there.

19 Q So really her -- she came into the picture in August.
20 And then all of this sort of broke loose in November?

21 A Yes, sir.

22 Q Okay. And that was, also, right after the time that
23 Rachel and Jerald had split up and Jerald filed for
24 divorce?

25 A Yes. This would have been April.

1 Q And you continued to go to Jerald's house, you said,
2 even after the divorce?

3 A After they split up.

4 Q Yeah. Or after they split up?

5 A Yes.

6 Q He was living by himself?

7 A Or he had somebody else living with him.

8 Q Or there was somebody else --

9 A Or just staying there.

10 Q Yeah. And you were pretty much able to go whenever
11 you wanted to; is that correct?

12 A Yes.

13 Q So when -- there's some story about a Luke Bryan
14 concert that you talked about you didn't get to go to and
15 you thought you were going to go to. Is it your
16 contention that that was just some sort of a ruse, some
17 sort of a trick to be able to get alone with you?

18 A Yes.

19 Q And, yet, he wouldn't have had to do that, would he,
20 because you were free to come and go and spend time with
21 him any time or any place that you wanted --

22 A Around that time, it varied between who would let me
23 go.

24 Q Okay. And you indicated yesterday and, again, today
25 that while you found it really unpleasant being around

1 him, you liked the fact that he got things for you?

2 A Yeah. I was young.

3 Q And -- but when questioned about it, all I could
4 recall you ever talking about he got you is a Coke and a
5 candy bar?

6 A He would buy me meals, or he would buy me a phone, or
7 a CD. It was anything. If I asked for it, I got it.

8 Q He was, also, helping your parents out with their
9 bills, and their car insurance, and all sorts of things?

10 A Yes, to blind them away from what was happening.

11 Q Well, that's what you say now. But, at the time,
12 everybody was very happy with him; correct?

13 A Yes. Because nobody knew who he really was.

14 Q And, at some point, he came forward and said, you
15 know, y'all are taking advantage of me. I'm not going to
16 continue to be your meal ticket. I'm not going to
17 continue to pay your bills. You can't do these things to
18 me; right?

19 A I don't recall.

20 Q And people started to get upset with him?

21 A I don't recall.

22 Q All right. Following these allegations, you didn't
23 have anything else to do with Jerald?

24 A No.

25 Q And your mom testified yesterday that she didn't. As

1 far as you know, did she have anything to do with Jerald?

2 A After everything came out?

3 Q Yeah.

4 A No. She had nothing to do with him.

5 Q But, now, your dad, Walt, continued to see Jerald,
6 didn't he?

7 A Yes.

8 Q And do you have any idea just based on your own -- if
9 you don't, that's fine. But do you have any idea how
10 often they would see each other after these allegations?

11 A No, sir. I didn't keep up with my father.

12 Q You didn't keep up with him. Why?

13 A No. Because he was drinking. And I didn't want
14 anything to do with him the first time after he saw him
15 and was hanging out with him. I didn't want nothing to do
16 with my dad then.

17 Q And until you were asked about it by your mom
18 following the phone call that she got from -- or that she
19 had with Rachel, you never said anything to anybody about
20 this is your testimony?

21 A Yes, sir.

22 Q You never said anything to your sister, Jamie?

23 A No, sir.

24 Q You never said anything to anybody at school?

25 A No, sir.

1 Q You never said anything to Rachel?

2 A No, sir.

3 Q You never said anything to your parents?

4 A No, sir.

5 Q You never said anything to any of your friends?

6 A No, sir.

7 Q So despite the fact that, you know, he was giving you
8 anything that you wanted, things were going on that you
9 didn't like, you kept going back for more. You didn't
10 tell anybody?

11 A No, sir.

12 Q And then after you, finally, do tell somebody, you
13 gave a short statement to the investigator when he came
14 over to the house; correct?

15 A He didn't come to the house. He came to the school.

16 Q Okay. And then you sometime after that sat down with
17 your sister, Jamie. And the two of you got -- went and
18 did your statement; is that correct?

19 A Yes, sir.

20 Q And that's the 16-page statement that we've heard
21 about?

22 A Yes, sir.

23 Q And that is the statement that has headings of
24 Tigerville?

25 A The houses they lived in.

1 Q Yeah. And then 12 Magnolia?

2 A Yes, sir. And Central.

3 Q Yeah. And it has those details, all of which is --
4 we've heard people testify in here today, the Solicitor
5 kind of clicks off each one of the things that's in your
6 statement as she's talking to y'all; correct?

7 A Yes, sir.

8 Q And that's the statement that you worked on with
9 VICTIM [sic] after the police had come out and talked to
10 your parents at the house?

11 A Do you mean Jamie?

12 Q Jamie. I'm sorry.

13 A Yes, sir.

14 Q Okay. And am I straight? I just want to make sure
15 I'm clear about this, that you didn't like the things that
16 were going on with Jerald?

17 A No, sir.

18 Q You were very unhappy with the situation?

19 A Yes, sir.

20 Q It started to adversely affect your life?

21 A Yes, sir.

22 Q And, yet, not only did you not tell anybody, but you
23 continued to go over there time and time again?

24 A Yes, sir.

25 Q And you could have stopped it at any point?

1 A I could have, but I was scared.

2 Q Even if you didn't say anything to anybody, you
3 didn't have to go back?

4 A Then there would be a reason, a question why.

5 MR. CHAMBERS: That's all the questions I have for
6 you.

7 Thank you.

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MS. HODGE:

11 Q So you said you were scared to stop, there would be a
12 question why if you said, no, I'm not coming. Who would
13 that come from?

14 A The question?

15 Q Uh-huh.

16 A It would come from my parents, you know, what
17 happened, you know, kind of thing. Because they were
18 still talking.

19 Q So it would be weird if all the sudden now you're
20 like --

21 A It just stopped.

22 Q -- I don't want to go over there anymore?

23 A Yeah.

24 Q It might raise their suspicions about something, and
25 then maybe you would get in trouble for that?

1 A Yeah.

2 Q If they found out what had gone on?

3 A Yes.

4 Q Okay. Now, you said, you know, you didn't like the
5 things that the Defendant was doing. Do you mean like the
6 sex stuff? You didn't like that part?

7 A Yes, ma'am.

8 Q Okay. You didn't want to do that part?

9 A No, ma'am.

10 Q Okay. You liked feeling special?

11 A Yes.

12 Q Being given the special attention from a male?

13 MR. CHAMBERS: Objection, Your Honor. She's leading
14 the witness.

15 THE COURT: Sustained.

16 BY MS. HODGE:

17 Q Did you have a boyfriend before this ever happened?

18 A No, ma'am.

19 Q Okay. So was it nice for a guy to be telling you
20 nice things?

21 A Yes, ma'am.

22 Q Okay. Buying you things?

23 A Yes, ma'am.

24 Q And, again, you're 13; right?

25 A Yes.

1 Q Did you ever have anybody do that for you before?

2 A No, ma'am.

3 Q Did you think he cared about you?

4 A Yes, ma'am.

5 Q And why did you think that?

6 A Because of the way he acted, you know, like when
7 somebody else would be over, you know, he kind of singled
8 me out on things, but would give me more of this than the
9 other person.

10 Q Show you favoritism?

11 A Yes.

12 Q Okay. Would that be with other girls around, or
13 how -- what is that?

14 A It would be sometimes with Rachel, or my sister, or
15 my family.

16 Q And so you did -- did you like that part of the
17 relationship, if you will?

18 A Yes.

19 Q But you did end up having sexual relations with him
20 even though you didn't want to?

21 A Yes, ma'am.

22 Q And was that ever going to -- was that ever your idea
23 to do those things?

24 A No, ma'am.

25 Q Was it ever something that was only asked of you one

1 time?

2 A Asked of, yes.

3 Q And then if you said -- did you say "no" ever?

4 A Yes.

5 Q I think you testified yesterday you said "no" --

6 A Yes, ma'am.

7 Q -- many times?

8 A Yes.

9 Q But would he persist?

10 A Yes.

11 Q And would it seem like you just needed to give in?

12 A Yes.

13 Q All right. And, again, you're 13, maybe 14 years old
14 during this stuff?

15 A 13 through 15, yes.

16 Q And going over to his house -- or going over and
17 hanging out, again, I think we touched on this yesterday.
18 Was that sort of a bit of freedom for you?

19 A Yes.

20 Q So you had -- I mean, your parents pretty much said,
21 sure, go, hang out?

22 A Yeah.

23 Q Not a lot of questions from them about, you know --

24 A No.

25 Q -- where you're going, who you're hanging out with?

1 A Well, they would ask where are you going, you know.

2 But I'd tell them and they were like, oh, okay.

3 Q So it was easier to go hang out with them?

4 A Yeah.

5 Q So what if you had some new friend, some new guy
6 friend, were they going to let you just --

7 A No.

8 Q -- go hang out, and spend nights, and do what you
9 want with that new person?

10 A No.

11 Q Okay. So this was comfortable for them?

12 A Yes. Because they were, also, getting things from
13 him, too.

14 Q Right. And they trusted him?

15 A Yes.

16 Q And thought he was a friend?

17 A Yes.

18 Q All right. And he was helping out your family?

19 A Yes.

20 Q But he was, also, spending a lot of time at your
21 house?

22 A Yes.

23 Q Okay. So it was a mutual thing, there was a
24 friendship back and forth?

25 A Yes.

1 Q Okay. And I think you testified, you -- even your
2 mom went and helped like unpack him one time?

3 A Yes.

4 Q And paint?

5 A When they moved to Quail Roost.

6 Q So there was a mutual friendship going on?

7 A Yes.

8 Q All right. And did he become immediately kind of
9 controlling with you, or was this a progression through
10 this relationship?

11 A It was a progression.

12 Q What did it start with? Was there any particular
13 thing when he started becoming more jealous or --

14 A My friends, you know, not liking my friends, and you
15 know, not wanting me to go around them because they're bad
16 influences, as he would say, and, you know, they're not
17 good to me, they're not my real friends.

18 Q Would he -- how did he know who your friends were?

19 A They would come around. If they were at the house,
20 he would be there. If he was at the house, they were at
21 the house. They'd meet. That was it.

22 Q So he took an interest in your 13 and 14-year-old
23 friends?

24 A Yeah.

25 Q And did he ever text any of those friends?

1 A I don't recall.

2 Q Okay. Did he ever say that he had, or that they were
3 flirty with him, or anything like that?

4 A Yes, ma'am.

5 Q Okay. What was that about?

6 A That he would try to get me to believe that he -- you
7 know, they were texting him and that they were flirting
8 with him. And that they're bad, you know. They're trying
9 to take me away from you, and stuff like that.

10 Q Okay. So they were trying to flirt with the
11 Defendant, and that's why they shouldn't be your friends?

12 A Yeah.

13 Q You can't trust them --

14 A Yeah. Because they're going to take what you have.

15 Q Which would be him. Okay. And he -- did he say
16 something -- tell me about you going to church on the bus.
17 Was there some issue with that?

18 A Yes.

19 Q What was that?

20 A He started telling me that my bus driver had a rape
21 charge from the past, and that he would look me up and
22 down like he was going to do something to me.

23 Q And did you believe that?

24 A Yes.

25 Q Was it true?

1 A No.

2 Q So -- and you were going to church on that bus; is
3 that right?

4 A Yes, ma'am.

5 Q On Wednesdays and Sundays?

6 A Yes, ma'am.

7 Q And did you stop doing that --

8 A Yes.

9 Q -- at some point down the road?

10 A Yes, ma'am.

11 Q Okay. And did -- what was the reason you stopped
12 doing that?

13 A When he told me about the bus driver. And then he
14 went. Because he thought he was going to change, or
15 something like that. And he went. I'm trying to --

16 Q He went to the church?

17 A Yeah.

18 Q Okay.

19 A He went to the church. And he said he was going to
20 change, and everything. And he started talking about, oh,
21 this pastor is really bad, you know, he's a bad person.
22 And then the bus driver is a bad person. You don't need
23 to go there.

24 Q Okay. So he ended up coming to your church and going
25 to check out your church for you, basically?

1 A Yes, ma'am.

2 Q Okay. And then your church was no good after that?

3 A Yes, ma'am.

4 Q All right. What about boys at school? Was there
5 ever any kind of issue with that?

6 A He would tell me like, you know, if they're ever
7 looking at you, you better tell me, you know, because I'll
8 solve that problem kind of thing.

9 Q And what were his feelings towards your sister?

10 A They were like never okay. But he would like -- it
11 looked as if they were okay together. But when he was
12 alone and she wasn't there, he would say that she's bad,
13 she's mean, she's abusive to you, she's a really bad
14 person. He would tell me that anybody was a bad person,
15 other than him.

16 Q And, during this time, did you tend to believe that,
17 or how were you feeling?

18 A Yes, ma'am.

19 Q And then about your parents, I mean, these people
20 that he claims to be friends with and he's helping on one
21 hand, what was he telling you about them on the other
22 hand?

23 A That they were like verbally abusive, you know,
24 mentally abusive, that they treated me like a slave, you
25 know, because I had to do chores, and that, you know, they

1 didn't treat me right. They didn't treat me like I should
2 be treated.

3 Q And I don't know if we touched on it yesterday. Was
4 there -- let's see -- anything about you leaving your
5 parents -- or leaving your parents home?

6 A Yeah. Emancipating myself is what we talked about
7 yesterday.

8 Q Okay. And why would you want to do that -- or why
9 did he want you to do that?

10 A So I can go live with him.

11 Q Okay. Was this after he and Rachel had split, or was
12 this before that even?

13 A It was before that, a little bit before they split.

14 Q And when you're hearing all of these kinds of things,
15 are you thinking maybe one day that will happen, or what
16 are you thinking?

17 A It was like maybe, you know, one day, it will happen.
18 Maybe he's telling the truth, you know. Maybe he cares
19 about me type of thing.

20 Q Maybe he really does like me?

21 A Yeah.

22 Q All right. And back on your parents. Did he ever
23 say anything about your mom like being interested in him,
24 or something?

25 A Yeah. He had said something. He was like, you know,

1 every time I'm over at your house, your mom kind of looks
2 at me and gives me these eyes like -- you know, like she
3 wants me, or, you know, that she likes me.

4 Q Trying to make you think your mom is like flirting
5 with him, or something?

6 A Yes.

7 Q And then what about your dad in relation to that?

8 A That he would get mad, that he knows that my mom was
9 looking at him like that. And he would get mad.

10 Q Are these conversations y'all are having when you're
11 hanging out?

12 A Yes.

13 Q Okay. This is not in text, or is it in text, too?

14 A Some of it may have been in text.

15 Q Okay. Let me ask you. Do you take showers, or
16 baths, or both?

17 A Mainly showers.

18 Q Okay. About how long do you shower, just generally?

19 A About 30 minutes.

20 Q Okay. When you're in the shower, do you know what
21 everybody else in the house is doing?

22 A No.

23 Q So, for you, 30 minutes could go by and you have no
24 idea what all those people in your house are up to?

25 A Huh-uh.

1 Q Okay. I think at the end of cross-examination,
2 Mr. Chambers asked you about a few times -- there were
3 only a few times that you were, actually, alone, alone
4 with the Defendant. Is that -- was that accurate? I was
5 getting confused.

6 A It was enough for this to happen. It wasn't so few
7 like he's making it seem. It was enough to happen.

8 Q Okay. So I think Mr. Chambers brought up the number,
9 maybe 70 weekends?

10 A Yes.

11 Q That there were possibly 70 weekends out of this
12 entire thing. About how many times did something,
13 actually, happen out of those 70 possible opportunities?

14 A Well, it wasn't just weekends either. Because when
15 the summer came around, it was, also, weekdays.

16 Q Okay. Well --

17 A So it would have been --

18 Q So how many times did something happen? 70 times?

19 A No. It was -- as I said yesterday, over -- about
20 over 10, maybe over 20.

21 Q Okay. So not every time --

22 A No.

23 Q -- it was sporadic when opportunities arose?

24 A Yes, ma'am.

25 Q Okay. And I think you mentioned something yesterday.

1 But you said it would start with this is our chance or --

2 A Yes.

3 Q Okay. So what -- explain that.

4 A Basically, it would be -- if we were alone together,
5 it'd be a chance, you know, this is -- take the chance,
6 you know, do it.

7 Q Let's do it because we can?

8 A Yeah. We can. We have the chance.

9 Q Now, nobody is there?

10 A Yeah.

11 Q Okay. So they weren't all the time, but they were
12 enough for this to happen?

13 A Yes, ma'am.

14 Q All right. And I think that you said something about
15 condoms. You were asked about the condoms?

16 A Yes, ma'am.

17 Q Did -- he provided those?

18 A Yes, ma'am.

19 Q Did you ever --

20 A He bought them himself.

21 Q Okay. And did y'all ever go to a store together to
22 buy them?

23 A Yes, ma'am. I stayed in the car, though.

24 Q Okay. Do you remember when that was, or which
25 incident?

1 A No, I don't.

2 Q Okay.

3 A I think the Waffle House once. Yeah, the Waffle
4 House once. And I'm thinking that was the only time we
5 went to the store, unless he went without me.

6 Q Sure. But when you were alone?

7 A Yes.

8 Q Okay. So you were -- would have been in the car at
9 that time?

10 A Yes, ma'am.

11 Q Okay. There's been mention and you've been asked
12 about your dad hanging out with the Defendant after all
13 this happened?

14 A Yes, ma'am.

15 Q And you became aware of that at some point?

16 A Yes, ma'am.

17 Q And were you aware that the Defendant was trying to
18 get your dad to drop these charges?

19 A Yes, ma'am --

20 MR. CHAMBERS: Objection, Your Honor.

21 MS. HODGE: Thank you.

22 That's all the questions I have.

23 THE COURT: Redirect?

24 MR. CHAMBERS: No redirect, Your Honor.

25 THE COURT: Or recross, rather. Sorry.

1 MR. CHAMBERS: No recross.

2 THE COURT: You may step down, ma'am.

3 Thank you.

4 You may call your next witness.

5 MS. HODGE: Thank you, Your Honor.

6 The State calls #1 (Minor)

7 THE CLERK: Ms. Barton, please, come forward. If
8 you'd pause at the end of the bench.

9 Please place your left hand on the Bible and raise
10 your right hand.

11 WHEREUPON,

12 #1 (Minor)

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 Please be seated.

16 Would you, please, state your name for the record?

17 THE WITNESS: #1 (Minor)

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION

20 BY MS. HODGE:

21 Q Ms. Barton, tell us, how old are you?

22 A 18.

23 Q And are you in school currently?

24 A Not currently.

25 Q Okay. I'm going to get you to move the microphone --

1 A Sorry.

2 Q -- closer to you. You can move it. That's okay.

3 And how far did you go in school?

4 A Sophomore year.

5 Q Where were you going to high school?

6 A Greenville High School.

7 Q And are you working currently?

8 A Yes.

9 Q And who do you live with right now?

10 A My grandfather.

11 Q Are you married?

12 A No.

13 Q Do you have any children?

14 A No.

15 Q Do you know VICTIM

16 A Yes.

17 Q All right. And how do you know VICTIM

18 A I've known her since fourth grade in elementary

19 school.

20 Q Were y'all friends?

21 A Like sisters.

22 Q Did you hang out a lot from that point forward?

23 A Yes.

24 Q Okay. Did y'all go to elementary school together?

25 A Yes.

- 1 Q And what school was that?
- 2 A Heritage Elementary. Sorry.
- 3 Q Are you a little nervous?
- 4 A No.
- 5 Q Okay. How about middle school? Where did you go to
- 6 middle school?
- 7 A Lakeview Middle School.
- 8 Q All right. Did VICTIM go to Lakeview Middle?
- 9 A No.
- 10 Q Did you guys continue to be friends, though?
- 11 A Yes.
- 12 Q Okay. And do you know the Defendant in this case,
- 13 Jerald Gaskins?
- 14 A Yes.
- 15 Q So tell us how you know him.
- 16 A Over at the horseshoe tournaments that we had over at
- 17 VICTIM house is when I met him.
- 18 Q All right. Were you with VICTIM when you met him?
- 19 A Yes.
- 20 Q Okay. Do you recall what time of year this was, or
- 21 what year it was?
- 22 A Spring of 2011.
- 23 Q And how old were you at that time?
- 24 A 14.
- 25 Q What grade were you in then?

1 A Eighth grade.

2 Q And even though you and VICTIM were not at the same
3 school, would you hang out at her house, and stuff around
4 then?

5 A Yeah, on the weekends.

6 Q And were you living with your grandfather then or --

7 A Yes.

8 Q Okay. And you said horseshoe tournaments. Had you
9 been involved in those or anybody in your family been
10 involved in those?

11 A Me and my mom would come over. And I'd try to play
12 every now and then. But I'm a lefty, so it didn't really
13 go well.

14 Q All right. And was that the only place or time you
15 had met the Defendant -- the first place or time you had
16 met him?

17 A The first place and time, yes.

18 Q Okay. And was he married at the time?

19 A Yes.

20 Q And was his wife there, also, at the tournament?

21 A Yes. They were babysitting in the back room with
22 VICTIM.

23 Q Okay. Was it at her house -- VICTIM house that
24 you met them?

25 A Yeah.

1 Q Okay. And did you have a conversation with the
2 Defendant the first time you met him?

3 A He showed me his car and his stereo system. And we
4 sat in there and talked.

5 Q What kind of stuff were y'all talking about?

6 A It was just about how cool bluetooths were these
7 days. And then it started getting flirtatious, I guess.

8 Q Okay. Did he ask for your phone number, or did y'all
9 swap phone numbers, or anything?

10 A We exchanged phone numbers later on that afternoon.

11 Q And how long -- like when did these tournaments start
12 like what time of day, and how long would they go?

13 A Usually, about 12:00 in the afternoon till 8:00 at
14 night.

15 Q Okay. And people would just kind of hang out and
16 mill around?

17 A Uh-huh.

18 Q Okay. And did you think anything of him getting your
19 number, or you getting his number?

20 A At first, no. I didn't think much of it.

21 Q Okay. What happened after that?

22 A After that, about two weeks later, he was texting me
23 on Facebook saying we need to meet up and stuff, that he
24 was having a cookout over at his house and VICTIM was
25 there babysitting with Rachel and the baby. And I came

1 over.

2 Q Okay. And did you think it was weird that you got an
3 invite from him to come to that?

4 A A little. But, at that time, it was desperation for
5 attention. So it was at a bad point in my life.

6 Q What was going on?

7 A I had just gotten taken away from my mom for custody.
8 And my grandmother was sick in the hospital.

9 Q And was he giving you some special attention?

10 A Very much.

11 Q And so did you end up going over to the cookout
12 thing?

13 A Yeah.

14 Q How did you get over there?

15 A I think it was VICTIM -- when VICTIM went over
16 there either he gave me a ride from VICTIM house when
17 they all went, or he picked me up. I cannot remember.

18 Q Okay. And this is back in 2011?

19 A Yeah.

20 Q Okay. And did you ever write down any kind of
21 statement to anyone about this case?

22 A No.

23 Q Okay. So you don't have anything to go back and look
24 at to refresh your memory?

25 A (Witness shook her head.)

1 Q Okay. So this is all just coming from memory?

2 A (Witness nodded.)

3 Q And so what happened when you got over there for the
4 cookout?

5 A Well, we were all conversating [sic] and stuff. And
6 then he took me to the back room where his wife and
7 VICTIM was babysitting. And they were watching Fear
8 Factor. And we started to talk. And we started to kiss
9 and -- very repetitive.

10 Q Okay. Talking and kissing?

11 A Yeah.

12 Q All right. And so other people were in the house?

13 A Just on the other side.

14 Q On the other side. Okay. And did anything beyond
15 talking and kissing happen at that point?

16 A No.

17 Q About how long do you think that lasted?

18 A Just an hour or two.

19 Q When you were over there -- while you were over
20 there?

21 A Yeah.

22 Q And the talking and kissing lasted a whole hour?

23 A Oh, no. That was just about 20 or 30 minutes.

24 Q And did you go back into the room where his wife and
25 VICTIM were after that?

1 A Yes.

2 Q Did you act like anything was different?

3 A No. I just -- I -- it felt very uncomfortable to be
4 alone in that situation, so. But I didn't tell anyone
5 what happened.

6 Q Did you even think to tell VICTIM like your friend?

7 A No.

8 Q And why not?

9 A I didn't think anybody would understand what was
10 going on. And VICTIM I have -- my entire life -- I've
11 lost a lot of my innocence very quickly. So I've tried to
12 protect her.

13 Q You just didn't think that was something to talk
14 about?

15 A No.

16 Q So did anything else ever happen between you and the
17 Defendant after that?

18 A After that, there was two times. There was sexual
19 encounters.

20 Q And what happened? Tell me about the first time.

21 A The first time, it was nobody over there. I think it
22 was a few weeks later. I got out of school. It was like
23 8:00 at night. And he came to pick me up. And we went to
24 his house. And there was no one in there at that time.
25 It was late at night. And we had sex on the bed. And

1 then he -- after that, he took me home.

2 Q And tell me about like how did you get over there?

3 Were y'all texting, or Facebooking, or --

4 A We were Facebooking. And he picked me up off the
5 street in front of my house.

6 Q Did you sneak out of your house?

7 A Yes.

8 Q And so when you say you went in the bedroom and had
9 sex, can you tell me what that means?

10 A Strictly, it was me with my pants off for about five
11 minutes. He used a condom. And it was vaginal.

12 Q And was there any conversation about this or --

13 A Not much.

14 Q And then did you -- well, how were you feeling about
15 that?

16 A Very awkward. But afterwards, he made me feel, with
17 his conversation, just special like I was doing a good
18 favor.

19 Q Okay. And so did you continue to talk to him or see
20 him again?

21 A Yes. There was two more times. The second time was
22 at that abandoned house. I do not know the location. I
23 just know it was late at night. And he wanted to have a
24 sexual encounter in the car. But I was not comfortable
25 with that.

1 So he got his wife's clothes and laid them on the
2 bottom of the floor inside the house. And I had tried to
3 get on my knees, but it was -- there was glass in there.
4 So it was about five minutes or six minutes of a sexual
5 encounter. We finished. And he took me to Spinx, got me
6 a drink. And I got to go to the bathroom so I could clean
7 up my knees. And he took me home.

8 Q And when you say "abandoned house," was this in the
9 Travelers Rest area, or Greenville, or --

10 A Yes, the Travelers Rest area.

11 Q Okay. But, at first, he wanted to do it in the car?

12 A Uh-huh.

13 Q And y'all ended up going inside this abandoned house?

14 A (Witness nodded.)

15 Q Do you know whose house it was, or belonged to, or --

16 A I can recall he was saying it was like his father's,
17 or some family member previously owned. I do not know
18 other than that.

19 Q And, again, are you like sort of a willing
20 participant in this, or how are you feeling about this?

21 A At 14 and very rebellious, yes, I was young and
22 naive. But I was -- I put forth my efforts into agreeing.

23 Q Making it happen?

24 A Yeah.

25 Q And did -- was this vaginal-penile penetration?

1 A Yes.

2 Q Okay. And did he use a condom?

3 A Yes.

4 Q All right. Do you know what he did with the condom?

5 A It was -- he just took it off and threw it on the
6 floor.

7 Q And then once that was over, y'all went to Spinx?

8 A Yeah. And then I think it was almost -- it was about
9 a week or two later, two weeks later, he took me back to
10 his house again. And it happened the same way like the
11 first time. But it was much shorter. Because I, finally,
12 said I was very uncomfortable with it. And I was,
13 finally, seeing that this isn't right, and I was making a
14 dumb decision. So I left. I mean, he took me home.

15 Q Okay. Was there a conversation that y'all had about
16 this being over?

17 A Yeah. I was saying how I wasn't comfortable and
18 coming out with my true feelings about it. And he's
19 like -- he was making me feel like it's okay, you're a
20 child, you can't -- there's no way you can process this like
21 an adult, you know, making me feel young and naive, dumb,
22 which, actually, I took that in pride that that was the
23 honest truth. And so I went home. And I've never talked to
24 him since.

25 Q Okay. And was there something -- a conversation

1 that -- or anything he said about VICTIM to you?

2 A Yes. Right before he left, he said that he was going
3 to go after VICTIM next. And so I kind of just
4 disappeared off the radar. Mentally, I didn't know how to
5 handle it. And it felt like if I was going to be the one
6 telling her that, there would be consequences, or
7 something. And I had so much guilt in my head that I
8 didn't talk to VICTIM I didn't talk to anybody for
9 about six months.

10 Q So you didn't kind of -- you didn't give her a
11 warning, or anything like that?

12 A No.

13 Q Okay. And had you -- or do you think it would have
14 mattered if you had?

15 A No.

16 Q Now, during this time -- how long of a time frame are
17 we talking about here from when you met him till when it
18 was -- that was the last time?

19 A Two to three months.

20 Q All right.

21 A Three months, yeah.

22 Q All right. So by the end of your eighth grade year,
23 this was done?

24 A Uh-huh.

25 Q Okay. And you say you kind of dropped off the face

1 of the earth?

2 A A little bit.

3 Q All right. Did your grandmother pass away?

4 A Yes.

5 Q And you went to a different high school from VICTIM

6 A Yes.

7 Q Okay. When did you reconnect or start back hanging
8 out with VICTIM

9 A About a month after my grandmother passed, I thought
10 it was good to get out and start doing the right things.
11 And I -- the next time I encountered VICTIM she had told
12 me what happened. And I had already pretty much known it
13 was going to happen in my head.

14 So to cope with it, I told her what happened to me.
15 And that I felt threatened as if I were going to tell
16 her -- but as much as I wanted to -- so we just kind of
17 connected back after that.

18 Q Okay. And this was after she had, you know, gone to
19 the police, and all this stuff was out?

20 A Yes.

21 Q And she had already given statements, and all that
22 kind of stuff?

23 A Yes.

24 Q Did you think after hearing that that maybe you
25 should go to the police and talk about your case?

1 A I said I'd do anything I can do to help, you know.
2 Because I know my mental capacity, I can handle stuff like
3 that because I've had a bit of a rough past. But I knew
4 that it would distraught her more than anything.

5 So I said I would do anything I could do to help, and
6 if I needed to write a testimony. And here I am doing it
7 now like I promised.

8 Q Okay. But did you really want to get involved, or
9 you just said you would if it was necessary?

10 A I do what I can for my family. But I don't really
11 like to get involved in things like this.

12 Q Okay. So you really never had any intention once you
13 heard that of going to the police and making your own
14 case, if you will?

15 A Yeah. I've got a bit of a social anxiety thing. But
16 sitting up here proudly talking in front of all of these
17 people, I'm okay.

18 Q Okay. And do you -- can you identify the person that
19 you know as Jerald Gaskins in court today?

20 A (Witness pointed.)

21 Q And you have to tell me -- okay. What's he wearing?

22 A A black tie and gray shirt.

23 MS. HODGE: Let the record reflect she identified the
24 Defendant.

25 Please answer Mr. Chambers questions.

CROSS-EXAMINATION

BY MR. CHAMBERS:

Q So you met Jerald, you said, at a horseshoe tournament?

A Yes.

Q And VICTIM was there?

A Yes.

Q You had gone with your mom, though, you had not gone with VICTIM is that right?

A My mother and VICTIM were both hanging out with Sandy. And we were all together.

Q Okay. And was that about March of 2011, or do you recall when that was?

A I remember it was in the springtime.

Q Spring of 2011. And so that day, the two of you exchanged phone numbers?

A Yes.

Q Is that right?

A Yes.

Q And he -- y'all immediately started talking to one another?

A Yes.

Q And then the first time that the two of you got together was this time that you went to his house. He came and -- did he come and get you?

1 A Yeah. I was over at VICTIM And we were in our
2 bathing suits. And we were trying them on. And we went
3 for a tan. And then he texted and said there was a
4 cookout.

5 So we got dressed and he picked us up. And we went
6 over there. I think VICTIM was already over there. And
7 he came back just for me.

8 Q So you were at VICTIM without VICTIM

9 A Yeah. Sandy and Walt are like family. So it was
10 nice to come over there and just hang out for the
11 afternoon.

12 Q So VICTIM was there already?

13 A Yeah. And then they had picked her up. And then I
14 guess he came back for me. Because I was wanting to hang
15 out with my mom and Sandy for a little bit longer.

16 Q And you went over and there was a cookout going on.
17 Do you recall who all was there?

18 A Rachel, Jerald, me, VICTIM and the baby.

19 Q That was it?

20 A That was it.

21 Q And so the four of y'all are there together. At some
22 point, were -- were you out in the yard, or were you in
23 the house, or what were you doing?

24 A We were in the house.

25 Q Okay. And this is the two-bedroom house?

1 A Yes.

2 Q All right. And so you said that -- if I remember
3 correctly that VICTIM and Rachel, and the baby were in
4 one room; is that correct?

5 A Yes. All the way on the right side.

6 Q And then you and Jerald went off into another room
7 for about 20 to 30 minutes?

8 A Yes.

9 Q Just the two of you in a room for 20 to 30 minutes?

10 A Yes.

11 Q And that's where you said the kissing and things
12 occurred?

13 A Yes.

14 Q All right. And you -- did you say you felt kind of
15 weird about that?

16 A A little uncomfortable. Because, I mean, he's a
17 married man. And it seems that, you know, Rachel is a
18 wonderful girl. She's so nice and a good mother. And
19 VICTIM is my best friend, you know. It doesn't seem that
20 they would be, you know, manipulative to hurting anyone.

21 Q So you described VICTIM as your best friend?

22 A She's just like my sister practically.

23 Q Okay. And so this went on as you described. And it
24 sounds like even though you were a willing participant,
25 you really didn't enjoy the experience very much?

1 A No.

2 Q You felt used?

3 A I felt like I was corrupting a family that was
4 already sewn together, you know. I mean, they're married.
5 It's not right.

6 Q You said that you had lost your innocence, I guess,
7 at a fairly young age. Would -- so you were different in
8 that regard than VICTIM is that correct?

9 A Yes.

10 Q Did you think that VICTIM was more naive?

11 A No. She was just -- she hasn't been exposed to
12 things like being -- you know, put in situations like
13 that.

14 Q So this relationship that you said that you had with
15 Jerald was going on, basically, at the same time that your
16 best friend, VICTIM was spending a lot of time over at
17 the Gaskins home?

18 A Yes. Although, I know he had his eyes locked on her,
19 she didn't know what was going on. She was there to
20 babysit, and hang out with Rachel, and that was it.

21 Q And you were not only best friends with VICTIM but
22 you -- as you said, you considered Sandra and Walt --
23 Sandy and Walt like family?

24 A Yes.

25 Q You felt very comfortable with them?

1 A Yes.

2 Q And so -- but your testimony is that even after
3 breaking things off with him -- "him" being Jerald and
4 Jerald, apparently, saying to you, well, I'm moving on to
5 VICTIM now, you didn't go and say anything at all to your
6 best friend, hey, you need to watch out for this guy?

7 A Simply because my mother already tried to talk to
8 Sandy about it. And, I mean, he put up a really good
9 front, and like he was just there for the family. And my
10 mental capacity at 14 years old, everything that was going
11 on, and my grandmother dying, I couldn't handle it.

12 So I did fall off the face of the earth. And I
13 didn't tell anyone simply because I didn't know how to
14 handle it.

15 Q Well, you didn't literally fall off the face of the
16 earth. I mean, you --

17 A I didn't talk to anybody.

18 Q You were around; correct?

19 A Yes.

20 Q And you knew what the situation was, that VICTIM was
21 spending time over there. And you knew, apparently, based
22 on this relationship you say you had that -- what might be
23 going on with Jerald?

24 A Uh-huh.

25 Q And, yet, you didn't even -- you didn't go to VICTIM

1 at any point and say, this has been going on with me and
2 Jerald, or even as much as you need to watch out for
3 Jerald?

4 A I simply didn't say anything because nobody -- I
5 don't know how anybody would have handled it. And with my
6 social anxiety disorder, I was kind of like panicking and
7 freaking out. And I didn't know how everyone would take
8 it. And that would make me, I thought, look like, well, a
9 child whore. So I simply stayed away.

10 Q These are people, though, that you feel comfortable
11 with, that you consider family?

12 A Yes. But I wasn't even comfortable with myself at
13 that time simply because of a rebellious point of like --
14 I didn't even know who I was at the time.

15 Q So you just weren't able to overcome all this social
16 anxiety and this searching for your identity in order to
17 help your best friend in the world?

18 A No, I was not.

19 Q You couldn't even go and talk to this woman Sandy,
20 who you said is just like a mother to you?

21 A I couldn't.

22 Q And, in fact, you never said or did anything about
23 any of this until these allegations arose?

24 A Correct.

25 Q And even then, you didn't go and talk to Investigator

1 Perry or anybody with the sheriff's office?

2 A No.

3 Q You never had the opportunity for anybody to listen
4 to what you had to say and investigate it, did you?

5 A No. But by the time my grandmother had died, I --
6 that was all forgotten.

7 Q And, yet, when you hear this case is going to trial,
8 that's when you step forward and say, hey --

9 A Yeah.

10 Q -- this happened to me?

11 A Yes.

12 Q And even then, nobody got with you and said, let's
13 sit down and get a statement, let's talk about what
14 happened?

15 A Well, I mean, we had talked about it -- like right
16 after it happened to VICTIM is -- you know, we text on
17 Facebook. But we haven't been as close like we used to be
18 ever since this incident. But we have been talking about
19 it. And I have met up with them to say, I will testify.

20 And then before I know it, I got my new job. And the
21 Solicitor lady said that it's going to trial. And I said
22 I would help. So that was that.

23 MR. CHAMBERS: That's all the questions I have for
24 you.

25 Thank you.

1 MS. HODGE: Nothing further.

2 THE COURT: You may step down.

3 Thank you.

4 MS. HODGE: May she be excused?

5 MR. CHAMBERS: I don't have any objection.

6 THE COURT: All right. Yes, ma'am. You're excused.

7 We're going to take a short recess, about 10 minutes.

8 Don't talk about the case. Continue to keep an open mind.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 10:45 a.m.)

11 THE COURT: Yes, sir, Mr. Chambers.

12 MR. CHAMBERS: Just quickly, Your Honor. I just want
13 to make it clear, because I had this issue come up in a
14 PCR. I did not contemporaneously object when that witness
15 testified. I just want to make it clear for the record
16 that I had objected to her testimony, that you ruled on
17 that objection, and you overruled it. So, you know --

18 THE COURT: Certainly.

19 MR. CHAMBERS: -- I just want to protect the record.

20 THE COURT: Certainly. And I reincorporate all your
21 previous arguments. And you had objected quite vehemently
22 before the testimony. And everyone knows you objected to
23 it.

24 MR. CHAMBERS: Thank you, Your Honor.

25 THE COURT: How many more witnesses do you have?

1 MS. HODGE: I have two short witnesses.

2 THE COURT: And then you're going to have how many,
3 do you think?

4 MR. CHAMBERS: I believe I'm going to have two
5 witnesses, Your Honor.

6 THE COURT: So what time do you think we would
7 conclude the testimony? I'm just trying to get an idea
8 for planning purposes.

9 MS. HODGE: I would love to do it by lunch. I mean,
10 my witnesses are really short, 10 minutes each probably
11 for me. It's the doctor and investigator.

12 MR. CHAMBERS: Okay.

13 THE COURT: So what does that mean?

14 MS. HODGE: So I can be done in -- I mean, I can be
15 done in 20 to 30 minutes, if there's no cross. But, I
16 mean --

17 THE COURT: Yes. Right.

18 MR. CHAMBERS: And there's likely to be some cross.

19 THE COURT: All right. Fair enough.

20 MS. HODGE: It's on him.

21 THE COURT: We'll take about a 10-minute break.

22 Thank you.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Anything before we bring the jury in?

25 MS. HODGE: No, sir.

1 MR. CHAMBERS: Not from the Defense, Your Honor.

2 THE COURT: Thank you.

3 (WHEREUPON, the jury came into open court at
4 approximately 10:59 a.m.)

5 THE COURT: You may call your next witness.

6 MS. HODGE: Thank you, Your Honor.

7 One moment.

8 (Pause.)

9 MS. HODGE: The State calls Mary Fran Croswell.

10 THE CLERK: Ma'am if you'll, please, pause at the end
11 of the bench.

12 Place your left hand on the Bible and raise your
13 right hand.

14 WHEREUPON,

15 MARY FRAN RATCHFORD CROSWELL, M.D.,
16 after first having been duly sworn, testified as follows:

17 THE CLERK: Thank you.

18 Please be seated.

19 Would you, please, state your name for the record?

20 THE WITNESS: Mary Fran Ratchford Croswell.

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MS. HODGE:

24 Q Dr. Croswell, where are you, currently, employed?

25 A I am employed by the Greenville Health System in the

1 division of forensic pediatrics, child abuse, and neglect.

2 Q All right. And how long have you been employed in
3 that capacity?

4 A I have been employed since 2006, so eight years.

5 Q All right. Tell us your educational background.

6 A I received my bachelor's degree at Wake Forest
7 University. I received my medical degree from the
8 University of Louisville School of Medicine. I completed
9 my pediatric residency at the Greenville Hospital System.

10 Q And how about your work experience prior to the
11 Greenville Hospital System?

12 A I worked as a general pediatrician at the Children's
13 Healthcare of Atlanta.

14 Q And are you board certified in any areas?

15 A Yes. I'm board certified in general pediatrics and
16 in child abuse pediatrics.

17 Q And do you attend continuing education courses,
18 meetings, or seminars in the area of pediatric and child
19 abuse pediatrics?

20 A Yes. I attend annually ongoing medical education
21 courses in both pediatrics and child abuse pediatrics.

22 Q All right. And when you say "child abuse," what kind
23 of abuse is that?

24 A All forms of child maltreatment, including physical
25 abuse, physical neglect, and sexual abuse, among others.

1 Q Okay. And have you lectured or presented to peers in
2 these areas?

3 A Yes, I have. I've lectured to medical students and
4 residents, as well as I have lectured at a state-wide
5 conference on a couple of occasions.

6 Q And are you a member of any professional
7 organizations that deal with pediatric medicine?

8 A Yes, I am. I am a member of the subcommittee of
9 child abuse and neglect of the American Academy of
10 Pediatrics, the American Professional Society on the abuse
11 of children. I'm a member of a state-wide network of
12 child abuse providers in the state of South Carolina.

13 Q And have you conducted sexual assault exams -- or
14 sexual abuse exams on children under 16, I guess, in your
15 career?

16 A Yes, I have.

17 Q Approximately how many of those have you done?

18 A Roughly 150 to 200 a year. So I would say over a
19 thousand cases since I've been practicing in Greenville.

20 Q Okay. And where do you conduct those exams?

21 A The sexual abuse exams are conducted at the Julie
22 Valentine Center.

23 Q Is that a contract with the hospital system or --

24 A It -- correct. The hospital system contracts with
25 the Julie Valentine Center to allow the hospital to

1 provide those services in a location that is child
2 friendly and appropriate.

3 Q All right. And have you ever been qualified as an
4 expert in the field of pediatric medicine or pediatric
5 child abuse?

6 A Yes, I have.

7 Q All right. And how many times?

8 A I would estimate roughly 30 to 35 times.

9 MS. HODGE: At this time, Your Honor, we would move
10 to admit Dr. Croswell as an expert in pediatric medicine
11 and in child abuse pediatrics.

12 THE COURT: Any voir dire?

13 MR. CHAMBERS: I just want to make sure I understand.
14 She's being offered as an expert. And she's here to
15 render a medical opinion, is that what she's being offered
16 for?

17 MS. HODGE: Yes.

18 MR. CHAMBERS: Okay. No objection, Your Honor.

19 THE COURT: All right. I find she's qualified.

20 Ladies and gentlemen, typically, under the law,
21 witnesses can only testify about things they've observed
22 firsthand or have personal knowledge of that they've
23 acquired through one of their senses. There is an
24 exception for people who have by reason of their training,
25 education, or experience have achieved expertise in their

1 field. These expert witnesses are allowed to give
2 opinions about things they've observed, or had made known
3 to them. So that's the difference. But expert witnesses
4 and all other witnesses have this in common, they're
5 credibility is determined entirely by you.

6 So you may proceed.

7 MS. HODGE: Thank you, Your Honor

8 BY MS. HODGE:

9 Q Did you conduct a sexual assault exam on VICTIM
10 Mucienko?

11 A Yes, I did.

12 Q All right. And when was that done?

13 A December 5th, 2012.

14 Q Okay. And where did that take place?

15 A It took place at the Julie Valentine Center.

16 Q Did VICTIM have anyone come with her for that exam?

17 A Her mother and father brought her to the appointment.

18 Q And what was the reason for the appointment?

19 A She had been referred by law enforcement for a sexual
20 abuse evaluation.

21 Q Okay. And once someone is referred and the exam is
22 to take place, what is the normal protocol, or what are
23 the steps that you take in an exam, just generally?

24 A Prior to the appointment, I review any materials that
25 are made available to me by the referring source. Once

1 the child is brought to the appointment, he or she is
2 brought back to the exam room by a child specialist, who
3 goes through the entire process with the child.

4 Then I take a detailed medical history and history of
5 any incident from the parents, and then from the child as
6 well. After taking that history, I perform a physical
7 exam, determine any necessary laboratory or radiographic
8 studies that may need to be done to assist in the
9 evaluation. And then I make any recommendations.

10 Q All right. And did you follow that same procedure
11 with VICTIM

12 A Yes, I did.

13 Q All right. Did you gain any information pertinent to
14 VICTIM physical or behavioral health from her
15 caregivers?

16 A Yes. As far as behaviors, they had described a
17 change in her behaviors prior to her disclosure of abuse.
18 She had begun isolating herself. She had begun back
19 talking. Her grades had been fluctuating. They had
20 described her as -- that she previously was very bubbly
21 and her personality -- that they had noticed personality
22 changes. And that she didn't like to sleep by herself
23 anymore.

24 Q And why are those things important for you to know?

25 A Those are just additional information about

1 alterations in behavior that would support other history
2 that was provided to me as part of my diagnosis in the
3 evaluation.

4 Q Okay. Are those things -- would you -- are you
5 allowed -- or do you make recommendations for mental
6 health treatment, as well as physical treatment?

7 A Absolutely.

8 Q And how about -- tell me, did you -- did you then ask
9 **VICTIM** about any pertinent information regarding her
10 mental or physical health?

11 A Yes, I did.

12 Q Okay. And what information did you receive from her
13 that was pertinent to your diagnosis for treatment for
14 her?

15 A She was able to clarify the types of contact that
16 occurred during the abuse that would assist me in making
17 the appropriate recommendations for sexually-transmitted
18 infection testing.

19 Q And did she tell you -- what did she tell you about
20 the types of abuse?

21 A She described that the alleged perpetrator had
22 performed oral sex on her. And that he had performed
23 penile-vaginal penetration with her.

24 Q All right. Did she disclose any oral sex that she
25 performed on the perpetrator?

1 A She denied that she ever performed oral sex on him.

2 Q All right. And how about anal sex?

3 A She denied that he had -- that his penis ever touched
4 her butt.

5 Q All right. Did she state to you when or where --
6 when and where this sexual abuse took place?

7 A She said the abuse started when she was 13. And that
8 the last incident had been a couple months prior to the
9 medical appointment. It occurred either in his car or at
10 his house.

11 Q All right. And after you got all of your
12 information, did you then conduct a full examination?

13 A Yes, I did.

14 Q All right. And what does that entail?

15 A It entails a complete head to toe physical exam like
16 any general well-child check-up of a pediatric patient.
17 Included as part of that is a coloscopic exam.

18 And the colposcope is a piece of medical equipment
19 that allows me to visualize her anogenital area. It has a
20 light source magnification system, and the ability to
21 photo document any findings.

22 Q How old was **VICTIM** at the time of this exam?

23 A She was 15 years old.

24 Q All right. Had she been through puberty?

25 A Yes, she had.

1 Q Okay. And why is that important for this exam?

2 A So a female who has gone through puberty necessarily
3 has the hormones estrogen in -- the hormone estrogen in
4 her body. Estrogen has affects on the tissues in the
5 genital area that alter the characteristics.

6 So it can make those tissues more flexible. And it
7 makes them more redundant.

8 Q Okay. And so what were your findings during
9 VICTIM exam?

10 A So she had -- at the time, she was on her period. So
11 I did see presence of menstrual blood. She had normal
12 hymenal tissue. She had evidence of going through puberty
13 with the presence of pubic hair. And her tissues looked
14 like they had been -- what we call estrogenized, meaning
15 that they had had that effect of the estrogen on the
16 tissues.

17 Q Would you call that a normal exam or --

18 A It was a normal exam.

19 Q All right. And what makes something a normal exam
20 versus an abnormal exam?

21 A So, at times, there can be physical findings that
22 would indicate trauma of some sort, either bruising or
23 abrasions. The hymenal tissue is a tissue that partially
24 covers the entrance into the vaginal canal. At times,
25 there can be a laceration or either what we call

1 transection when a tearing of that hymen has healed. All
2 of those areas looked very normal in VICTIM

3 Q All right. And would her findings on this exam be
4 consistent with the allegations of the sexual abuse?

5 A Yes. It's commonly believed that you can tell by
6 physical exam that there's been vaginal penetration. We
7 know from medical studies that most of the time children
8 who have been sexually abused in the order of 85 to 90
9 percent, there's not specific findings of sexual abuse.
10 There's studies of pregnant teenagers who have normal
11 hymens and no evidence of penetration.

12 So just because she has a normal exam on the day of
13 my evaluation doesn't exclude sexual abuse.

14 Q Okay. Thank you.

15 And did you, also, do a diagnostic workup?

16 A Yes, I did.

17 Q Testing that was necessary?

18 A Yes.

19 Q Was there anything specific?

20 A There was nothing specific for sexual abuse. She had
21 another medical condition that was unrelated to sexual
22 abuse that we treated.

23 Q Okay. And did you refer her on for more -- or later
24 sexually-transmitted disease testing?

25 A Yes. Because of the nature of the abuse, she

1 required repeat blood work up to six months after the last
2 incident. So she had to come back -- or go to another
3 location to get additional blood work for HIV, and so
4 forth.

5 Q Okay. And how about mental health counseling, did
6 you make a recommendation for that?

7 A Yes. We made a referral for her to have appropriate
8 mental health counseling.

9 MS. HODGE: Thank you.

10 Please answer any of Defense's questions.

11 CROSS-EXAMINATION

12 BY MR. CHAMBERS:

13 Q Your testimony is not that there was sexual abuse,
14 just that there could have been?

15 A My testimony is that my patient provided me a history
16 of sexual abuse, and her exam was consistent with the
17 history provided.

18 Q You didn't make any physical findings of any kind?

19 A I did not make -- I did not have physical findings
20 specific for sexual abuse.

21 Q So, really, you were an information gatherer here
22 more than anything; correct?

23 A I'm a medical doctor treating my patient.

24 Q Well, I understand you're a medical doctor. But
25 everything that you just recounted came to you from the

1 mouth of VICTIM or her parents?

2 A That's correct.

3 Q Okay. I mean, there's not anything that you got
4 independently from this examination?

5 A I don't know -- I mean, that's -- it's -- "anything,"
6 what do you mean by I didn't get anything from the
7 examination?

8 Q Well, again, everything that you just discussed in
9 response to the questions from the Solicitor were things
10 that you were told either by VICTIM or one of VICTIM
11 parents?

12 A That's correct.

13 Q So, in other words, you -- through this exam that you
14 did, you didn't make any independent findings of your own?

15 A I made findings based on the history and the physical
16 exam of what she needed as a result.

17 Q What did the physical exam show that was consistent
18 with anything?

19 A Well, the physical exam showed a normal exam, which
20 is -- has repeatedly been shown can be consistent with the
21 allegations that she made. And then we made -- you know,
22 we did the appropriate sexually-transmitted infection
23 testing that needed to be done.

24 Q You seem very hesitant to say -- and you can correct
25 me on this -- that a normal physical exam could, also, be

1 consistent with there being no sexual abuse?

2 A I'm not hesitant in saying that.

3 Q Okay. So --

4 A But that would be counter to the history that was
5 provided to me as a doctor.

6 Q In other words, it would be counter to what they told
7 you?

8 A Correct.

9 Q In other words, if what they told you wasn't true,
10 then your findings would, also, be untrue?

11 A Correct.

12 Q I mean, it's, certainly, possible that somebody could
13 come in and just lie to you and tell you something that
14 wasn't true?

15 A That is correct.

16 Q And you take it at face value what they tell you?

17 A I do. I'm a doctor. And I take a history from my
18 patient. And I'm expecting that the history provided to
19 me is what happened.

20 Q And, in this case, they didn't just -- **VICTIM** didn't
21 just tell you what supposedly happened, you were,
22 actually, handed by someone a 16-page detailed report?

23 A Correct.

24 Q And you read that detailed report?

25 A I did. And then I clarified the questions to make

1 sure that my understanding of my reading was accurate. So
2 I did ask her questions to make sure that I had an
3 accurate understanding so I could make the appropriate
4 recommendations for her.

5 Q So that 16-page handwritten detailed report, I guess,
6 was, basically, the blue print for the questions that you
7 asked in the history; is that correct?

8 A It provided me information for some of the questions
9 that I routinely ask my patients. Then there are other
10 questions that I ask in addition to what was provided in
11 that 16-page written statement.

12 Q And how long have you been doing this type of work?

13 A Eight years.

14 Q And you don't handle just normal pediatric work, I
15 mean, people that come down with strep throat, and ear
16 infections, and that sort of thing, do you?

17 A I do some of that, yes.

18 Q But, mainly, you do this kind of work?

19 A Yes. That's correct.

20 Q And you're on contract to work with the Julie
21 Valentine Center?

22 A No. I'm not on contract to work with the Julie
23 Valentine Center. We just contract to have space to do
24 exams. But I'm not employed by the Julie Valentine Center
25 and have no --

1 Q But that's, generally, where you do your
2 examinations?

3 A I do a portion of my work at the Julie Valentine
4 Center.

5 Q And you've been involved in hundreds, if not
6 thousands, of these kinds of cases?

7 A That's correct.

8 Q And you've testified in court for the Solicitor on
9 numerous occasions?

10 A That's correct.

11 Q You are a medical doctor, though, are you not?

12 A I am.

13 Q Let me ask you a question. Are you familiar with
14 latex allergies?

15 A Yes.

16 Q Does it -- what happens if somebody is allergic to
17 latex, typically?

18 A I mean, they -- depending on how allergic, they can
19 have an anaphylactic reaction. They could have a rash.
20 It just depends on the nature of the allergy.

21 Q Is that something that medical professionals are
22 concerned about because of the use of latex gloves?

23 A Yes. We do not use latex anymore.

24 MR. CHAMBERS: That's all the questions I have for you.

25 Thank you.

REDIRECT EXAMINATION

BY MS. HODGE:

Q Did VICTIM tell you that she was allergic to latex?

A I don't recall her telling me that she was allergic to latex. I don't have it documented in my records.

Q And are condoms made out of latex? Do you know?

A I don't know.

Q All right. And if someone was allergic to them and a condom was made out of it, would there be something that they might need to seek medical attention for if they're allergic to that?

A Potentially.

MS. HODGE: Okay. Thanks.

That's all I have.

MR. CHAMBERS: Nothing else, Your Honor.

THE COURT: Thank you.

MS. HODGE: May she be excused, Your Honor?

MR. CHAMBERS: No objection, Your Honor.

MS. HODGE: The State would call Investigator Bob Perry.

THE CLERK: Sir, if you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

ROBERT J. PERRY,
after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Please be seated.

3 Would you, please, state your name for the record?

4 THE WITNESS: It's Investigator Robert J. Perry with
5 the Greenville County Sheriff's Office.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MS. HODGE:

9 Q Investigator Perry, how long have you been with the
10 sheriff's office?

11 A Since 2006.

12 Q And what are your duties or responsibilities
13 currently?

14 A Currently, I'm assigned to a special victims unit
15 that primarily investigates any type of physical or sexual
16 abuse, or violent crimes directed towards a child.

17 Q And a child in South Carolina is someone under what
18 age?

19 A We consider 16 and below.

20 Q All right. Did you have previous law enforcement
21 experience before coming to the sheriff's office?

22 A I did. I originally started in law enforcement in
23 1986.

24 Q And was that in South Carolina, or somewhere else?

25 A That was in Georgia. And I ended up working in

1 Florida for many years, also.

2 Q All right. And were you assigned as an investigator
3 in crimes against children back on November 10th -- 11th
4 of 2010?

5 A That is correct.

6 Q I'm getting my dates wrong. 2011?

7 A That's correct.

8 Q All right. Were you assigned the case involving

9 VICTIM

10 A I was.

11 Q All right. And how did you receive this case?

12 A Basically, we have -- our particular unit does not
13 work out of the law enforcement center. We work out of
14 county square.

15 So what happens on a normal basis is one of the
16 investigators or a supervisor will pick up reports that
17 have been written by uniform patrol. They'll bring them
18 over to the county square. And they'll walk through the
19 various offices over there and hand out individual
20 reports. In this particular case, I received a report
21 with VICTIM as the victim in it.

22 Q All right. And VICTIM was what age at the time of
23 the report?

24 A 15.

25 Q Okay. And who was the suspect in the report?

1 A Mr. Gaskins.

2 Q All right. And how old was Mr. Gaskins at this time?

3 A 30.

4 Q Okay. What was your first step in the investigation?

5 A Basically, you know, you review the report and try to
6 make contact with the family and contact with the victim.

7 So one of the first things I did is I went out to the
8 residence and -- to talk to VICTIM but to, also, talk to
9 her parents and tell them that, you know, there's somebody
10 looking at the investigation, you know. I will be the
11 lead, but I have five partners that work with me. So it's
12 going to be a team that works together to try to figure
13 out what's going on.

14 Q Okay. And did you want to talk to the victim at that
15 point as well?

16 A Yes.

17 Q And did you make a time to do that?

18 A I did. I requested that, you know, they speak to her
19 when she comes home -- I've forgot where she was at -- and
20 see if I could talk to her the next day at school.

21 Q Did you get any background or history from the
22 parents while you were out talking to them initially or --

23 A I did. There was a house full of people. The
24 parents were home. I believe the sister was home. And
25 maybe somebody else was there. I'm not sure. And I

1 talked to the -- I tried to talk to everybody about what's
2 going on, and if anybody had any information that could
3 corroborate some of the stuff that VICTIM had stated.

4 Q All right. And so then your next step was to go talk
5 to VICTIM herself?

6 A That's correct.

7 Q And tell me about that.

8 A Basically. The next day, myself and one of my
9 partners, Melissa Burton [phonetic], proceeded over to
10 Travelers Rest High School, made contact with VICTIM and
11 I believe it was her guidance counselor maybe, one of the
12 workers at the school, got to sit down with her and talk
13 to her for 30, 45 minutes, or so.

14 Q And did she disclose to you any sexual battery or
15 sexual abuse?

16 A She did. In our conversation, she, actually,
17 disclosed sexual assaults that occurred in multiple areas.
18 She stated there was an assault that took place on
19 Tigerville Road at a house that Mr. Gaskins was living at
20 the time.

21 Later on, there was one at -- at least, one that
22 occurred at Magnolia Avenue where he had moved to. They
23 then moved somewhere else in Central or -- they moved
24 around a lot. And there was an incident that happened in
25 Central. They came back to Greenville. And she talked

1 about another incident happening, you know, where they
2 were living when they moved back to Greenville.

3 So she was able to, basically, outline in a little
4 bit of detail what was happening particularly at each
5 particular incident.

6 Q Okay. And what -- why is location important for you?

7 A The first thing, we're deputized to go anywhere in
8 the county. So we're not really concerned about small
9 city wide jurisdictions. We can go into the city and take
10 over cases if they don't want to work them, or they don't
11 have the manpower, or something. But we have to stay
12 within our county jurisdiction.

13 Like if something happened in Central, I would simply
14 write it in my report. And then I'd have to ship my
15 report over to the appropriate agency in Central to allow
16 them to investigate that. It would be out of my
17 jurisdiction.

18 Q And so was the Tigerville Road residence in
19 Greenville County?

20 A It was.

21 Q Was the Magnolia Trailer Park residence in Greenville
22 County?

23 A It was.

24 Q Was the Quail Roost residence in Greenville County?

25 A It was.

1 Q Okay. And Belvue Road, is that in Greenville County?

2 A That is also.

3 Q Okay. Central is not in Greenville County?

4 A That's correct. It was not in Greenville County.

5 Q Did you contact the Central Police Department or
6 their sheriff's office?

7 A Yeah. I sent them a copy of my initial report. And
8 then I believe I sent them a copy of her two-and-a-half
9 page statement that she wrote out for me at the school.

10 Q And is that something that agencies generally do
11 when --

12 A That's correct.

13 Q All right. And did she tell you -- did VICTIM tell
14 you when this -- these sexual assaults -- the sexual
15 battery began and ended?

16 A She was unable to be real specific. She kind of gave
17 a generality of the spring of 2011.

18 Q And how about the last time anything would have
19 occurred?

20 A I think she said it was October of 2012, or maybe the
21 fall of 2012, something like that, another generality.

22 Q Okay. Now, how long did that last -- that
23 conversation last?

24 A I'm guessing anywhere from -- probably close to
25 45 minutes. I think it lasted the entire class period.

1 Because I think I remember hearing the bells going on and
2 she was changing from one class to another.

3 Q Okay.

4 A So I'm not real sure how long the class periods are.

5 Q And was it pretty easy for her to tell you what
6 was -- to give you the statement, or were you having to
7 prompt her a lot, or how was that going?

8 A I felt like she was a little bit ashamed and kind of
9 embarrassed, not necessarily talking to me as a male, but
10 talking about what had occurred to her. She presented
11 herself as bright and intelligent. And she presented
12 herself, to me, as being a pretty articulate young lady,
13 and kind of embarrassed that she kind of got manipulated
14 by Mr. Gaskins.

15 Q So after you met with her, what is your next step in
16 the investigation?

17 A One of the first things is to make sure that I can
18 try to corroborate some of the things that she told me in
19 her statement. I, also, had some information about
20 Mr. Gaskins maybe estranged wife. I don't know if they
21 were divorced at that time or not.

22 So I tried to contact her. I left phone number -- or
23 I got her phone number and left her a message. And I
24 would, eventually, talk to her about this particular
25 incident.

1 But I wanted to go by and see if I could locate this
2 abandoned building that everybody was talking about, which
3 I was able to do. And I found out it was, actually, like
4 200 Frontage Road, or that was the closest address I could
5 find.

6 And I walked around and looked at the building to see
7 if it resembled what she had told me, you know, was --
8 could you pull around to the back of it, or could you pull
9 around to the front of it, or -- you know, things like
10 that and be out of sight, which would make the possibility
11 of them having some type of, you know, activity --
12 inappropriate activity, you know, a reality.

13 Q And you were able to locate --

14 A Yes.

15 Q -- the abandoned house?

16 A I was.

17 Q Okay. And is that in the Travelers Rest area?

18 A It is. It's right -- basically, as you start
19 entering Travelers Rest on Highway 25, it's on the
20 left-hand side.

21 Q All right. Did you -- at that point, did you go back
22 and speak to her parents again after, I guess, you took
23 the statement from her? Is that just kind of a courtesy
24 thing, or to get more info?

25 A Yeah, I did. I went back and -- I don't think -- I

1 don't remember who was at the house at that time. But I
2 think I spoke to both of the parents, maybe even her
3 sister momentarily.

4 And VICTIM had made some mention that they had been
5 texting back and forth and talked on the telephone a lot.
6 And I really wanted that phone.

7 So I was asking the parents, you know, do you still
8 have that phone? Whether it's turned off or not, it
9 doesn't matter to me. I've got technicians that can pull
10 information from that phone. And they said that, you
11 know, Mr. Gaskins had already taken it back. So, you
12 know, it was out of my ability to find it at that time.

13 Q Okay. Were you advised of any other possible text
14 messages maybe from -- between the sister, or were you --
15 did you ask about that or care about that?

16 A I think she's the one that told me about text
17 messages. But I thought she was talking about the actual
18 phone -- text messages that VICTIM had on her phone that,
19 you know, Mr. Gaskins had taken back. I wasn't aware --
20 or maybe I didn't understand her completely that there
21 were -- she was exchanging text messages or somebody else
22 was exchanging text messages.

23 Q All right. Tell me about your next step then.

24 A At that point, I tried to make contact with
25 Mr. Gaskins. I knew his last residence. I, actually, had

1 a phone number. I placed a call to the phone number. I
2 don't think there was a voice mail. It just was like, you
3 know, you can leave a message for such and such number.

4 I went by the house that I believe was owned by his
5 parents maybe, you know. I left a card in the door with a
6 message on it, please give me a call. I need to talk to,
7 you know, Mr. Gaskins about this incident and get his side
8 of the story. I never did make contact with him. He
9 never contacted me.

10 Q All right. Is that something you normally try to do,
11 give the suspects an opportunity to talk to you?

12 A Oh, absolutely.

13 Q All right. So after attempting to speak with him,
14 what was your next step?

15 A Basically, I accumulated all the information in the
16 report, spoke to a local judge. And I ended up getting
17 warrants on Mr. Gaskins for criminal sexual conduct.

18 Q All right. Can -- let's back up a minute. Because
19 you said you had attempted to talk to his estranged
20 ex-wife?

21 A Correct.

22 Q Did you make contact with her?

23 A Not at first, but I did by phone. I never talked to
24 her face-to-face until much, much later. But I did talk
25 to her by phone.

1 Q And what was her name?

2 A Her name is Rachel, Rachel Gaskins.

3 Q Okay. And so then you obtained warrants for the
4 Defendant for criminal sexual conduct with a minor second
5 degree?

6 A And lewd act.

7 Q And lewd act. After you had obtained the warrants,
8 did you receive additional information for your case file?

9 A I did. Probably the better part of two weeks after I
10 had, initially, spoke to VICTIM I received a call from
11 her father and asked if I had received some mail in my
12 inner office -- or in my office. And I advised -- you
13 know, I think it was Thanksgiving break, or whatever,
14 that, you know, I had been out of the office for several
15 days. And I had a stack of stuff sitting there on the
16 corner of my desk that I hadn't even gone through yet.

17 So I started going through the mail. I found the --
18 a rather big envelope that had a 16-page handwritten
19 statement that came from VICTIM

20 Q And did you include that into the case file?

21 A I did. I, basically, photocopied that original that
22 she sent me, kept it in my case file. And I put a case
23 number across the original and put it into our records
24 division.

25 Q Was there anything in that 16-page statement from her

1 that gave you cause for concern, or you felt like that it
2 was different, or anything that would cause you to say,
3 whoa, things have changed?

4 A Well, I think that it was exactly the same as she had
5 told me, just a much longer version and a much more
6 detailed version. She had hit the exact same areas that
7 we had spoken about briefly at school. She went into more
8 detail about maybe the actual act and, you know, exactly
9 how she felt during particular areas.

10 So that was more detail. It was obvious that she sat
11 down and -- maybe for several hours and ended up writing
12 this -- you know, this thing that was eight pages front
13 and back out.

14 Q All right. And how -- in your career, how many
15 criminal sexual conduct with minors types of cases do you
16 think you've probably investigated? I mean, just ball
17 parking.

18 A The sheriff's office had so many cases that they,
19 actually, formed a specialized unit to just handle those
20 types of cases back on August 16th, 2011. I was one of
21 four people who was asked to start looking into those and
22 start investigating those.

23 So I can say definitely from August of 2011 until
24 today, we average probably anywhere from 120 to 145 cases
25 a year. The majority -- 95 percent of those are some type

1 of sex related act that's been done to a child. So
2 several hundred, probably over 500.

3 Q And in your experience investigating those cases,
4 is -- what we call delayed disclosure or the child coming
5 forward much after the events have, actually, occurred, is
6 that common or uncommon?

7 A Oh, yeah. It's such a rarity for me to see a case
8 that a child has immediately told that it's like, you
9 know, maybe one out of a hundred, you know. So that is a
10 very common thing, very common.

11 Q And does -- this delaying in coming forward, does
12 that somehow -- does that hamper what you can do in the
13 investigation?

14 A It does. It puts some problems in our investigation
15 and the actual gathering of evidence. I mean, the fact
16 that most of these cases are something that is done in
17 secret is not unusual. And it's, also, affected -- most
18 of these cases are done -- you know, it's his word against
19 her word because there's not a lot of physical evidence
20 that's transferred or maybe even available. But if
21 there's months and months and months that have passed,
22 then the gathering of physical evidence is much more
23 difficult.

24 So that's why it was really -- you know, when I heard
25 about the text phones -- or the texts and the phones, you

1 know, I was like, great, I can retrieve those off the
2 phones. But that was not an option.

3 Q Okay. And so as far as trying to gather any DNA or
4 serological type evidence to connect -- or to back up
5 these sexual assaults, if it's taken a month or more --

6 A Yes.

7 Q -- for the report to be made, is that evidence going
8 to be laying around somewhere?

9 A Probably not. It's gone.

10 Q Okay. And is that pretty delicate evidence?

11 A It is.

12 Q If you take a shower or a bath, it's gone?

13 A Yeah. If you put soap on DNA, you've distorted the
14 nucleic acids in there and it's not worth testing anymore.

15 Q Okay. And is there usually any kind of other
16 evidence, things, or objects, or anything that you can
17 collect in these kinds of cases, or in this case,
18 specifically?

19 A In this case, no. There was never -- she never made
20 mention of a particular item that maybe he had used to
21 wipe himself and then had discarded, or she kept, or
22 something of that nature. Really, the -- it was her
23 statement with his statement, and then maybe try to
24 corroborate it by her statement showing that, you know,
25 they, actually, did live at these locations. That was

1 verified by, you know, the wife. And I talked to Rachel
2 on the phone. And then I tried to see if there was
3 anything else that we could gather, and there just wasn't.

4 Q So I guess that concluded your investigation?

5 A It did.

6 MS. HODGE: All right. Thank you.

7 Answer any of Defense's questions.

8 CROSS-EXAMINATION

9 BY MR. CHAMBERS:

10 Q So you were -- first became involved, you said, on
11 November the 12th, 2012?

12 A That's correct -- or 2011.

13 Q That's when you went -- 2011. That's when you went
14 to the home and you spoke to the Mucienkos?

15 A Yes. The same day that I got the report, I believe I
16 went out to the home.

17 Q And **VICTIM** was not present?

18 A That is correct.

19 Q And you left, I guess, before she returned to the
20 home?

21 A I don't recall where she was at. She may have been
22 babysitting, or out somewhere spending the night at some
23 friend's house, or something.

24 Q But you didn't -- I mean, you didn't talk to her that
25 night?

1 A That is correct.

2 Q And did the family know you were coming over?

3 A No.

4 Q They didn't. So you just popped by?

5 A That's correct.

6 Q Okay. So that would explain why she wasn't there
7 when you got there?

8 A Yes.

9 Q All right. And -- but you did arrange to speak to
10 her the next day at school?

11 A Yes, sir.

12 Q And she then gave you a statement which -- and you
13 made notes about that statement; is that correct?

14 A Correct. I -- she gave me a statement and I tried to
15 hit, basically, the highlights of her statement in a
16 supplemental report.

17 Q Do you remember her telling you that Jerald and his
18 wife, Rachel, had invited her over to their home at
19 Tigerville Road?

20 A I mean, I remember reading it, but I don't remember
21 her, specifically, saying that to me.

22 Q You do remember that it was in your --

23 A Correct. And that's --

24 Q -- report?

25 A I wrote it down. I transferred it probably the same

1 day I went back to my office and did the supplemental.
2 That's usually what I do.

3 Q So, I mean, you probably pride yourself on your
4 report being accurate, don't you?

5 A Correct.

6 Q Okay. And then you later got a call after you had
7 met with her at school from, I believe, VICTIM dad.
8 And that was around -- that was later on in November,
9 maybe November 26th?

10 A Yeah. It had to have been, at least, two weeks
11 later.

12 Q Yeah. And that's when he said VICTIM had written
13 out this detailed statement?

14 A Correct.

15 Q And they provided you a copy of that?

16 A E-mailed it to me, that's correct.

17 Q So it was more than two weeks later when you got
18 that?

19 A Correct. I think I talked to her on the 13th, and it
20 came on the 26th, or something.

21 Q Did you follow-up with VICTIM at any point after you
22 were able to read her more detailed statement? Did you
23 talk to her anymore?

24 A I know I spoke to several of the Mucienkos on the
25 phone. I don't think I ever went out and, specifically,

1 sat down and talked to VICTIM again about the statement
2 that I received. I may have spoken to her on the phone.
3 I don't recall.

4 Q Okay. But your recollection would be that you didn't
5 talk to her as a follow-up to this more detailed statement
6 that you got?

7 A Yeah. I didn't really feel that -- the need to
8 re-interview her was necessary since she didn't really
9 change any of the information she originally told me. She
10 just added little bits of detail in each incident.

11 Q Well, her original statement to you was about a page
12 and a half handwritten; correct?

13 A Yeah. I thought it was like two pages, but that's
14 probably correct.

15 Q And then this other statement was handwritten, 16
16 pages?

17 A That's correct.

18 MR. CHAMBERS: Okay. Thank you.

19 That's all the questions I have for you.

20 MS. HODGE: Nothing else.

21 THE COURT: All right.

22 MS. HODGE: Your Honor, the State rests.

23 THE COURT: All right. Ladies and gentlemen, the
24 State has concluded its presentation of evidence. And
25 we'll have to take up a few legal matters at this time.

1 And I think we'll just go ahead and break for lunch to
2 make it easier on everybody. Just be back in the jury
3 room at 1:15, and we'll start back up then. Don't talk
4 about the case.

5 Thank you.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 11:43 a.m.)

8 THE COURT: Any motions?

9 MOTIONS

10 MR. CHAMBERS: I make a motion for a directed verdict
11 as to all indictments, Your Honor.

12 THE COURT. All right. Well, I find in the light
13 most favorable to the State, there's sufficient evidence
14 for them to go forward based on the standard Rule 19. So
15 I deny your motion.

16 Yes, sir.

17 MR. CHAMBERS: I was just going to let the Court
18 know, Your Honor, I anticipate two witnesses, one of whom
19 will be my client. I've gone over his Constitutional
20 rights with him.

21 THE COURT: Okay.

22 MR. CHAMBERS: He knows he doesn't have to testify.
23 But he has chosen to testify and will do so after lunch.

24 THE COURT: And, Mr. Gaskins, I'm just going to ask
25 you a couple of questions related to that.

1 Can you raise your right hand?

2 WHEREUPON,

3 JERALD DENTON GASKINS, JR.,

4 after first having been duly sworn, testified as follows:

5 THE COURT: You understand, I'm sure, from your
6 conversations with your lawyer that you have the right to
7 testify and tell your side of the story. If you do that,
8 the Prosecutor can cross-examine you, just as your lawyer
9 has cross-examined the State's witnesses. And that means
10 that she can ask you about anything that might be relevant
11 to this case, anything that might bear on your
12 credibility. And I don't --

13 Does he have any kind of record the State seeks to
14 impeach him with?

15 MS. HODGE: Nothing that would fit under the rule.

16 THE COURT: Okay. So, obviously, if you didn't
17 testify, you wouldn't be subject to cross-examination.
18 But if you chose not to testify, the Court would tell the
19 jury that you have the absolute right guaranteed by the
20 Constitution not to testify and to remain silent. And
21 they could draw no conclusion from the fact that you
22 didn't take the stand. They couldn't even discuss that in
23 the jury room.

24 So it's entirely up to you whether you wish to
25 testify, because it's your right and nobody else's.

1 And do you feel like you've had enough time to
2 discuss your right to testify or not to testify, and the
3 consequences of your decision with Mr. Chambers?

4 DEFENDANT GASKINS: Yes, sir, I do.

5 THE COURT: Do you have any questions of me about
6 your right to testify or not testify?

7 DEFENDANT GASKINS: No, sir.

8 THE COURT: All right. We'll start back at 1:15.

9 I've got the jury charge up here. I don't know if
10 y'all want to look at it, and the verdict form just
11 sometime during the break. Let me know. I don't know if
12 you're going to be seeking any lesser included offenses or
13 not. But we can discuss that after the break.

14 MR. CHAMBERS: Thank you, Your Honor.

15 THE COURT: See you back at 1:15.

16 (WHEREUPON, a lunch break was taken.)

17 (WHEREUPON, Defendant's Exhibit Nos. 2 and 3 were
18 marked for identification only.)

19 THE COURT: Anything before we bring the jury?

20 MS. HODGE: Yes, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. HODGE: I was just provided from Mr. Chambers a
23 document from Family Court that is a copy, I guess, of a
24 filing down there.

25 THE COURT: Okay.

1 MS. HODGE: And I was, also, shown a prescription on
2 a piece of -- prescription pad that he intended to
3 introduce both of these documents into the -- into his
4 case. And I did file reciprocal discovery in this case.
5 And I have not been provided these or there's not been any
6 notice that anything like this was going to come into
7 evidence.

8 And I would ask that these be excluded. That he did
9 not comply with Rule 5. And if we get beyond that, then
10 I'll have additional motions.

11 THE COURT: Okay. Yes, sir.

12 MR. CHAMBERS: Your Honor, essentially, I didn't
13 realize until her witness, Rachel Gaskins, testified
14 yesterday that there would be any need for the Family
15 Court pleadings. So when I asked her yesterday if my
16 client had filed for divorce and had done so on the
17 grounds of adultery, she said that he had not, that that
18 was not what had happened.

19 And so, essentially, as rebuttal, I then went to
20 Family Court and got the pleading so that I can then
21 introduce through my client the fact that he did file for
22 divorce on the grounds of adultery. So it would not have
23 fallen within reciprocal discovery.

24 The other -- the note from the doctor is much like
25 the items that were introduced last minute by the

1 Solicitor, they just came into my possession. And it goes
2 to what we believe to be an important matter, and that is
3 that my client has an allergy to latex. Certainly, he can
4 testify to that. But he received this from his doctor to
5 use at a workplace. And so we would seek to introduce it
6 to corroborate his allergy to latex.

7 THE COURT: Well, on the basis of Rule 5, I deny the
8 State's request.

9 You said you had some additional grounds?

10 MS. HODGE: Yes, sir.

11 THE COURT: All right.

12 MS. HODGE: It's my understanding that if we are
13 introducing -- because the State has done this in trials
14 before. If we tried to introduce matters that are filed
15 in the clerk's office such as previous convictions or
16 things of that nature, we've got to have a member of the
17 clerk's office to come here so that we can properly lay
18 the foundation that these are true and accurate copies.
19 And there is no witness to lay that foundation. I'm
20 sure -- because, certainly, his client can testify about
21 that. But I would object to these documents coming in
22 as evidence, because the proper foundation will not be
23 laid.

24 And, second, as far as that prescription thing goes,
25 he's known for two and a half years that the State's

1 case -- that part of it is the fact that there were
2 allegedly condoms used in every sexual occurrence.

3 So, number one, that could have been disclosed to me
4 much, much before right now. And, number two, there is no
5 proper foundation to get some doctor note. We don't have
6 the doctor here that says, yes, I wrote this note, which I
7 would submit, again, goes to excluding the document. If
8 he wants to testify that he's allergic to latex,
9 obviously, he can do that. But to introduce that
10 document, I don't think the proper foundation would be
11 through him.

12 MR. CHAMBERS: First, as to the Family Court
13 pleading, Your Honor, this is a self-authenticating
14 document. We got it today. And, as I'm sure Your Honor
15 is aware from practicing in Family Court in the past, when
16 you get a copy from them, they stamp it original, which
17 indicates to you that it's a true copy that came from the
18 clerk's office.

19 I mean, if it's absolutely necessary, I'm certain I
20 can get somebody from the clerk's office over here by
21 tomorrow to authenticate this document. But it is
22 self-authenticated. And I don't think there's any reason
23 for the Court to -- or the Solicitor to question its
24 authenticity.

25 The doctor's note, ideally, I would like to have a

1 doctor here, but that is not possible. But my client can,
2 certainly, lay the foundation that he received this from
3 his doctor. It is signed by the doctor. It is the
4 original, clearly, the handwriting of the doctor.

5 So we believe there's a sufficient foundation laid
6 for that to come into evidence as well.

7 THE COURT: I would agree with the State that the
8 foundation for the prescription is not present.

9 On the Family Court pleading, I'll have to look at
10 what you've got there. I can't see that far.

11 MR. CHAMBERS: I'll hand it up to you.

12 THE COURT: All right.

13 MR. CHAMBERS: And this is one that's, actually, been
14 marked. And it is -- as you can see, it's just the
15 divorce complaint. That's really all it is.

16 And, as I stated, you can see the stamp on the front.
17 They put that on there at the clerk's office. They stamp
18 it original. And you can, also, see the date stamped from
19 when it was filed with the Court.

20 (Pause.)

21 THE COURT: Well, the Defendant's Exhibit No. 2, the
22 pleadings from Family Court...

23 MS. HODGE: Are you asking me about this?

24 THE COURT: No. I'm just...

25 (Pause.)

1 MS. HODGE: If I may say something.

2 THE COURT: Yes, ma'am.

3 MS. HODGE: Well, as to the self-authentication, my
4 understanding of that is that there's a lot of hearsay
5 contained in this document. And that is what
6 self-authentication gets you around is that if this is a
7 formal order filed in a proceeding, then someone who can
8 come lay the proper foundation for the document being this
9 is a true and accurate copy of what's filed gets it in and
10 we get around some of the -- or around the hearsay, I
11 guess, in here.

12 My second part of that, though, is that we are off on
13 a tangent, basically. This is not a matter germane to the
14 victim's allegations or the State's evidence. This is in
15 regard to the ex-wife's testimony about them and their
16 marital situation. And what he's attempting to do is
17 enter extrinsic evidence to rebut a claim that is not the
18 central allegation or issue in this case.

19 So my suggestion would be that he could testify that
20 he filed under adultery, but that the document should not
21 be admitted. Because it's -- again, it's extrinsic
22 evidence outside the scope of the rules.

23 MR. CHAMBERS: I'm confused. It would seem that the
24 Solicitor is -- seems to have some doubt as to whether or
25 not that is an authentic document, which would be what the

1 custodian of the record would be here for. And I can,
2 certainly -- if we have to go to that extent, I don't
3 think it would be very hard to arrange for a custodian to
4 be over here.

5 Our position is, though, that my client can,
6 certainly, say that his client [sic] filed that on his
7 behalf. And it is, clearly, a time-stamped marked
8 original copy from the clerk's office. It would seem to
9 have every indicia of authenticity. And, for that reason,
10 I don't know why there would be any problem with it being
11 introduced on that basis.

12 As far as it being a hearsay document, Your Honor, it
13 is a pleading. It is simply that. It is not a hearsay
14 document. And we're not really offering it for -- to
15 prove anything that's asserted in there.

16 Very specifically what happened was when Rachel
17 Gaskins was on the stand yesterday and we were talking
18 about the relationship she had with my client, I asked her
19 a specific question, Isn't it true that Jerald filed for
20 divorce on the basis -- because of alleged adultery? And
21 she denied it. And it is germane. It's not a tangent.
22 Because she is a critical witness that was put up by the
23 Solicitor's Office. And that goes directly to her
24 credibility.

25 The jury, I believe, has a right to know that what

1 she said when she said that he didn't do that was wrong.
2 It's no different than if she had an impeachable offense
3 on her RAP sheet.

4 THE COURT: All right. Well, if this Defendant's
5 Exhibit No. 2, the Family Court pleading, was a certified
6 copy, which is what Rule 902 contemplates, then it may be
7 self-authenticating. But that still doesn't get us past
8 the hearsay. And I just don't know any basis for it to be
9 admitted.

10 Now, if she were to testify, the Defendant in this
11 case, you, certainly, could ask her if this refreshed her
12 memory, or whatever other basis you might inquire about
13 that with her. And there are any number you could use, I
14 suppose.

15 But the document itself is hearsay. It's his
16 statement made out of court. If he -- I don't even know
17 if he verified it. But it's a pleading made out of court
18 on his behalf. And I don't -- I have not thought through
19 completely the possible basis of admissibility. I don't
20 know how you get the document itself in, even if it was
21 self-authenticating.

22 MR. CHAMBERS: Well, Your Honor, our position is it's
23 not hearsay because the statement is he alleged that she
24 had committed adultery.

25 THE COURT: Right.

1 MR. CHAMBERS: We're not -- it's not being offered to
2 prove that she committed adultery. It's being offered to
3 rebut a specific statement -- or question that I asked
4 her. And she said that he did not file on that basis.
5 That's why we're offering it, not to prove that she
6 committed adultery. My client is going to testify that.
7 But that when he filed this complaint that was what was
8 alleged in that complaint was adultery. And she said that
9 was not true.

10 So we don't offer it for the truth of the matter
11 asserted. We merely offer it as a rebuttal to what she
12 testified to yesterday.

13 THE COURT: Well, what was the matter asserted then?

14 MR. CHAMBERS: The matter asserted by her was that he
15 didn't file on that basis. The matter for rebuttal is
16 that he did in fact. And that's clear from the document,
17 that that was a complaint filed with that allegation.
18 Whether or not that allegation was true isn't relevant.
19 What's relevant is that he filed on that basis. And she
20 said he didn't.

21 THE COURT: But it's still not authenticated, I mean,
22 even if you --

23 MR. CHAMBERS: If I can, you know, have the Court's
24 indulgence, I'll go through the trouble if that's what the
25 Solicitor wants, to have somebody from the clerk's office

1 come over here and authenticate that document. I mean,
2 I've, certainly, never required them to do that. But if
3 that's what they want, we can, certainly, do that.

4 MS. HODGE: Your Honor, I don't understand why the
5 Defendant won't just testify to that. Then the rebuttal
6 is out there. This is extrinsic evidence. The insertion
7 of this document -- if he gets up there and says, I filed
8 under adultery, there you have it.

9 Now, he wants to introduce another piece of evidence,
10 an exhibit, if you will, to then reiterate what he just
11 testified to. It's just duplicative on top of it.

12 MR. CHAMBERS: And, of course, she understands why I
13 want the document in.

14 THE COURT: Well, so do I.
15 Is that witness still available?

16 MS. HODGE: Ms. Gaskins?

17 THE COURT: Yes.

18 MS. HODGE: Yes. She's here.

19 THE COURT: Why can't you just call her?

20 MR. CHAMBERS: I'll be happy to do that, Your Honor.

21 THE COURT: I mean, it seems -- and I'll let you
22 impeach her with that.

23 MR. CHAMBERS: I'd be happy to do that. I had
24 thought that she had been excused, so.

25 THE COURT: I think that might solve our problem.

1 MR. CHAMBERS: I'll be happy to do that, Your Honor.

2 THE COURT: All right. Anything else before we bring
3 the jury in?

4 MS. HODGE: No, sir.

5 THE COURT: Okay. Thanks.

6 (WHEREUPON, the jury came into open court at
7 approximately 1:42 p.m.)

8 THE COURT: Ladies and gentlemen, we've reached the
9 point in the trial where the Defense has the opportunity,
10 but, as I've told you, not the obligation, to present any
11 evidence it wishes to.

12 So, yes, sir, Mr. Chambers.

13 MR. CHAMBERS: Your Honor, I call Jerald Gaskins.

14 THE CLERK: Sir, please, come forward. If you'll
15 pause at the end of the bench.

16 Please place your left hand on the Bible and raise
17 your right hand.

18 WHEREUPON,

19 JERALD DENTON GASKINS, JR.,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 Please be seated.

23 Would you, please, state your name for the record?

24 THE WITNESS: Jerald Denton Gaskins, Jr.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. CHAMBERS:

Q Jerald, you are doing a good job speaking into the mic. Just be sure that you continue to speak up and speak into the mic so that everybody over here can hear you.

Okay.

A Yes, sir.

Q Where -- how old are you right -- as you sit here right now?

A I'm 32. I'll be 33 on February the 18th.

Q And are you from here in this area?

A I've lived here all my life. I was born and raised in Richmond County, Augusta, Georgia.

Q Okay.

A Well, not raised, but I lived there maybe two years of my life in Georgia. The rest of it has been here.

Q The rest of the time, you've lived here?

A Yes, sir.

Q Where do you, currently, reside?

A I stay with my father.

Q And where is that?

A 198 Robertson Circle, Travelers Rest, South Carolina.

Q And have you always kind of lived out in northern Greenville County, for the most part?

A Yes, sir, for the most part.

1 Q Do you work?

2 A No, sir. I'm, currently, on disability. I have been
3 since I was 13 years of age. And, currently, I still am.

4 Q What's the reason for the disability?

5 A I was diagnosed back when I was 13 years old with
6 ADHD. And I don't know if a lot of you know about ADHD,
7 but it allows you to -- sometimes you can do things, but
8 then you just quit. Your mind just goes everywhere.
9 You're very hyper at times. And then at certain times,
10 you're wore out.

11 So the reason for my disability was just for that. I
12 could not comprehend and keep my brain to where it needed
13 to be at times. I would lose interest in a lot of stuff.
14 So that's why I'm on disability.

15 Q How much do you draw?

16 A A total of 600 -- well, now \$659.

17 Q Is that -- has that over the years been your only
18 source of steady income?

19 A For the most part. I mean, growing up, everything
20 that I got from my disability -- I helped my dad out.
21 When I got 18 years of age, I did try to have a job. But
22 I just couldn't hold it in. It just wouldn't work.

23 Q Have you worked over time side jobs and --

24 A Yeah.

25 Q -- things like that to supplement? What kinds of

1 things do you do?

2 A I worked at a VFW. I was a disc jockey there for
3 about a year and a half -- well, actually, for about a
4 year, I worked there. Also, I built -- I tried to build
5 houses. My dad used to build houses a lot. I tried to
6 help him with that and couldn't keep up with my own dad.
7 So then I reverted back to disability.

8 Q Where were you living when you met Rachel Gaskins?

9 A With my father.

10 Q And what was Rachel's maiden name?

11 A Lane.

12 Q All right. So how old were you when you met her?

13 A I believe I was around 26 -- about 26, yeah.

14 Q And you were living with your dad. Were you working
15 doing anything at that time?

16 A At that time, no. I was, actually, receiving
17 disability.

18 Q And how did you meet Rachel?

19 A I had, actually, walked into a CVS pharmacy in
20 Travelers Rest, and she was the cashier there.

21 Q And how did things progress from there? I mean,
22 she -- I've had lots of people wait on me at CVS. I've
23 never ended up marrying them. So tell me how that works.

24 A Actually, when I first walked in and seen her, I
25 first met her September 14th, 2009. And I did meet her at

1 CVS. However, I didn't really approach her like -- I
2 guess I just walked up and said, hey, how are you doing
3 and left.

4 I come back a week later. And I seen her working
5 there again. And I did ask her for her phone number. I
6 asked her if she was single. And she said, Yes. Just --
7 from that point forward, we had phone conversations for
8 about two weeks before we, actually, moved in together.

9 Q How old was she at the time?

10 A She was 17 years of age.

11 Q Okay. And so just based on two weeks worth of phone
12 conversations, y'all just moved in together?

13 A Yes.

14 Q Did you think that was odd?

15 A A little bit, yeah, I did. When I -- as I talked to
16 Rachel for them two weeks, she had told me about her
17 stepfather, a very abusive man, that he would beat on her,
18 cut on her. But she never -- you know, she kind of
19 stopped there. She didn't really elaborate more until
20 about -- well, until she moved -- she moved in with me.
21 Then she kind of --

22 MS. HODGE: Your Honor, I'm going --

23 THE WITNESS: -- elaborated more --

24 MS. HODGE: -- to object to anything Rachel said to
25 the Defendant as hearsay.

1 THE COURT: Sustained

2 BY MR. CHAMBERS:

3 Q Did -- whose idea was it for y'all to move in
4 together?

5 A It was both of ours, actually.

6 Q And -- but she gave you some indication that she was
7 unhappy at home?

8 A Yes, she did.

9 Q All right. And she was 17, so she's still a minor at
10 this point. Did you ever have any discussions with her
11 parents?

12 A Actually, her stepfather did come to the house with
13 about three cars of cops. He tried to ask Rachel to
14 leave. And she said, no. She said she wanted to live
15 there with me. She felt safe there. And she wanted to
16 continue living there with me.

17 Q Were y'all just living together, or did you get
18 married?

19 A We later -- five months later got married in 2000 --
20 February the 12th; two days after Rachel turned 18, we
21 did --

22 Q February the 12th of what year?

23 A 2009.

24 Q Okay. So February the 12th of 2009, you two get
25 married. Is she still 17 at the time?

1 A No. She had just turned 18, two days of being 18.

2 Q And you were 26? 27?

3 A I was fixing to be 27 on February the 18th.

4 Q Did she drop out of high school?

5 A Yes, she did.

6 Q Did you make her drop out of high school?

7 A No. The reason why Rachel dropped out of high school
8 was her stepfather was coming up there harassing her --

9 MS. HODGE: I'm going to object to --

10 THE WITNESS: -- is why --

11 MS. HODGE: -- anything that he did not personally
12 witness that he doesn't know of as hearsay.

13 THE WITNESS: Actually, I witnessed that.

14 THE COURT: I sustain the objection.

15 BY MR. CHAMBERS:

16 Q So she dropped -- so dropping out of school, was that
17 her idea?

18 A Yes, it was.

19 Q And what about working at CVS? Did she continue to
20 work at CVS?

21 A When she moved in with me, she stopped working at
22 CVS. And the reason was because her stepfather would come
23 up there and try to harass her and --

24 MS. HODGE: Again, I'm going to object unless he was
25 personally there and saw these things.

1 THE WITNESS: I was.

2 BY MR. CHAMBERS:

3 Q And so she quit working. And y'all lived together.
4 And, eventually, you got married?

5 A Correct.

6 Q Over time, how was your relationship with one
7 another? Just describe it to the Court.

8 A When we first got together, it was crazy because
9 Rachel's parents did not want us together at all. They
10 were high class. I was low class. They didn't believe
11 that a low class man could be with a high class family.

12 So we had multiple, multiple problems. As time
13 unfolded, her parents would come to the house and cause a
14 lot of drama. So as this would keep going, I would get
15 frustrated and ask them to leave. And it got to the point
16 where they were stalking.

17 So that's why -- most of the moves I made was just
18 for that reason. I did not want them to know where we
19 resided at, or the fact of Rachel was pretty much -- you
20 know, she feared for her life with this guy. So we
21 potentially were moving around.

22 Q And you heard her testify yesterday that she had,
23 actually, filed a rape allegation against her stepdad?

24 A I did.

25 Q Did you tell her to do that?

1 A Actually, it was both of our decisions for that.

2 Q Well, did you tell her to make it up?

3 A No, I did not.

4 Q Okay. Did -- so she -- you encouraged her to go
5 forward. Is that what happened?

6 A Yeah. Actually, I did encourage her to go forward.
7 Because if this really happened to her, then that was
8 probably part of her mental disposition at that point in
9 time. Because she was very -- when we first got
10 together -- and that's when she unloaded all this stuff to
11 me. She stayed real quiet up until that point. She was
12 distant. She was -- just wasn't like your average
13 17-year-old would be.

14 The guy showed up and she would completely go -- run
15 and hide in the bedroom, start screaming and yelling, keep
16 him away, keep him away. It was just so much tension
17 between them when -- the man would stalk her. He'd come
18 by the house. And she would, literally, call 911, you
19 know, get Greenville County out here real quick because
20 here's her stepfather here. And she would freak out over
21 him every time.

22 Q Okay. You said that her family would come over
23 there. Besides the stepfather, would anybody else come
24 over?

25 A Yes, her mom.

1 Q And you said there was drama when they came?

2 A Her mom, yes, there was drama when she came. Her
3 nana, her papa would come to the house and try to make --
4 they were more like trying to, I guess, assess the
5 situation. Because Rachel was more comfortable with her
6 nana and papa than she was with her mother and father.

7 Q Who are nana and papa?

8 A That is Rachel's grandparents.

9 Q All right. And where were you living when this
10 drama, as you call it, was going on?

11 A Well, when we first started, I was living with my
12 father. We were living with my father.

13 Q And then did you move somewhere after that?

14 A Yes, we did.

15 Q Where did you move?

16 A We moved from my father's house into 198 Robertson
17 Circle. Because my father and I had put together some
18 money to get a double wide. So we moved in with my father
19 in that double wide.

20 Q And this is where they were coming by? After your
21 father's, they would, also, come by there?

22 A Yes, several times.

23 Q Was there ever a time when they just came over and
24 y'all had a nice visit together or anything?

25 A Never.

1 Q Did you do anything to keep Rachel from her family?

2 A No. Actually, when me and Rachel got together, from
3 the time we were married until the time we split up,
4 Rachel -- I always kept her in a car. She always had a
5 phone. And she always had the car. And she could go and
6 come whenever she wanted.

7 Q Now, did you -- did she want to go around her family?

8 A There towards the end of the marriage, she was trying
9 to get back in with them. But for the first two -- about
10 two years, no, she distanced herself from them.

11 Q In retrospect, do you think one of the reasons that
12 she moved in with you was to get away from her family?

13 A I believe so. Yes, I do.

14 Q How was -- you know, you talked about the problems
15 you had with her family. Talk about the relationship
16 between you and Rachel as it progressed from the time that
17 you got married on through to the end when you filed for
18 divorce. Talk about that.

19 A Rachel -- like I said, she was distant. I mean,
20 there was a lot of stuff I was finding out through the
21 marriage that I didn't know. Like as -- she had cheated
22 on me. I found out about that. The guy come and picked
23 her up shortly after we moved into my dad's at 198. His
24 name was Joshua Pool. I found out later he was her
25 ex-boyfriend. But he had come to the house and picked her

1 up. And they went home together that night to his
2 place --

3 Q With you there? This happened with you there?

4 A Yes. Yes, I was there. And the guy come to the
5 house and picked her up. She claimed it was just a mutual
6 friend, nothing else. It was a mutual friend. She wanted
7 to go get away that night and get her head cleared of
8 things. So I let her go.

9 The next day, I did go back to pick my wife up. And
10 as I got there to get her, she seemed distraught. She
11 seemed that something had happened, but she didn't want to
12 talk about it. When we got back to my dad's house where
13 we were staying, Rachel had hit the ground. She hit the
14 ground and started crying. And I immediately asked her
15 what is going on --

16 MS. HODGE: Okay. I'm going to object to anything --

17 THE WITNESS: -- so --

18 MS. HODGE: -- Rachel says. Because I think that's
19 where this is going. I would object to anything Rachel
20 would say at this time.

21 THE COURT: Sustained

22 BY MR. CHAMBERS:

23 Q Don't say anything Rachel said. Just what you --
24 talk about what you said, and talk about what you
25 observed.

1 A I asked her exactly what was wrong. And, basically,
2 what was said was that --

3 MS. HODGE: I'm going to object --

4 BY MR. CHAMBERS:

5 Q Don't talk about what she said.

6 A Sorry. What I found out is she had sex --

7 MS. HODGE: I'm going to object to that, too.

8 Because I don't think there's any way he could find out
9 without being told.

10 BY MR. CHAMBERS:

11 Q And what was the time frame when this overnight with
12 Josh Pool happened?

13 A Right after we got married. I mean, we were married
14 maybe two weeks.

15 Q Well, did that cause problems between the two of you?

16 A Yes, it did.

17 Q And then describe those problems. What happened?

18 A Our marriage was getting on the outs. I couldn't
19 believe my wife. I couldn't believe my wife cheated on
20 me. I tried my best to put it in the back of my head what
21 had happened. And for about a year, year and a half, I
22 did just that.

23 I mean, you'll never forget what your wife or
24 significant other does, but you try to forgive them that
25 first time. That's what I done. Because we had a

1 daughter. I wanted to forgive my wife and move on.

2 Q So you stayed together?

3 A Yes, we did.

4 Q When was your daughter born?

5 A REDACTED is when my daughter, Katherine, was born.

6 Q Okay. So this thing with Josh Pool then happened
7 prior to your daughter being born?

8 A Right.

9 Q But y'all stayed together?

10 A Yes.

11 Q Did Rachel go out? Did she socialize? Did she have
12 friends?

13 A Yeah, yeah. She had friends. Like I said, she had a
14 car. She could go and come as she pleased. A lot of
15 times, she would go to her nana's and sit down and talk,
16 or she would go to some of her friends house.

17 She has a friend named Ashley Fitz, I believe. And
18 she would go and hang out with her. I mean, she was never
19 isolated to where she never could do nothing. She always
20 had free will to go wherever she chose to go.

21 Q Did you ever know her friend Jamie Mucienko?

22 A Yes, actually, I do.

23 Q Did you know her before August of 2012?

24 A Actually, no. Jamie didn't come down until later in
25 2012.

1 Q Had you ever heard of her?

2 A Not from that point forward, no, I didn't, not until
3 we, actually, went to Florida to meet the family with the
4 rest of the family.

5 Q Did -- when y'all were living together, did Rachel
6 have a temper. Were there issues with her temper?

7 A Yeah. Actually, there was an incident on Tigerville.
8 Rachel became violent. And there was some stuff that
9 happened. I had my daughter in my hands. And she had,
10 actually, punched me and left marks with her wedding band.
11 An officer was called to the location. And Rachel was
12 arrested for assault on me, and later had to do six months
13 anger management.

14 Q Was that unusual for things like that to happen with
15 her?

16 A Yeah. Actually, it kind of was. Because when we
17 first got together, she was not really -- I mean, she
18 wasn't violent -- like violent natured. All of that was
19 at one time. It just come out at one time.

20 So I know that we had searched for her biological
21 father and found him. And I do know that the other
22 parents were kind of mad about it. But we did -- her
23 father did come down from North Carolina. So she,
24 finally, got to meet her true father.

25 And after the Lanes had found out about this, yeah,

1 they become more impressionable toward Rachel. They
2 didn't like the fact that her mother was hiding something,
3 or whatever it was, the reason why they had never found
4 the father. Something had been hidden. And Rachel wanted
5 to just find out, hey, what -- where is my adopted -- or
6 my actual father. So we found him.

7 Q Would -- did you and Rachel go out and do things
8 together?

9 A Yeah. We went out to all kinds of places. We went
10 to the movies a lot. We ate out a lot, vacationed, you
11 know, at the beach. We went to, you know, Palm Beach. We
12 went to a lot of places, yeah. We never stayed at home
13 that much. We were not really home people that much.

14 Q What about the horseshoe tournaments? When did you
15 start doing that?

16 A I, actually, started the horseshoe tournaments up in
17 2002.

18 Q So you had been involved --

19 A A long time.

20 Q -- a long time?

21 A Yes.

22 Q So is that something that you did throughout your
23 marriage --

24 A Yes.

25 Q -- with Rachel?

1 A Yes, actually, it was.

2 Q And would she normally go with you?

3 A Yes, she would. And she, actually, loved playing
4 horseshoes.

5 Q And it sounds like these were, actually, fairly large
6 events. This -- we've heard a lot of discussion about it.
7 But for the juries edification, would you describe it a
8 little bit? What --

9 A Basically, we would have the hang outs on Sunday, a
10 horseshoe tournament. And if you guys aren't familiar
11 with that, it's a stop at each end, and you have actual
12 horseshoes, the bottom of a horseshoe, and you would toss
13 the -- you had two sets of shoes that you would toss to
14 the other end in hopes to get a ringer. There were points
15 given from one point to five point to 10 points, depending
16 on if you rung the shoe or not.

17 So -- but, yeah, a lot of friends got together on
18 this every Sunday. We started at 1:00 every Sunday. And
19 it would proceed on until either the tournament was over
20 or until we couldn't see no more.

21 Q Was there food, drinks, that sort of thing --

22 A Oh, yeah, food, alcoholic beverages, just whatever --
23 you know, that day.

24 Q And were there a lot of people like you that brought
25 their families and stuff?

1 A Yeah. A lot of people brought families. There were,
2 actually, kids there that played with kids. We tried to
3 keep it family oriented, not too much to where -- we
4 wanted it to where anybody could come and, actually, love
5 coming there. It was a very good thing to do.

6 Q And Rachel enjoyed going to those with you?

7 A Yes, she did very much.

8 Q And did she normally go?

9 A Every time I went, yes.

10 Q And it's through that -- is that how you met the
11 Mucienkos?

12 A Yes, it is. We, actually, met them at a friend of
13 mine Brad's house, actually, on June the 7th of 2011.

14 Q Okay. Where does Brad live?

15 A Off of -- just right down from the Mucienkos. They
16 lived at -- on one end of Valley Road. And Brad lived at
17 the other end of Valley Road.

18 Q All right. And when did you say this was? What time
19 frame?

20 A It was around about June the 7th of 2011.

21 Q Was it in March?

22 A No. It was not in March.

23 Q All right. So June of 2011. And so you're there.
24 How is it -- I mean, you've been to these things before.
25 How is it that you came to interact with the Mucienkos and

1 Walt -- specifically, Walt and his family?

2 A Walt had -- I had met him beforehand before the
3 tournament at the VFW. He had come in with some friends
4 of mine that I know that he knows as well. And since I
5 was working at the VFW, he come in one night and that's
6 how I -- I first met Walt before I met any of the
7 Mucienkos.

8 Q All right. And so you knew him before the tournament
9 then?

10 A Yes, I did.

11 Q From coming to the VFW. So when you saw him, he
12 wasn't a stranger. He was somebody you had already talked
13 to?

14 A Right. I had already met him, and shared a drink
15 with him, and, actually, sang a song down at the VFW with
16 him.

17 Q So what was it about that particular day that made
18 y'all decide you were going to -- you know, you were going
19 to take your family and his family and everybody was going
20 to meet back at his house.

21 A He had asked me if I wanted to come over. Walt and I
22 shared guitar. I love the passion of guitar, and Walt as
23 well. We shared the same music together. He was a big
24 80s nut, so was I.

25 So we, actually, had the same similarities, you know,

1 as far as values and having fun. So, I mean, I had no
2 problem with that. He asked me if I wanted to come over
3 and jam out in the man cave and play the guitar and listen
4 to some music. So I agreed.

5 Q Did you see VICTIM at the horseshoe tournament?

6 A Yes, actually, I did.

7 Q Did you talk to her any at the horseshoe tournament?

8 A No, I did not.

9 Q And do you remember seeing this girl, #1 at the
10 horseshoe tournament?

11 A Yes, I do.

12 Q Did you talk to her?

13 A No, I did not.

14 Q How do you know who it was?

15 A I later on didn't see #1 again until a couple
16 months after when #1 had returned to the family's
17 house.

18 Q And so y'all went over there to the Mucienkos. You
19 hung out. And did you continue -- did y'all continue to
20 visit with one another at their house?

21 A At which -- at the --

22 Q At the Mucienkos?

23 A Yeah, yeah, yeah. We had a really good friendship.
24 I mean, weekend after weekend, we tried to be there. Like
25 I said, they loved watching my daughter. And, I mean,

1 Skyland loved being there. I mean, she loved somewhat of
2 the environment there when we come over. It was kind of a
3 decent set of environment. Skyland loved music.

4 Q Skyland is your daughter?

5 A Skyland is my daughter, yes.

6 Q And did they ever come over to your house to hang
7 out?

8 A Rarely, but, yes.

9 Q But, primarily, you went to their house?

10 A Yes.

11 Q It sounds like they had a pretty good set up for --

12 A They did. They had a very nice double wide, a very
13 big yard, a five-bedroom double wide. It was a very big
14 scenery, yes.

15 Q All right. And so how often would you go?

16 A Well, I tried to, at least -- you know, me and Rachel
17 go, at least, once, twice a month. Because, as I said,
18 I'm on disability. You can't do much. After paying rent,
19 I was pretty broke. So I would try to get there as much
20 as I could. Because, I mean, they were decent people at
21 the time. They really was.

22 Q And, at some point, did Rachel start spending -- I
23 mean, not Rachel, but VICTIM start spending time with you
24 and Rachel?

25 A She did, yes.

1 Q How and when did that happen?

2 A VICTIM first started staying with us -- I remember
3 we were living on Tigerville. And she had asked to come
4 over because -- this is after -- we had first went over to
5 VICTIM house to begin with. And we, actually, brought
6 our daughter with -- not that visit, the first time, but
7 the second time, we had brought our daughter over. And
8 that's where VICTIM had a chance to meet Skyland. And
9 after that like about a month later is when we, actually,
10 asked -- Rachel and I asked her to come over to babysit
11 for us.

12 Q And did she do that?

13 A Yes, she did.

14 Q Did she -- what was the period which she'd babysit?
15 Was she there overnight? Was it just for a little bit
16 during the day?

17 A Sometimes, it was a couple of hours. Sometimes, she
18 would spend the night, so.

19 Q Well, on that particular occasion, that first time?

20 A The first time, she did spend the night. At the
21 time, there was me and my ex-wife. We had some other --
22 another couple staying with us, Michael and -- I can't
23 think of his wife's name talking right here -- Heather.
24 Michael and Heather Williams were staying with us.

25 Q Was this at the Tigerville house?

1 A Yes, it was.

2 Q So when you were living there -- how big was that
3 house?

4 A It was not a very big home. It was -- the way it was
5 set up, you know, a bedroom here. The bathroom connected
6 to the side of the bedroom, and then another bedroom in
7 between the bathroom. And then just a kitchen and a
8 living room, a very small house.

9 Q Two bedrooms?

10 A Yes.

11 Q And I guess you, and Rachel, and the baby were in
12 one; is that correct?

13 A Yes, we were. We, actually -- the way we had things
14 set up was Rachel and I had our own bedroom. The other
15 bedroom was intended for our daughter. But, at her size,
16 we wanted her in the room with us. So we kept her
17 belongings in the bedroom -- the other bedroom. And as --
18 whoever stayed with us, there was, also, a bed in that
19 spare bedroom to stay in, so.

20 Q So this other couple was staying in that spare
21 bedroom?

22 A Yes, they were.

23 Q And who were they?

24 A Michael and Heather Williams.

25 Q And how long were they living there with you at --

1 A They lived throughout the duration. I think that we
2 were there a little -- about a year, maybe close to a
3 year. And they were there the whole duration.

4 Q In addition to those two, were there other people
5 that lived in the house with you?

6 A No. Michael and Heather Williams was the only ones
7 that lived in the house with us at Tigerville.

8 Q So did Rachel -- did VICTIM eventually, start
9 coming over and spending the night and staying on
10 weekends?

11 A She did. She did. The times that she would stay,
12 she'd sleep on the couch.

13 Q How many times did that happen while you lived at
14 Tigerville?

15 A I think she stayed twice.

16 Q So two times while you were there at Tigerville?

17 A Yes, sir.

18 Q Was there ever a time when it was just you and her
19 alone in the house?

20 A Never. Like I said, we've always had someone living
21 with us.

22 Q So when she came over there on those two occasions
23 when you lived at Tigerville, I mean, what sorts of things
24 did she do while she was there?

25 A She played with Skyland. I have this humongous

1 70-inch TV, and I had this Internet connection to where it
2 would be on the TV through my PlayStation 3. And she'd
3 Google, Facebook, talk to her friends on the Internet,
4 play video games. She would, sometimes, try to help me
5 cook. Other than that, that's really about it.

6 Q How did she and Rachel get along?

7 A They got along really, really great, really great.

8 Q And she liked playing with Skyland?

9 A Yeah. She loved -- in fact, she loved our daughter.
10 I mean, she really did.

11 Q When did you move from Tigerville?

12 A I moved from Tigerville -- it was 20 -- it was the
13 later part of 2011. Because I think we moved to
14 Tigerville in 2010 till the later part of 2011. And then
15 from 2011 -- from Tigerville, we moved around to another
16 double wide that was on State Park Road.

17 Q So you didn't move from there to 12 Magnolia?

18 A No. We, actually, moved to a double wide on State
19 Park Road.

20 Q State Park Road?

21 A Yeah.

22 Q And when is it that you moved to State Park Road?

23 A I lived there after the fact of us moving to
24 Tigerville. Me, and Rachel, and the baby did move to
25 State Park Road to a double wide.

1 Q How long did you live in a double wide on State Park
2 Road?

3 A Approximately maybe five months. We had, actually,
4 fixed the place up a little bit. And we were going to
5 stay for a while longer, but we started having problems
6 with the rent people. Because we had a lot of people
7 staying over. And the rent lady lived liked right beside
8 us.

9 Q Did VICTIM come over and visit while you lived
10 there?

11 A No, she did not.

12 Q She did not. So you were only there five months and
13 she never came?

14 A Yes.

15 Q And who did you have living with you during that
16 time?

17 A At that time, it was my wife, my daughter, and I. My
18 cousin, actually, stayed with us for a while, which was
19 H.N.G. Gaskins. She stayed for about three weeks. Then
20 when she moved out -- well, who I call him my brother,
21 which he's not really my brother, my best friend, Joshua
22 Pruitt moved in.

23 Q Now, you seem to always have people living with you,
24 why is that?

25 A I'm one of them people that love -- I like to have

1 someone there. I grew up with a family that we loved
2 sharing. We always give. And my brother -- you know, me
3 and my brothers, we got along real great.

4 One of the biggest reasons why I always wanted
5 someone around was the fact that growing up, I'd get into
6 a lot of trouble. People would say I'd done something I
7 didn't do. And so the fact of me having someone living
8 with me would prove the point that I really didn't do
9 nothing. You know, that's why -- a witness -- basically,
10 a witness that I didn't do nothing. I've been accused of
11 a lot of stuff.

12 Q Did they help with the rent, and things like that?

13 A Yes, they did. Joshua, actually, worked. And he,
14 actually, paid half the bills.

15 Q All right. And so when you moved from State Park
16 Road, where -- when was that that you moved out of the
17 double wide on State Park --

18 A We moved to the double wide in 2011. Because we,
19 actually, moved three times in 2011. From the double
20 wide, we moved to Magnolia Trailer Park.

21 Q Okay. So that's the 12 Magnolia. And that was,
22 also, into a trailer?

23 A That was a -- yes, that was a trailer, a single wide.

24 Q Okay. Single wide. So it was much smaller than the
25 double wide --

1 A Yes, it was.

2 Q -- about half as small --

3 A It was a two-bedroom single wide versus a
4 three-bedroom double wide.

5 Q So in addition to you, and Rachel, and Skyland, who
6 lived there with you? Who --

7 A Actually, Joshua stayed with us. Him and his
8 girlfriend stayed with us for a little while. After he
9 had moved out -- as a matter of fact, he stayed about
10 two months with me. And then he had moved out. And, at
11 the time he moved out, my nephew, Jamie, had moved in at
12 that point in time.

13 Q Now, during this time, are you continuing to
14 socialize with the Mucienkos --

15 A Yes.

16 Q -- and going to their house?

17 A Yes.

18 Q So that never stopped; right?

19 A No. That never stopped.

20 Q I mean, that was going on on a regular basis?

21 A Yes.

22 Q And y'all were still going to these horseshoe
23 tournaments and things?

24 A Yes, every weekend.

25 Q So you were still having frequent contact with the

1 Mucienkos?

2 A Pretty much, yeah.

3 Q And continuing to have contact with VICTIM and her
4 entire family?

5 A Well, not so much VICTIM Like I said, VICTIM she
6 had her own friends. There was one guy she was so much in
7 love with, which was Logan. I mean -- or if she wasn't at
8 home, she was with a friend of Walt's, Mr. Moore. And
9 they had -- you know, VICTIM would go over there and
10 watch the kids over at the Moore's house.

11 So the times that she wasn't, you know, doing things,
12 she was at the house. A lot of times, we went there and,
13 like I said, VICTIM was not there, so.

14 Q Did VICTIM come over and visit with y'all at 12
15 Magnolia?

16 A She did twice.

17 Q Two times?

18 A Yes.

19 Q And did she stay overnight, or just for the day,
20 or --

21 A Actually, she stayed a couple of hours. We then had
22 Joshua's cousin, Rachel Rish, to come down. And,
23 apparently, Rachel and VICTIM didn't get along too well.
24 One day, they got along, the next day, they didn't.
25 Rachel just didn't like her. So, you know, we sent

1 VICTIM home.

2 Q So she intended to stay longer, but you sent her
3 home?

4 A Yes.

5 Q Now, when she would come over to visit, how would she
6 usually get there? Would one of y'all go get her?

7 A Not really. When we lived in Travelers Rest, her
8 family would bring her some -- most of the time. If not,
9 then, yeah, me and Rachel would ride over and get her.

10 Q Okay. Did you ever pick her up by yourself?

11 A No, never. If it wasn't Rachel and I picking her up,
12 then it was Rachel -- or Rachel and Jamie going to pick
13 her up, or me and Jamie going to pick her up. It was
14 never alone.

15 Q And so the one time, you said she was only there for
16 a couple of hours. Was there another time when she came
17 and stayed longer?

18 A Actually, about three weeks later, she come and
19 stayed longer. And the reason why was because the
20 trailer -- it was an old trailer, a very old trailer. And
21 the floor was falling in. And I had hurt my knee really
22 bad in that trailer is another reason why we moved,
23 because it was not up to code for our daughter.

24 So I had hurt my knee. And I'd asked VICTIM if she
25 would come over and help my wife with Skyland. Because

1 Skyland was a little fussy, the flu, or whatever it was.
2 She was just raising heck. And Rachel couldn't do it by
3 herself.

4 Usually, Rachel wanted to take our daughter to her
5 grandma's and leave her there for a couple days. And we
6 had had some problems with that in the past was another
7 reason why we later separated. Because all Rachel wanted
8 to do was take our daughter and leave her there, so.

9 Q Did she go to visit with her grandmother often?

10 A I think the whole time we've been together -- or we
11 were together, she might have went 10 times.

12 Q And you were okay with that; right?

13 A Yeah. I mean, it's her family. Why wouldn't I be?

14 Q All right. Well, when did you move out of the
15 trailer with the floor falling in?

16 A That was July -- July, August 2011, somewhere after
17 there. That's when we moved to Ryan Road in Central,
18 South Carolina.

19 Q And so you moved to Central, which is -- I can't
20 remember if that's Anderson or Oconee County --

21 A No. Actually, it's kind of -- it's Clemson. It's
22 the Liberty area.

23 Q Okay. At any rate -- maybe it's Pickens then?

24 A Actually, it really is. I think it is Pickens
25 County. It is.

1 Q And so where did you move over there in Central?

2 A It was 241 Ryan Road.

3 Q And that's a pretty good little drive from TR --

4 A It's a 45-minute drive from that place to TR one way.

5 Q And did -- while you were living there, again, did
6 you continue to associate with the Mucienkos going to
7 their house?

8 A We did, but not as often as we did before. Like I
9 said, it was so far away. It's just -- we kind of just --
10 everything started distancing itself, kind of like it
11 played out.

12 Q Okay. Did **VICTIM** come visit y'all over there?

13 A She did one time.

14 Q One time?

15 A Uh-huh.

16 Q And what was the reason for coming? How long did she
17 stay? Give us the details.

18 A She claimed she wanted to come over to get away from
19 home, that her father was getting on her nerves. Because
20 he's a bad alcoholic, a very bad alcoholic.

21 Q This is your friend, Walt, you're talking about?

22 A Yes, her father. So he would, you know, talk crazy
23 stuff to her. Her brother and him was into it very badly,
24 which was -- we call him Moose. But his name --

25 Q Is what you call Walt?

1 A Right. Walt, III, was the son.

2 Q And how old is Walt, III?

3 A Roughly, 27, 28 years old.

4 Q Okay. So he's a grown man?

5 A Yes, he is.

6 Q All right. So she came to visit you once over in
7 Central?

8 A Yes.

9 Q And she stayed for how long?

10 A She stayed that day. And she went home that night.
11 And then the next time they came was the whole family.
12 Because our daughter had a birthday. And we threw a
13 birthday party for our daughter.

14 Q At the house in Central?

15 A At the house in Central.

16 Q And was Rachel there when she came to visit --

17 A Yes, she was.

18 Q And did -- was there anybody else living in the house
19 with you?

20 A Yes, there was. Jamie McCrary.

21 Q Jamie McCrary?

22 A Uh-huh.

23 Q How long did y'all stay at the house in Central?

24 A We stayed there about -- from I'd say August of 2011
25 until probably February of 2012. And the reason why we

1 moved back from Central is because Rachel didn't want to
2 live so far away from her family. She wanted to near with
3 her family.

4 Q Where did you move then?

5 A We then moved from Central, South Carolina, to 46
6 Quail Roost.

7 Q And where is Quail Roost located?

8 A It's located off of Highway 25 in Travelers Rest.

9 Q Is it within the city limits of Travelers Rest?

10 A No. It's just barely outside the city limits. It's,
11 actually, a county district.

12 Q And describe the house that you moved into there.

13 A It was a very nice two-bedroom mobile home. The
14 landlord lived completely beside us. It was a very nice
15 place. The landlord was a Christian guy.

16 We moved into the home, big yard, big yard. Kids
17 loved the yard. But it was a very -- it was one of the
18 nicest homes that Rachel and I had had together.

19 Q And, at this point, obviously, you're back closer to
20 home --

21 A Yes.

22 Q -- and closer to your father; correct?

23 A Yes, sir.

24 Q And closer to the Mucienkos. Did you then -- were
25 you then spending more time with them?

1 A Not really.

2 Q Why not?

3 A I guess it played out because of the violent
4 tendencies of the family, especially the father and the
5 brother all the time having fights. And VICTIM would be
6 so upset to see her family fight. I mean, there was one
7 case when I was sitting there and a knife broke out. They
8 brought a knife out.

9 Q And that was while y'all were at that house, the
10 Mucienko house?

11 A Yes.

12 Q Did VICTIM come to visit with y'all once you moved
13 back to Quail Roost?

14 A No, she did not.

15 Q She never went to Quail Roost --

16 A She never come to that house in Quail Roost.

17 Q Is that the one where supposedly Sandy came over and
18 helped paint?

19 A Yes.

20 Q Did that happen?

21 A There was never no painting done at the house. The
22 house was completely remodeled when I moved in. It was
23 completely remodeled. The guy next door, which I said was
24 the rent man, signed a year lease there for me, Rachel,
25 and our daughter. And that was not -- you know, no.

1 Q And what was the time frame that you were living at
2 Quail Roost?

3 A After Rachel and I split up -- me and Rachel split up
4 on April 14th of 2012. I still continued living on at
5 Quail Roost. I, actually, went out the whole term of the
6 lease.

7 So I didn't move from Quail Roost until
8 approximately -- I think it was October -- yeah, October
9 of 2012.

10 Q Is Quail Roost where y'all were living when you and
11 Rachel split up?

12 A Yes, it was.

13 Q Why did you split up?

14 A We were having some problems with mental abuse from
15 Rachel's side of the family, the cheating going on from my
16 wife --

17 Q You suspected -- excuse me. You suspected that she
18 was cheated?

19 A I suspected and it was proven.

20 Q All right. With whom did you suspect that she was
21 cheating?

22 A Her ex-boyfriend and -- which was later confirmed,
23 and my brother.

24 Q Your brother?

25 A My own flesh and blood brother.

1 Q Which brother was that?

2 A My middle brother, Joseph.

3 Q Okay. She, at some point, became pregnant with a
4 second child; is that correct?

5 A Yeah. We found out when we were living in Central,
6 South Carolina, that she was pregnant again.

7 Q And she was -- so she was pregnant when y'all split
8 up?

9 A Yes, she was.

10 Q When was your second child born?

11 A I really don't know. I haven't been around my kids.
12 She's kept me from my kids, my daughter for three years.
13 I've never met my son, ever. Never have I met my son.

14 Q You were here when Rachel talked about how you threw
15 her out of the house?

16 A Yes, I was.

17 Q Describe for us what happened on that day.

18 A That day was April 14th. I can't remember exactly
19 what -- oh, yeah I do. We were having some problems from
20 the argument that I was having about my brother.

21 My brother was in prison at this time. He was in a
22 facility up in North Carolina. And she had, finally -- I
23 don't know if it was her conscience or what. But she come
24 out about having oral sex with my brother. And the
25 horseshoe -- my father's road is a horseshoe. He lives on

1 Robertson Circle. It's an actual horseshoe. It ropes
2 around.

3 She had claimed that --

4 MS. HODGE: If there's any more hearsay that's going
5 to come from Rachel, I'm going to object.

6 BY MR. CHAMBERS:

7 Q Just talk about what you said, what you observed, and
8 just keep it to that. Okay.

9 A Basically, I observed her getting a whole lot -- I
10 mean, she was getting violent, angry, and --

11 Q Angry. Is this --

12 A -- I told her, you know, leave --

13 Q -- after you had confronted her with your suspicions?

14 A I had confronted her with my suspicions of my
15 brother. Because my brother had come to me and --

16 MS. HODGE: Objection as to anything --

17 THE WITNESS: -- you know, talked to me about it --

18 MS. HODGE: -- his brother is going --

19 THE COURT: Sustained.

20 BY MR. CHAMBERS:

21 Q Was VICTIM there?

22 A Yes. Actually, VICTIM come -- no, actually, VICTIM
23 was not there. It was me, my wife, my daughter, and
24 Mr. Stevens, actually.

25 Q Who?

1 A Mr. Stevens, the rent man.

2 Q All right. Did you throw her out of the house?

3 A I asked her to leave. I did not throw her out of the
4 house. But I did tell her to get her belongings and
5 leave.

6 Q Okay. And did she leave?

7 A Yes, she did.

8 Q Now, did you call for anybody else to come over to
9 your house?

10 A I called for my father to pick her up. Because I
11 didn't want to be mean enough for her to walk down the
12 road with her belongings. I tried giving her her phone
13 back. She didn't want it. So she wanted just to --
14 because, I mean, she was tempered [sic]. She wanted just
15 to just go, just go.

16 Q And did Skyland stay --

17 A I wasn't going to let her do that. I was not going
18 to let her leave, you know, without some adult supervision
19 taking her where she needed to be.

20 Q Did Skyland stay with you?

21 A Yes. I kept my daughter. I, actually, did.

22 Q And did you -- very shortly after that, did you file
23 for divorce?

24 A Yes, I did.

25 Q Who did you -- do you recall who you hired as your

1 lawyer?

2 A I do. I just can't think of his name. I remember
3 him.

4 Q Does Ron Clement sound familiar?

5 A Ron Clement, yes, sir. It does sound familiar.

6 Q And did he then go ahead and file for a divorce on
7 April the 23rd of 2012?

8 A Yes, he did. He sure did.

9 Q And what did you allege as the grounds for seeking
10 the divorce?

11 A We filed under adultery.

12 Q And did you, also, ask for custody of your child?

13 A I did.

14 Q And was your child in your custody -- or in your
15 physical custody at the time you filed --

16 A At the time, she was, yes.

17 Q Now, during this -- we've kind of walked through all
18 the places that you lived up until the time that you and
19 Rachel sort of had this falling out and she left. And we
20 talked about the fact that you continued to see the
21 Mucienkos and all of that.

22 But did you provide financial support and help in
23 other ways to the Mucienko family?

24 A I did. But I financed all, not just one person. If
25 they needed food, if they needed a light bill paid, or,

1 you know, something like, yeah, I would do for all, not
2 just one single person.

3 Q Is that just something that you did on your own, or
4 had they sought assistance from you?

5 A In the beginning, I done it on my own. Because I had
6 seen how the family was. They really didn't have much.

7 So like when I first met them, they didn't have much.
8 So I provided cell phones to VICTIM her brother, my
9 father, myself, and my wife.

10 Q It sounds like you didn't have much. How could you
11 afford to do all this?

12 A Little side jobs here and there. Because disability
13 was not going to help pay for nothing, no. So, yeah, I
14 would get side jobs such as the VFW, or building a house,
15 or working for [inaudible], which was a really good friend
16 of mine that would pay me under the table to help, you
17 know, with some of the costs and expenses of what we done.

18 Q Okay. So you provided phones to several family
19 members, including VICTIM and her brother?

20 A Yes, I did.

21 Q Did you -- what else did you provide for them?

22 A Sometimes, school stuff for VICTIM Sometimes --

23 Q School stuff?

24 A Yeah, supplies, stuff like that that she needed for
25 school. Food and, you know, clothing. Her son, I --

1 basically, whatever he wanted. I mean, he was like a
2 brother to me, so.

3 Q Who was like a brother to you?

4 A That was Walt, III.

5 Q Okay. So the 27-year-old son?

6 A Yes.

7 Q So you, also, provided things for him?

8 A Yeah. Like I said, he lived with me for a while. So
9 I took care of him, and pretty much the whole family. I
10 mean, I never did give to one and not give to another.

11 Q Was there -- did there come a time when there was a
12 disagreement about some car insurance?

13 A Yeah, actually, there was. Walt had went behind my
14 back and put some cars -- the three vehicles, which was
15 his, his wife's, and his son on my policy. And we did
16 have a big discrepancy about that. I asked him why he
17 done so.

18 Because he -- what he done was he added his name to
19 my policy. Therefore, he could add a car at any given
20 time to the policy of which Sandy was aware of all this
21 because of the fact that the address was sent to their
22 home. I mean, all my information was just put on that
23 paper and mailed to their house.

24 Q And did you confront Walt about that?

25 A I did. And he told me, June bug, man, what were we

1 to do? We didn't have any insurance --

2 MS. HODGE: I object --

3 THE WITNESS: -- Sandy was --

4 MS. HODGE: -- to anything Walt might say as hearsay.

5 THE COURT: All right. Sustained.

6 BY MR. CHAMBERS:

7 Q Did your relationship with them suffer at that point?

8 A After that, yeah. It totally crashed. I didn't even
9 want to be around them no more after the fact of me,
10 actually, having time to stop and think about how much
11 this family was, you know, being dysfunctional as far as
12 the mental outbursts, threatening. I mean, I just didn't
13 want to deal with them no more. And to know that Walt
14 would go behind my back and put these cars on my insurance
15 without me knowing about it was pretty bad. So after
16 that, I just cut ties.

17 Q And when you cut ties, what does that mean? What all
18 did you do?

19 A I cut ties with all of them. I didn't want nothing
20 to do with them. I had told Walt from that point forward
21 to leave me be. I don't want nothing else to do with
22 them. Because, I mean, it was just showing how much they
23 were just not being honest.

24 Q Did you continue to provide phones for them after
25 that?

1 A No. Actually, after that, I cut ties completely.

2 Q And when was it that you cut ties?

3 A October the -- about the 5th of October of 2012.

4 Q And, at some point, did you move to Belvue Road?

5 A Belvue Road was, actually -- I didn't move there per
6 se. The deal with Belvue Road was -- it was in Brian
7 Moore's name, a good friend of mine. It was going through
8 probate. He wanted to sell me the property.

9 So I was, actually, trying to buy the property. And
10 never did I live at Belvue. And even right now, the
11 property was, actually, seized. It was -- taxes owed.
12 There's no trailers there at all now. But I was trying to
13 buy the property at Belvue, but never resided there.

14 Q All right. Well, did you visit with VICTIM any
15 after this cutting of ties?

16 A No.

17 Q In fact, did you ever see her any after you split up
18 with your wife?

19 A Other than out, you know, at Ingles, Walmart, no, no
20 more.

21 Q Did you ever see her over at the Mucienkos house?

22 A No. I didn't go to the Mucienkos house no more after
23 that.

24 Q After Rachel moved out, did she ever come to visit at
25 your home where you resided?

1 A No. After my wife left totally -- after we had our
2 disagreement and we left and we cut ties for good, I
3 really never -- no.

4 Q What about #1 (Minor) You said that you had seen
5 her once or twice?

6 A Yes.

7 Q Did you spend any time with #1 (Minor)

8 A The only time I ever seen VICTIM with #1 was at
9 VICTIM house. That was it.

10 Q Did #1 (Minor) ever come to your house?

11 A Never.

12 Q She never came for a cookout, or anything like that?

13 A She never come -- the only time, like I said, I ever
14 seen #1 (Minor) was when she came to the Mucienkos. I
15 think I might have seen her twice over there. And that
16 was that.

17 Q Did you ever exchange phone calls, text messages,
18 anything like with #1 (Minor) --

19 A No. The -- she, actually, got the number from
20 VICTIM

21 Q Did you ever go out with her in a car driving around,
22 or go anywhere with #1 (Minor)

23 A I've never been with #1 (Minor) nowhere at all,
24 never. I mean, mostly, every time I went out, it was
25 either my wife was with me, my nephew was with me, my best

1 friend was with me. I mean, there was always somebody
2 with me -- or some of my family members every time I went
3 out anywhere. I mean, I always have to have somebody
4 close.

5 Like I said, having ADHD, it's a very weird thing. I
6 mean, it would cause you to have panic attacks for no
7 reason at all. And I've had a couple in the past, which
8 my father knows about. And I always wanted somebody, you
9 know, right there beside me. I have to have the feel of
10 someone there beside me, so.

11 Q Did -- at some point, did you invite #1 [sic] to
12 a Luke Bryan concert?

13 A Never. Like I said, I cannot stand country music.
14 No offense to people that listen to country. But I'm more
15 of an 80s air-style air-band person. I love 80s music. I
16 just don't -- me and country, no, too sad and sobby [sic].

17 Q And, I mean, was there ever any discussion with
18 anybody about going to a Luke Bryan concert?

19 A There was never a discussion about Luke Bryan ever.
20 However, there was a discussion about an Iron Maiden and a
21 Kiss concert. That was the only concert that was really
22 even brought up. Luke Bryan was never brought into the
23 picture.

24 Q So when was the Kiss and Iron Maiden with -- I
25 mean --

1 A The Iron Maiden concert was in the summer of 2012.
2 And it was, actually -- her brother Walt, III, me and him,
3 actually, went.

4 Q So you, actually, went to that concert?

5 A Yes. I went to that concert. It was my father, my
6 cousin, Ronald, me, and their brother, Moose.

7 Q So do you have any knowledge about a Luke Bryan
8 concert?

9 A Never in my life. It had no -- nothing about Luke
10 Bryan, ever.

11 Q Do you know anything about -- we've heard a lot about
12 an abandoned house. Are you familiar with any kind of an
13 abandoned house?

14 A Never. Like I said, this abandoned house crossed my
15 mind. I mean, I only heard about it because of the
16 statement from VICTIM and when I got the report asking me
17 about an abandoned house. But, no, never heard about no
18 abandoned house until that point.

19 Q Now, we've been here for the better part of two days
20 now. I mean, everybody is very familiar with what the
21 allegations are. Did you ever have any kind of sex or an
22 inappropriate relationship with #1 (Minor)

23 A No, never.

24 Q Did you ever have sex or an inappropriate
25 relationship with VICTIM

1 A No, never.

2 Q Did you carry on any kind of a romantic relationship
3 with either one of those girls?

4 A To my knowledge, no, I did not. And if I did, I
5 don't see where buying anyone any type of, you know,
6 things would be a romantic deal.

7 Q Were you treating these girls as though they were
8 your girlfriends?

9 A No. I, actually, treated them as they were my
10 sister. And as far as these girls, no, one girl, VICTIM

11 #1 no, I never went nowhere, subjected myself to
12 #1 at all. Like I said, the only time I seen her is
13 when they -- she was at their home. And that was twice
14 within the whole time I knew the Mucienkos.

15 Q Since all of -- when did you find out that these
16 allegations had been made against you?

17 A I was in Family Court and still going through the
18 proceedings with my ex-wife, and was still trying to see
19 my children. Because her family kept me from my children.
20 It was November 14th, 2012. I will never forget. I was
21 locked up in Family Court on these charges. And, I mean,
22 embarrassing, yeah, very.

23 And from that point forwards, I mean, I've been
24 living this nightmare of these charges. It's kept me from
25 my kids and everything.

1 Q Have you -- since these allegations came to light,
2 have you seen any of the Mucienkos or had anything to do
3 with them?

4 A Since the allegations, no. I hate them too much. I
5 didn't want to see them.

6 Q You never saw -- or ran into Walt at the VFW or
7 anything --

8 A I ran into Walt at the VFW probably around about
9 March of 2014.

10 Q Was he angry with you?

11 A He, actually, come up to me and wanted to talk. And
12 I really didn't want to talk. He had said -- looked at me
13 and said --

14 MS. HODGE: I'm going to object to anything that Walt
15 may have said.

16 THE WITNESS: He made comments about the case --

17 MS. HODGE: Objection.

18 THE COURT: I sustain the objection.

19 MS. HODGE: Thank you

20 BY MR. CHAMBERS:

21 Q But he did come and y'all had a conversation?

22 A Yes.

23 Q Is that a conversation you wanted?

24 A Not really. I mean, like I said, I tried to stay
25 away from the Mucienkos. Once these charges were filed, I

1 hated every one of them.

2 Q Did he appear to be angry at you?

3 A No. Drunk.

4 MR. CHAMBERS: Okay. Jerald, that's all the
5 questions I have for you. Please answer any that the
6 Solicitor has.

7 MS. HODGE: Thank you.

8 CROSS-EXAMINATION

9 BY MS. HODGE:

10 Q So you said you hated Walt and his whole family over
11 there; correct?

12 A After the fact, yes.

13 Q Okay. And you did not talk to or communicate with
14 Walt at all, other than seeing him at the VFW?

15 A I seen him at the VFW. I was singing a song with
16 him. And that was it.

17 Q So you, actually, sang a song together?

18 A We sang a song together, yes.

19 Q Okay. And your phone number -- was it 561-7021?

20 A No. It was not.

21 Q Okay. Let me show you -- let's see here. Can you
22 read this for me? To yourself would be fine. This
23 message right here.

24 A That's fine.

25 Q Okay. Is that referencing your wife, Rachel?

1 A It is referencing Rachel.

2 Q That you just left Family Court and good news,
3 divorce was filed?

4 A Yeah. But that's not my number.

5 Q Okay. Were you texting him from that number --

6 A No. I was not texting from that number.

7 Q So somebody was texting Walt --

8 A I understand. Someone else, yes.

9 Q -- that -- acting like you?

10 A (Witness nodded.)

11 Q Saying that you just left Family Court and your
12 divorce was thrown out, and Rachel doesn't have custody of
13 Skyland. Some random person was texting --

14 A Someone, yes. Because we had problems with that back
15 in -- random texts coming through throughout this whole
16 thing.

17 Q Okay. And that was dated June 24th --

18 A Of what year?

19 Q -- of 2013, right here; is that correct?

20 A Yeah, 2013.

21 Q Okay. And then it continued on another -- some more
22 messages?

23 A No. On this date of Family Court, it's some
24 person --

25 MR. CHAMBERS: Your Honor, I'm going to object at

1 this point. There's no foundation laid about any texts or
2 anything. Apparently, what she's doing is she's got
3 pictures of texts. And she's just showing him and asking
4 him to read those --

5 MS. HODGE: I'm not asking him to read them --

6 MR. CHAMBERS: -- I think there has to be some kind
7 of foundation to be laid as to whether he even knows what
8 those are that he's commenting on.

9 THE COURT: Sustained.

10 BY MS. HODGE:

11 Q Did you text -- well, here's how I'll do it. Did you
12 text Walt on June 22nd of 2013, and state to him, Will you
13 drop charges, or are we going to go to court? Either way,
14 I'm still going to hang out with you. Just be honest with
15 me?

16 A No, I did not.

17 Q Did you then text him, Please, my life is -- excuse
18 me -- fucked up --

19 MR. CHAMBERS: Your Honor, I'm going to object again.
20 She's, essentially, introducing these --

21 THE COURT: Sustained.

22 MR. CHAMBERS: -- she's reading them out loud.

23 THE COURT: Sustained.

24 MS. HODGE: Your Honor, these are statements --

25 THE COURT: All right. Take the jury out.

1 MS. HODGE: -- that I'm asking the Defendant about --

2 THE COURT: Take the jury out.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 2:37 p.m.)

5 MS. HODGE: Your Honor, these are statements that the
6 Defendant was alleged to have made that I think I can ask
7 him in cross-examination, did you make these statements?
8 He can say "yes" or "no." I don't think I can introduce
9 them through this witness. But I have a foundation
10 witness I can call in rebuttal.

11 So I need to be able to ask him did he make the
12 statement. He needs to be able to deny it. Then I can
13 put my witness on the stand to lay the foundation for
14 these text messages, and then move to admit them at that
15 time.

16 THE COURT: Mr. Chambers.

17 MR. CHAMBERS: Well, Your Honor, I think, first of
18 all, there has to be a foundation laid that he -- that --
19 did he send any texts. And I think she's stuck with his
20 answer, whether he says "yes" or whether he says "no." If
21 he says, "yes," then I guess she can follow-up on it.

22 I'm having a little trouble following her logic that
23 there's going to be a rebuttal witness. Because if I
24 understood what she is -- was reading out a few minutes
25 ago, these were texts that supposedly went to this fellow,

1 Walt, who is not on her witness list, and, as far as I
2 know is not going to be called to testify here at trial.

3 So I don't know how anybody else could even lay a
4 foundation if she wanted to talk about those texts.

5 MS. HODGE: Well, rebuttal witnesses don't have to be
6 on the State's witness list because we don't know who
7 we're going to call in rebuttal.

8 But Ms. Mucienko is the person that provided me
9 these. She's the one that had the phone. She can
10 document this was her husband's phone, and this was the
11 Defendant's phone number. And that she took photographs
12 of these and sent them to me, which I provided to Defense
13 in reciprocal -- or in discovery several weeks, if not
14 months, ago.

15 THE COURT: Why can't she ask if he made a statement?

16 MR. CHAMBERS: I think she -- well, she can ask if he
17 makes a statement, Your Honor. But she was, actually,
18 reading the text messages verbatim.

19 THE COURT: Well, but -- I understand it appeared
20 that way. But I don't know any reason why she can't ask
21 him if he made such and such statement.

22 MR. CHAMBERS: Well, obviously, it's your job to
23 rule, Your Honor. So I've made my objection. I'll,
24 obviously, go along with whatever you decide.

25 THE COURT: I mean, I think probably what is

1 troublesome is it's almost like you're publishing
2 something to the jury that's not in evidence.

3 Is that what you're worried about?

4 MR. CHAMBERS: Yes, sir.

5 THE COURT: But I don't think appearances can keep
6 her from doing that. I mean, she -- just like if she had
7 a legal pad and had it written down.

8 MR. CHAMBERS: But my issue is not necessarily, Your
9 Honor, that she's asking him that. That's fine. But
10 she's, actually, walking up to him, laying these down in
11 front of him as they were -- as though they were a
12 statement that he gave.

13 THE COURT: Yes, I know. That's why I sustained the
14 objection when you objected to that. But, I mean, I think
15 she can ask about alleged previous statements the
16 witness --

17 MR. CHAMBERS: Well, I would agree with that.

18 THE COURT: -- who was a party, made.

19 MR. CHAMBERS: Yeah. I would agree with that, Your
20 Honor.

21 I just -- when she -- she, at first, seemed as though
22 she was, actually, going to have him read it. Then she's
23 questioning him about it while it's laying up there in
24 front of him. And I, clearly, believe that's improper.

25 THE COURT: Well, I overrule the objection.

1 MS. HODGE: Thank you, Your Honor.

2 THE COURT: But I guess the -- if those don't later
3 go into evidence, the jury is going to be real curious
4 about them. But that's neither here nor there.

5 Okay. Let's take about a 10-minute break.

6 (WHEREUPON, a break was taken.)

7 THE COURT: All right. Anything else before we bring
8 the jury in?

9 MS. HODGE: Yes, unfortunately, Your Honor.

10 Were you intending on calling Mr. Gaskins, Sr., as a
11 witness?

12 MR. CHAMBERS: Yes.

13 MS. HODGE: All right. Your Honor, Mr. Gaskins, Sr.,
14 who's on the witness list, the next witness, I was just
15 informed by some of the State's witnesses that the ladies
16 that have been sitting in here watching the trial went
17 outside, told him everything that was going on during the
18 testimony, and what's been going on in court.

19 So I would ask that that witness not be allowed to
20 testify.

21 MR. CHAMBERS: I, certainly, don't have any
22 knowledge, Your Honor, about anything that's going on --

23 MS. HODGE: Would you like to proffer any -- I'd be
24 glad to proffer a witness.

25 MR. CHAMBERS: So what do you want --

1 MS. HODGE: I said I'd be glad to proffer a witness,
2 if you needed that.

3 MR. CHAMBERS: I'm not questioning whether that
4 happened or not. I -- the fact that they were discussing
5 the case out in the hallway, Your Honor, I don't know that
6 that disqualifies him as a witness.

7 THE COURT: Well, let's finish with this witness, and
8 then we'll tackle that.

9 All right. Bring the jury in.

10 (WHEREUPON, the jury came into open court at
11 approximately 2:54 p.m.)

12 THE COURT: Yes, ma'am. You may continue
13 cross-examination.

14 MS. HODGE: Thank you, Your Honor.

15 CONTINUED CROSS-EXAMINATION

16 BY MS. HODGE:

17 Q All right. Mr. Gaskins, did you text Walt Mucienko
18 on June 21st of 2013, and ask him to drop the charges so
19 y'all could bounce and go hang out with Ian, your higher
20 power God?

21 A No, I did not.

22 Q Who is Ian?

23 A I have no idea.

24 Q What is the higher power God?

25 A I have no idea either.

1 Q Did you text him again on June 22nd of 2013, and ask
2 him, again, about dropping the charges, saying, If not,
3 that's cool, but don't want to hassle with going to court?

4 A No, I did not.

5 Q Okay. So someone is texting Walter. Is this your
6 testimony?

7 A I have no idea. I don't know nothing about text
8 messages to or from Walt after 2013.

9 Q After 2013?

10 A Or in between 2013, beginning of 2013 -- no time in
11 2013 did I or have I texted Walt Mucienko.

12 Q All right. So did you ever text him before?

13 A Way, way, way before.

14 Q All this -- way before?

15 A Way before.

16 Q Okay. What was his -- did he have a sign off or --

17 A I don't recall.

18 Q Was it ghost rider?

19 A I don't recall.

20 Q Okay. So it could have been?

21 A I don't know.

22 Q Okay. Then did you, also, text him on June 26th of
23 2013, saying, If you'll drop these bogus charges, we can
24 go to Oklahoma and make money?

25 A I just said I never texted him throughout 2013, or

1 any time through 2013.

2 Q Okay. So you didn't text him about going to Oklahoma
3 to make some money --

4 A No, ma'am. I did not.

5 Q Okay. And you didn't text him then about, Why have
6 you not dropped this shit on me? And why are you letting
7 Sandy drag it --

8 A Once again, I never texted him from 2013 forwards at
9 all.

10 Q Okay. And so then you didn't text him to say, Sandy
11 must be threatening you, daddy?

12 A No, ma'am. I did not.

13 Q Okay. So did you say you cut off all ties with the
14 Mucienkos, even Jamie?

15 A Ma'am, I cut off all ties. From the time I was
16 arrested in Family Court on November 14th, 2012, at that
17 point in time, all ties with the Mucienkos was done, over
18 with.

19 Why would I hang out with someone or want to talk to
20 anyone that had me arrested on such crazy charges when I
21 know for a fact I did not do it?

22 Q Okay. Do you -- you said that all this was over with
23 them, really, though, October the 5th of 2012, because you
24 were done with them?

25 A November 14th was the day I was arrested.

1 Q Correct. But prior to that, the insurance fraud --

2 A Pretty much from once -- from the insurance fraud,
3 yes.

4 Q Okay. And that you stated in your testimony was what
5 date?

6 A Sometime in -- October 6th, I believe, between the
7 3rd and 6th --

8 Q You said October 5th. You're pretty certain --

9 A Between that time, yes.

10 Q October 5th, 2012?

11 A Yes.

12 Q Do you have the documents from the insurance company
13 showing that they put stuff on you?

14 A Actually, I think I do. I'm not sure.

15 Q Do you or do you not?

16 A I'm not sure. I don't know what my lawyer
17 prepared -- has.

18 Q Did you give them to him? Did you tell him? Did you
19 get them?

20 A Yes, we did. And then -- I mean, I don't -- like I
21 said, I don't know what he has with him is what I'm
22 saying.

23 Q Okay. But they're not here right now. You didn't --

24 A I did not know, ma'am -- I don't know. I do not.

25 Q Okay. And so after October 5th or 6th now, you're

1 saying you did not communicate with anybody after that?

2 A No. Not once the call was made in and placed to put
3 the vehicles on my vehicle -- or their vehicles on my
4 account, nah. Then after November 14th, me getting locked
5 up in Family Court, a big embarrassment, nah.

6 Q Before that on -- let's see -- October the 2nd, did
7 you and Jamie have some text messages going back and
8 forth?

9 A No.

10 Q No, you didn't. When she -- you sat up here and
11 heard her testify; correct?

12 A I heard her testify, but, no.

13 Q So you did not text her -- or she did not text you
14 asking to go to the Luke Bryan --

15 A No. Actually, her --

16 THE COURT: Y'all wait a minute --

17 THE WITNESS: -- brother called me --

18 THE COURT: Wait. Y'all are going to have to let
19 each other finish. Okay.

20 THE WITNESS: Yes, sir.

21 BY MS. HODGE:

22 Q Did you not text her about only having four tickets
23 to go to the Luke Bryan concert?

24 A No, I did not.

25 Q Okay. And you're saying that you don't like country

1 music?

2 A No, I do not.

3 Q And you don't go to country music concerts --

4 A I do not like country music, ma'am.

5 Q Okay. Did you and your ex-wife, Rachel, get into it
6 at a Brantley Gilbert concert?

7 A No, we did not.

8 Q You did not?

9 A No.

10 Q You did not attend the Brantley Gilbert concert --

11 A No. I did not attend the Brantley Gilbert concert.

12 Q Okay. In November of 2012?

13 A Whenever it was. I'm not sure.

14 Q All right. But you're saying you went to a Kiss and
15 Iron Maiden concert with Walt --

16 A I went to an Iron Maiden concert, yes.

17 Q And that was when?

18 A That was sometime between September of 2011 -- 2012.
19 It's been a couple years ago.

20 Q Okay. And let's get back to you and Jamie texting.
21 You did not text Jamie on October the 7th at 6:49 p.m.
22 telling her, It was good to see everybody and Moose, what
23 you call Moose -- her brother, that you love him like a
24 brother?

25 A Past tense. Not in that text. I never texted Jamie

1 Mucienko at all.

2 Q Okay. So you wouldn't have texted her about VICTIM
3 being the most favorite --

4 A No, ma'am. I would not have.

5 Q Okay. And did you text her on October 8th that you
6 were painting and waiting to pick up VICTIM from school?

7 A No, ma'am. Once again, I never texted Jamie
8 Mucienko. So what you're reading here is irrelevant. I
9 have not texted her at all from no phone. The phone that
10 you're reading there was in Jamie's name. It was Jamie's
11 contract phone whom her and her brother shared.

12 Q And did you not owe some money on that phone?

13 A Once again, I never texted nor owed her on a contract
14 phone that she had. That was her and her brother's deal,
15 not mine.

16 Q So if she has texts with your name on the top of them
17 as the contact person and your number, that's not you is
18 what you're telling us?

19 A Ma'am, what I'm looking at -- that right there and
20 telling you is that says Jerald. It does not say Jerald
21 Gaskins. It does not say nothing other than Jerald. It
22 could be Jerald Billy Bob. It could be Jerald Williams.

23 Anyone could put a name up there. But you don't see
24 a full name there, ma'am. And the reason why you don't
25 see that full name is the fact that the phone was never

1 at -- with me. The phone was in her name, a contract
2 phone with her name on it that was used between her and
3 her brother.

4 Q How do you know it was used between her brother --

5 A Because that phone she had had prior when she came
6 from Florida is how I know.

7 Q So you are saying, sir, that you never texted --

8 A I never texted --

9 Q -- with Jamie?

10 A I never texted her.

11 Q You never texted --

12 A She had called --

13 Q -- with Jamie?

14 A -- Rachel once before is how --

15 Q You're saying you never texted Jamie?

16 A I never, yes, ma'am. I never.

17 Q All right. And you would have never texted again
18 about --

19 A No, ma'am.

20 Q -- Sorry, I got a lot on me. I can't see VICTIM
21 again or my kids. Someone is creating conversations, is
22 that what you're saying about your life?

23 A Someone, yes, but not me. And everyone knew about my
24 life because it was posted throughout the Mucienkos and
25 posted throughout the Lanes. They stayed in my business

1 more than anybody with Facebook, texts of me being a
2 pedophile, and everything else.

3 So why don't you ask the Lanes where the texts might
4 have come from? Because they knew more about my life than
5 I even did.

6 Q Well, you had some roommates because you had to
7 have -- verify with people --

8 A Yeah.

9 Q -- around you; right?

10 A But my roommates never ever put out, you know, any
11 type of thing that was negative towards me. They knew the
12 hell I went through in my life. So they wouldn't just
13 throw anything out there to make me look bad or anything
14 like that. Because they wasn't like that.

15 Q Okay. But you said in your testimony that you needed
16 roommates because you were always getting accused of
17 stuff?

18 A When you're at the age I was, yes.

19 Q At what age? My age?

20 A Nah.

21 Q Isn't that what you just said --

22 A At a younger age. When I was growing up as a
23 teenager, I was always being accused of stuff I didn't do.
24 That's why I got the little nickname, I didn't do it,
25 because my middle name was Denton. That's why. Because I

1 got tired of being -- people saying I had done stuff I
2 didn't do.

3 I mean, it got to where I would go out to the store
4 and be accused of talking to somebody I didn't. So, you
5 know, if I had someone around me, then the accusations
6 wouldn't be thrown out there nowhere near as fast as
7 normally they would have.

8 Q So you need people around you just to verify your
9 innocence --

10 A At all times, yes. I kept everybody around me for
11 certain other reasons, also. I mean, that's not the only
12 reason. Like I said, I do have ADHD, which is a problem
13 which makes me very -- sometimes, I'm speedballing,
14 sometimes, I'm not. Sometimes, I'll just pass out for no
15 reason. So I keep people around me for that reason.
16 That's another reason.

17 I don't just -- you know, want to keep people around.
18 But I, actually, like having people around. I love
19 talking. That's just me. I'm an open-minded guy for all
20 kind of thoughts.

21 Q You like to talk?

22 A I do like to talk. I do.

23 Q Good talker?

24 A Not really.

25 Q A good conversationalist?

1 A Not really. I tend to stray away from one -- I'll
2 talk about something and stray away from it. And that's
3 my mental disposition that does that.

4 Q You understand that lots of people have ADHD;
5 correct?

6 A No. It's not a lot of people. Actually, the
7 statistics is like one in every thousand. It's not like
8 you think it is. And it's, actually, a pretty rare case.
9 It's actually -- when I was going to school, I was took
10 out of school. I made it to the eighth grade, the eighth
11 grade, second week in the eighth grade because of my
12 mental condition, because of ADD [sic]. I, actually, went
13 through sixth and seventh grade pretty much -- you know,
14 in a special education class.

15 Q So do you have more than ADHD?

16 A No. I'm just saying because of ADHD. Because I
17 couldn't keep my mind on one thing. It randomly just
18 went.

19 Q Can you keep your mind focused on sex?

20 A Not really.

21 Q Not really. Is that why it only lasts five minutes,
22 10 minutes?

23 A I don't know how long it lasts. I don't look at a
24 time limit when I'm having sex.

25 Q Okay. So for this disability that you have, ADHD,

1 you get \$659 a month?

2 A Yeah.

3 Q And you are keeping up the Mucienkos, giving them
4 phones, paying -- helping them pay bills, food, clothes --

5 A Not all the time, rarely. Not all the time, rarely.

6 Q Keeping up your own house and helping them --

7 A I have my own life to live, yes, ma'am.

8 Q Okay. On \$659 a month?

9 A Yes, ma'am.

10 Q You're not supplementing that by selling pills or
11 pot?

12 A No, ma'am.

13 Q Okay.

14 A Actually, I've never done a drug in my life.

15 Q I didn't ask you if you did drugs.

16 A I've never sold a drug in my life.

17 Q All right. And you guys moved around a lot. You
18 moved from place to place; correct?

19 A (There was no audible response.)

20 Q And you, initially, stated that was to hide from
21 Rachel's vicious, violent stepdad; correct?

22 A Most of the time, yes, ma'am.

23 Q That's why you --

24 A That's where most of my -- it was because of her
25 family.

1 Q Okay. You have some issues with her family because
2 they think they're better than you; is that right?

3 A Yes.

4 Q All right. So that probably burns you up a little
5 bit they think they're better than you?

6 A Well, it don't burn me up thinking they're better
7 than me. I really don't care what they really think. I
8 mean, like even right now, they're here in this courtroom.
9 And it's like every court proceeding I've had, they're
10 somewhere around. I guarantee you tonight there will be
11 something on Facebook about that. I know them pretty
12 well.

13 Q How --

14 A I mean, what is their business? What is their
15 business here now in this courtroom? They have no
16 business here.

17 Q Other than their daughter testifying --

18 A Even without their daughter -- you don't understand
19 what I'm saying. Every single court I have been to --
20 even when their daughter wasn't supposed to be there --
21 when I first got locked up on November 14th, Ms. Allison
22 Lane was there at the bond hearing. Do you want to tell
23 me why? That's an interesting question. Why was she
24 there?

25 You had no reason being there.

1 This lady has been a thorn in my side since the day I
2 first met her daughter.

3 Q You've got some anger coming out. You don't --

4 A It's not really anger. It's the fact of I'm always
5 put into a situation. And when I'm put into a situation,
6 they're always around, always around. And that's my, you
7 know, wife.

8 Q Well, let's go to this incident. I may go around on
9 this incident. Do you know a lady named Jennifer Anglin?

10 A I know of Jennifer Anglin.

11 Q You went to Jennifer Anglin's house and had dinner
12 with her, didn't you?

13 A No. I have not --

14 Q October of --

15 A -- I've never been to Jennifer Anglin's house.

16 Q October of 2014?

17 A No.

18 Q Do you know Jennifer Anglin's daughter, **Redacted**

19 **Redacted** ?

20 A Not really.

21 Q Age 12?

22 A Not really.

23 Q You sent **Redacted** a Facebook request?

24 A Not really.

25 Q You not really did?

1 A No, ma'am. I'm -- what I'm saying is I don't know
2 [Redacted], if she's a Facebook friend or whatever. You can
3 be anybody on Facebook. I don't know.

4 Q Did you send her a Facebook request?

5 A Not to my knowledge, I did not.

6 Q Well, did you --

7 A Because I haven't had Facebook in sometime.

8 Q October of 2014. October 9th of 2014 --

9 A That would be incorrect. I haven't had Facebook in
10 sometime. If you would check it right now, I guarantee
11 you there's nothing on there.

12 Q Is that because you started to use the name Jay
13 Fowler now?

14 A No. I wouldn't know who Jay Fowler really is. I
15 guess that's someone that's made up, too, I guess.

16 Q Yeah. It's like somebody out there is making a lot
17 of stuff up on you?

18 A Well, ma'am, that is your duty to find that out,
19 isn't it? It's not mine. Because I have no recollection,
20 no knowledge of anything happening -- what you're throwing
21 at me.

22 Q All right. So are you, currently, engaged right now?

23 A Yes, I am.

24 Q To whom?

25 A Angelina Campbell.

1 Q Is she in court today?

2 A Yes, she is.

3 Q Isn't there a no-contact order between you and
4 Angelina?

5 A There was.

6 Q No. There is, isn't there?

7 A I'm not sure. It's --

8 Q As a condition of your bond, you're not supposed to
9 have any contact with her; isn't that correct?

10 A No, it's not correct. It was supposed to have been
11 dissolved.

12 Q Sir, you have an active charge with her; correct?

13 A Ma'am, once again, it was supposed to be dissolved.

14 Q Sir, you have an active charge with her, do you not?

15 A I don't know if I do or not, ma'am. But, once again,
16 it was supposed to have been dissolved.

17 Q Am I your prosecutor on that case?

18 A I don't know if you are or not --

19 Q Have you not called me numerous times asking me --

20 A No, ma'am, I have not. No. There was a letter sent
21 to you, an affidavit filled out for you.

22 Q And have you been instructed by our office that that
23 case is not dropped and you are not to have contact with
24 her?

25 A Ma'am, I was once told it was dismissed. So I don't

1 know what's going on with it --

2 Q Who were you told that by?

3 A I guess your office.

4 Q No, sir. No one from my office --

5 A Well, then --

6 Q -- who were you told that by --

7 A -- I have no idea --

8 MR. CHAMBERS: Objection, Your Honor. There's
9 arguing at this point.

10 THE COURT: Sustained.

11 BY MS. HODGE:

12 Q But you do have an active charge with her?

13 A Well, then I'm sorry if I do, ma'am. But, like I
14 said, once again, I don't know if it was there or not.

15 Because it wasn't supposed -- it was supposed to have been
16 dismissed due to her testimony or her statement.

17 Q So you were talking about the places that you guys
18 lived. And your timelines were a little interesting to
19 me. You lived in Tigerville -- or Tigerville Road when?

20 A That was the beginning of mine and Rachel's
21 relationship --

22 Q I thought --

23 A -- 2009, 2010 area.

24 Q I thought you lived with your dad then?

25 A Yeah, I did.

1 Q I said Tigerville Road.

2 A Well, Tigerville was probably about 2011.

3 Q Okay. When in 2011?

4 A Ma'am, I don't recall exact dates. I recall more
5 years than dates. And, right now, I'm pretty -- you have
6 to give me a moment to cool down. Because the argument
7 with you has got me up there where I can't even think.

8 Q Oh, do you need a break, sir?

9 A Actually, I do. I would like that.

10 MS. HODGE: Your Honor, the witness would like a
11 break.

12 THE COURT: Well, we're not going to have a break.
13 Keep on going.

14 MS. HODGE: Oh, sorry.

15 BY MS. HODGE:

16 Q All right. So when did you move to Tigerville?

17 A 2011, ma'am.

18 Q And when? What time of year?

19 A The beginning towards the middle.

20 Q The beginning towards the middle. Can you give me a
21 ballpark?

22 A No, ma'am, I cannot. Like I said, now, my mind is
23 not working. It's from the ADHD. I'm having a problem
24 with -- still with our argument.

25 Q So how long did you live there?

1 A Ma'am, approximately -- probably about eight to nine
2 months.

3 Q Eight to nine months --

4 A It was a lease there from Ms. -- I can't remember
5 our -- Ms. Loubecker [phonetic].

6 Q Okay. So you if you lived there for eight to nine
7 months, would that be the majority of 2011 then?

8 A It wouldn't quite be there because it was broken. I
9 just don't remember exactly when the lease was broken.
10 Because of the -- Ms. Loubecker died.

11 So I don't recall how long. It was a few months.
12 Within five or six months that we lived there -- the
13 contract was for a year. But it was broken somewhere in
14 the time frame of probably six to seven months. I'm not
15 exactly positive or sure.

16 Q So were you living there when you met VICTIM

17 A Yes.

18 Q All right. And did you live there for several months
19 after that?

20 A Yes.

21 Q All right. And then you claim that you went to State
22 Park Road for five months. When were those five months?

23 A Somewhere about four or five months, yeah. That was
24 after we left the Tigerville area.

25 Q Okay. So when did you leave Tigerville?

1 A Possibly about six months -- six or seven months
2 after we moved there. We moved over to State Park after
3 the fact.

4 Q Are we still in 2011 or 2012 since you're good with
5 the years --

6 A We're still in 2011.

7 Q So you spent six to seven -- six months and then
8 another five months at State Park Road?

9 A Actually, we spent -- me and Rachel got together in
10 2009. We spent part of 2009 -- from September on through
11 2009 with my father. My father lived at REDACTED
12 Circle, which was 2010. We moved from there in 2010 to
13 Tigerville Road, and stayed there until the beginning of
14 2011 -- oh, which in 2011, we moved over to State Park
15 Road from 2011 -- actually, towards the end of it is when
16 we moved on from there to the -- what was that? Magnolia
17 sometime in --

18 Q Magnolia --

19 A -- 2011.

20 Q All right. So you stated you, actually, met
21 VICTIM --

22 A It was --

23 Q -- in the summer?

24 A I met VICTIM June of -- around about 2011, yeah.

25 Q And you were living in Tigerville at that house?

1 A I was living at the Tigerville address, yes.

2 Q And you stayed there for a little while longer?

3 A A couple of months, yes.

4 Q All right. So, now, we're into August of 2011 by the
5 time you think you might have moved to State Park Road?

6 A Yeah. It wasn't long. It was -- we lived at the
7 State Park address maybe two or three months. It wasn't
8 long.

9 Q Okay. In your direct, you said five months. And you
10 were certain --

11 A It wasn't long. I'll put it that way. It was just a
12 few months.

13 Q Okay. Well, it's getting shorter; is that correct?
14 We're getting -- it's getting a little shorter?

15 A Like I said, I'm not positive of the time frame. I
16 just know a few months. And from there forth, we moved
17 over to Magnolia.

18 Q And Magnolia was Magnolia Trailer Park? Is that
19 what --

20 A Yes, it was.

21 Q -- it was called?

22 A Yeah. Or a village is, actually, what it's called.
23 It's on Magnolia Road.

24 Q And **VICTIM** did come to that location; correct?

25 A She came there one time, yes.

1 Q Okay. You testified two times in your direct?

2 A One time when we first moved there, she came, yes. I
3 testified to two, but I haven't gotten to that point yet.

4 Q I asked you did she come there. And you said one
5 time --

6 A Yes, one time. I didn't finish my statement.

7 Q Oh, please, finish.

8 A She come there when we first moved there, one time
9 when we first moved there. And it was me, and my wife,
10 and Josh, and VICTIM and Josh's cousin, Rachel Rish.

11 Q Okay. Well, tell me the second time then.

12 A The second time was with -- it's when her and Rachel
13 got into it. Rachel was still there, because Rachel lived
14 with us.

15 Q Rachel was your wife; right?

16 A There was two Rachel's there. There was Rachel Rish
17 and Rachel Gaskins. And if you'll look at the picture,
18 you'll see that -- with VICTIM and Rachel Rish going off
19 on each other.

20 Q Okay. What picture?

21 A I have a picture of that.

22 Q Oh, speaking of pictures, that just reminds me. This
23 is what VICTIM looked like when you met her; right?
24 Eighth grade?

25 A I, actually, didn't meet her in the eighth grade. I

1 met her in the ninth.

2 Q You didn't meet her in the eighth grade?

3 A No. I did not meet her in the eighth grade. I met
4 her in ninth grade.

5 Q Okay. Did she start ninth grade in the summer?

6 A I'm not sure. I just know that when I met her, they
7 claimed that she was in the ninth grade?

8 Q Who's "they"?

9 A Her family.

10 Q So her family lied about what grade she was in is
11 what you're saying?

12 A I guess so. Because I did pick her up one time at
13 school in the ninth grade.

14 Q Well, ninth is after eighth; correct?

15 A Well, like I said, I didn't know her in the eighth
16 grade. It was the ninth grade. Because I picked her up,
17 actually, twice. Me and my wife picked her up the first
18 time. And then me and Jamie, which was my nephew, picked
19 her up the second time when they were down in their
20 vehicles and no insurance.

21 Q And you, also, went to some of her games; correct?

22 A No. I never went to none of her games --

23 Q You and your wife never went to her games?

24 A No. I never went to none of VICTIM games.

25 Q You've been sitting in here through the trial; right?

1 A Yes, I have.

2 Q So is what we're supposed to understand is that
3 everything that the State presented is not true?

4 A Yes, ma'am.

5 Q That's what you're saying?

6 A That's exactly what I'm saying. Everything the State
7 has shown is not true. If there was proof there, it would
8 show something, ma'am, something with my name, something
9 with my date, something would be in -- you know, right
10 there, Jerald Gaskins, this is your number, this is your
11 phone number, something. Not nothing have you shown yet
12 has shown anything to do with me at all, Madam.

13 Q Okay. So #1 (Minor) -- you said you don't know
14 #1 (Minor) --

15 A I don't know #1 I met her about twice is all I
16 know of her. I never hung out with her.

17 Q Y'all didn't sit in the car and --

18 A No, ma'am.

19 Q -- talk about music?

20 A No. We did not.

21 Q Okay. So why did you send her a message on Facebook
22 two weeks ago asking her to call you?

23 A I never sent her a message on Facebook asking her to
24 call me. Because I haven't had a Facebook since 2012.

25 Q Well, maybe you did it under Jay Fowler?

1 A Maybe not. Prove that, ma'am.

2 Q So is it your testimony you did not send her a
3 Facebook message --

4 A I'm telling you right now, I never sent her a message
5 on Facebook. Because I haven't had Facebook since 2012,
6 since the day I was arrested on November 14th of 2012,
7 was -- marked the day of my life that was changed forever.

8 Q And you said you lived with your cousin, H.N.G.

9 A No. H.N.G. lived with me.

10 Q Okay. I'm sorry. Would --

11 A She was having some problems with her family and come
12 and stayed for a short few days.

13 Q Right. And H.N.G. is H.N.G. is that
14 right?

15 A Yes, she is.

16 Q Okay. And H.N.G. was, what, probably
17 13, 14 --

18 A Nah. She was 16 when she stayed --

19 Q -- when she came and stayed with you?

20 A -- fixing to be 17 when she stayed.

21 Q Okay. But you knew her and hung out with her. I
22 mean, she's your cousin; right?

23 A Of course, I knew her. She's my cousin. She's my
24 half-second cousin.

25 Q Okay. And y'all would hang out together; right?

1 A Not really much. I'd leave her there and Rachel and
2 her would hang out.

3 Q Okay. With who? Rachel your --

4 A Rachel, my Rachel.

5 Q Your Rachel?

6 A Yes.

7 Q Okay. And A Minor. And there wasn't an incident
8 with A Minor --

9 MR. CHAMBERS: Objection, Your Honor.

10 BY MS. HODGE:

11 Q -- when you were married to Rachel --

12 MR. CHAMBERS: Objection, Your Honor.

13 THE COURT: Sustained.

14 BY MS. HODGE:

15 Q So you're telling us that the State did not present
16 any true evidence. Is that what you just said?

17 A Ma'am, I'm telling you and the jury as well, there
18 was no evidence permitting anything at all towards me.
19 These were all allegations and things that were put forth
20 trying to destroy one man's life. Not at one point have
21 you shown anything that validates anything that you're
22 saying, ma'am.

23 Q Did you have a -- well, okay. Let's see. We started
24 with your addresses. You did live at the places that
25 VICTIM said you lived; correct?

1 A Yes, ma'am, I did.

2 Q All right. Did you have a silver Grand Prix?

3 A Yes, ma'am, I did. I bought it from my sister.

4 Q Okay. Did you have a Jeep Cherokee? Was it a green
5 Jeep Cherokee?

6 A It was, actually, not green. It was, actually,
7 turquoise.

8 Q Okay. Depending on what shade you call it. All
9 right. Turquoise.

10 And did you have a futon in your trailers?

11 A No, ma'am. I don't have futons around because my
12 daughter was very young at that age. And anyone that
13 knows anything about futons knows that if you get up on a
14 futon, it will bend. It will slam. It will hurt. It
15 don't play.

16 Q A futon?

17 A Yes, a futon. It is a metal piece of beam that's put
18 together. And in the middle of them beams is a --
19 actually, like a rounded piece of metal that holds it. If
20 the metal comes out, the whole thing goes from a sofa
21 straight down to a bed. If a child gets on that while
22 it's not engaged, it would hurt them. It would break
23 fingers. It could, also, even break necks. It could
24 hurt.

25 Q But grownups could get on it, couldn't they?

1 A Grownups could. But if it's not engaged correctly,
2 it will fold in half. So, no, ma'am, I did not own a
3 futon.

4 Q Did you have a futon?

5 A No, ma'am. I never had a futon during the whole --

6 Q So that is --

7 A -- relationship. I had a couch.

8 Q Okay. Now, you said you filed for divorce from your
9 wife under adultery -- grounds of adultery?

10 A Yes, I did.

11 Q All right. And did your wife -- do you know -- did
12 she ever get served with those papers?

13 A Yes, ma'am, she did.

14 Q Do you have proof of service?

15 A No, ma'am, I don't.

16 Q Okay. And did you file for a final divorce two years
17 later?

18 A No, ma'am. That divorce got filed -- it, actually,
19 kept getting continued. April 26th is when everything was
20 filed through the Family Court, of which that day is when
21 they, actually, took my daughter from me under the grounds
22 of they thought -- they had told people that I was a drug
23 head.

24 So allegations were made. Once again, allegations
25 were made. My daughter was placed in protective custody.

1 Q All right.

2 A And, at that point in time, there was a DSS
3 meeting -- a hearing for a safety plan that everyone
4 attended. At that point in time when we go through the
5 Court, I kept getting thrown in jail by my wife stating I
6 went and violated a protective order that never existed.

7 So it was twice I got throwed [sic] in jail for
8 something I didn't do. Later on, it was proved that there
9 was no such order at that point in time, which, you know,
10 at a further date in time, I'll deal with that myself.
11 But, for right now, the allegations that were made were
12 unfounded. But then there was a motion filed under
13 adultery that I did file.

14 Q You filed that. However --

15 A Yes.

16 Q -- your grounds when you, actually, got divorced,
17 the actual hearing were for one year's separation;
18 correct?

19 A No, ma'am.

20 Q Were you even there?

21 A Yes, I was there. I was there for the whole thing.

22 Q Okay.

23 A And it was, actually, continued. It was supposed to
24 be an hour set forth for them grounds. It would have
25 never --

1 Q Are you divorced, sir?

2 A Ma'am?

3 Q Are you divorced?

4 A I am now, yes, ma'am.

5 Q Do you have a final order?

6 A Yes, ma'am, I do.

7 Q And it was on one year's separation?

8 A No, it was not. The grounds for my divorce, which
9 will come through on the 2014 year of May, was for just
10 that. It was for adultery. It was served as -- or,
11 actually, given to me on the grounds of adultery, which I
12 don't have my paper here right this moment. But it was
13 given under adultery, yes, ma'am. I have been away from
14 her.

15 Q We're taking your word for that. Is that what you're
16 saying?

17 A Well, I'm hoping, ma'am. Because everything else
18 you've thrown at me has been rejected or neglected towards
19 me. So I'm hoping the Court's will take my word for that.
20 Because I am divorced.

21 Q And you don't have custody of your daughter; is that
22 correct?

23 A Wrong answer. The Court's went ahead and granted her
24 her last name, but give us both custody until we get back
25 to court.

1 Q You don't have custody of your daughter?

2 A We both have joint custody, yes, ma'am.

3 Q Of your son?

4 A Of both.

5 Q Who you've not seen?

6 A Of both. Of both. Yes, ma'am. I do not see them
7 because they won't let me see them.

8 Q You have -- if you have custody, you have the right
9 to see --

10 A Ma'am, it's not that easy. With this family here,
11 you're dealing with -- you don't never know one minute to
12 the next if you're going to get locked up. Multiple
13 times, I got locked up with that family. Multiple times,
14 my name went out on Facebook as a pedophile and a piece of
15 crap as something to -- their own definition.

16 So you're right. Why would I go spend my time going
17 to their house when all I've done is got locked up?

18 Q To see your children --

19 A Ma'am, twice -- like I've said, twice, I've done
20 that. And, twice, I got locked up.

21 Q Sir, it sounds like you've been the victim of many,
22 many things and --

23 A Yes, ma'am. I have been the victim of many, many
24 things.

25 MS. HODGE: That's all I have then.

REDIRECT EXAMINATION

BY MR. CHAMBERS:

Q Are these allegations against you true?

A No, sir. They are not true.

Q Are you angry about the fact that you've been falsely accused?

A I am very angry. I mean, you don't understand.

Understand this much, my mother was -- went through rape.

Most of her life, she was dysfunctional. Most of her

life, she was on drugs and everything else. I did not

have a mother growing up. So I had a father, a wonderful

father --

Q Okay.

A -- that raised four kids.

MR. CHAMBERS: You've already answered my question.

You can stop right there.

Thank you very much.

THE WITNESS: Yes, sir.

MR. CHAMBERS: I'm finished with the witness, Your

Honor.

MS. HODGE: I have nothing else.

THE COURT: All right. Sir, you may step down.

THE WITNESS: Thank you.

THE COURT: Mr. Chambers, you may call your next

witness.

1 MR. CHAMBERS: Your Honor, the Defense rests.

2 THE COURT: Ladies and gentlemen, I'm going to ask
3 you just to go to the jury room for a few minutes. Don't
4 talk about the case. And continue to keep an open mind.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 3:23 p.m.)

7 THE COURT: All right. Is the State going to bring
8 any reply?

9 MS. HODGE: I don't think I need to.

10 Thank you.

11 THE COURT: Okay. Any motions at this stage?

12 MOTIONS

13 MR. CHAMBERS: I just renew my motion for a directed
14 verdict, Your Honor.

15 THE COURT: I respectfully deny the motion.

16 I gave y'all a verdict form earlier. Obviously, I
17 made a mistake. I've got each of the indictments down as
18 a separate question for the jury. So there's six
19 questions about the charges.

20 But are there any specific requests either side
21 wishes me to make in terms of -- or excuse me,
22 instructions or charges that either side wishes me to give
23 the jury?

24 MS. HODGE: No, Your Honor.

25 I just looked at your reasonable doubt charge. That

1 was all I was curious about. But no special requests.

2 MR. CHAMBERS: Me either, Your Honor.

3 THE COURT: All right. How long do you think your
4 closings will be? I mean, it's 3:25, basically, now.

5 MS. HODGE: Mine will be less than 20 minutes.

6 MR. CHAMBERS: I think mine will probably be longer
7 than that.

8 THE COURT: So --

9 MS. HODGE: I would really like to go today, if we
10 could.

11 MR. CHAMBERS: I just think it's going to take us
12 until, at least 5:00, Your Honor, to finish up, which
13 means that they're going to -- they're probably going to
14 have to come back in the morning. If we're going to do
15 that, my personal preference would be to be able to do our
16 arguments fresh in the morning so that the jury then
17 immediately goes out to deliberate.

18 THE COURT: Well, we'll just try to get it to them
19 today and see -- if they don't have a verdict by early in
20 the evening, they can always come back in the morning.

21 MS. HODGE: Thank you, Your Honor.

22 THE COURT: Okay. Let's take about a five-minute
23 break, and let everybody get comfortable.

24 (WHEREUPON, a break was taken.)

25 THE COURT: All right. Bring the jury in, please.

1 (WHEREUPON, the jury came into open court at
2 approximately 3:37 p.m.)

3 THE COURT: Ladies and gentlemen, you've heard all
4 the evidence you're going to hear in the case. Now, it's
5 time for the closing arguments.

6 And, yes, sir, Mr. Chambers.

7 CLOSING ARGUMENTS

8 MR. CHAMBERS: May it please the Court, Your Honor.
9 Solicitor.

10 Ladies and gentlemen, we've come to the end. And you
11 folks are going to do what you were brought here to do.
12 And you're going to go back and you're going to deliberate
13 this case, and you're going to make a decision.

14 And, as we discussed at the outset, you're going to
15 make a decision based on the evidence in this case, not on
16 any supposition, not on any outside sort of notion about
17 what's fair play or what might happen, but what the
18 evidence that was presented to you was. And does that
19 evidence prove to you beyond a reasonable doubt that
20 Jerald Gaskins had sex with this 13, 14-year-old girl?

21 It doesn't matter whether she was forced. It doesn't
22 matter whether she was coerced. If, in fact, he had sex
23 with her, that is against the law. I don't want to try
24 and convince you of anything otherwise. That is against
25 the law.

1 And so what you have to do, as the triers of fact, is
2 you have to look at this evidence and you have to consider
3 whether it makes sense to you, whether it adds up, and
4 whether it proves to you beyond a reasonable doubt that
5 Jerald Gaskins had sex with VICTIM

6 So at the very heart of this and really pretty much
7 the heart of their case is the statement and the testimony
8 of VICTIM And so you have to remember when she
9 was on the stand what she said, how she said it. Did it
10 make sense? And apply your commonsense to that as you do
11 that.

12 All right. She testified -- and this was pretty much
13 agreed upon by a lot -- by just -- by everybody that
14 testified that she met Jerald, along with her parents.
15 And, apparently, her dad, Walt, already knew Jerald from
16 the VFW where he worked sometimes. And they met at a
17 horseshoe tournament. And he was hanging out primarily
18 with her dad. And then they all hit it off. So him, and
19 Rachel, his little girl, Redacted [sic], and everybody went
20 back to the Mucienkos and they hung out.

21 And, apparently, they hit it off so well that they
22 started to hang out with each other a lot. And VICTIM
23 said they hung out with each other -- that they were
24 coming over there anywhere from two to four days a week.
25 Jerald said it was a little bit less than that. But he

1 agreed that they had a lot to do with each other.

2 And, at some point, **VICTIM** started to go over to the
3 house where Rachel and Jerald lived. And she did that on
4 numerous occasions. Again, there's somewhat of a
5 disagreement about how many times that was. But everybody
6 agrees that she went over there, and that she spent time
7 with them.

8 Now, as she comes in and tells it now with the
9 benefit of hindsight after preparing to come in here and
10 testify and do all these things, you know, you're told
11 that it was all Jerald's idea, that Rachel was never
12 involved in that. Okay. But if you remember when I was
13 talking to Investigator Perry and he wrote up his report,
14 he, actually, said --

15 (WHEREUPON, there was a disruption in the courtroom.)

16 MR. CHAMBERS: He said that she had told him during
17 his conversation with her at the school that Rachel and
18 Jerald had invited her to come over. And she wanted to go
19 because she liked Skylar. And she wanted to hang out over
20 there. So she went.

21 And, on that first meeting, the first time she went
22 over there is when she says that he starts to talk about
23 sex with her. Are you a virgin? You know, I'd make love
24 to you. I'd -- it'd be so good. And she -- it creeped
25 her out, which it should. If a conversation like that

1 happened with a 13-year-old girl, it should. And if she
2 was doing the right thing, she would go home and she would
3 tell her mom about it. But I'll give you the fact that
4 not every girl is going to do that.

5 And I hope that you don't think that anything that I
6 have to say or anything that I have done during the course
7 of this trial leads you to believe that it's in any way,
8 shape, or form acceptable for a grown man to have sex with
9 a child. It is not. Okay. But that's not the issue
10 here. The issue is whether Jerald did that.

11 But then we hear without much explanation that
12 despite that feeling, she continued to go back. She goes
13 back the next time and she says that he, actually, has sex
14 with her. She didn't like it. She didn't want to do it.
15 And that seemed to be the case every time, you know.

16 She talked about that they had sex somewhere maybe --
17 maybe more than 10 times, maybe more than 20 times. It,
18 certainly, wasn't every time that she went over there.
19 But, oh, I didn't like it. I didn't want to do it. He
20 always seemed to kind of talk me into it, or coerce me
21 into it.

22 And, really, at this point, what she's doing is she's
23 trying to have it both ways. It would be one thing if she
24 had come to you and said, listen, I'm not proud of it.
25 I'm ashamed of it. I wish it hadn't happened. But he

1 charmed me. I fell in love with him. I readily had sex
2 with him. I wish it hadn't happened. But that's not what
3 she has done in this particular case. She wants to have
4 it both ways. She wants to say I didn't even want to do
5 it. But she kept putting herself in that situation.

6 Folks, this is not a case where he lived under the
7 same roof with her. We all hear about cases where
8 somebody's dad, somebody's uncle, somebody's caregiver,
9 they have no choice but to be around them. And they end
10 up being forced or coerced into doing something they don't
11 want to do. And it is true that many, many times, if not
12 most times, they don't say anything about it, unless
13 somehow given the opportunity and they feel safe to say
14 something about it. You know, we all know that that's how
15 it is. But this is not that situation. It's not even
16 close to that situation.

17 What she wants you to believe is that she continued
18 to go over there, despite the fact that she didn't want to
19 be subjected to that. And the only thing she had to do to
20 make it stop was not go. And not only was she going, but
21 she wanted to go. The testimony from her, from her
22 mother, from everybody was she wanted to go.

23 And the testimony was not that this was a girl who
24 was miserable, and just had a terrible life, and was
25 looking for anybody to throw her a bone. There was

1 nothing about what you heard about her that would make her
2 seem like she was particularly vulnerable.

3 She said that her dad drank too much. But she was
4 happy at home. And her parents were good to her. She,
5 particularly, had a good relationship with her mother, a
6 close relationship with her mother. She did well in
7 school. And, apparently, they cared about that because,
8 at one point, they even took her phone away from her
9 because her grades slipped, the kind of thing that a good
10 parent does.

11 She was active in sports. She played volleyball.
12 Here is a picture of her when she was 13. She went to a
13 church youth group. She had friends. Her mother said she
14 was very sociable. She had lots of friend and people to
15 do things with.

16 So this is not somebody that would be easily charmed.
17 This is not somebody that could easily be taken advantage
18 of. She wanted to go over there. And if these things
19 were really happening to her and she felt that bad about
20 it and she didn't want them to happen, all she had to do
21 was not go.

22 I'll give her the benefit of the doubt, maybe she was
23 embarrassed if it happened. Maybe she didn't want to say
24 anything to anybody. But all she had to do was not go.
25 And the ready excuse for her when I asked her about it

1 was, well, it would have looked funny if I had quit going.
2 Why would it have looked funny?

3 Instead of going over to these adults house who have
4 a baby and, apparently, nothing else going on, why not be
5 going out with your friends, and doing all those things
6 that teenagers do? It looked funnier that she kept
7 wanting to go over there. And it was her choice. There
8 was no way for anybody to force her to go over there. It
9 just couldn't happen.

10 And, folks, that's what we're talking about when
11 we're talking about common sense. It doesn't make sense.
12 And she said, well, there are other things I enjoyed about
13 it. Well, listen, it would have to be something awfully
14 great for me to endure the kind of sexual assault that she
15 described for me to want to continue to go over there, you
16 know, to these double-wide trailers and these two-bedroom
17 houses that they lived in with all these other people that
18 were always piled in there with them.

19 And then that's the other thing. She wants you --
20 she tells you that almost all of these things happened
21 with other people in the house. His wife is in the house.
22 And she's taking a shower. And the Solicitor said, well,
23 when you take showers, you don't know what else is going
24 on in the house. Well, no, I mean, you don't.

25 But does it make sense to you that the first sexual

1 encounter that you're going to have with somebody, and you
2 know it's illegal, is with your wife right there in the
3 house subject to come out at any point, and that she just
4 readily said, yeah, let's -- you know, let's go ahead and
5 do that. It doesn't make sense. There were always people
6 around in these small houses with these thin walls. And,
7 yet, nobody at any point ever saw or heard anything that
8 gave anybody pause, never.

9 The one and only incident that you heard anything
10 about was from Rachel Gaskins when she said that they were
11 both asleep on the couch, and that his leg was over her
12 leg, and they were sitting there where they were watching
13 TV. It's not the most incriminating thing in the world.
14 But let's assume that it is. She didn't do anything about
15 it. She never said a word about that to anybody until she
16 walked in here to testify.

17 And that went on, VICTIM testified, for about a
18 15-month period from March of 2011 up until sometime in
19 the fall of 2012. And she just kept going. She kept
20 letting those things happen to her. And it was happening
21 in the house with all these people around. It defies
22 common sense.

23 So why would she make up a story like that? That's
24 got to be the question that y'all are asking. Why would
25 she make up a story like that? Well, I don't -- it's hard

1 to say what somebody's motivation for that is, you know.

2 The thing about it is there's a reason that somebody
3 who is accused of a crime doesn't have to prove their
4 innocence. Because it's very hard to prove a negative.
5 It's impossible to do. You can't prove you didn't do
6 something. And that's why there's such a high burden on
7 them that they have to come in and prove it beyond a
8 reasonable doubt.

9 But we do know a couple of things. One, she -- he
10 was, apparently, helping her out with things like school
11 supplies. He had put her and her brother on a phone plan.
12 And it wasn't just him that testified to that. If you
13 remember back when Sandy testified, she, also, mentioned
14 that there was another family member on that phone plan.

15 She knew that things were tough at her house. Her
16 dad, Walt, didn't work. He liked to drink. Mom worked
17 hard jobs it sounded like. I mean, waitress and bartender
18 are two very hard jobs. And it sounded like everything
19 was on Sandy to take care of things there at the house.

20 So a time comes that those things aren't there any
21 more because there's been this disagreement between Walt,
22 and Sandy, and Jerald. So she doesn't like him any more.
23 That's one motivation.

24 The other motivation is Rachel had moved out and was
25 no longer with Jerald. And you heard him talk about the

1 fact that they had had disagreements, basically, from the
2 start of their marriage about her fooling around with
3 other people. And that she -- and it, finally, came to a
4 head and he asked her to leave. And his dad came over and
5 got her and took her over to her grandmother's house.
6 That was in April. The divorce that -- he filed for the
7 divorce just a few -- a couple of weeks after that. And
8 you heard him talk about that when he talked about when he
9 filed the pleadings.

10 Something very important happens later on. And that
11 is Jamie Mucienko comes back from Florida. She is a
12 former high school best friend of Rachel Gaskins. And she
13 said that she got back in touch with Rachel when she got
14 back, Jamie did, and they started talking.

15 And, of course, what's going on at this time? He's
16 going through a divorce with her, and they're having a
17 custody dispute. And what better way to get a leg up on a
18 custody dispute than to make false allegations. So
19 everything starts to come together.

20 Jamie says, I had suspicions right from the
21 beginning. But you know what, she didn't. She's a grown
22 woman. She didn't pull her little sister aside and say, I
23 know what you're doing running around with this guy. I
24 don't know why you go over to their house. I've got some
25 real concerns about this guy. She didn't go to her mother

1 and say, why do you let her go over there? Wouldn't that
2 be the sensible thing to do? Isn't that what you would
3 do? No. She says, I tried to gain his trust so that I
4 could try and find some things out.

5 And what does she come up with? She's got these
6 incriminating text messages. But here's the thing. She
7 never offered those up to anybody until the day before
8 this trial started. And that is completely undisputed.
9 Supposedly, she got these text messages that said those
10 things that she testified to and that the Solicitor then
11 later asked about. But she never told anybody about it
12 until the day before this trial started, not at a time
13 when she could have produced the phone.

14 One of the things I remember about Investigator Perry
15 was, you know, we really like to be able to get a phone.
16 Even if the phone has been cut off, we like to get the
17 phone so that we can -- because we can trace that. And it
18 didn't have to be Jerald's phone. If they just had her
19 phone.

20 So, supposedly, she had these even before any of this
21 stuff happened, or right around that same time frame. Why
22 wouldn't you go to the police and say, you need to take a
23 look at these, here's my phone? She had the phone then.

24 Now, Investigator Perry didn't have anything about
25 anything like that in his reports. And you heard him

1 testify. And he said -- he was here in court. So he made
2 some -- I think she might have mentioned something about
3 text messages when I was there that night, but I don't
4 remember. And I didn't write it down. And I didn't
5 follow-up on it. Come on, folks, he said himself how
6 important those things were. That's not much of an
7 investigation if that's what happened.

8 The truth of the matter is she never told anybody
9 about it and she came up with those. Why would she do
10 that? Because she's worried. She knows these allegations
11 aren't true. And so she's going to run to the rescue with
12 some additional evidence at the last minute, not with a
13 phone that somebody could check and find out where they
14 came from, if they were real, but something that she said
15 happened. Something she said happened. None of that
16 makes sense. None of that makes sense at all.

17 The same thing with this girl #1 [REDACTED] Very
18 conveniently, here comes #1 [REDACTED] She never talked to the
19 police. She never talked to this woman, Sandy Mucienko,
20 that she said was like a mother to her. She never even
21 talked to #1 [REDACTED] [sic], who she said was her best friend
22 in the world.

23 But just shortly before this trial is to commence,
24 she comes forward and says, that happened to me, too. And
25 guess what? It happened in some of the same places in

1 just the same way, and along the same time frame. That's
2 awfully convenient.

3 So she's got her best friend who now says the same
4 thing happened to her. She's got her sister, who is good
5 friends with his estranged wife, coming in at the last
6 minute with stuff to shore up the case to try and make
7 sense of this nonsensical statement that VICTIM made to
8 begin with. And you see how it all starts to come
9 together.

10 And you've got Rachel Gaskins who if anybody ever had
11 an ax to grind, she does. And if there's ever anybody you
12 shouldn't believe, it's her. She comes in here and she
13 testifies to what sounds like the worst possible
14 relationship ever, just misery from day one, abject
15 misery. He made me quit school. He made me quit the CVS.
16 He pretty much made me move in with him after two weeks of
17 texting and calling.

18 And I'll grant you that is one of the most ridiculous
19 things I've ever heard that these two decided to move in
20 with each other after texting. That is a relationship
21 that is, obviously, doomed to fail. But, apparently, they
22 stayed together for a while. They had two kids together.
23 Although when the last one was born, they had split up.
24 She said that he tried to keep her away from his -- from
25 her family.

1 But if you will remember -- and she admitted this on
2 the stand and this -- you ought -- this ought to,
3 basically, disqualify anything that she's got to say to
4 you. She filed, by her own admission, a false police
5 report against the man she said she felt like was her
6 father. She accused this man of rape. She did that. She
7 talked to the police and filled out an incident report and
8 went forward with this case until she, finally, had to
9 come clean, apparently, and say it wasn't true. And what
10 was her only response to that? Jerald made me do it.

11 She wants you to believe that Jerald had her
12 completely under his thumb, and that she was never able to
13 do anything, that she was completely miserable and, yet,
14 what we do hear is that she -- they're frequently out
15 doing things together. They're going over to the
16 Mucienkos a lot. And he's primarily hanging out with Walt
17 when they go over there. She's going to her grandmother's
18 house, even VICTIM testified to that. She's not a
19 prisoner. She's not at home. She's not under anybody's
20 thumb.

21 And he told you that the reason that they split up
22 and the reason that he filed for divorce is she was
23 fooling around on him. And she wasn't happy about the
24 fact that he was trying to get custody of the kids.

25 So, again, all of this starts to come together. And

1 Sandy jumps on board because, you know, she's not happy
2 with him. She probably -- you heard her say that her and
3 Walt are not together anymore. She's probably not happy
4 about the fact that he's still friends with Walt. She's
5 not happy about the fact that he had cut them off and said
6 he wasn't going to help them out anymore. She's not happy
7 about that.

8 And you remember when VICTIM reported this. How did
9 it all start? It started with a phone call from somebody
10 in Rachel's family. It was either Rachel, or Rachel's
11 mom, or somebody. And, you know, Rachel is not -- this
12 trial doesn't involve her. She's not a victim or
13 anything. But everyone of her family members were here
14 yesterday and here again today because, as Jerald told
15 you, they have been out to get him for a long time. And
16 they wanted to be here to see it happen.

17 And I don't want to beat around the bush. I'm flat
18 out telling you that these people got together and they
19 made this up, that it didn't happen. And you saw the
20 frustration boil over in Jerald. After all this time he,
21 finally, gets on the witness stand and he's had to live
22 with these false allegations all this time. Anybody would
23 be angry. Anybody would be upset.

24 When VICTIM -- so they get this call -- they call
25 the police. The reporting officer comes over and takes

1 the basic statement. And Investigator Perry springs into
2 action. And he is going to investigate. He goes over and
3 talks to the parents briefly. VICTIM is not there. So
4 he follows up the next day at school and gets a short
5 statement.

6 Now, this is important. Two weeks later, they call
7 him up. And they say, oh, VICTIM wrote out a more
8 detailed statement. And Investigator Perry goes and gets
9 it. And it is a 16-page handwritten statement that she
10 said she had labeled at each place that they had lived and
11 all the details in there.

12 And if you will notice how this case was presented,
13 everybody that got up on the stand, the Solicitor would
14 click off these different locations and lead them through
15 that testimony about all these things. And everybody said
16 and did the right things, which if you're going to get
17 together and make up a story, that's how you do it.

18 And anybody that ever -- that knows that if you're
19 going to tell a good lie, it can't be a general lie.
20 You've got to come up with specifics to make it sound
21 right like, yeah, I was telling your wife that you were
22 four hours late because you had a tire blow out in the
23 country. Your battery was dead. So you had to walk three
24 miles to the nearest gas station only to find out it was
25 closed. And -- but you were lucky enough to find somebody

1 that lived next door that knew the owner. And you put in
2 all these little details and stuff. And then everybody
3 does that. And it sounds like, yeah. And then the
4 Solicitor can stand up and say, see how consistent they
5 all are.

6 But here is where you start to find out that maybe
7 they aren't telling the truth about things. Do you
8 remember when Jamie was testifying how vague she was about
9 details, and where her phone was, and why she couldn't
10 turn it over to the police, and how evasive she was about
11 why she didn't say anything to anybody.

12 And all through this, they kept saying that he
13 supplied her with all these goodies that, basically, this
14 was part of his seduction. But any time that VICTIM was
15 asked, the only thing I ever heard her say was, well,
16 he -- if I wanted a Coke, he'd get me a Coke. If I wanted
17 a candy bar, he'd get me a candy bar.

18 And then I pressed her on it a little bit. Well, you
19 know, anything I'd want. Couldn't you -- I mean, she
20 remembers all this other stuff with great specificity. If
21 somebody was giving me gifts and I was sitting here at a
22 trial like this, aren't those things that you think you
23 would remember? You would remember those. Those would be
24 important. And, yet, those are the details she struggled
25 with. Because those are the details they didn't practice.

1 And Jerald told you, yeah, I helped them out. I got
2 her school supplies when she needed them. They were hard
3 up for money sometimes, you know. I let them be on my
4 phone plan. All these things that he helped do, even
5 though he didn't really have a lot himself.

6 So, you know, you have to ask yourself -- and the
7 basic story itself, of course, they all got that right.
8 Because you remember Jamie said, We went into a room
9 together and we started writing that statement out. Now,
10 she said her sister told her what to say. But, man,
11 there's a lot of specifics in there. And they didn't get
12 it to Investigator Perry until two weeks later. And then,
13 basically, that was the blue print from then on. That's
14 what the whole investigation from that point forward was
15 based on.

16 Now, Investigator Perry didn't do a whole lot more at
17 that point. He didn't even follow-up, if you'll remember,
18 when he got the detailed report. He didn't go back and
19 ask for -- ask any more questions. He didn't go back and
20 say, well, will you take me to these places and show me
21 how things happened?

22 He did say something about going out to a house that
23 he thought might be the house that kind of fit the
24 description. Wouldn't it have been a hell of a lot easier
25 to get the alleged victim in the case and say, take me to

1 this place, walk me through, tell me what happened? He
2 didn't do that. He didn't do that. He didn't bring in
3 anything about anything like that.

4 There was a lot of discussion about texts and phones.
5 You didn't get one -- you know, anything that would
6 document an investigation into texts, or phone messages,
7 or anything like that that the police did. And they can,
8 certainly, go and get those phone records. And they can
9 certainly -- Officer Perry told you they could to that.
10 You didn't get anything like that. And, yet, they have
11 the burden of proof.

12 So once we get that 16-page statement, that's what
13 the Solicitor bases her whole case on. And the easiest
14 thing in the world to do is to start with a conclusion and
15 work backwards. And that's exactly what these people did
16 when they conspired to get together to go after Jerald
17 Gaskins.

18 Even the doctor that they brought in, this -- the one
19 who works at the hospital and the Julie Valentine Center,
20 yeah, Dr. Croswell, did -- anything that she said to you,
21 did you find it of value? I mean, here is, basically,
22 what she did. She did a physical exam and found nothing.
23 She was offered as a medical expert. She did a physical
24 exam and she found nothing. But that's not why they
25 brought her in here. Because what they wanted was

1 somebody else to come in here and say, this is what
2 VICTIM told me.

3 But, again, what did the doctor have access to before
4 she ever even spoke to VICTIM She had that 16-page,
5 specifically, written out statement. And that's what she
6 based it on. And then I said, So you found nothing?

7 No, no, I'm not saying that. I'm saying that what I
8 found is consistent with somebody who has been abused.

9 And then I said, Would it, also, be consistent with
10 somebody that hasn't been abused?

11 No. I'm not going to say that.

12 And then when I challenged her on it -- because it
13 seemed pretty clear to me -- she, finally, admitted that,
14 yeah, it's consistent with nobody having been abused. But
15 that wasn't what she was here for. And that's why she was
16 so hesitant.

17 Don't think that they don't have a stake in this, and
18 that they don't want to prevail, that they don't want you
19 to come back and find Jerald guilty. Everybody involved
20 in this case does. And they may even believe that he did
21 what he's excused of, the Prosecutor, and Dr. Croswell,
22 and all of these people. But Dr. Croswell, I mean, she
23 knew before she did that physical exam they weren't going
24 to find anything. And she found nothing to indicate that
25 there was anything going on.

1 Folks, it is -- you know, I know it's kind of hard to
2 wrap your head around, you know. The Solicitor is
3 probably going to say that what I have just said to you is
4 sheer conjecture and is beyond the realm of possibility.
5 And she may even tell you that it's ridiculous. But you
6 look at it. And you consider how all of this came to be,
7 and how unlikely it is that this girl would be putting
8 herself in the situation that she didn't have to be in
9 simply by not going over there. It doesn't make sense how
10 she would never say anything to anybody.

11 But, more importantly, how this friend who came in at
12 the last minute to say that she had, also, been abused
13 never warned her friend. Her excuse was I dropped off the
14 face of the earth. You couldn't find it in yourself to go
15 and say, he's coming after you, he told me he was. And
16 she would have known he was already spending time with
17 her.

18 Jerald said she never even came to the house, that he
19 only saw this girl on a couple of occasions. Do you
20 believe that she wouldn't go and say anything to Sandy?
21 Do you believe what Jamie at the last minute -- literally
22 the last minute comes in with these supposed text messages
23 that are supposedly damning? All of this stuff is coming
24 in at the last minute.

25 There's plenty of reasonable doubt in this case. If

1 you get back there and you start having questions, well,
2 why didn't -- you know, where's the evidence of this, or
3 where's the evidence of that? That's reasonable doubt.
4 If there's any hesitation on your part to believe beyond a
5 reasonable doubt that what VICTIM told you is
6 the absolute truth, that's reasonable doubt. And this is
7 a decision you're going to have to live with after this
8 case is long gone. But, more importantly, it's a decision
9 he's going to have to live with.

10 Because, as he said, this whole thing changed his
11 life completely. And you can imagine how that would be.
12 There aren't many things you can accuse somebody of that's
13 much worse. And if you're going to do that, you need to
14 come with solid evidence and not just a group of people
15 that get together all of whom have an ax to grind against
16 him, and come in here and make it all up and hope that you
17 find him guilty.

18 Now, I'm going to do the hardest thing that I have to
19 do in any trial. I'm going to go and sit down. And even
20 harder, I'm going to have to listen to the Solicitor. And
21 she's going to say a lot of things that I don't agree
22 with, and I won't be able to respond to. And the reason
23 for that is she has that burden of proof beyond a
24 reasonable doubt, that ever important, ever present burden
25 of proof to prove beyond a reasonable doubt.

1 But I know that you folks paid attention. I know
2 that you have the same questions about these things that I
3 did. I can tell you that Jerald appreciates the fact that
4 you're here. This is, finally, coming to an end for him.

5 We submit to you that they have not proven their
6 case. And the correct verdict in this case would be not
7 guilty.

8 Thank you very much.

9 THE COURT: Thank you, Mr. Chambers.

10 Ms. Hodge.

11 MS. HODGE: Thank you, Your Honor.

12 Mr. Chambers.

13 I'm going to answer one of Mr. Chambers's questions
14 for him. How did this come to be? How did we get here?
15 How did you get here? It's exactly what I told you in
16 opening statements. We're here because a grown man,
17 30 years old, married with a kid thought it was okay to
18 prey on young, naive, maybe somewhat needy girls. That's
19 why we're here. That's how we got here. Because he took
20 the position that, why not, they're there, they're easy
21 enough, might as well go for it.

22 It's kind of like the phenomenon, you know, we see in
23 nature. So we've got a pack of lions. The biggest, the
24 best lion, he's going to get the biggest, the best, prey,
25 the maybe not as strong, or not as popular, or not as

1 whatever. He is going to go after the gazelle with the
2 bad leg, the baby, the vulnerable one. And I think that's
3 what we have here.

4 I think Mr. Gaskins has some personal issues, some
5 personal self-worth issues. And he goes for what he knows
6 he can get, which is a 13-year-old, a 14-year-old. I
7 mean, his wife was only 17. So we're not really
8 stretching far beyond what he chose to marry. But I think
9 he saw that as easy prey. And the chase, and the
10 conquest, and just having sex made him feel good about
11 himself.

12 In that moment, he felt more in control of himself
13 and in his life, more manly, more powerful, more
14 important. And I think that's where this all comes down.
15 And that he saw the opportunity. Unfortunately, for these
16 two girls, they happen to present on the same day, and --
17 VICTIM and #1 It was just which one was going to be
18 easier at that time. And it was #1

19 And #1 testified she has some problems. She's
20 grown up in a difficult life. And somebody was paying her
21 some attention. She liked it. She fell for it. Was she
22 proud of it? No. I think she was very, very humble when
23 she took the stand. And she was very honest. And she
24 said, I mean, I felt icky about it. I felt ashamed. I
25 felt bad about what I had done.

1 And here he was married. Let's forget the fact he's
2 30 -- or almost 30, and you're in eighth grade. But she
3 really did think this is kind of icky. But she did it.
4 And she didn't disown it. She didn't try to say he forced
5 her. She owned up. She was 13 -- or excuse me, she was
6 14 and in the eighth grade.

7 And he's somebody that's got a car, somebody that's
8 got a little bit of money. We're not talking big money,
9 little money is all really that can impress younger kids.
10 I mean, just the freedom, the freedom for somebody to take
11 you away from your house, buy you a drink, talk nice to
12 you, make you feel special. That's really all it took.
13 And those were the tools that he had in his tool box,
14 pretty simple.

15 And then when she said, I don't like this anymore, he
16 was, basically, done with her anyway. And so that's fine,
17 you know. I like VICTIM And there it went. And,
18 unfortunately, VICTIM fell prey to that.

19 Now, did VICTIM have a little bit more difficult
20 time owning it maybe in here? Do you think she was
21 probably embarrassed, humiliated, didn't really want to
22 come clean about how she, actually, put herself in that
23 position repeatedly? Probably. Would that be something
24 that would be difficult to say? Yeah. I kept going back.
25 And I knew he was married. And there was his wife. And

1 there was his daughter. And, yeah, that would be hard to
2 own up to.

3 But she never said he physically forced her. This
4 was not rape. It was nothing like that. She put herself
5 in those positions. I think she really liked him. And I
6 think that is what's embarrassing right now, too, is that
7 she, actually, fell for that.

8 So, yeah, maybe her testimony wasn't exactly as we
9 would have liked it to be, quite as humble, and as open,
10 and honest as #1 (Minor) but it wasn't a lie. He had sex
11 with VICTIM 10 plus times at almost every location that
12 they lived, at Tigerville Road, Magnolia Park, Central,
13 which is not in our jurisdiction, you don't have to
14 worry -- you don't have to decide anything about that,
15 Quail Roost, and even Belvue where he moved, finally, at
16 the end. And how do we know that? Well, we know that
17 because VICTIM told us that. There were only two
18 witnesses to this crime, the Defendant and VICTIM

19 So you have eyewitness testimony. What she says is
20 testimony. I mean, it's evidence. Everything she told
21 you is eyewitness testimony. She's very specific. She
22 was very detailed, very embarrassed, rightly so. I don't
23 think any of us want to sit up here and talk about
24 legitimate experiences that we've had in our lives, much
25 less something illegal, illegitimate. But she told you.

1 And she didn't exaggerate. She didn't make it more
2 than it was. She didn't say, yeah, every time, this
3 happened. Yeah, he did this each time, or -- you know,
4 she was very specific about these random occurrences. And
5 why is that? Because that's when the opportunities arose.
6 And that's how he would couch it, hey, now we can do it,
7 here is our chance. So it's easy for her to recall.
8 There weren't that many. But every time there was one,
9 that's what he wanted to do.

10 And I submit to you, she liked being over there. I
11 think she liked being around him. I think she liked being
12 with Skyland. I think she liked all that. But I think
13 she liked, again, the freedom, being away from home, not
14 under mom and dad's, you know, go do this, did you do the
15 dishwasher today. It was mom and dad that were giving her
16 a pass, hey, sure, go hang out with him. Yeah, Friday
17 night, go just spend the night. I mean, what 13-year-old,
18 14-year-old wouldn't like that?

19 Now, did something have to happen every now and then?
20 Yeah, she had to have sex with him every now and then.
21 But did she really, really hate that enough not to go
22 back? No.

23 Because I think what he told her and what she thought
24 was that one day, they were going to run off together.
25 She was going to get emancipated and, you know, this would

1 be real. It wouldn't just be him whispering to her about
2 how he thought she was great, and loved her, and all that
3 kind of stuff. It would be real. They could get married.

4 So what you've got to do now is decide from our two
5 witnesses to this crime what's true, what VICTIM told you
6 or what the Defendant told you. There's really no middle
7 ground. You either believe her about this, or you believe
8 him.

9 So let's go --

10 MR. CHAMBERS: Your Honor, I'm going to object. That
11 sounds like burden shifting to me.

12 THE COURT: All right. Overruled.

13 MS. HODGE: So let's go through how you're going to
14 determine what the truth is, who to believe in this case.
15 We all have common experiences about who's telling the
16 truth to us and who's lying. Right? We know that. We
17 don't need to be experts to do that. We live. We deal.
18 We make decisions. And we process things.

19 So we look at what someone is telling us. The first
20 thing that's going through our mind, did I just hear that
21 right? Does that make sense? Is that possible? So is
22 that probable? So you've got to have content. It's got
23 to be possible, plausible, rational.

24 Then you've got to look at, is what that person is
25 telling me consistent? Is it consistent within what --

1 the five minutes they were talking, were they consistent
2 within their own self? And then if I've got other people
3 joining in, are those people consistent with what this
4 person is telling me?

5 So that lends you to think, well, maybe this could be
6 true. Then we add another layer in. We look at motive.
7 And Mr. Chambers has told you all this from his
8 perspective. But, really, use your common sense in this.
9 What is **VICTIM** motive? This girl was busted. She
10 didn't like concoct a plan and come and bring -- try to
11 bring everybody that she could in on her plan. She got
12 busted. She got found out. She tried to deny it. And
13 then she, finally, told.

14 And once she told, things started clicking.
15 Everybody is like, yeah, you know, I was feeling weird
16 about that. The sister is only in town for like three
17 months when this goes on, because it's near the end, and
18 she's right away like, this is weird. I'm going to see if
19 I can find out more. And she clued right in, probably
20 because she's younger and, obviously, she's a sister.

21 Mom is keeping up the house. Mom is working. Mom's
22 got three kids. And mom is doing the best she can. And
23 she really did like the Defendant. There was a
24 friendship, apparently, then. So she's kind of looking
25 back now thinking, yeah, maybe that was weird.

1 And then you've got, you know, #1 [REDACTED] who had really
2 nothing to do with anything. As soon as the Defendant
3 started up with VICTIM #1 [REDACTED] kind of dropped off. Her
4 grandmother died. She started doing some things she
5 shouldn't be doing, getting in some trouble, things
6 like that. So she wasn't really a part of this
7 concoction.

8 You've got VICTIM [REDACTED] just coming clean. This is it.
9 No motive whatsoever. She's not got a vendetta against
10 the Defendant. She doesn't want to hurt him. She doesn't
11 want to get him. She doesn't want to do anything to him.
12 She just has to tell the truth. And that's what happened.
13 And everything else comes from that.

14 Now, let's look at the Defendant's point. What he
15 came to court and presented to you was everything is a
16 lie, everything. No, I never texted that dad. No, I
17 never texted that sister. No, I don't even like country
18 music. No, I never said I had tickets to this concert.
19 No, I never went to that concert where I got into it with
20 my wife. No, I don't have Facebook, no, no, no, no, no,
21 nothing.

22 Now, is that believable? Nothing. Zero. I don't
23 think that's using your common sense. But he has to hold
24 that line. Because if he gives in on one thing, those
25 cards are going to fall. And you're right back over here

1 where VICTIM was with the truth.

2 And who has the motive in this case? VICTIM what's
3 she going to gain today, tomorrow, next week? Is she
4 going to get a big paycheck out of this? No. She's got
5 this to deal with for the rest of her life. This is
6 something that's in her book of life. She's worked on
7 that through counseling. But that's not going to change.
8 That's in her past.

9 The Defendant, what does he have to gain or to lose?
10 I submit today his life is going to be very different than
11 tomorrow, whichever way this goes. So does he have motive
12 to make it go the way he wants, to get in here and tell
13 you things that aren't true, to tell you lies? Of course,
14 he does. He's the only person in this with something to
15 gain or lose.

16 Mr. Chambers tried to allude that Dr. Croswell has
17 got some stake in this, or, you know, maybe law
18 enforcement. No, nobody does. I don't. I'll be back at
19 work tomorrow. I'll be pulling the next case. So will
20 Investigator Perry. So will Dr. Croswell. And it goes on
21 and on. We don't spend our time and our energy concocting
22 and hunting down innocent people to frame, and to spend
23 taxpayer dollars, and put all of this together and present
24 to you just because we don't have anything else to do and,
25 you know, we really want to get Jerald Gaskins.

1 I mean, that's what this is all about. You know,
2 he's been a victim since -- goodness knows, since he was a
3 child where he's had to have roommates so he can be
4 verified that he's been innocent throughout his life. I
5 mean, does that make sense that the State would go to that
6 trouble? I don't think so.

7 And speaking of those roommates that are going to
8 verify everything, that he's innocent, he did not present
9 them. He presented evidence. He presented his testimony.
10 You know, it's just something for you to consider.

11 As I told you at the beginning, verdict comes from
12 the Latin word verdicto. And it means to speak the truth.
13 So your verdict must speak the truth in this case. The
14 truth that this happened to VICTIM would be a guilty
15 verdict. The truth that you find it did not happen, there
16 was no sexual battery, no touching and fondling, then you
17 would say not guilty.

18 I submit, when you use your common sense and you go
19 through all of the evidence, all of the witnesses, the
20 State and the Defendant, that you will find the truth is
21 the Defendant did commit a sexual battery on VICTIM when
22 she was 13, 14 years ago old at various locations
23 throughout Greenville County, and that he is guilty as
24 charged.

25 Thank you.

CHARGE ON THE LAW

THE COURT: Thank you, Ms. Hodge.

Ladies and gentlemen, you've heard all the evidence you're going to hear in the case. And it's now my duty to instruct you on the law that applies to the facts of this case. It's your duty to find the facts from the evidence. To those facts, you must apply the law as I give it to you. And that means you must follow the law as I give it to you.

You should not be concerned with what the law should be, but with what it is. And you must not be concerned or influenced by any personal likes or dislikes, opinions, prejudices, or undue sympathy. And that means you must decide this case solely on the evidence before you and according to the law. And you will recall, you took an oath to do just that when we began this trial.

Now, in following my instructions, you must follow all of them and not single out some and ignore others, because they're all equally important. And you must not read into these instructions or into anything I may have said or done during this trial as any indication as to what I think the facts are or what I think your verdict should be. Because, as I told you at the outset, you are the sole and exclusive judge of the facts.

Now, you decide what the facts are by evaluating and

1 weighing the evidence you've heard during this trial. It
2 is a mental process. And you weigh and evaluate the
3 evidence simply by using your good common sense, and your
4 sound judgment, and your sense of logic and reason. And
5 you bring those things to bear on the evidence you've
6 heard during this trial.

7 I told you at the beginning that evidence consists of
8 two sources, sworn witness testimony and exhibits. So
9 nothing else is evidence. What the lawyers say, while
10 they're trying to help you understand the evidence and you
11 should pay keen attention to what they say, their
12 statements are not evidence because they're not witnesses.
13 So if your memory differs from the lawyers memory of the
14 evidence, then your memory controls.

15 The law, also, recognizes two different types of
16 evidence. And what I'm talking about now is
17 circumstantial and direct evidence. Direct evidence
18 directly proves the existence of a fact. It is evidence
19 that, if believed, immediately establishes a fact.
20 Circumstantial evidence is proof of a chain of facts and
21 circumstances indicating the existence of another fact.

22 Crimes may be proven by circumstantial or direct
23 evidence. The law makes no distinction between the weight
24 or value to be given either direct or circumstantial
25 evidence. However, to the extent the State relies upon

1 circumstantial evidence, all of the circumstances must be
2 consistent with each other, and when taken together point
3 conclusively to the guilt of the accused beyond a
4 reasonable doubt.

5 If these circumstances merely portray the Defendant's
6 behavior as suspicious, the proof has failed. The State
7 has the burden of proving the Defendant guilty beyond a
8 reasonable doubt. This burden rests with the State
9 regardless of whether the State relies on direct evidence,
10 circumstantial evidence, or some combination.

11 I told you, also, that you were, also, the judges of
12 the credibility of the evidence. And I'm not going to
13 repeat that, because I know you heard me the first time.

14 But I will tell you that in deciding credibility, you
15 may believe everything a witness says, or you may believe
16 nothing a witness says. You may believe parts of their
17 testimony, and disbelieve other parts. You may believe
18 one witness over several, or several over one. But you,
19 certainly, don't decide this matter of credibility by
20 counting up the witnesses for the different sides.
21 Because your objective is to find the true facts from the
22 evidence in this trial, and whether the State has met its
23 burden of proof.

24 Now, I told you, also, that expert witnesses could
25 give opinions. But I, also, told you that they, like all

1 other witnesses, must have their credibility judged by
2 you. And so that means you may accept the testimony of an
3 expert, reject it, or give it whatever weight you think it
4 deserves.

5 Now, I've already told you about the presumption of
6 innocence, but I will tell you again because it is so
7 fundamentally important that any time a person is charged
8 with a crime in this state, they are never required to
9 prove themselves innocent, or prove themselves not guilty.
10 It is a fundamental rule of the law that a defendant, no
11 matter what the seriousness of the charge may be, will
12 always be presumed to be innocent of the crime for which
13 the indictment was issued, unless and until guilt has been
14 proven by evidence satisfying you of that guilt beyond a
15 reasonable doubt.

16 The presumption of innocence does not end when you
17 begin your deliberations, but it accompanies the Defendant
18 throughout the trial, unless and until you reach a verdict
19 of guilt based on evidence satisfying you of guilt beyond
20 a reasonable doubt.

21 Now, the presumption of innocence is not some
22 technicality or mere theory. It is not just a legal
23 phrase. It is a substantial right to which all of us are
24 entitled. And it cannot be removed unless you, the jury,
25 are satisfied from the evidence of guilt beyond a

1 reasonable doubt.

2 Now, the mere fact that the Defendant was charged and
3 indicted is not evidence, as I told you before.

4 Mr. Gaskins has pled not guilty to these charges. And
5 that puts the burden of proof entirely on the State. And
6 you may draw no inference or conclusion from the fact that
7 he has been charged. And the indictments do not even
8 raise a suspicion of guilt in and of themselves.

9 Now, I have talked about this phrase reasonable
10 doubt. So what does that mean? A reasonable doubt is the
11 kind of doubt that would cause a reasonable, sincere,
12 honest, and conscientious person to hesitate to act during
13 an important matter in their own affairs. Proof beyond a
14 reasonable doubt is proof that leaves you firmly convinced
15 of the Defendant's guilt.

16 Now, of course, there are few things we can know with
17 absolute certainty. And the law does not require proof
18 that overcomes every possible doubt. If, based on your
19 view of the evidence, you are firmly convinced that the
20 Defendant is guilty of the crime charged, you must find
21 him guilty. On the other hand, if you think there is a
22 real possibility that the Defendant is not guilty, you
23 must give him the benefit of that doubt and find him not
24 guilty.

25 And, ladies and gentlemen, a reasonable doubt may

1 arise from the evidence or from a lack of evidence. And a
2 defendant is entitled to every reasonable doubt that may
3 arise in the case. And what that means is simply this.
4 If as to any issue of fact that is necessary to a finding
5 of guilt you have a reasonable doubt as to how that issue
6 should be resolved, it's your duty to resolve that doubt
7 in favor of Mr. Gaskins.

8 Now, there are six total indictments that will be
9 listed on the verdict form. And, as I told you before,
10 you must weigh and evaluate the evidence as to each charge
11 separately. So that means as you go through the verdict
12 form, you will consider the evidence as to each listed
13 charge, weigh it, and determine whether the State has met
14 its burden of proof as to each and every element of that
15 charge. And you should not let your decision on one
16 charge influence your decision on the other. They must be
17 weighed and evaluated separately and individually.

18 Now, in order to convict Mr. Gaskins of the offense
19 of criminal sexual conduct with a minor in the second
20 degree, the State must first prove beyond a reasonable
21 doubt that the Defendant engaged in a sexual battery with
22 the victim. The State must then prove beyond a reasonable
23 doubt that the victim was, at least, 11 years old, but not
24 more than 14 years old at the time of the sexual battery.

25 A sexual battery is defined as sexual intercourse,

1 cunnilingus, fellatio, anal intercourse, or any intrusion,
2 however slight, of any part of a person's body or any
3 object -- or of any object into the genital or anal
4 openings of another person's body, except when the
5 intrusion is accomplished for medically recognized
6 treatment for diagnostic purposes.

7 Consent, willingness, indifference, or ignorance on
8 the part of the minor, if any, as to what was taking place
9 does not in any way affect the charge of criminal sexual
10 conduct with a minor. Because an unmarried woman under
11 the age of 14 cannot legally consent to sexual
12 intercourse.

13 Now, there are, also, two charges for committing a
14 lewd act on a child. In order to convict the Defendant of
15 this charge, the State must first prove beyond a
16 reasonable doubt that the Defendant, that is Mr. Gaskins,
17 was over the age of 14.

18 Next, the State must prove that the Defendant
19 willfully and lewdly committed or attempted a lewd or
20 lascivious act on or with the body or its parts of a child
21 under the age of 16 years with the intent to arouse,
22 appeal to, or gratify the lusts, passions, or sexual
23 desires of the Defendant or the child.

24 Willfully means voluntarily and intentionally with
25 the specific intent to do something the law forbids. Lewd

1 means obscene, lustful, indecent, or lecherous.

2 Lascivious means tending to incite lust, lewd, indecent,
3 obscene, or tending to deprave the morals and respect to
4 sexual relations.

5 Now, that covers all the substantive law. And I will
6 just give you a few instructions related to your
7 deliberations.

8 And, Ms. Marks, I've got the verdict form right here.
9 And it just goes through all six charges and asks whether
10 you find the Defendant guilty or not guilty.

11 Don't attach any significance to the option I put
12 first. It's simply I have to put one first. It doesn't
13 mean anything, of course.

14 But, ladies and gentlemen, you were chosen to be
15 jurors in this case, not to be partisans or advocates for
16 either the State or Mr. Gaskins. You were chosen because
17 both sides believe you could be fair and impartial, and
18 you could decide this case without any preconceived ideas,
19 or biases, or prejudices.

20 So you're judges, judges of the facts. And your sole
21 interest is to determine the facts from the evidence and
22 to do that fairly and impartially, and determine whether
23 the State has met its burden of proof as to every element
24 of each crime that has been alleged.

25 The record is now closed. There are not going to be

1 any more witnesses or exhibits. So if something was
2 referred to during this trial that you don't have back in
3 the jury room with you, I can't give it to you. Likewise,
4 if -- as to the testimony, you'll have to rely on your
5 memory of that testimony.

6 So the genius of our jury system is it allows 12
7 people from different backgrounds and life experiences to
8 come together, consider the evidence, and share their
9 perspectives and points of view and, ultimately, reach a
10 verdict. So what you will do, of course, is go back in
11 the jury room and calmly and thoroughly discuss the
12 evidence. You will determine what the facts are. And
13 you'll take the law that I just gave you and apply it to
14 those facts. And you'll be able to reach a verdict.

15 And you can only sign that verdict form when the
16 verdict is unanimous.

17 And that means that each of you has a vote. And your
18 vote is exactly that, it's your vote and no one else's.
19 So keep that in mind. And keep in mind, also, that you
20 should not care if you have to change your mind if the
21 discussion persuades you that you should, if you're of
22 different minds. But don't give up an honestly and
23 conscientiously held belief simply to get this case over
24 with or to reach a unanimous verdict. Because this is,
25 obviously, an important case for both the State and

1 Mr. Gaskins.

2 So thank you for your attention to me.

3 Just go on back to the jury room at this time, except
4 for you two ladies.

5 And don't start talking about the case until you get
6 the --

7 How many -- just one exhibit?

8 THE COURT REPORTER: Yes.

9 THE COURT: Until you get the exhibit. That will be
10 your signal you can start deliberating.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 4:39 p.m.)

13 THE COURT: All right. Any objection or exception to
14 the charge from the State?

15 MS. HODGE: None from the State.

16 THE COURT: From the Defense?

17 MR. CHAMBERS: No, Your Honor.

18 THE COURT: The law doesn't allow y'all to go in the
19 jury room at this time as the alternates. But if you'd
20 just stick around for about 10 or 15 minutes, just in case
21 we have a problem.

22 And if you need anything for your work, Ms. Troop
23 will provide that.

24 But we, certainly, appreciate your service. You gave
25 us the peace of mind knowing that we could finish the case

1 if something happened to one of the other jurors, as often
2 does.

3 So thank you very much.

4 If you'll just put them in a separate room.

5 THE BAILIFF: I will put them in one of the other
6 rooms for a few minutes.

7 THE COURT: Okay. Don't forget about them now.

8 We'll be at ease until we hear something.

9 (WHEREUPON, the proceedings were recessed at
10 approximately 4:40 p.m.)

11 QUESTIONS FROM THE JURY

12 THE COURT: Okay. We've got a note that says,
13 "Written description of the charges/indictments
14 2013-GS-23-3233, 31-33, criminal sexual conduct with a
15 minor and lewd act on a child."

16 I've shared this with both lawyers. And we'll make
17 it part of the record. I think the approach is going to
18 be to send back the jury charges on those two offenses.
19 It may be they're asking for the actual indictments. But
20 we'll find out once we send back the charge. And if they
21 communicate further, we'll know that's what they really
22 wanted.

23 But does that suit the State and the Defense?

24 MS. HODGE: Yes, sir.

25 MR. CHAMBERS: It suits me, Your Honor.

1 THE COURT: Okay. Do y'all want to come and look at
2 these charges?

3 (Pause.)

4 MR. CHAMBERS: Are you good?

5 MS. HODGE: Uh-huh.

6 MR. CHAMBERS: They're fine, Your Honor.

7 THE COURT: All right. Thank y'all.

8 We'll just make that a Court's Exhibit.

9 We'll be at ease until we hear something else.

10 (WHEREUPON, Court's Exhibit Nos. 1 and 2 were marked
11 for identification and admitted into evidence.)

12 (WHEREUPON, the proceedings were recessed at
13 approximately 5:01 p.m.)

14 (WHEREUPON, Court's Exhibit No. 3 was marked for
15 identification and admitted into evidence.)

16 THE COURT: The note we've now received says, "Dates
17 of the indictments. Age of the Plaintiff during the
18 charges." And there's some arrow pointing to charges. It
19 says the word "each" beside it.

20 Anyway, is there any objection to sending the
21 indictments back?

22 MR. CHAMBERS: No, not from me, Your Honor.

23 MS. HODGE: Not from the State, Your Honor.

24 THE COURT: Okay. We'll just send the six
25 indictments back. And I'll let you know if we hear

1 anything further.

2 Thank you.

3 (WHEREUPON, the proceedings were recessed at
4 approximately 5:11 p.m.)

5 THE COURT: We have everybody present.

6 The note they've sent out now says, "What is the
7 Plaintiff's birthday?"

8 MR. CHAMBERS: Who's the "Plaintiff"?

9 THE COURT: I don't know. I just propose saying
10 you'll have to rely on your memory of the testimony.

11 Is there any objection to that?

12 MS. HODGE: Not from the State.

13 MR. CHAMBERS: I don't object, Your Honor.

14 THE COURT: I can, also, ask them if they want to
15 continue deliberating or come back in the morning.

16 MR. CHAMBERS: That would be good.

17 THE COURT: Do you want me to ask them that?

18 MR. CHAMBERS: Yes, sir.

19 (WHEREUPON, Court's Exhibit No. 4 was marked for
20 identification and admitted into evidence.)

21 (WHEREUPON, the proceedings were recessed at
22 approximately 6:12 p.m.)

23 THE COURT: The jury has a verdict.

24 Anything before we bring the jury in?

25 MS. HODGE: No, sir.

1 MR. CHAMBERS: Not from the Defense, Your Honor.

2 THE COURT: Okay. Well, I appreciate everybody's
3 decorum during the trial. And if you don't think you're
4 going to be able to continue to keep decorum or control
5 your emotions when the verdict is read, the time to leave
6 is right now.

7 Bring the jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 6:17 p.m.)

10 THE COURT: Has the jury reached a unanimous verdict?

11 JUROR #112, ALICE MARKS: Yes, sir, we have.

12 THE COURT: If you'll hand it to the Bailiff, we'll
13 receive it and publish it.

14 (Pause.)

15 THE COURT: Okay. If you'll fill in the date, ma'am.

16 JUROR #112, ALICE MARKS: Today is the 5th?

17 THE BAILIFF: 6th.

18 JUROR #112, ALICE MARKS: The 6th?

19 THE CLERK: No. It's the 5th.

20 THE COURT: No. It's the 5th.

21 JUROR #112, ALICE MARKS: I thought that was right.

22 THE COURT: Thank you.

23 VERDICT

24 THE CLERK: Your Honor, in the case 2013-GS-23-3231,
25 3232, 3233, 3234, 3235 and 3236, the State of South

1 Carolina v. Jerald Gaskins, Jr., number one, as to the
2 indictment 2013-GS-23-3231, criminal sexual conduct with a
3 minor in the second degree, we, the jury, unanimously find
4 the Defendant, Jerald Denton Gaskins, Jr., guilty.

5 As to the indictment 2013-GS-23-3232, criminal sexual
6 conduct with a minor in the second degree, we, the jury,
7 unanimously find the Defendant, Jerald Denton Gaskins,
8 Jr., guilty.

9 Number three, as to the indictment 2013-GS-23-3234,
10 criminal sexual conduct with a minor in the second degree,
11 we, the jury, unanimously find the Defendant, Jerald
12 Denton Gaskins, Jr., guilty.

13 Number four, as to the indictment 2013-GS-23-3235,
14 criminal sexual conduct with a minor in the second degree,
15 we, the jury, unanimously find the Defendant, Jerald
16 Denton Gaskins, Jr., guilty.

17 Number five, as to the indictment 2013-GS-23-3233,
18 lewd act upon a child, we, the jury, unanimously find the
19 Defendant, Jerald Denton Gaskins, Jr., guilty.

20 Number six, as to the indictment 2013-GS-23-3236,
21 lewd act upon a child, we, the jury, unanimously find the
22 Defendant, Jerald Denton Gaskins, Jr., guilty.

23 These are all signed by Ms. Marks, our Forelady.

24 Ladies and gentlemen, if you agree these are the
25 verdicts you reached in your deliberation room, would you,

1 please, raise your right hand.

2 (WHEREUPON, all jurors raised their right hand.)

3 THE CLERK: I thank you.

4 THE COURT: All right. Any matters or motions before
5 the jury is discharged from the Defense?

6 MS. HODGE: No, not from the State.

7 MOTIONS

8 MR. CHAMBERS: I just make a motion for a judgment
9 notwithstanding the verdict, and a motion for a new trial,
10 Your Honor.

11 THE COURT: Do you wish to have the jury polled?

12 MR. CHAMBERS: No, Your Honor.

13 THE COURT: All right. Ladies and gentlemen, thank
14 you for your service this week.

15 There are no more cases on the docket. And we're
16 thankful that you could guarantee the parties a right to a
17 jury trial this week. We know it's a sacrifice for you to
18 do so. But you're excused from your jury obligation this
19 week.

20 If you wish to see the sentencing portion of this,
21 you're welcome to do so. You can just come around. The
22 bailiffs will take you around to the front.

23 Thank you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 6:22 p.m.)

1 MS. HODGE: Are you ready, Your Honor?

2 THE COURT: Let's see if any of the jurors would like
3 to come around.

4 MS. HODGE: Okay.

5 THE COURT: But I'll be glad to take the sheets.

6 MS. HODGE: Do you want me to sign these? Some
7 judges say I should, some --

8 THE COURT: No. That's okay.

9 Thanks.

10 MS. HODGE: Yes.

11 (Pause.)

12 THE COURT: All right. Yes, ma'am, Ms. Hodge.

13 MS. HODGE: Do you want us to come around?

14 THE COURT: Yes.

15 MS. HODGE: Your Honor, as far as prior record goes,
16 he has a 2000 disorderly conduct, a breach of peace; 2002,
17 fraud check; 2004, a criminal domestic violence charge.

18 I think you heard during the course of the
19 cross-examination that the Defendant does have some
20 pending charges, criminal domestic violence high and
21 aggravated, and two transporting child. I believe it's
22 out of state charges that, obviously, are not any part of
23 this case, but occurred after this case.

24 Your Honor, in regard to the facts in this case, as
25 you heard the trial unfold, it's the State's position that

1 this man is a predator. He is somebody that is targeting,
2 seeking out, and having some success with these young
3 girls. There, obviously, was this victim. At the same
4 time, there was #1 (Minor)

5 And in his cross-examination, we discussed, which he
6 denied, but there is Redacted -- a girl named Redacted
7 who's 12 years old, Redacted, I believe, was the last name,
8 that law enforcement has received a complaint on that he
9 was doing the same type of things, attempting to engage
10 this child. There is, also, a prior instance with his
11 cousin, who was about the same age.

12 So we believe that he is a threat, a danger to the
13 community, a predator. That he's not changing his ways.
14 That he's not accepted responsibility for these actions.
15 And that he should get the maximum.

16 THE COURT: Thank you.

17 Mr. Chambers.

18 MR. CHAMBERS: First of all, Your Honor, just to make
19 sure that the record is clean, I want to put my objection
20 on the record to the Solicitor offering up, essentially,
21 uncharged misconduct. You know, she's talking about
22 activity that -- for which my client has not been
23 convicted. But, certainly, I would ask the Court and feel
24 comfortable that the Court is not going to take that into
25 consideration.

1 Essentially --

2 THE COURT: I'm not going to take it into
3 consideration.

4 MR. CHAMBERS: Essentially, he has no significant
5 prior record, Your Honor. This case while, you know,
6 certainly, the jury has found him guilty of having had sex
7 with a 13-year-old girl -- and I'm not going to stand here
8 and try to defend that if that was, in fact, what
9 happened.

10 But it was clear that there was no force or coercion
11 involved in the case, you know. She continued to go to
12 his house willingly. And, you know, I think that that is
13 a mitigating factor. It's, certainly, not a legal excuse
14 and not offered as one.

15 I would just ask the Court to be as lenient as
16 possible. He does have family members who are here with
17 him to support him, believe in him.

18 I don't think Jerald has anything to say. Frankly, I
19 think the only thing he would to say is to profess his
20 innocence again, but. So I don't know what else I can add
21 at this point.

22 THE COURT: Thank you, sir.

23 Mr. Gaskins, anything you'd like to say, sir?

24 DEFENDANT GASKINS: Your Honor, I don't know what to
25 say. I was hoping for the best. It come to the worst. I

1 do find myself that I'm not a bad person. And I hope that
2 the Court has mercy, takes mercy.

3 Your Honor, I don't have a bad past record. And I
4 haven't really done anything wrong that I seen. I mean,
5 the Court said different. And I guess I did if the Court
6 say [sic] so, Your Honor. But I just respectfully ask the
7 Court to just, please, cut me a little slack, please.

8 THE COURT: All right, sir.

9 I'm unclear. Some of these sentencing sheets are --
10 are both of them violent and serious?

11 MS. HODGE: That's -- no. Lewd act is only violent.
12 It is not serious.

13 THE COURT: Now, one of them is marked most serious.

14 MS. HODGE: May I see that?

15 THE COURT: Yes.

16 (Pause.)

17 THE COURT: Thank you.

18 Did he spend any time in jail before?

19 MS. HODGE: I have two days, Your Honor.

20 MR. CHAMBERS: That sounds about right, Your Honor.

21 SENTENCING

22 THE COURT: Mr. Gaskins, the sentence of the Court is
23 you be committed to the Department of Corrections for a
24 period of 20 years on case number 3231.

25 On 3232, the sentence is 20 years concurrent.

1 3233, the sentence is 15 years concurrent.

2 3234, 20 years concurrent.

3 3235, 20 years concurrent.

4 3236, the sentence is five years consecutive, but
5 this sentence is to be served first.

6 MS. HODGE: Thank you, Your Honor.

7 THE COURT: You have 10 days to appeal. Your appeal
8 must be in writing.

9 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

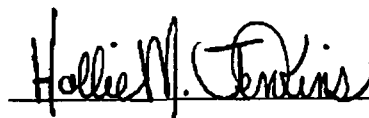
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 4th and 5th days of February, 2015.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 23, 2015



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203987

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-23-
KBH

003231

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1)
[formerly § 16-3-655(2)]

ENTERED
ACCT.

ROA 519

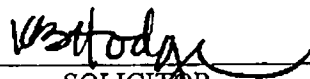
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

At a Court of General Sessions, convened on **APR 23 2013** the Grand Jurors of Greenville
County present upon their oath:

That JERALD DENTON GASKINS JR did in Greenville County, between March 2012 and
August 2012, commit a sexual battery on **Victim** 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

ROA 520

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: WHITE Sex: M Age: 32DOB: Redacted

Address:

City, State:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive - Second deg.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 ☐ §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:

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 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.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

☐ Set by SCDPPPS

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: _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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 \$ 5.003% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Paul B. WickensJenkins21382.5.15

ROA 521

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203986

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-

KBH

003232

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1)
[formerly § 16-3-655(2)] (2)]

ENTERED
ACCT.

ROA 522

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

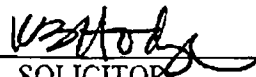
At a Court of General Sessions, convened on
County present upon their oath:

APR 23 2013

the Grand Jurors of Greenville

That JERALD DENTON GASKINS JR did in Greenville County, between March 2012 and August 2012, commit a sexual battery on **Victim** 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

ROA 523

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: WHITE Sex: M Age: 32DOB: Redacted

Address:

City, Sta:

DL#:

*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 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 ☐ §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:

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 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: # 3231☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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	\$ <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(I) (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>

Clerk of Court/ Deputy Clerk

Court Reporter: Paul L. Wicksmaier

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2303232A/W#: 2012A2330203986Date of Offense: 3/1/2012S.C. Code § : 16-03-0655(B)CDR Code #: 0396

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 2138Sentence Date: 2.5.13

ROA 524

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203985

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-23-
KBH

003233

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

ENTERED
ACCT.

ROA 525

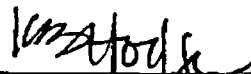
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on **APR 23 2013** the Grand Jurors of Greenville
County present upon their oath:

That JERALD DENTON GASKINS JR did in Greenville County, between August 2011 and November 2011,
willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of **Victim**
child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or
sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws
(1976) as amended.

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


SOLICITOR

ROA 526

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: Redacted

DOB:

Address:

City, State:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS

TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468

☐ 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:

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: # 3231☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

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(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/Deputy Clerk

Court Reporter: Jenkins

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138Sentence Date: 2.5.15

ROA 527

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203984

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-23-
KBH

003234

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

-vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1) [formerly § 16-3-655(2)]

ENTERED
ACCT.

ROA 528

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203987

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-
KBH

003231

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

**CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)**

**VIOLATION § 16-3-655(B)(1)
[formerly § 16-3-655(2)]**

**ENTERED
ACCT.**

ROA 529

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203986

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-
KBH

003232

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1)
[formerly § 16-3-655(2)] (2)]

ENTERED
ACCT.

ROA 530

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203985

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013-GS-23-
KBH

003233

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

**ENTERED
ACCT.**

ROA 531

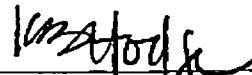
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on **APR 23 2013** the Grand Jurors of Greenville
County present upon their oath:

That JERALD DENTON GASKINS JR did in Greenville County, between August 2011 and November 2011,
willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of **Victim**
child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or
sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws
(1976) as amended.

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


SOLICITOR

ROA 532

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
 STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: WHITE Sex: M Age: 32DOB: Redacted

Address:

City, State:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
 TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468

☐ 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:

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: # 3231
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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(J) (Vehicle Assessment) \$40/ea \$ _____
 Proviso 90.5 (SCCJA Surcharge) \$5 \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter: Paul S. Gaskins

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138Sentence Date: 2.5.15

ROA 533

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER

2012A2330203984

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-
KBH

003234

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1) [formerly § 16-3-655(2)]

ENTERED
ACCT.

ROA 534

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER
2012A2330203983

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-
KBH

003235

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

VIOLATION § 16-3-655(B)(1)
[formerly § 16-3-655(2)]

ENTERED
ACCT.

ROA 535

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE (11-14)

the Grand Jurors of Greenville

That JERALD DENTON GASKINS JR did in Greenville County, between March 2011 and August 2011, commit a sexual battery on Victim 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.

Wesford
SOLICITOR

ROA 536

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: WHITE Sex: M Age: 32DOB: RedactedAddress:
City, StateDL#: 0011186556 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 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 ☐ §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:

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 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: # 3231☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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	\$ <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>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Paul B. WickensamerJenkins

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2303235A/W#: 2012A2330203983Date of Offense: 3/1/2011S.C. Code § : 16-03-0655(B)CDR Code #: 0396

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code:

Sentence Date:

21382.5.15

ROA 537

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

11/14/2012

ARREST WARRANT NUMBER

2012A2330203982

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-

KBH

003236

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

TERM 2013

THE STATE

vs.

JERALD DENTON GASKINS JR

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

ENTERED
ACCT.

ROA 538

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

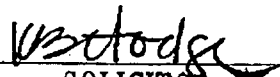
At a Court of General Sessions, convened on
County present upon their oath:

APR 23 2013

the Grand Jurors of Greenville

That JERALD DENTON GASKINS JR did in Greenville County, between March 2011 and August 2011, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of Victim a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

ROA 539

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Jerald Denton Gaskins Jr

AKA:

Race: WHITE Sex: M Age: 32DOB: Redacted

Address:

City, State:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-140

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

2468

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

ATTEST:

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 5 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: #3231☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 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 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2303236

A/W#: 2012A2330203982

Date of Offense: 3/1/2011

S.C. Code § : 16-15-140

CDR Code #: 2468

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

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:

This ~~was~~ sentence to
be served first, before #3231.
G-H☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2138

Sentence Date: 2.5.15

ROA 540

Clerk of Court/ Deputy Clerk

Court Reporter: Jenkins

SCCA/217 (03/2011)