

Volume 2 of 2

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County
Thomas A. Russo, Circuit Court Judge
Appellate Case Tracking No. 2014-001717

THE STATE,

RESPONDENT,

-v-

CHAD STEPHEN HAYES

APPELLANT,

RECORD ON APPEAL

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The following exhibits were delivered to this court

Court's Exhibit 7

State's Exhibits 30, 31, 32, 76, and 77

1 THE COURT: You may call your next witness.

2 MS. MAYES: The State calls Detective Steve
3 Collins.

4 THE COURT: Detective Collins, if you'd please
5 come around and be sworn, sir.

6 STEVE COLLINS, after being duly sworn, testified
7 as follows:

8 THE CLERK: Have a seat up there, please.

9 Once you're seated, state your full name,
10 spelling your last on the record, please.

11 THE WITNESS: Yes, ma'am. Stephen with a P-H
12 Collins, C-O-L-L-I-N-S.

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q Detective Collins, could you give us a little bit of
16 information about yourself. Where are you currently
17 employed?

18 A With the Lexington County Sheriff's Department.

19 Q And what is your job title there?

20 A I'm a detective.

21 Q How long have you been a detective with the Lexington
22 County Sheriff's Department?

23 A I came over to Lexington County about 14 years ago
24 from Newberry.

25 Q And how long have you been in the field of law

1 enforcement?

2 A About 18 years. And I was a military police officer
3 before that.

4 Q Can you give us an indication of the process involved
5 when a call comes into a detective and then how that turns
6 into an actual investigation?

7 A Deputies in the uniform patrol division normally
8 respond to incidents with calls for citizens or
9 individuals wanting to make reports to the sheriff's
10 department on any number of situations. Those reports are
11 generated and currently come to the detective division
12 through our report management system and incident reports
13 from that point are assigned to a detective if there is
14 determined to be information that needs to be followed up
15 with.

16 Q How did you become involved in the investigation
17 concerning this defendant, Chad Hayes?

18 A I was assigned the incident report that had been
19 generated by the uniform patrol for a follow-up
20 investigation.

21 Q Can you give us some information about how long you
22 have been involved in child abuse and/or sexual assault
23 investigations?

24 A About eight years I've been a detective. I handle
25 those kind of case.

1 Q And what type of specific training is involved?

2 A Any number of specific training. I was part of the
3 Internet Crimes Against Children task force. I took a
4 hundred hours of additional training through Fox Valley
5 Technical College. I have attended the Finding Words
6 through the Child Advocacy Center on forensic
7 interviewing. I've gone to conferences and seminars in
8 the field of child abuse through the South Carolina
9 Criminal Justice Academy, the Public Agency Training
10 Council and other organizations that provide that type of
11 training.

12 Q At the time of this investigation, can you tell us
13 whether or not you were assigned to major crimes?

14 A Yes, ma'am, I was.

15 Q And particularly as to this case, you mentioned that
16 an initial report had been filed and then you took over as
17 the actual investigator on the case?

18 A That's correct, yes, ma'am.

19 Q Do you have with you today your case file?

20 A Yes, I do.

21 Q Can you tell us whether or not it includes a copy of
22 the incident report involved in that initial call to law
23 enforcement?

24 A Yes, ma'am.

25 Q What was the date of the actual report to law

1 enforcement?

2 A The date was made on December 9, 2011.

3 Q All right. So that's the first time law enforcement
4 became aware of the case involving these children?

5 A To my knowledge, yes, ma'am.

6 Q And on December 9, 2011, when the report was made to
7 the sheriff's department, who was the actual reporter?

8 A Marty Longshore, a deputy that works with the
9 Lexington County Sheriff's Department.

10 Q He was the responding officer?

11 A Correct.

12 Q Do you know who the -- I guess the actual term that
13 law enforcement uses is complainant, but the person who
14 calls in the report in order for law enforcement to take a
15 report?

16 A Yes, ma'am, I do.

17 Q Who was that person?

18 A Ashley Rodriguez.

19 Q And do you know whether or not the guidance
20 counselor, Ms. Brackett, was also referenced in that
21 incident report?

22 A Yes, ma'am, she was.

23 Q Now, moving forward, once that report comes into law
24 enforcement and an investigation starts, what's the next
25 step along the way?

1 A Well, in this type of incident report because of the
2 ages of the victims, the next step for me to do is to get
3 the victims set up for what we've heard talked about, a
4 forensics interview.

5 Q And forensic interviews are a tool or a measure used
6 by law enforcement in what regard?

7 A To conduct interviews that are appropriate for
8 children, normally young teenagers, young children.

9 Q All right. Now, are forensic interviewers members of
10 law enforcement?

11 A They can be, yes, ma'am.

12 Q Can they also be from a separate organization or
13 agency, such as the Dickerson Center for Children?

14 A Yes, ma'am. I'm not exactly familiar with the
15 qualifications, but it would be my understanding -- I
16 would not see a reason that would preclude any individual
17 from trying to get that certification and become employed
18 with an organization to conduct a forensics interview.
19 It's based on the training, not who they are.

20 Q Can you tell us whether or not the Lexington County
21 Sheriff's Department relied on the Dickerson Center for
22 Children on a regular basis for conducting forensic
23 interviews of children?

24 A Yes, they are the primary child advocacy center that
25 the Lexington County Sheriff's Department uses to conduct

1 forensics interviews.

2 Q All right. Can you tell us whether or not that local
3 child advocacy center, the Dickerson Center, did a
4 forensic interview for Daughter 3 [REDACTED] ?

5 A Yes, they did.

6 Q And for Daughter 1 [REDACTED] ?

7 A Yes, ma'am, they did.
8 Daughter 2

9 Q Now, as to [REDACTED], where was she residing at the
outset of this investigation?

10 A In Missouri.

Daughter 2

11 Q And did you ever have an opportunity to meet [REDACTED]
12 [REDACTED] yourself in person?

13 A No, ma'am, I did not.

14 Q Because she was living out of state?

15 A Yes, ma'am.

16 Q Can you tell us whether or not based on the
17 information you received in this investigation she also
18 received a forensic interview in the state of Missouri?

19 A Yes, ma'am, she did.

20 Q And that information is made available to you?

21 A It is.

22 Q Now, once the results of the forensic interview are
23 obtained, what was next step along the way?

24 A Once I get the results of the forensics interview,
25 they come in two forms: I get a DVD or a copy of the

1 forensics interview to view and I also get a summary of
2 the forensics interview from the individual that conducts
3 the forensics interview. What I do at that point is watch
4 the DVD and review the notes from the forensics interview
5 provided by the individual and make some determinations my
6 next step from that.

7 Q All right. And what happened next?

8 A The next thing I did was contact the defendant, Chad
9 Hayes, and attempt to set up an interview with him.

10 Q All right. And the defendant, Chad Hayes, at that
11 point in time was residing where?

12 A In Leesville, at 2251 Broad Street in Leesville.

13 Q All right. Do you have with you any information
14 concerning when Mr. Hayes was contacted by you?

15 A Yes, ma'am, I do. I know when he came in for the
16 interview. I don't remember the exact date and time.

17 Q All right.

18 A It was the week that he came in for the interview.

19 Q All right. And what was the date of that interview?

20 A The 30th of March.

21 Q And that was in 2012?

22 A Yes, ma'am, I'm sorry, 2012, correct.

23 Q Okay. So how do you go about contacting any suspect
24 in a criminal case to actually come and in and see you?

25 A It's either going to be in person or by telephone,

1 depending on the situation. In this case I called
2 Mr. Hayes by telephone and set up the interview.

3 Q So you reach him by phone and actually had a
4 conversation with him. Can you tell us whether or not you
5 identified yourself as a law enforcement officer?

6 A Yes, I did.

7 Q And specifically where would you have been requesting
8 to meet with him?

9 A In this case I asked for him to meet with me at the
10 Lexington County Sheriff's Department.

11 Q All right. And at this point was he in custody?

12 A No, ma'am, he was not.

13 Q And to your knowledge was he still residing at the
14 residence of the Leesville Road home, the 2251 Broad
15 Street address?

16 A Yes, ma'am, that was my understanding.

17 Q Is it voluntary whether or not a suspect chooses to
18 speak with you in a criminal investigation?

19 A Yes.

20 Q What happened next?

21 A The next thing on the 30th, he came to the sheriff's
22 department about 3 o'clock on the 30th and made contact
23 with me.

24 Q All right. Do you know if you reached him by phone
25 that same day or a previous day?

1 A A previous day. I remember having a conversation
2 with him. He worked some type of shift work at Michelin
3 and the 30th was the day that worked for him to come in.

4 Q All right. So the arrival of him at the sheriff's
5 department on March 30th was actually a scheduled
6 appointment?

7 A Yes, ma'am, it was.

8 Q That had been arranged in advance at least on a
9 previous date?

10 A Correct.

11 Q Now, when he arrived at law enforcement, did law
12 enforcement go and pick him up or did he come in on his
13 own?

14 A When you come in to the Lexington County Sheriff's
15 Department, we have a front office where there are
16 personnel that work in our dispatch center. Similar to
17 any business, you'd consider them like a reception area.
18 What an individual will do is come up to that window and
19 let them know what they're at the sheriff's department for
20 and then the dispatcher or the receptionist will contact
21 the appropriate individual, in this case I was called let
22 known that Mr. Hayes was in the front lobby wanting to
23 speak with me.

24 Q All right. And just to clarify, to your knowledge,
25 did he arrive on his own or how did he get there?

1 A Through whatever transportation that he arranged to
2 get there, but yes, he arrives on his own.

3 Q Okay. So law enforcement's not involved in that in
4 any way?

5 A No, ma'am.

6 Q So he arrived in the front lobby and what happens
7 next?

8 A I go out and I meet him. I introduce myself, it's
9 the first time we've met in person, and we walk back to
10 interview rooms that are right off the front lobby.
11 There's a small hallway with bathrooms and to the left of
12 that there are several interview rooms. We go back to one
13 of those interview rooms.

14 Q Now at this point is he in custody?

15 A No, ma'am, he is not.

16 Q What takes place at that point?

17 A He identifies himself, he provides me with his name
18 and birthday. I make sure that I'm speaking with the
19 right individual; that he is the Chad Hayes that I want to
20 talk to; that he is familiar with the individuals and the
21 incident that's been reported and that I've got the right
22 person that I want to interview.

23 Q Now, when you first spoke with him and asked him to
24 come in and meet with you, was there a reference to the
25 fact that this investigation involved this family?

1 A Yes, that there had been some allegations involving a
2 former girlfriend and his -- her children.

3 Q All right. What happens next?

4 A We begin the interview process, begin to talk about
5 the allegations that the victims had made about the
6 inappropriate touching and incidents like that.

7 Q And what happened after that time?

8 A Mr. Hayes indicates to me that there may be some
9 stuff that needs some further explanation.

10 Q And when he advises you that he's got further
11 information to provide, what occurred?

12 A I at that point decide that I'm going to advise him
13 of his rights, his constitutional rights.

14 Q And was it your understanding that the further or
15 additional information he wanted to provide you --

16 MR. WILLIAMS: Objection to leading. It's got
17 to be leading, Your Honor.

18 THE COURT: Sustained.

19 BY MS. MAYES:

20 Q Can you tell us whether or not your understanding of
21 the further information he was providing concerned this
22 case?

23 A Yes, ma'am. At that point with what Mr. Hayes had
24 told me, I believe that he was about to give me
25 information that would possibly be used against him and

1 that it was in the best interest of the case to advise him
2 of his constitutional rights.

3 Q And when you talk about constitutional rights, what
4 is the term Miranda rights?

5 A Miranda rights, the same thing that most people are
6 familiar with.

7 Q And how do you go about advising a suspect of their
8 Miranda rights?

9 A There are several ways. I carry a Miranda card that
10 I could use, but in this case I had a Lexington County
11 Sheriff's Department statement form, that on that form
12 provides the rights, the Miranda rights.

13 Q I'm going to show you a document and ask you whether
14 or not you recognize it.

15 A Yes, ma'am, it appears to be a photocopy of the
16 original statement form that I used that day with Mr.
17 Hayes.

18 Q All right. And does it contain your signature at any
19 location?

20 A Yes, ma'am, it does.

21 Q Now, you mentioned that the statement form actually
22 includes the Miranda rights?

23 A Yes, ma'am, at the top of the form there's a place
24 for date, time, location, the individual that you're
25 speaking to, then I identify myself as well in that form,

1 and then it comes down about halfway into the page with
2 the Miranda rights.

3 Q Is there a date on this form?

4 A Yes, ma'am, there is.

5 Q What is that date?

6 A The 30th of March, 2012.

7 Q The same date of the interview?

8 A Yes, ma'am.

9 Q And you mentioned that your signature is on this form.
10 Where is it located?

11 A At the bottom of the form, looking at the form, on
12 the left-hand side.

13 Q All right. And do you recognize any other signatures
14 or initials on the form?

15 A The name Chad Hayes is signed at the bottom of the
16 form and Mr. Hayes' initials are also present on the form.

17 Q All right. Did you witness him sign the form
18 himself?

19 A Yes, ma'am, he and I were in the interview room when
20 this took place.

21 Q And does he date the form himself?

22 A Yes, he does. He dates it under his name.

23 Q Now, the original statement in this case is a Court's
24 exhibit. Have you had an opportunity to review that?

25 A Yes, I did.

1 Q As well as the document I just handed you?

2 A Yes, ma'am, I have.

3 Q Can you tell us whether or not it's a true and
4 accurate copy or duplicate of the original?

5 A Yes, ma'am, it is.

6 MS. MAYES: Your Honor, at this time the State
7 would offer this document identified by Detective Collins
8 as evidence, the two-page document.

9 THE COURT: Any objection?

10 MR. WILLIAMS: Your Honor, I don't think the
11 foundation's been laid at this point as to whether or not
12 my client has actually gone through the document, filed
13 answers to questions which were elicited from the sheriff,
14 so I don't think the foundation is properly in.

15 MS. MAYES: At this time, Your Honor, I don't
16 want to publish any portion of the document.

17 THE COURT: It would require publishing the
18 document to do that.

19 MR. WILLIAMS: Sorry, Your Honor.

20 That's fine, Your Honor. No objection.

21 THE COURT: All right. Without objection.

22 (WHEREUPON, State's Exhibit No. 77 was marked
23 for identification and received into evidence.)

24 BY MS. MAYES:

25 Q Now, if you could take a look at State's Exhibit 77.

1 A Yes, ma'am.

2 Q I'm also going to show you another document that I'm
3 holding and ask you whether the document I'm holding is an
4 exact duplicate of State's Exhibit 77.

5 A Yes, it is.

6 Q Now, as to State's Exhibit 77, how exactly do you go
7 about advising someone of their Miranda rights at the
8 outset of this portion of the interview?

9 A You read them to them.

10 Q And can you read into the record specifically what
11 Mr. Hayes was advised of by you, Detective Collins, on
12 March 30th, 2012?

13 A Yes. It starts, Before answering any question or
14 making any statements, and I put my name, Steve Collins, a
15 person who has identified himself --

16 Q I need you to slow down.

17 THE COURT: You need to read it slow. We all
18 read faster than we talk.

19 THE WITNESS: Yes, sir. I'm not from the South
20 originally. I apologize.

21 A person who identified himself as a detective
22 duly warned and advised that I have the right to remain
23 silent, anything I say can and will be used against me in
24 a court of law. I have the right to talk to a lawyer for
25 advice before asked any questions and have him or her

1 present with me during questioning. If I have no money
2 for lawyer fees, the court will appoint one to represent
3 me without cost if I wish. If I decide to answer
4 questions now without a lawyer present, I will still have
5 the right to stop answering questions at any time and I
6 will also have the right to stop answering questions at
7 any time until I have a lawyer to talk with -- until I
8 talk with a lawyer.

9 BY MS. MAYES:

10 Q All right. Now at the very start of the statement
11 form, how does the defendant go about identifying himself?

12 A In the very top under the part of the form where it's
13 dated and timed it says, I, the undersigned, Chad Hayes,
14 am 40 years old, it gives his date of birth as the 22nd of
15 February, 1972, born in Columbia with a present address of
16 2251 Broad Street, Leesville, South Carolina 29072.

17 Q All right. So you're referring to this portion right
18 here which says I am Chad Hayes?

19 A Yes, ma'am.

20 Q He gives his age?

21 A Yes, ma'am.

22 Q Forty years of age?

23 A Correct.

24 Q He gives his date of birth?

25 A Yes.

1 Q His address?

2 A Yes.

3 Q And then you go over with him how far he went in
4 school, which he's says 12th grade. What is the purpose
5 of obtaining that information?

6 A Some individuals do not have the ability to read and
7 write. Depending on their level of ability to read and
8 write, we want to make sure that there is a clear
9 understanding of the form, so the individual is asked to
10 read that and answer that line appropriately.

11 Q Did it appear that Mr. Hayes understood the questions
12 that you were posing to him?

13 A Yes, ma'am, it did.

14 Q Did he have any trouble understanding your questions?

15 A No, he did not.

16 Q Did he appear to communicate with you freely?

17 A Yes, he did.

18 Q Now, moving to this next section, there are some
19 initials on here. Whose initials are those?

20 A Behind each one of those, those are Chad Hayes'.

21 Q All right. The rights that you previously mentioned
22 starting here that I have the right to remain silent, does
23 that have an initial?

24 A Yes, ma'am, it does.

25 Q Who's initial is that?

1 A Chad Hayes.

2 Q Anything I say can and will be used against me in a
3 court of law. Whose initials are there?

4 A Mr. Hayes.

5 Q I have the right to talk to a lawyer for advice
6 before asking any questions and to have him or her present
7 with me during questioning. Whose initials?

8 A Chad Hayes.

9 Q If I have no money for lawyer fees, the Court will
10 appoint an attorney. Whose initials are those?

11 A Chad Hayes.

12 Q And if I decide to answer any questions now, and it
13 goes through the right to stop answering questions, who
14 initials that right?

15 A Chad Hayes.

16 Q And did you witness him initial each one of those
17 Miranda rights?

18 A Yes, ma'am, we were in the same room when this took
19 place.

20 Q Now, in the course of this interview, at any point
21 was Mr. Hayes threatened or coerced in order to obtain a
22 statement?

23 A No, he was not.

24 Q Was his speech coherent?

25 A Yes, ma'am, it was.

1 Q Did he respond when he was questioned about wanting
2 an attorney?

3 A Yes, he did.

4 Q Did he ever indicate he wanted an attorney or to stop
5 questioning?

6 A No, ma'am, he did not.

7 Q Was he promised anything in exchange for his
8 participation in an interview or statement?

9 A No, ma'am, he was not.

10 Q Detective Collins, to the best of your knowledge,
11 based upon your observations that day in the interview,
12 was the waiver of rights of Chad Stephen Hayes give free
13 and voluntarily?

14 A Yes, ma'am, it was.

15 Q What happened next?

16 A We began a question-and-answer portion of the
17 interview.

18 Q How does that occur?

19 A Simply the way it sounds, there's been some
20 discussion that has led to this part of the interview
21 where the defendant has provided some information that he
22 has told me or she has told me orally and that I want to
23 get written down in their own handwriting.

24 Q At this point can you tell us whether or not he makes
25 an admission about touching any of the three girls:

Daughter 2 Daughter 3 Daughter 1
1 [REDACTED], [REDACTED] or [REDACTED]?

2 A Yes, during the part after he was Mirandized, he did
3 make admissions to touching all three of the girls.

4 Q Did that include the breast?

5 A The breast, yes, ma'am.

6 Q And the vaginal area?

7 A Yes, the vaginal area.

8 Q Now, when you're going through the
9 question-and-answer process, who writes out the question?

10 A I normally will write out the question.

11 Q And so the questions are written in your handwriting;
12 is that correct?

13 A Yes, ma'am.

14 Q And we see here that question number one -- could you
15 read into the record what you have written yourself as
16 question number one?

17 A The first question was: Have you ever touched [REDACTED]
18 [REDACTED]?

19 Q And how does he go about developing an answer or
20 response to that?

21 A He writes it out to that question.

22 Q So you hand the form to him and he has the
23 opportunity to right his own answer?

24 A Yeah, it's basically we're sitting at a table and the
25 form is just slid back and forth between the two of us.

1 Q All right. Are all of the answers in this statement
2 provided by Mr. Hayes himself?

3 A Yes, they are.

4 Q And in his handwriting?

5 A Yes, ma'am, they are.

6 Q Did he answer this question, Have you ever touched
Daughter 2

7 [REDACTED]?

8 A Yes, ma'am, he did.

9 Q And if you could again slowly for the purpose of the
10 court reporter, what response did Mr. Hayes put in his
11 statement form concerning whether or not he had touched
Daughter 2

12 [REDACTED]?

13 A Yes, ma'am. He wrote the response to that question:
14 "I've never touched her in a sexual manner, only to check
15 her for female problems."

16 Q Okay. If you could slow down.

17 A I apologize.

18 "I've never touched her in a sexual manner, only
19 to check for female problems. Felt her boobs for lumps
20 and vagina for anything not normal, but I told her I was
21 not a doctor."

22 Q All right. So as to Daughter 2, who at this point
23 in time was -- based on your investigation, can you tell
24 us whether or not she was 11 years of age?

25 A If my math is correct, she would have been right.

1 around 11 years of age, yes, ma'am.

2 Q At the time that this has been reported?

3 A Yes.

4 Q Now, he states that he felt on her boobs for lumps
5 and her vagina for anything not normal.

6 And can you tell us if he adds anything
7 additional as he says, I told her I was not a doctor?

8 A No, ma'am, that was the end of that question.

9 Q Based upon your investigation, was Chad Hayes a
10 doctor?

11 A Based on my investigation, no, ma'am, Chad Hayes is
12 not a doctor.

13 Q Where was he employed?

14 A He was an employee of Michelin.

15 Q A tire factory?

16 A Yes, ma'am.

17 Q Now at the bottom of this first page, what are we
18 looking at?

19 A To the bottom, looking at the page to the bottom
20 left, that is my signature, Steven M. Collins. To the
21 bottom right, that is the signature of Chad S. Hayes, and
22 it is dated 3-30-12.

23 Q And did you witness him sign that form?

24 A Yes, ma'am, I did.

25 Q Now, as to page two of the statement, page two of

1 two, what was the next question that you posed to Chad
2 Hayes?

3 A Have you ever touched Daughter 1 [REDACTED]?

4 Q And did he respond to that question?

5 A Yes, ma'am, he did.

6 Q Once again, who's handwriting is the response in?

7 A Mr. Hayes.

8 Q And if you could again read slowly into the record
9 his response to the question concerning Daughter 1 [REDACTED].

10 A Yes, ma'am.

11 "I've never touched her in a sexual manner, only
12 if she asks or her mom asked me to check on or see what I
13 thought about a female problem she had. Only checked for
14 lumps on her boobs. Also, she had a problem with her
15 vagina burning, itching and hurting. Also asked or also
16 helped her shave her private part so she could -- so she
17 could learn how. She asked me to help her."

18 Q So he states to you that he felt on her what he terms
19 boobs for lumps and that she had a problem with her
20 vagina?

21 A Yes, ma'am, that is part of the answered.

22 Q And that he helped her shave her private part?

23 A Yes, ma'am.

24 Q And his statement was that that was so she could
25 learn how?

1 A Yes, ma'am.

2 Q Did you pose any additional questions?

3 A No, ma'am, not at that time.

Daughter 3

4 Q Did you question him concerning [REDACTED]?

5 A Yes, ma'am.

6 Q Who responded to the question: Have you ever touched
Daughter 3

7 [REDACTED]?

8 A Chad Hayes.

Daughter 3

9 Q Now, here, this portion, Have you ever touched [REDACTED]

[REDACTED] is written by who?

Daughter 3

11 A Have you ever touched [REDACTED]? That is written
12 by me.

13 Q All right. This response doesn't have an A beside
14 it, but this response was written by who?

15 A Mr. Hayes.

16 Q And slowly read into the record what his response was
Daughter 3
17 concerning [REDACTED].

18 A Yes, ma'am.

19 "I've never touched her in a sexual matter, only
20 asked for me to check for lumps on her boobs, helped her
21 take a bath but not touch her private part because she
22 asked me -- asked for me to. I told her that her mom
23 needed to help her. She also was a touch-me-not type of
24 person but a lovable person."

25 Q All right. So he stated that, according to his

1 words, boobs, that he checked her boobs for lumps. She
2 was ten years of age?

3 A Yes, ma'am.

4 Q At the time of this report?

5 A Yes, ma'am.

6 Q Was there anything additional that he added to that?

7 A At that portion he added an additional clarification
8 statement.

9 Q And this is again his handwriting?

10 A Yes, ma'am.

11 Q What was this portion?

12 A "I've never tried to be sexual with any of the girls,
13 and they never have said anything to me I was doing
14 something sexual to them or anything that they didn't ask
15 me to or their mom for -- ask helping with female
16 problems."

17 Q So he's indicated that he hasn't -- or they haven't
18 asked him to or their mother hasn't asked him to; is that
19 correct?

20 A Yes, ma'am, that's what he asserted.

21 Q What is the next question that you posed?

22 A I want to pose some follow-up questions for
23 clarification. The next question that I asked him, You
24 did touch the breasts and vaginal area of these girls, but
25 you say it was at the request of them or their mother?

1 Q And did he respond to that?

2 A Yes, ma'am, he does.

3 Q What is his response?

4 A "Yes. And most of the time their mother was present
5 in the room and also checking, too."

6 Q All right. Now to clarify, at this point in time was
7 the mother of the children, Christy Earnest, in South
8 Carolina?

9 A No, ma'am, she was not.

10 Q Where was she located?

11 A In Missouri.

12 Q All right. Did you pose an additional question to
13 him?

14 A Yes, ma'am, I did.

15 Q All right.

16 A The next question asks: What took place when you
17 would help them in the bath or shower?

18 Q And what was his response?

19 A "I would help them wash their hair and back when they
20 asked or their mom would help them, only if they asked me
21 to."

22 Q Now, did you seek additional clarification as to why
23 he was touching the breasts and the vaginal area of these
24 children?

25 A Yes, ma'am, I did.

1 Q How so?

2 A I asked another follow-up question.

3 Q And why are you asking this follow-up question?

4 A To get clarification and to find out what Mr. Hayes
5 is saying was taking place.

6 Q All right. Specifically in regard to the touching?

7 A Yes, ma'am.

8 Q And what does this question say?

9 A "Describe what would you do when you would touch the
10 girls breasts or their vaginal area."

11 Q And does he respond to that?

12 A Yes, ma'am, he did.

13 Q And again, slowly into the record.

14 A "Check their breasts for lumps, feel around on the
15 breasts to see if I felt a knot or a bump or a lump.
16 Check their vagina for redness or feel in around it for
17 swelling or anything not normal to me."

18 Q All right. So he states that he is feeling around on
19 the breasts for lumps?

20 A Yes, ma'am.

21 Q And to your knowledge he's referencing each of the
22 girls?

23 A Yes, ma'am. The question was about all of the girls,
24 plural.

25 Q Now, then he goes on to say that he checks their

1 vagina for redness or feel in around it for anything not
2 normal to me?

3 A Yes, ma'am, that's what he said.

4 Q Again, is he a health professional?

5 A No, ma'am, I -- he is not.

6 Q What question did you pose next?

7 A I asked Mr. Hayes when did you begin to help check
8 the girls.

9 Q And his answer?

10 A His answer was when they started their puberty cycles
11 and started having female problems.

12 Q All right. And specifically as to the puberty
13 cycles, you had posed one of your questions that elicited
14 a response about pubic hair?

15 A Yes, ma'am.

Daughter 1

16 Q That was as to [REDACTED]?

17 A Yes, ma'am.

18 Q What is the next portion of the statement?

19 A The next portion of the statement is written in my
20 handwriting and it states, This statement was made on my
21 own free will and I was promised nothing to make this
22 statement.

23 Q And does he initial that portion of the statement?

24 A Yes, ma'am, he initials and then signs below that
25 statement.

1 Q And finally, is he given an opportunity to review the
2 entire statement in full context which includes page one
3 and page two?

4 A Yes, ma'am, these forms are allowed to be reviewed
5 and there actually is a line that says that.

6 Q And ultimately does he sign the statement in full?

7 A Yes, ma'am, he does.

8 Q And that is his signature?

9 A Yes, ma'am, it is.

10 Q And you witnessed and observed that signature?

11 A I did.

12 Q Did all of this take place during the course of that
13 interview in the interview room at the sheriff's
14 department?

15 A Yes, ma'am, it did.

16 Q Based upon your observations in that interview room
17 on March 30th, 2012, can you tell us whether or not
18 Mr. Hayes' waiver of rights and participation in that
19 statement was given freely and voluntarily?

20 A Yes, ma'am, it was.

21 Q What happened next?

22 A Mr. Hayes was charged with criminal sexual conduct.

23 Q You placed him under arrest?

24 A Yes, ma'am, he was placed under arrest.

25 Q As a result of that information he provided in the

1 written statement?

2 A The result of that information that corroborated the
3 information that I was aware of from the forensics
4 interviews, yes, ma'am.

5 Q Concerning Daughter 3, Daughter 2, Daughter 1 ?

6 A Yes, ma'am.

7 Q And what happened next?

8 A He was booked into the Lexington County Detention
9 Center.

10 Q All right. Now I want to move forward in the
11 investigation. You mentioned that at the time you were a
12 member of the major crimes unit. What does that entail?

13 A It simply denotes the type of cases that I may be
14 assigned. They're any kind of case that the Lexington
15 County Sheriff's Department deems to be a major crime;
16 homicides, sexual assaults, aggravated assaults, armed
17 robberies, those types of cases.

18 Q Do you work one case at a time?

19 A No, ma'am, I do not.

20 Q Is it possible to estimate the case load you carry at
21 any given time in the major crimes unit at that point in
22 time?

23 A Yes, ma'am, numerous cases. As a matter of fact, one
24 day before the trial started, I went by the office. I
25 currently have 45 open active investigations.

1 Q Now, during the course of this investigation and
2 after obtaining this statement on Mr. Hayes, can you tell
3 us whether or not a search warrant was obtained for his
4 residence at 2251 Broad Street in Leesville?

5 A Yes, ma'am, it was.

6 Q Now, you have mentioned that just prior to asking him
7 to come in for that interview he was still living at that
8 residence?

9 A Yes, ma'am, he is or was.

10 Q And that 2251 Broad Street residence, is that the
11 same residence that he lived in with the girls?

12 A Yes, ma'am, it was.

13 Q Is it the same residence that we've referenced many
14 times as shown here in State's Exhibit 9, the mobile home?

15 A Yes, ma'am, that is.

16 Q What can you tell us about that entire area? If you
17 could just sort of go over the premises involved.

18 A Of that specific residence?

19 Q Correct.

20 A It's a single wide mobile home that sits on a larger
21 piece of property where relatives of Mr. Hayes' family,
22 immediate family, also reside.

23 MS. MAYES: All right. Beg the Court's
24 indulgence.

25 (Pause.)

1 BY MS. MAYES:

2 Q Detective Collins, if could you step down and sort of
3 take us through this diagram, which is State's Exhibit 66,
4 as to what we're looking at in this particular photo.

5 A That is Broad Street in the Leesville area of
6 Lexington County.

7 Q Just a moment. Let me move this over here so that
8 the forelady can see as well. I may need you to step
9 around so that the court reporter can hear you better.

10 THE COURT: Perfect.

11 THE WITNESS: This is Broad Street in the
12 Leesville area of Lexington County. That is the driveway
13 that runs between Mr. Hayes' residence there and his
14 mother's residence right there.

15 BY MS. MAYES:

16 Q All right. So this would be the residence of his
17 mother?

18 A Mother or father.

19 Q With the pool in the back?

20 A Correct.

21 Q Mr. Hayes' residence here?

22 A Yes, ma'am.

23 MR. WILLIAMS: Your Honor, may I stand over
24 here? He is a big man. He's blocking me.

25 THE COURT: Sure. Absolutely. You go to where

1 you need to see, yes, sir.

2 BY MS. MAYES:

3 Q All right. Now, the various outbuildings located
4 with this area --

5 A Yes, ma'am.

6 Q -- can you tell us whether or not those are also
7 connected to the family property?

8 A Yes, all of this is the family property.

9 Q Are there trees around that residence of Mr. Hayes?

10 A Yes, ma'am, there are.

11 Q You may return.

12 So on what date did you arrive with the search
13 warrant for the residence of Mr. Hayes?

14 A We arrived with the search warrant on the residence
15 of Mr. Hayes November 1, 2012.

16 Q Now who was with you during the execution of this
17 search warrant?

18 A Detective Joe Chappell and Detective April Bayne.

19 Q You had obtained, just to clarify, the search warrant
20 from the judge?

21 A Yes, ma'am, from the judge.

22 Q Can you give us an overview of the objective of the
23 search warrant?

24 A To obtain evidence to corroborate the information
25 that had been discovered during the investigation into

1 this case.

2 Q At this point in time had you had access to the
3 forensic interviews of Daughter 2 Daughter 1, and
4 Daughter 3 [REDACTED] ?

5 A Yes, ma'am, we had.

6 Q Based on those forensic interviews, can you tell us
7 whether or not law enforcement was interested in obtaining
8 a computer?

9 A Yes, we were.

10 Q Can you tell us whether or not based on those
11 forensic interviews you were interested in obtaining any
12 digital cameras?

13 A Yes, ma'am, we were.

14 Q What about memory cards associated with those
15 cameras?

16 A Memory cards, thumb drives, any kind of memory
17 storage device.

18 Q Were those items such as computers, digital cameras
19 and memory cards associated with the digital cameras
20 listed in the search warrant?

21 A Yes, ma'am, they were.

22 Q Did it also include any other type of equipment
23 associated with computers or media devices?

24 A Video recording devices.

25 Q What happened next?

1 A We went to the residence of Mr. Hayes to execute the
2 search warrant.

3 Q Now what happened once you got there?

4 A We pulled up into the driveway that runs between
5 Mr. Hayes' parent's residence and his residence.

6 Q And who was there?

7 A As far as individuals at the residence?

8 Q Yes.

9 A We initially made contact with Mr. Hayes' father.

10 Q Okay. And that would be on the adjacent property?

11 A He was out in a common area, I believe, when we
12 pulled up and he saw us. One of our detectives, Joe
13 Chappell, is with our crime scene unit and drives a big
14 blue truck that says Crime Scene all over it. It kind of
15 gets people's attention when it pulls up.

16 Q Now was Mr. Hayes home?

17 A He was not home, no, ma'am.

18 Q All right. And what about his mother?

19 A Yes, ma'am, she was on the property.

20 Q What happened next?

21 A We informed them why we were at the residence and
22 they allowed us into Mr. Hayes' residence. They had a key
23 to the residence.

24 Q All right. You were let into the residence with a
25 key upon showing them the search warrant or advising them

1 that you had a valid search warrant?

2 A Yes, ma'am.

3 Q You didn't have to force entry?

4 A No, we did not force entry.

5 Q Do you recall whether or not electricity was still on
6 in the residence?

7 A Yes, there was still electricity on in the residence.

8 Q Did it appear as if someone -- did it appear to be in
9 livable condition? I guess I would say it that way.

10 A Yes, ma'am, it did.

11 Q There was furniture in the home?

12 A Yes, ma'am.

13 Q I want to go through some of these items that have
14 been previously discussed. But during the course of the
15 search warrant, how important is it to obtain photographs?

16 A I would say it's fairly significant.

17 Q Okay.

18 A It documents what we see when we're there so it can
19 be shown again.

20 Q All right. Can you tell us whether or not there were
21 multiple vehicles on the premises?

22 A Yes, ma'am, there were numerous vehicles on the
23 premises.

24 Q Now, specifically as to a search for computers and
25 computer equipment, I'm going to show you what's State's

1 Exhibit 70 already in evidence. Do you recognize this
2 cabinet?

3 A Yes, ma'am, I do.

4 Q What, if anything, was significant about this area of
5 the residence?

6 A It was a computer desk and it had a number of
7 accessories that would you expect to find attached to a
8 computer.

9 Q These items here?

10 A Yes, ma'am, printers or scanners also.

11 Q And looking here throughout this cabinet, when you
12 all arrived was the computer present?

13 A No, it was not.

14 Q Let me show you some additional photos and ask if you
15 recognize them, and if so, how. If you can just look
16 through those.

17 A Yes, ma'am, I do.

18 Q How is it that you recognize those?

19 A Those are photographs taken by Detective Chappell
20 when we were at the residence executing the search
21 warrant.

22 Q All right. And what, if anything, stood out to you
23 about the residence and whether or not there were
24 valuables in the residence?

25 A There were valuables in the residence I mean

1 obviously. The printers, the scanner, they have value.
2 There were TVs present in the residence, items along those
3 lines. There were items in the residence that had a
4 resale value.

5 Q I want to move this photo to the side here concerning
6 the cabinet nature area, the computer cabinet area, and
7 I'm going to show you State's Exhibit 33. What area of
8 the residence are we looking at here?

9 A I believe that's the living room area. It's a little
10 out of focus, but I see the couch in there.

11 Q Was there a flat screen TV in this residence?

12 A Yes, ma'am, there's a flat screen TV on top of an
13 entertainment center, if I remember, with a TV may also be
14 in it. I can't see it, but I thought I remembered it.

15 Q This is a very dark photo, but I'm going to ask you
16 about these items located along here. Do you know whether
17 or not there was stereo equipment located in the residence
18 as well -- I'll hand you this photograph -- or other
19 entertainment media?

20 A Yes, ma'am, there are. There's the stereo equipment,
21 items like that that individuals hook up to a TV and
22 there's another TV next to it off to the right, yes,
23 ma'am.

24 Q All right. This is State's Exhibit 35. What are we
25 looking at in this photo?

1 A That would be Mr. Hayes' bedroom standing in the
2 doorway into the room.

3 Q All right. And this is his bedroom as it was
4 photographed by law enforcement and as it was found by law
5 enforcement in 2012?

6 A Correct.

7 Q And what are we looking at here?

8 A I believe that is a TV.

9 Q Flat screen TV?

10 A Yes, ma'am.

11 Q All right. There are various valuables in the
12 residence. Did you find a computer?

13 A No, ma'am, we did not.

14 Q You just identified several photographs here in this
15 group, and can you tell us whether or not these
16 photographs are a fair and accurate representation of the
17 items you observed during the course of the search warrant
18 in 2012?

19 A Yes, ma'am, they are.

20 MS. MAYES: Your Honor, at this time the State
21 would offer these photographs as evidence. This would be
22 S-10, S-11, S-12, S-13, S-14, S-15, S-16, S-17, S-18,
23 S-19, S-20, and S-23.

24 MR. WILLIAMS: Your Honor, we have no objection
25 to the introduction of those documents.

1 THE COURT: All right. Those items are entered
2 into evidence without objection.

3 (WHEREUPON, State's Exhibits Nos. 10-20, 23 were
4 admitted into evidence.)

5 BY MS. MAYES:

6 Q We'll just go through these one by one, Detective
7 Collins.

8 A Yes, ma'am.

9 Q A little bit more of a closeup of the items contained
10 in the living room area.

11 A Yes, ma'am.

12 Q Do you see valuables in the photograph?

13 A Yes, ma'am, I do.

14 Q A portion of the bedroom, does it appear to contain
15 living items such as clothing and things of that nature?

16 A Yes, ma'am, I believe it does. It's a very dark
17 photo, but I think that's a shirt in the foreground, yes.

18 Q What, if anything, is significant about this
19 photograph, which is State's Exhibit 18?

20 A Those are what I would call computer bags or a
21 computer backpack and a laptop bag.

22 Q So in the residence you found computer-related
23 equipment such as backpacks but no computer?

24 A Yes, ma'am, that's correct.

25 Q This is the cabinet that we saw previously at a

1 closer angle. This is State's Exhibit 17. You mentioned
2 printer. How many printers and/or scanners do you recall
3 observing?

4 A In there I see three that I'd identify as either a
5 printer or a scanner.

6 Q State's Exhibit 15 is what?

7 A A package that at one point contained a digital
8 camera.

9 Q So in the residence was a package for a digital
10 camera?

11 A Yes, ma'am.

12 Q Was a digital camera located?

13 A No, ma'am, it was not.

14 Q Was a memory card associated with a digital camera
15 located?

16 A No, ma'am, it was not.

17 Q S-14, you mentioned previously a printer?

18 A Yes, ma'am.

19 Q Do you know whether or not these printers worked in
20 conjunction with computers?

21 A Yes, ma'am, they worked in conjunction with
22 computers.

23 Q And S-13 and then S-20 -- I'm sorry, S-12?

24 A Yes, ma'am.

25 Q Now, I'm going to move forward to State's Exhibit 11

1 and ask you what, if anything, is significant about this
2 photograph.

3 A That shows a mouse pad and what would logically be a
4 place where a computer would sit on a computer desk.

5 Q Is this that same computer desk that we were looking
6 at previously in State's Exhibit 17?

7 A Yes, and I believe that it's got a pull-out next tray
8 and in that picture the desk tray was pulled out.

9 Q Right along here?

10 A Yes, ma'am.

11 Q So looking at the closeup view, there is a mouse pad
12 and then what is this item?

13 A I can't make it out. It looks like some kind of
14 storage device where you would put some kind of object to
15 carry.

16 Q All right. Going to show you this photograph.

17 A I would call that a laptop bag.

18 Q All right. So the laptop bag and the mouse pad are
19 present in the pull-out device and the computer?

20 A Correct.

21 Q And were the individual drawers of that cabinet
22 searched?

23 A Yes, ma'am, they were.

24 Q Were they photographed as they were searched?

25 A Yes, ma'am.

1 Q What is shown in this photograph which is State's
2 Exhibit 10?

3 A The power cord and other types of plug-ins to allow
4 the computer to do various things, connect to printers and
5 things among that line.

6 Q So this is computer-related equipment?

7 A Yes, ma'am.

8 Q All right. So to summarize, search warrant's
9 executed at the resident, it's photographed?

10 A Yes, ma'am.

11 Q There is valuables inside?

12 A Yes, ma'am.

13 Q Did you leave there with a computer?

14 A No, we did not.

15 Q To what extent was that residence searched for the
16 possible existence of a computer?

17 A It was search thoroughly.

18 Q Computer-related equipment, no computer. What about
19 a digital camera of any nature?

20 A No, ma'am, there was not.

21 Q What happened next?

22 A We left the residence and made contact with
23 Mr. Hayes' parents to let them know we were finishing up.

24 Q All right. Had his parents, and specifically his
25 mother, Sandra Hayes, been advised of the purpose of that

1 search warrant?

2 A They were advised, yes, ma'am, that the -- they knew
3 what we were there for, to search for initially, and at
4 the end we made them aware of what we had found and what
5 we had not found.

6 Q Were they aware that you were looking for a computer
7 and had not found a computer?

8 A Yes, ma'am, they were.

9 Q Now did Ms. Hayes speak with you in regard to a
10 computer?

11 A Yes, ma'am, she did.

12 Q Can you tell us whether or not at that time on that
13 date she was forthcoming as to the actual location of the
14 computer?

15 MR. WILLIAMS: Objection to hearsay, Your Honor.

16 MS. MAYES: I'm not asking for what she said,
17 Your Honor, only whether or not she was -- let me rephrase
18 that.

19 BY MS. MAYES:

20 Q Can you tell us whether or not she was cooperative in
21 your efforts to obtain the actual location of the
22 computer?

23 MR. WILLIAMS: Objection to the word
24 "cooperative," Your Honor. I don't know what that means.
25 I would have to -- I think everybody's speculating.

1 THE COURT: Overruled. I mean, you can
2 cross-examine him.

3 MR. WILLIAMS: All right.

4 THE WITNESS: No, ma'am, I would not classify
5 Mrs. Hayes' response as cooperative.

6 BY MS. MAYES:

7 Q What happened next?

8 A We finished up and left the Hayes' residence for that
9 day.

10 Q Okay. And all of the pictures that we have seen in
11 this case concerning the actual home, the photos that we
12 just went through and things of that nature, can you tell
13 us whether or not they were part of the search warrant
14 that was executed on November 1, 2012?

15 A Yes, ma'am, they were.

16 Q Now I want to move forward to the next day,
17 November 2nd --

18 A Yes, ma'am.

19 Q -- 2012. Did you and any other person have the
20 opportunity to speak with Ms. Hayes again?

21 A Yes, ma'am, we did.

22 Q All right. Who was with you when you went back the
23 next day?

24 A Detective Bayne.

25 Q And where did you go on this occasion?

1 A We went back out to the area where Mr. Hayes'
2 residence was located, but on the 2nd, we went to his
3 parents' residence of 2245 Broad Street.

4 Q So that residence to the left of Mr. Hayes'
5 residence?

6 A Yes, further up the driveway to the left with the
7 swimming pool behind it.

8 Q All right. And did you and Detective Bayne actually
9 go up to the front door?

10 A Yes, ma'am, to the front door of the residence.

11 Q Did you actually speak with anyone there?

12 A Yes, ma'am, we made contact with Mr. Hayes' father.

13 Q And what happened next?

14 A We informed him that we were there because we had
15 discovered information during the course of the
16 investigation that the computer that we were looking for
17 in the search warrant was at that residence or had been in
18 their possession.

19 Q And with that information what did Mr. Hayes, the
20 father of Chad Hayes, what action did he take?

21 A He made contact with his wife.

22 Q And that would be Ms. Hayes?

23 A Correct.

24 Q And what happened next?

25 A A short time later she came back to the residence.

1 Q And did you inform her of anything?

2 A Yes, ma'am. We informed her that the investigation
3 had indicated that there was reason to believe that they
4 were in possession of the laptop computer.

5 Q All right. And without getting into any additional
6 discussions or hearsay, ultimately did you obtain the
7 computer from Ms. Hayes on that date of November 2, 2012?

8 A Yes, ma'am, we did recover the laptop computer that
9 date.

10 Q I'm going to step back just a little bit.

11 When you first got there and you let her know
12 that you were back again for the computer, what did you
13 observe her do?

14 A She made phone calls and went in and out of a kitchen
15 area into a screened porch type of area, between the -- a
16 little off to the back of the residence to the right
17 between the pool and the main part of the house you can
18 see there.

19 Q All right. Do you know how far she went to retrieve
20 the computer?

21 A No, ma'am, I do not.

22 Q Did it appear that she left the residence at some
23 point to --

24 MR. WILLIAMS: Objection, speculation.

25 MS. MAYES: I can rephrase that, Your Honor.

1 THE COURT: All right.

2 BY MS. MAYES:

3 Q Based upon your observation, did it appear whether or
4 not she left that screened porch area you're referring to?

5 A She left our field of vision.

6 Q All right. And how long was she gone?

7 A Minutes, a few.

8 Q What happened next?

9 A She returned back with the laptop computer and turned
10 it over to us.

11 Q I'm going to show you an item and ask you whether or
12 not you recognize it.

13 A Yes, ma'am, that appears to be the same laptop
14 computer that we obtained from Mrs. Hayes.

15 Q All right. This is State's Exhibit 72. This is an
16 Acer model laptop computer.

17 MR. WILLIAMS: Objection to the statement by the
18 Solicitor. In publishing that statement, it is an Acer
19 computer, the witness didn't identify that. It's
20 testimony from the Solicitor, Your Honor.

21 MS. MAYES: I can follow up, Your Honor.

22 THE COURT: Sustained.

23 BY MS. MAYES:

24 Q Can you provide information as to the general make
25 and model of this item?

1 A Yes, ma'am. It appears to be an Acer laptop
2 computer.

3 MS. MAYES: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Pause.)

6 BY MS. MAYES:

7 Q I'm going to show you an item and ask you whether or
8 not you recognize it.

9 A Yes, ma'am, I do.

10 Q How so?

11 A It is a property release form. It is a Lexington
12 County Sheriff's Department form that we use when we are
13 taking property from an individual to document that
14 transfer of property.

15 Q And does it contain your name anywhere?

16 A Yes, ma'am, it does, at two points on the form.

17 Q And ultimately can you tell us whether or not
18 Ms. Hayes, based on your observations, agreed to
19 voluntarily turn over the computer?

20 A Yes, ma'am, she did.

21 Q Did she sign that form?

22 A Yes, ma'am, she did.

23 Q What is the date on the form?

24 A November 2, 2012.

25 Q Is it witnessed by anyone?

1 A It is, by Detective April Bayne.

2 Q Who was with you on that date and occasion?

3 A Yes, ma'am.

4 MS. MAYES: Your Honor, at this time we would
5 offer this document as an additional item of evidence.

6 MR. WILLIAMS: No objection, Your Honor.

7 THE COURT: Without objection.

8 (WHEREUPON, State's Exhibit No. 78 was marked
9 for identification and received into evidence.)

10 BY MS. MAYES:

11 Q So once she turned over the computer, what happened
12 next?

13 A We left the residence with the computer.

14 Q Is that the only item that she turned over on that
15 date?

16 A Yes, ma'am, that was the only item that we took into
17 our possession on that date.

18 Q Was law enforcement ever able to obtain the digital
19 cameras that had been in the residence of Chad Hayes?

20 A No, ma'am, we never located digital cameras.

21 Q Or memory cards associated with those digital
22 cameras?

23 A No, ma'am, we did not.

24 Q Or any additional computers?

25 A No, ma'am, we did not.

1 Q Including the old computer that -- or the
2 dinosaur-type computer that had been described by the
3 children?

4 A No, ma'am, we never found a desktop computer.

5 Q Can you tell us whether or not it was made clear to
6 Ms. Hayes that you were seeking the computer of Chad
7 Hayes?

8 A Yes, ma'am, it was clear.

9 Q The computer that had previously been in his
10 residence at 2251 Broad Street?

11 A Yes, ma'am.

12 Q I'm going to show you a document and ask you whether
13 or not you recognize it.

14 A Yes, ma'am, I do.

15 Q What is that?

16 A It is in essence a brown paper bag. It is what we
17 use to store evidence in at the sheriff's department. You
18 know, the bag is marked with the case number on it. It is
19 given an evidence identification tag and it is sealed by
20 the officer turning the item in and initialed and dated.

21 Q All right. And just to clarify, this item here,
22 which is marked for identification as State's Exhibit 72,
23 once it's taken into evidence, the point you receive it
24 from Ms. Hayes, do you cut it on?

25 A No, I don't.

1 Q Does anyone from law enforcement cut it on or
2 manipulate in it any way?

3 A No, that is not what we would do with it.

4 Q And was it off when you found it?

5 A Yes, it was off.

6 Q So you receive it in this condition, you bag it, and
7 how do you go about filling that bag?

8 A Very technical, we put tape over it and close it and
9 initial it.

10 Q All right. So once it was sealed shut, it contained
11 your initials?

12 A Yes, ma'am, it did.

13 Q Now how does law enforcement go about making sure
14 that no one else accesses the computer, cuts it on,
15 tampers with it in any way until it is ultimately examined
16 by a forensic examiner?

17 A All of our evidence is stored in a secure location at
18 the Lexington County Sheriff's Department and everything
19 that comes and goes is cataloged and recorded and it
20 just -- I couldn't get in to the evidence room if I wanted
21 to. Only evidence custodians can go in and out of the
22 evidence room.

23 Q All right. So you submitted it already sealed with
24 your initials. If the tape had been unsealed or tampered
25 with in any way would that be apparent?

1 A Yes, it would.

2 MS. MAYES: Your Honor, at this time we would
3 mark this bag.

4 BY MS. MAYES:

5 Q Also, does the bag contain a case number?

6 A It does. The case number is written on it right
7 there and then there's also some kind of bar code recorded
8 that the evidence people obviously use with the same case
9 number on it.

10 Q And in this case that would be 11035119, according to
11 this packaging?

12 A Yes, ma'am.

13 MS. MAYES: All right. Your Honor, at this time
14 the State would offer this item for evidence.

15 MR. WILLIAMS: We have no objection, Your Honor.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit No. 79 was marked
18 for identification and received into evidence.)

19 BY MS. MAYES:

20 Q What is the purpose, Detective Collins, of taking
21 that computer into evidence and signing it into the
22 evidence room?

23 A To put it in a secure location until paperwork can be
24 obtained to allow us to search the computer.

25 Q When you talk about searching the computer, are you

1 familiar with the term forensic extraction?

2 A Forensic extraction or forensic examination, yes,
3 ma'am.

4 Q So does the Lexington County Sheriff's Department
5 have someone affiliated with their crime scene unit or
6 trained in this method?

7 A Yes, ma'am, we do.

8 Q Who is that person?

9 A Detective Mike Phipps.

10 Q Now you mentioned paperwork to actually go in and
11 examine the contents of the computer. Can you tell us
12 whether or not an additional search warrant was obtained
13 in this case?

14 A Yes, ma'am, I did obtain a second search warrant to
15 search the computer specifically.

16 Q And was that search warrant also signed by a judge?

17 A Yes, ma'am, it was.

18 Q And that search warrant was actually to get into the
19 contents of the computer?

20 A Yes, ma'am, to do an examination of the computer
21 contents.

22 Q By Detective Mike Phipps?

23 A Yes, ma'am, in this case by Detective Mike Phipps.

24 Q And can you tell us whether or not that would include
25 any deleted images or data recovery?

1 A Yes, ma'am.

2 Q Do the allegations in this case, Detective Collins,
3 concern incidents that occurred on or around 2251 Broad
4 Street in Leesville?

5 A Yes, ma'am, they did.

6 Q Can you tell us whether or not that location is
7 within the jurisdiction of Lexington County?

8 A Yes, ma'am, that is within the jurisdiction of the
9 Lexington County Sheriff's Department.

10 Q Now I want to refer you back to the defendant, Chad
11 Hayes. What is his date of birth?

12 A February 22, 1972.

13 Q So he would have been over the age of 14 at the time
14 of these offenses?

15 A Yes, ma'am.

16 Q Would he have been over the age of 18 at the time of
17 this offenses?

18 A Yes, ma'am. I believe he would have been about 40,
19 or in that ballpark.

20 MS. MAYES: Beg the Court's indulgence.

21 THE COURT: Yes, ma'am.

22 (Pause.)

23 BY MS. MAYES:

24 Q This photograph here, State's Exhibit 24, Detective
25 Collins, under what circumstances was this item retrieved?

1 A That was taken during the execution of the search
2 warrant at Mr. Hayes' residence.

3 Q And why, if at all, was that item of significance?

4 A Because during the interview Mr. Hayes had indicated
5 to me that the girls had come to him about teaching them
6 to shave their vaginal area because he had a goatee and
7 was familiar with shaving hair similar to that.

8 Q So that's information in addition to what was in the
9 written statement?

10 A Yes, ma'am.

11 Q Well, in this particular photograph, what are we
12 looking at right here?

13 A That is an electric razor.

14 Q What are we looking at right here?

15 A That would be called an ear and nose hair trimmer.

16 Q Okay. So this is for ear and nose hair?

17 A Unfortunately at my advanced age I am familiar with
18 what that is, yes, ma'am.

19 Q This item here, this beard trimmer, can you tell us
20 whether or not that item was taken into evidence?

21 A Yes, the beard trimmer was taken into evidence.

22 Q All right. I'm going to show you an item and ask you
23 whether or not you recognize it.

24 A Yes, ma'am, it appears to be a brown paper bag which
25 we've notated contains the beard trimmer from the front

1 bedroom taken during the search warrant at Mr. Hayes'
2 residence.

3 Q Okay. And that would have been part of your search
4 warrant and packaged by you or in your presence?

5 A Yes, ma'am. This was in my presence but packaged by
6 Detective Joe Chappell.

7 Q And properly sealed?

8 A Yes, ma'am.

9 MS. MAYES: Your Honor, at this time we would
10 offer this item as evidence.

11 MR. WILLIAMS: No objection, Your Honor.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit No. 80 was marked
14 for identification and received into evidence.)

15 MS. MAYES: Nothing further, Detective Collins,
16 at this time.

17 THE COURT: Mr. Williams.

18 MR. WILLIAMS: May it please the Court.

19 CROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q How are you today, Detective Collins?

22 A Fine. Thank you, Counselor. And yourself?

23 Q How old are you?

24 A I am 44. I will be 45 this year.

25 Q You were referencing ages.

1 A I may not be quite as old as you, no, sir.

2 Q I want to look back at this picture.

3 A Yes, sir.

4 Q And I believe you described this item as the goatee
5 and that this is the nose and ear trimmer?

6 A Correct.

7 Q It appears that the stand which the razor is plugged
8 into contains various plastic parts behind that.

9 A Yes, sir.

10 Q Do you see that?

11 A Yes, sir.

12 Q You don't -- surely you can't get in that your ear or
13 your nose, can you?

14 A The one to the left?

15 Q The one to the left right here. Right there?

16 A Yes, sir. You have the little bit on the end of that
17 is what goes in your ear or your nose.

18 Q Isn't it true, Detective, that that particular base
19 contains several openings with several attachments to go
20 to the machine itself?

21 A Yes, sir, it does.

22 Q You don't have two razors or machines to cut I guess
23 your hair on your hair versus your nose ear and your ear
24 hair?

25 A Yes, I do.

1 Q You have two separate machines?

2 A Yes, sir, very similar to that. The one on the right
3 honestly I use to shave my head and it has a razor-type
4 blade that moves in a different manner. The one to the
5 left has a blade that moves in a different manner to trim
6 the ear and nose hair. They're two separate pieces of
7 equipment.

8 Q I guess what I'm asking you is that you got -- maybe
9 if I show it to you up close. The item on the left --

10 A Yes, sir.

11 Q -- has got a charging stand?

12 A Correct.

13 Q And it's got little plastic holes where you put
14 various attachments.

15 A Uh-huh.

16 Q And clearly those attachments are with the one
17 machine which you say is the nose machine or the ear
18 machine?

19 A Yes, sir.

20 Q So you could use that machine with various
21 attachments for various parts of the body?

22 A No, you would not be able to -- the way that rotates
23 is not able to do what you're asking me. That is not the
24 piece of equipment you would use to shave a part of your
25 body.

1 Q You know they actually have equipment that you -- one
2 piece of equipment that you purchase and you use it for
3 the nose, the hair and the face?

4 A It would not surprise me, but I did not know that.

5 Q All right. Let me ask you about the search warrant.

6 A Yes, sir.

7 Q I believe you said that when you went out there with
8 the search warrant that was executed, it was on
9 November 1, 2012?

10 A Yes, sir, we went out with the search warrant and
11 executed it on November 1, 2012.

12 Q And the search warrant was specifically addressed to
13 2251 Broad Street in the Leesville area of Lexington
14 County; is that correct?

15 A Yes, sir, it was.

16 Q The house which you searched was what?

17 A 2251 Broad Street, Leesville area of Lexington
18 County.

19 Q Did you have authority to search any other residence
20 based on that search warrant?

21 A I had a search warrant for that residence. That was
22 what I was searching, yes, sir.

23 Q Correct. Which meant that any of the items that you
24 were seeking, you were seeking them from 2251 Broad
25 Street, right?

1 A Yes, sir.

2 Q And if the item which you say that you retrieved the
3 next day was not at 2251 Broad Street, then had it not
4 been, I guess, handed to you from Ms. Hayes, the search
5 warrant didn't encompass that, did it?

6 A No, the search warrant that I obtained for Mr. Hayes'
7 residence had nothing to do with recovering the computer
8 the subsequent day.

9 Q And the person who actually lived at 2251 Broad
10 Street would have been Chad Hayes, right?

11 A That is my understanding, yes, sir.

12 Q Now, where was Chad Hayes on November 1st of 2012?

13 A To my knowledge, he was in the Lexington County
14 Detention Center.

15 Q So when you went out there with a search warrant, you
16 didn't envision that you would meet Chad Hayes?

17 A I would have been very surprised if I had. That was
18 not something I envisioned, no, sir.

19 Q Because he never got out of jail from November 30,
20 2012 (sic)?

21 A I would take your word for that. I did not follow up
22 with when he got out of jail.

23 Q Now, when Chad Hayes was arrested after you took a
24 statement from him --

25 A Yes, sir.

1 Q -- at no point in time was he released from jail up
2 until the time he got out of jail. If we assume it's --
3 it certainly was way beyond the time in which you executed
4 the search warrant, wasn't it?

5 A Yes, sir. I have no knowledge that Mr. Hayes was
6 released from jail until what you're telling me was
7 November 30th, and to my knowledge, he was incarcerated
8 when the search warrant was executed, yes, sir.

9 Q Incarcerated before the search warrant was executed.
10 He was incarcerated immediately upon talking to you?

11 A Correct.

12 Q Now, when you brought Mr. Hayes into your office,
13 your first report of any type of alleged misconduct was
14 from December 9th, is that right, of 2011?

15 A That is correct, the first report.

16 Q And from the time period of December 11th up until
17 March 30th of 2012, the case was yours, wasn't it?

18 A The case has been mine up until we're sitting here
19 right now, yes, sir.

20 Q And during that time span, you collected the forensic
21 examinations --

22 A Yes, sir.

23 Q -- from the girls that were interviewed?

24 A Yes, sir.

25 Q Did you talk to them individually?

1 A No, sir, I did not talk to them individually.

2 Q So you had never even met the girls individually?

3 A I do not have recollection, but I may have met one of
4 them, but I have no clear recollection of meeting them
5 until today.

6 Q What about the mother of those girls which was
7 residing in that household with those girls?

8 A I have never met her personally, no, sir.

9 Q Never met her?

10 A No, sir.

11 Q Now, items that you've referenced, I guess, and we've
12 referenced the beard trimmer or ear trimmer and the
13 computer which Ms. Hayes gave you?

14 A Yes, sir.

15 Q It's my understanding there was a forensic
16 examination done to that computer; is that correct?

17 A That is my understanding as well.

18 Q And the individual who actually does the forensic
19 examination of the computer is somebody in a specialized
20 area who does that type of stuff, right?

21 A That's correct, yes, sir.

22 Q At the sheriff's department they also have other
23 persons that do examinations, such as fingerprint
24 examinations?

25 A Yes.

1 Q Do you know whether or not there was any fingerprint
2 examination done of the computer?

3 A To my knowledge, no, I did not request it and I have
4 not seen any documentation to show fingerprint
5 examination.

6 Q Do you know whether or not there was any fingerprint
7 examination done in reference to, say, the razors?

8 A No, sir.

9 Q How about State's Exhibit No. 15, which appears to be
10 a package of -- I believe you designated it as a digital
11 camera by the name of Vivitar, was any type of fingerprint
12 analysis done of that?

13 A No, sir.

14 Q That's not a Sony digital camera, is it?

15 A No, sir, I do not believe it is. I believe Vivitar
16 is another brand name similar to Sony.

17 Q It's a younger person's camera, if you will?

18 A I could not possibly speculate on that.

19 Q And you never retrieved that Vivitar camera, did you?

20 A We never retrieved any cameras, no, sir.

21 Q When you went there for the search warrant in
22 November, November of 2012?

23 A Yes, sir.

24 Q The children were no longer living in that residence,
25 were they?

1 A No, sir. To my knowledge no one at that point was
2 living in the residence.

3 Q The mother was no longer living in that residence,
4 was she?

5 A Their mother, no, sir.

6 Q And as a matter of fact, based on what you had at
7 least learned, she had been out of there since at least
8 September --

9 A Yes, sir, several months.

10 Q -- of 2011?

11 A Yes, sir.

12 Q When you had Mr. Hayes come in on March 30 of 2012 --

13 A Yes, sir.

14 Q -- you had all the evidence that you were going to
15 use in this particular case for the prosecution of Chad
16 Hayes except for -- to obtain this, the arrest warrant,
17 didn't you? Were you going to allow him to leave that day
18 if he didn't give you a statement?

19 A Yes.

20 Q Well, let's talk about that. When you go to the
21 Lexington County Sheriff's Department, do you have your
22 interviews out in the main lobby?

23 A No, sir.

24 Q Do you have to go through a secured area before you
25 go to whatever area you're going to have the interview?

1 A Yes, sir.

2 Q And in that particular area, at one point in time
3 there used to be videotaping equipment there, didn't
4 there?

5 A That is my understanding, but that is also before my
6 employment at the sheriff's department.

7 Q At one point in time the Lexington County Sheriff's
8 Department had videotape equipment which they used for
9 their interviews?

10 A I cannot say that. I have never known in my time at
11 the Lexington County Sheriff's Department any detective
12 that has videotaped an interview. If you have knowledge
13 that that took place, then you have knowledge I do not
14 possess.

15 Q The area there, do you possess a -- I guess a
16 recording device?

17 A A tape recorder?

18 Q Yes.

19 A I think I have one, yes, sir. We were issued those
20 in uniform patrol. I have been out of uniform patrol for
21 over nine years, but I never turned it back in, so I guess
22 I have one, yes, sir.

23 Q And what would you use that recording device for when
24 you were on uniform patrol?

25 A I actually never used it.

1 Q What does a recording device do?

2 A It records.

3 Q At the same time that the action is going on or
4 someone's making a statement, it would record whatever it
5 says, doesn't it?

6 A Yes. If it's functioning correctly, yes, sir.

7 Q Just like if you were a road patrol deputy and you
8 were stopping somebody for a DUI, you would record that
9 person doing those field sobriety tests, wouldn't you?

10 A I believe that's a requirement for a DUI officer now.
11 That's not what I do, but I believe that is a requirement
12 that it's videotaped.

13 Q And why do you not record your conversations on
14 interviews with the alleged witness? Why would you not
15 report that so that you could have a documented record of
16 the questions you were asking and his exact responses?

17 A I don't know why we don't. I know we don't. That is
18 not the policy of the Lexington County Sheriff's
19 Department detectives. When we conduct interviews we
20 conduct interviews by obtaining written statements.

21 Q What is the policy about having witnesses present
22 when you give statements?

23 A You will not have any more than one additional
24 officer in the room when you conduct an interview. We
25 don't have a big open interview. There aren't a lot of

1 people present when an interview takes place.

2 Q And did you have a witness present during this
3 interview?

4 A No, sir. Based on my experience, not having a
5 witness in these types of interviews is more productive.

6 Q More productive? What do you mean "more productive"?

7 A Individuals in my experience and training are more
8 likely to talk about things that are not pleasant when
9 there are fewer people present; one-on-one interviews are
10 more productive.

11 Q Without that witness then, essentially you don't have
12 anyone who can hear the questions being asked, do you?

13 A The questions are written down.

14 Q Let's talk about that. Your statement, can I hold
15 that a second?

16 A You can have it.

17 Q Did you participate in the -- here, let me get you to
18 look at this. Maybe I'll show it.

19 Did you participate in the drafting of this
20 document?

21 A Yes, sir, I did.

22 Q And up at very top it's got the High Sheriff's badge,
23 and of course it designates the Lexington County Sheriff's
24 Department's statement form, so this is not -- this is not
25 just Steve Collins' form, this is a form which is

1 recognized by the Lexington County Sheriff's Department?

2 A That's correct.

3 Q And this is the form that everybody who does
4 interviews does at the Lexington County Sheriff's
5 Department?

6 A We would like that, yes, sir.

7 Q Now, who is the person who signed as a witness?

8 A That is my signature.

9 Q So this is not a witness who is witnessing the
10 interrogation, this is a witness witnessing what my client
11 allegedly wrote on the form in answer to the questions,
12 right?

13 A I don't know the difference between the two.

14 Q Well, we just talked about how you could have another
15 witness there to witness your questions and what the
16 defendant would say?

17 A Yes. But I don't differentiate between myself being
18 a witness or a participant. I wore both hats.

19 Q Who was the notary public on this form?

20 A This is no notary public on this form.

21 Q Why do you think the High Sheriff went to the trouble
22 of putting the notary public?

23 A I could not possibly speculate to that. All I can
24 tell you is we have never -- I've never had a written
25 statement notarized.

1 Q Well -- so essentially you -- that's you asking
2 questions. Do you automatically just kind of go in and
3 start asking them questions and asking them to write it
4 down?

5 A No, sir.

6 Q Tell me how your process works.

7 A With the individual that I'm going to interview will
8 come into the interview room or whatever we're going to
9 go. Like I explained earlier, there is a process where
10 I'm sure that I'm speaking with the correct person; they
11 will identify themselves most of the time by a driver's
12 license and then there are some background questions. I
13 mean, in order to interview somebody, I need to let them
14 know why they're there to be interviewed, and in this case
15 we talked about the fact that he lived on Broad Street
16 with the girls and their mother and the allegations that
17 had been made.

18 Q And when you orally were talking to the defendant
19 about these things that were occurring, he was denying
20 that he committed any type of sexual offense, didn't he?

21 A It wasn't that -- he said yes, I knew who these girls
22 were, that I had lived at those places. We hadn't gotten
23 into that. When it got to that point, that was when he
24 wanted to offer an explanation as to what was being said.
25 But yes, he did ultimately say that he did not touch them

1 sexually, but it did not flow exactly like you'd said.

2 Q Well, if you were going to take a written statement
3 from him and if you were going to Mirandize him, why
4 didn't you just Mirandize him as soon as he came in?

5 A I had no idea what he was going to say and I had no
6 obligation to Mirandize him, he was there free and
7 voluntarily.

8 Q You would agree, wouldn't you, that just the
9 voluntary statement that you have handed up doesn't have
10 anything at all about any alleged photographs?

11 A No, sir, we did not talk about the photographs.

12 Q Well, now you're the investigating officer, aren't
13 you, on this case?

14 A That's correct.

15 Q As a matter of fact, you went to the trouble of
16 getting a search warrant to find computers and looking for
17 photographs and cameras and stuff like that?

18 A Yes, sir, we ultimately did.

19 Q And you knew about the allegations of some sort of
20 photographs, didn't you?

21 A I had seen the forensics interviews, yes, sir.

22 Q Now, why wouldn't you ask him about photographs?

23 A I just -- simply I didn't at that point.

24 Q You had no reason?

25 A I had a reason. It was an oversight on my part.

1 Sitting here right now, trust me, I wholeheartedly wish I
2 had gotten into that part of the interview.

3 Q So you asked him each one of these questions: Have
4 you ever touched [REDACTED] Daughter 2? Have you ever touched
5 Daughter 1 [REDACTED] Daughter 2

6 [REDACTED]? Have you ever touched [REDACTED]? And
7 then each one of those statement he says: I've never
8 touched her in a sexual manner. Right?

9 A That is his assertion, yes, sir.

10 Q Who wrote the question and the answer section on
11 there? Who wrote "Q" and who wrote "A"?

12 A I did.

13 Q Well, on one of the questions where you're talking
14 about Megan Earnest there was no A written there for him
15 to respond?

16 A That's been pointed out, yes, sir.

17 Q Did -- you just forgot to put that in there?

18 A Yes, sir.

19 Q And it's your testimony that you didn't direct him on
20 what to put down on this paper, is that right?

21 A These are his answers to the questions. I'm not
22 telling him what to write, no, sir.

23 Q Do you have that statement in front of you?

24 A Yes, sir.

25 Q On the first answer that he gives, how does he spell
"vagina"?

1 A V-I-G-I-N-A.

2 Q How do you spell "vagina"?

3 A You put me on the spot. I'm not a very good speller
4 as well and, actually, if you're telling me that is
5 misspelled, I'll go with it. I use spell check.

6 Q Let's see what you put because you say you wrote the
7 question part out, right?

8 A Yes. Did I ever write the word "vagina"?

9 Q Oh, you have.

10 A V-A-G-I-N-A.

11 Q Well, that's not spelled the same way, is it?

12 A No, it's not.

13 Q And further down in the statement, and I will direct
14 you to it, about three-quarters of the way down on the
15 second page you ask him to describe what he would do when
16 he would touch the girls' breasts or vagina area.

17 A Yes, sir.

18 Q And how did he spell "vagina"?

19 A V-A-G-I-N-A.

20 Q So he spelled it correctly that time?

21 A Are you telling me I spelled it correctly?

22 Q No, no.

23 A Okay.

24 Q He spelled it correctly that time?

25 A Oh, did he? Okay. And then I would have spelled it

1 correctly above it, then, right?

2 Q You would have.

3 A Okay. Yes, sir.

4 Q And as a matter of fact, there's a little notation to
5 the side of that spelling of the word, isn't there?

6 A Yes, sir.

7 Q And when there's a scribble mark there with initials,
8 what does that normally mean on a statement?

9 A That the individual has put something that they do
10 not want to do so they've scratched through it and then go
11 back and initial it to indicate that they scratched
12 through what was there.

13 Q Like you're spelling the word incorrectly?

14 A Quite possibly. I have no idea of what he says.

15 Q Someone directs them on how to spell the word?

16 A Or someone simply looks up and sees it's spelled
17 correctly and then transcribes what they look at.

18 Q Do you recall how this went on?

19 A Absolutely not, no, sir, not that specific incident.

20 Q If it had been recorded then we would be able to
21 observe that?

22 A Yes. If he would have asked me how to spell the word
23 "vagina" I would have told him. I'm not directing him, I
24 can offer a suggestion on how to spell a word, but until
25 you just told me, quite honestly I wasn't sure I'd spelled

1 it correctly.

2 Q On the bottom part of the form I says: This
3 statement was made of my own free will and was promised
4 nothing to make this statement.

5 A That's correct.

6 Q Whose handwriting is that?

7 A That is my handwriting.

8 Q Why wouldn't you have him just say that, to write
9 that out?

10 A Because I like to put that at the end of any
11 statement that I take to emphasize that the individual I
12 have just obtained a statement from has made their
13 statement on their own free will and it's notated.

14 Q Wouldn't it be more likely to be on their own free
15 will if they actually wrote it out themselves?

16 A I don't see how it could be any more or less. I
17 mean, he initials it and signs his name.

18 Q Have you done a search of the residence where these
19 children's mother lives?

20 A In Missouri, no, sir.

21 Q Have you checked there whether or not that there are
22 any cameras there?

23 A No, sir. Honestly I can tell you right now I've
24 never been to the state of Missouri.

25 Q Have you asked anyone to search that area?

1 A No, sir, I have not.

2 Q Have you checked to see who she's residing with in
3 Missouri?

4 A I told been told who she's residing with in Missouri,
5 yes, sir, but I do not recall any of that specific
6 information.

7 Q Have you checked any other locations for cameras?

8 A Mr. Williams, nothing has come to me to give me any
9 information to check any other areas for cameras or other
10 locations. I just don't randomly check areas. Somebody
11 needs to give me information to make me want to check that
12 area.

13 MR. WILLIAMS: Beg the Court's indulgence one
14 moment.

15 (Pause.)

16 BY MR. WILLIAMS:

17 Q Did you check inside those bags?

18 A Yes, sir.

19 Q Well, the only reason I ask is, they're not opened
20 up, are they?

21 A Those -- all photographs are taken as an item
22 appears. When the crime scene unit takes photographs of a
23 residence, we document everything as it appears. The
24 residence does not appear when we're done with the search.
25 warrant in the same manner that it appears when we begin a

1 search warrant. We move stuff, open stuff.

2 Q Okay. So you're satisfied that you carefully
3 searched the residence for any and all computers and any
4 and all cell phones?

5 A Mr. Williams, yes, sir, we searched the residence
6 thoroughly.

7 You said cameras. I never looked for a camera.
8 We looked for -- or cell phones. We looked for cameras.

9 Q The exhibits that we looked at yesterday which I
10 guess were just all the pictures of the residence inside
11 and outside the residence?

12 A Yes, sir.

13 Q Were all of those pictures made at the same time?

14 A During the same search warrant, yes, sir.

15 Q Okay. And what date was that, November 1st?

16 A November 1st, yes, sir.

17 Q Of 2012?

18 A Yes, sir.

19 Q So pictures of the cars?

20 A Would have been made on that date, yes, sir.

21 Q Pictures of the residence inside and out?

22 A Yes, sir. To my knowledge, Lexington County
23 Sheriff's Department took no other pictures of Mr. Hayes'
24 residence other than the pictures that were taken on
25 November 1st.

1 Q Did you go next door and talk to the neighbor who
2 lived next door to Mr. Hayes?

3 A His parents?

4 Q No. Remember, there was a neighbor that lived next
5 door also, the gentleman that lived in the rental property
6 right next door, right at the end of the driveway.

7 A Yes, I remember his testimony about that. To my
8 knowledge, that residence was vacant. I don't know
9 whether anybody lived there, but I have never spoken to
10 anybody that claims to have lived at that residence, no,
11 sir.

12 Q Did you go up and knock on the door?

13 A Yes, sir.

14 Q And nobody was there?

15 A To my knowledge, no. They could have been in the
16 house, but I did not get the impression that anybody was
17 in the house, no, sir.

18 Q Did you check the power to see if they had power
19 turned on to it?

20 A No, sir, I did not.

21 Q Did you see if there was a car there?

22 A I don't recall a car being there, no, sir.

23 Q You just assumed nobody was living there; is that
24 right?

25 A Well, I didn't appear to me that anybody was living

1 there, no, sir.

2 Q Did you go back at a different time to check and see
3 if anybody was living there?

4 A No, sir, I never went back to that house.

5 Q Did you see if there was a phone listed in that
6 location?

7 A No, sir, I did not.

8 MR. WILLIAMS: I don't have any other questions,
9 Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. MAYES:

12 Q All right. Just to follow up on some of Mr.
13 Williams' questions to you, specifically as it relates to
14 the timeline --

15 A Yes, ma'am.

16 Q -- going back to the date that you actually obtained
17 the statement, the written statement that we have seen on
18 the projector and we testified to of the defendant Chad
19 Hayes, the two-page written statement, when that statement
20 was obtained on March 30, 2012, you testified that
21 Mr. Hayes was placed under arrest?

22 A Yes.

23 Q For criminal sexual conduct with a minor?

24 A Yes, ma'am.

25 Q And once he was placed under arrest, what was the

1 next step, where would he go?

2 A He went to the Lexington County Detention Center.

3 Q So from this date, March 30, 2012, he was placed
4 under arrest and detained at the Lexington County
5 Detention Center.

6 Now I want to move forward to the date of the
7 execution of the search warrant of the residence we'll
8 call "search of home," and I believe the testimony was
9 that was on November 1, 2012, correct?

10 A Yes, we executed the search warrant I obtained on
11 November 1st, 2012.

12 Q And based on your knowledge of the case, at that
13 point in time was Mr. Hayes still detained at the
14 Lexington County Detention Center?

15 A Yes, ma'am, he was.

16 Q All right. So we know that he is detained in jail
17 from this date to this date, March 30, 2012 until
18 November 1, 2012?

19 A Yes, ma'am.

20 Q And then the next day you go back to the home of the
21 mother next door, Sandra Hayes, and that's when you
22 receive the computer?

23 A Yes, ma'am.

24 Q And that is going to be November 2, 2012?

25 A Yes, ma'am.

1 Q And based upon your understanding, was Mr. Hayes
2 still being detained from that period, between November
3 1st and November 2nd of 2012?

4 A Yes, ma'am, that's my understanding.

5 Q All right. So throughout this time, from the point
6 that he's living at his home, still living at that home at
7 2251 Broad Street, he gets a call from you a couple of
8 days beforehand saying you want to meet with him about an
9 interview?

10 A That's correct.

11 Q He leaves his home at 2251 Broad Street and comes in
12 voluntarily to meet with you at the sheriff's department?

13 A That's correct.

14 Q Then remains incarcerated until the date that the
15 computer is actually received from his mother on
16 November 2?

17 A He was incarcerated at that time, yes, ma'am.

18 Q Now, when people are incarcerated at the Lexington
19 County Detention Center, do you know whether or not, based
20 on your knowledge as a law enforcement officer, whether or
21 not they have the means and ability to communicate with
22 others?

23 A Yes, they do.

24 Q All right. How so?

25 A They can write letters or make telephone calls and I

1 actually believe now that they can even videoconference,
2 do a face-to-face chat or Skype.

3 Q All right. So there are ways for inmates to
4 communicate with others?

5 A Yes, ma'am.

6 Q Can you tell us whether or not jail calls at the
7 Lexington County Detention Center to your knowledge are
8 recorded?

9 A Yes, ma'am, they are.

10 Q Can you tell us whether or not the Lexington County
11 Sheriff's Department has access to recorded jail calls?

12 A Yes, ma'am, they do.

13 Q Now moving forward, your testimony was that when you
14 first arrived there at the home for the search warrant on
15 November 1st, can you tell us whether or not it was made
16 clear that you were looking for Mr. Hayes' computer?

17 A Yes, ma'am, it was.

18 Q Now, Mr. Williams was asking you about fingerprints
19 on the laptop. Did you make it clear to Ms. Hayes that
20 you were looking for his computer?

21 A Yes, ma'am, I did.

22 Q And ultimately the computer that you received, can
23 you tell us whether or not there was an understanding as
24 to whose computer you were receiving?

25 A Chad Hayes.

1 Q Based upon those circumstances, can you tell us
2 whether or not it would be necessary to look for his
3 fingerprints on his computer?

4 A I would not see a reason to do that, no, ma'am.

5 Q Mr. Williams was asking you about fingerprints on the
6 beard trimmer. Where was the beard trimmer located?

7 A In the master bathroom.

8 Q Of whose residence?

9 A Mr. Hayes.

10 Q Can you tell us whether or not in your experience
11 it's necessary to check for fingerprints on items that are
12 located in the defendant's own bathroom?

13 A I would not -- no, not normally.

14 Q Mr. Williams was asking you about the digital camera
15 packaging that was located for a digital camera, I believe
16 that was the Vivitar?

17 A Yes, ma'am, I believe you're correct.

18 Q And your testimony was that that camera was not
19 located?

20 A No, no cameras were located.

21 Q I'm going to show you what is State's Exhibit 67, a
22 photograph of the defendant. Can you tell us whether or
23 not any camera packaging, such as what is shown in the
24 background of this photograph, was recovered?

25 A Yes, ma'am, similar.

1 Q I'm referring specifically to this?

2 A Oh, that. No, no, that was not. I thought you were
3 talk about the discarded package.

4 Q All right. The package that's already photographed
5 in evidence?

6 A Yes, ma'am.

7 Q What about the camera carrying case, was that located
8 during the search warrant?

9 A No, ma'am.

10 Q Is that had been present in the home, is that an item
11 that would have been of interest to law enforcement?

12 A Yes, ma'am, it would have been an item we would have
13 seized.

14 Q Now, Mr. Williams was asking about whether your
15 interview with the defendant on March 30, 2012, included
16 specific questions about photographs?

17 A Yes, ma'am, he did.

18 Q At that point in time had you retrieved any
19 photographs of the children?

20 A No, ma'am, we had not.

21 Q Had you retrieved any sexually explicit photographs
22 of the children at that date and time?

23 A No, ma'am, we had not.

24 Q And at that time did you have even possession of the
25 computer?

1 A No, ma'am, we did not.

2 Q What, from the standpoint of your investigation, was
3 your primary interest during the course of that interview
4 on March 30, 2012?

5 A My primary interest was questioning Mr. Hayes about
6 the allegations of the criminal sexual conduct.

7 Q And the bottom line, did he give you a response in
8 connection with touching of the children?

9 A Yes, ma'am, he did.

10 Q And shaving of the pubic hair of Daughter 1 [REDACTED]?

11 A Yes, ma'am, he did.

12 MS. MAYES: Nothing further.

13 MR. WILLIAMS: Just two questions.

14 THE COURT: I'm going to hold you to two.

15 RECROSS-EXAMINATION

16 BY MR. WILLIAMS:

17 Q You were not interested in asking Mr. Hayes about any
18 photographs?

19 A At the time of the interview with Mr. Hayes my focus
20 was on the charges of the criminal sexual conduct. It was
21 an interview technique that I chose. Like I said, I wish
22 I would have questioned him about the photographs. I
23 simply did not.

24 Q And in reference to the question involving the
25 fingerprints, colon, Section A, why would you not have

1 been interested in taking fingerprints off the computer
2 and the shaving material to indicate whether or not the
3 mother and/or the children may have touched the computer?

4 A I had no information that would at that point have
5 indicated to me that the mother would have touched the
6 shaver or the computer.

7 MR. WILLIAMS: Your Honor, may I ask one more
8 question?

9 THE COURT: Sure.

10 BY MR. WILLIAMS:

11 Q But aren't you interested in getting all the facts in
12 the case?

13 A Yes, sir.

14 MR. WILLIAMS: That's all the questions I have,
15 Your Honor.

16 THE COURT: Anything further?

17 MS. MAYES: Nothing further, Your Honor.

18 May we approach?

19 THE COURT: Yes, ma'am.

20 Thank you very much. You may step down.

21 (A bench conference was held with the judge and
22 attorneys in the presence of the jury but out of the
23 hearing of the jury.)

24 THE COURT: Well, we have to set some things up,
25 so I'm going to give you a break. Let the bailiff know if

1 you need anything. And please have no conversations about
2 the case.

3 (The jury left open court at approximately 11:35
4 a.m.)

5 (A break was taken.)

6 THE COURT: We're ready to start. Let's bring
7 them out.

8 (The jury came into open court at approximately
9 11:57 a.m.)

10 THE COURT: All right. Folks, thank you for
11 your patience. I think we're set up and ready to go.

12 Ms. Patterson, you may call your next witness.

13 MS. PATTERSON: Thank you, Your Honor. The
14 State calls April Bayne Sykes.

15 THE COURT: Ma'am, if you'd come around and be
16 sworn.

17 APRIL BAYNE SYKES, after being duly sworn,
18 testified as follows:

19 THE CLERK: Have a seat up there, please, ma'am.
20 Once you're seated, state your full name,
21 spelling your last on the record, please.

22 THE WITNESS: It's April Bayne, B-A-Y-N-E,
23 Sykes, S-Y-K-E-S.

24 DIRECT EXAMINATION

25 BY MS. PATTERSON:

1 Q Ms. Sykes, where are you employed?

2 A The South Carolina Law Enforcement, commonly known as
3 SLED.

4 Q How long have you been employed at SLED?

5 A I started March 17th of this year.

6 Q And where were you previously employed?

7 A The 11th Judicial Circuit Solicitor's Office, which
8 encompasses Saluda, Edgefield, McCormick, and Lexington
9 County.

10 Q And before you were employed with the Solicitor's
11 office, where were you employed?

12 A West Columbia Police Department.

13 Q What did you do at West Columbia Police Department?

14 A I did everything humanly possible pretty much. I
15 worked there for about eight years. I did dispatch,
16 uniform patrol, general investigations, major crimes. I
17 started the special victims unit and I expanded the victim
18 advocate program.

19 Q And when you were employed at the Solicitor's office,
20 what was your job?

21 A My job was an investigator and a victim advocate.
22 The roles kind of changed at the Solicitor's office. When
23 you move to somewhere like the Solicitor's office, it's
24 more of a support agency. So when local agencies such as
25 the sheriff's department or smaller municipalities would

1 make an arrest, they would send their case file to our
2 office. I would review that case file and look at it and
3 see if there was any follow-up that needed to be done and
4 get with the local agency and see what we could do about
5 filling in the gaps.

6 Q And before you left the Solicitor's office, did you
7 have an opportunity to work on the case, State of South
8 Carolina versus Chad Hayes?

9 A Yes, I did.

10 Q And what was your involvement in the case?

11 A Again, I got the file and I reviewed it and I had
12 some discussion with Detective Steve Collins and we kind
13 of made a game plan on obtaining evidence related to this
14 case.

15 Q And did you assist Investigator Collins with the
16 search warrant at the defendant's residence?

17 A I did.

18 Q And do you remember the location of the residence?

19 A Not off the top of my head, but if you'll give me a
20 moment I can refresh my memory. 2251 Broad Street in the
21 Leesville area of Lexington County.

22 Q And do you remember what date that search warrant was
23 executed?

24 A Yes, ma'am, it was November 1, 2012, at 9:40 in the
25 morning.

1 Q And when you got to the residence was the defendant
2 there?

3 A No.

4 Q And did you talk to anyone?

5 A We did. We spoke with the defendant's parents,
6 Mr. and Mrs. Hayes.

7 Q And how did you enter into the residence?

8 A We spoke with them. The area that they all live in
9 is relatively close, so when you actually drive up the
10 front driveway the defendant's property or house is on the
11 right and mom and dad kind of live on the left. Obviously
12 when we pull up with police cars they come out. We just
13 basically explained what we're there for, and it's my
14 understanding that they had been caretaking for Chad while
15 he was gone, so -- they had dogs in the residence and
16 things of that nature, so they had a key and they had
17 access and they let us in.

18 Q And so you entered into the residence?

19 A Yes, ma'am.

20 Q You participated in the search?

21 A Yes, ma'am.

22 Q Did you all search every area of the house?

23 A Yes, ma'am.

24 Q And one of the items you were looking for was the
25 computer?

1 A Yes, ma'am.

2 Q Was that located?

3 A No, ma'am.

4 Q Did you talk to Mr. and Mrs. Hayes after you finished
5 the search?

6 A We did.

7 Q Okay. And did you inform them about the computer
8 missing?

9 A Yes, ma'am.

10 Q And why did you believe there was a computer missing?

11 A Well, it of kind of struck me as odd to have what I
12 call office printers, like the all-in-one, the scanner,
13 the printer, numerous printers, we had cords, we had mouse
14 pads, we had containers like laptop holders, all sorts of
15 equipment, but no actual computer. We even had like the
16 tray that pulls out and generally either a keyboard would
17 go on it or a laptop in my experience, so it just seemed a
18 little odd that that was missing.

19 Q And did you inform Mr. and Mrs. Hayes that that was
20 missing?

21 A Yes, we informed them that we did not locate a
22 computer.

23 Q And at that point did they assist you in efforts to
24 locate it?

25 A Not at that point. I walked away from that.

1 conversation with the knowledge that that -- that a
2 computer had been given to an attorney.

3 MR. WILLIAMS: Objection to that, Your Honor.
4 It's calling for hearsay.

5 THE COURT: Sustained.

6 BY MS. PATTERSON:

7 Q And after you talked to Mr. and Mrs. Hayes did you
8 leave the residence?

9 A Yes.

10 Q Did you do any follow-up investigation?

11 A Yes, ma'am.

12 Q And based upon the information -- did you gather any
13 information from that investigation?

14 A Yes, ma'am.

15 Q And based on that investigation, what did you do?
16 Based on that information what did you do next?

17 A We returned the next day and made contact with
18 Mr. and Mrs. Hayes.

19 Q And where did you make that contact?

20 A At their residence which again is beside Chad's
21 residence and that was located at 2245 Broad Street in the
22 Leesville area of Lexington County.

23 Q And who did you make contact with when you first got
24 to that residence?

25 A When we initially arrived, Mr. Hayes, the father, was

1 the only one there. Within ten or fifteen minutes the
2 mother also returned to the residence.

3 Q Were you invited inside the residence?

4 A Yes.

5 Q Do you know how you entered into the residence?

6 A We went in the front door, through the living room,
7 and waited in the kitchen area.

8 Q And once Ms. Hayes arrived, did you let her know what
9 your information was that you had received based on your
10 further investigation?

11 A Yes, ma'am.

12 Q And did she do anything -- without saying that she
13 said anything, did she do anything after you gave her that
14 information?

15 A She briefly left her residence and returned with a
16 laptop which signed over to the Lexington Sheriff's
17 Department.

18 Q I'm going to show you what's been entered as State's
19 Exhibit No. 78 and ask you if you recognize this.

20 A Yes, ma'am.

21 Q And what is that?

22 A That's a property release form from the Lexington
23 County Sheriff's Department, and it's basically just a
24 release form that's been filled out with the serial
25 number, the model number, the cases that relates to this,

1 Steve Collins' signature's on it, Sandra Hayes' signature
2 is on it, and my name is on the signature line for
3 witness, and it's for an Acer laptop computer.

4 Q And you witnessed Ms. Hayes signing this release form
5 of the Acer laptop?

6 A Yes, ma'am.

7 Q Did you obtain possession of the laptop?

8 A We received the laptop. It was turned over to the
9 Lexington County Sheriff's Department. I working here
10 would never necessarily take evidence, so it was turned
11 over to the sheriff's department through Steve Collins.

12 Q And after you left the residence on that date, did
13 you do any further work on this case?

14 A Yes, ma'am.

15 Q And what was your further involvement?

16 A I obtained recorded phone calls.

17 Q And these phone calls, would they have been through
18 the Lexington County Detention Center?

19 A They would.

20 Q And which phone calls did you receive?

21 A Phone calls placed by Chad Hayes while he was in the
22 Lexington County Detention Center.

23 Q And do you know if any of those calls involved
24 contact with his mother?

25 A Most of them did involve contact with his mother.

1 Q And did that contact appear to be before the search
2 warrant was executed on November 1st?

3 MR. WILLIAMS: Objection to that, Your Honor.
4 That's calling for hearsay in regards to when those phone
5 calls would have been made.

6 THE COURT: If you all will step up here real
7 quick.

8 (A bench conference was held with the judge and
9 attorneys in the presence of the jury but out of the
10 hearing of the jury.)

11 THE COURT: Okay.

12 MS. PATTERSON: Thank you.

13 BY MS. PATTERSON:

14 Q Agent Bayne, did you make the request for the jail
15 calls?

16 A Yes, ma'am.

17 Q And what time period did you make a request of the
18 jail calls of Chad Hayes?

19 A I requested those in June of 2012, and I received
20 jail calls for the time period of March through June 2012.

21 MS. PATTERSON: Beg the Court's indulgence, Your
22 Honor.

23 THE COURT: Yes, ma'am.

24 (Pause.)

25 MS. PATTERSON: Thank you, Your Honor. No

1 further questions.

2 MR. WILLIAMS: Just a couple of questions.

3 Well, several questions.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q The form that was acknowledged by Sandra Hayes, it
7 had two witness spots on that form; is that right?

8 A May I see it?

9 Q Sure.

10 A It does. It has two witness lines on the bottom left
11 of that form.

12 Q Okay. And it also has a notary form on that also?

13 A It does.

14 Q You indicated that you -- did you receive the Acer
15 computer or did Detective Collins receive the Acer
16 computer?

17 A We both received it. We were there at the same time
18 standing in the kitchen when Ms. Hayes brought it in and
19 turned it over to us.

20 Q Who took physical possession of it?

21 A Steve Collins did, the detective with the sheriff's
22 department. I generally -- like I said, we don't have a
23 lab associated with the Solicitor's office, so I wouldn't
24 necessarily take evidence into possession, I would turn it
25 over to him so that it could be secured at their evidence

1 room at the sheriff's department.

2 Q When you say you would turn it over to him, who was
3 in charge of the -- I guess retrieving the evidence?

4 A I said I normally wouldn't take evidence into
5 possession. It was his case since he was the officer with
6 the local agency. We just provide support.

7 Q All right. So the Solicitor normally provides
8 support to the sheriff's department?

9 A That was a common practice when I worked here, yes.

10 Q All right. And was that particular case, Chad Hayes'
11 case, assigned to you to make sure that you got everything
12 done on the file?

13 A Generally speaking. We have four investigators for
14 all of Lexington County, so we all kind of scramble and
15 pitch in and do what we can to help.

16 Q And did you talk to Christy Earnest, the mother of
17 these children?

18 A I have never met Christy Earnest.

19 Q Did you take any step to interview Christy Earnest,
20 the mother of these children?

21 A I did not. And again, we wouldn't do one-on-one
22 interviews. Our policy while I was working here was that
23 we didn't issue arrest warrants, we didn't issue search
24 warrants, and we didn't do written statements or
25 interviews of suspects one on one, so that would not have

1 been in our policy -- in my policy to do so, in my job
2 description.

3 Q So you would have done no investigative work on this
4 case other than accompanying Collins to receive whatever
5 evidence he was securing from this area?

6 A Yes, our job is generally to assist the local agency.

7 Q Did you know of the existence of Christy Earnest?

8 A I was aware of it, yes. I had reviewed the file.

9 Q And in that you were assisting the sheriff's
10 department, did you indicate too them that maybe they
11 would need to go talk to her?

12 A I don't recall if I ever made that recommendation or
13 not.

14 MR. WILLIAMS: That's all the questions I have,
15 Your Honor.

16 THE COURT: Anything on redirect?

17 MS. PATTERSON: No, sir, Your Honor.

18 THE COURT: Thank you very much, ma'am. You may
19 step down.

20 All right. Do you have another witness before
21 lunch?

22 MS. MAYES: May we approach?

23 THE COURT: Yes, ma'am.

24 (A bench conference was held with the judge and
25 attorneys in the presence of the jury but out of the

1 hearing of the jury.)

2 THE COURT: All right. Ladies and gentlemen,
3 We're going to break for lunch at this time. I'm going to
4 ask you to be back here at quarter to 2:00. I think that
5 gives you an hour and a half.

6 Please have no conversation about the case.
7 Enjoy your lunch. Don't allow anyone to talk with you
8 about it. Please be back at quarter to 2:00 and we'll get
9 started back.

10 Everyone else remain seated while the jury is
11 excused.

12 (The jury left open court at approximately 12:15
13 p.m.)

14 THE COURT: All right. Anything we need to take
15 up before we break for lunch?

16 MS. MAYES: We do expect that Detective Phipps
17 will be our last witness and we should be prepared to rest
18 at that time.

19 MR. WILLIAMS: Your Honor, one thing on behalf
20 of the defendant. I know we haven't moved the computer
21 into evidence, but I assume at this point in time she is
22 going to move it into evidence or something.

23 In conjunction with the pictures, the search
24 warrant and the pictures, when we made our motion
25 objecting to the search pertaining to the computer I'd

1 like the record to reflect our objection to any evidence
2 received through that search warrant.

3 THE COURT: I get what you're saying. Your
4 initial objection was that the computer was obtained in
5 violation and that was the basis of your objection. The
6 Court overruled that and allowed it in; however, you want
7 that objection to be a continuing objection as relates to
8 anything taken off the computer obviously and all that.

9 MR. WILLIAMS: Yes, sir.

10 THE COURT: So the record will reflect defense's
11 objection to the admission of the computer and will be a
12 continuing objection as relates to anything that may have
13 come from the computer should any of that become an issue.

14 MR. WILLIAMS: Thank you, Your Honor.

15 THE COURT: All right. We'll start back at
16 quarter to 2:00.

17 (A lunch break was taken.)

18 THE COURT: Anything we need to take up before
19 we bring the jury out?

20 MS. MAYES: Yes, sir, Your Honor. May we
21 approach?

22 THE COURT: Yes, ma'am.

23 (A bench conference was held with the judge and
24 attorneys.)

25 MS. MAYES: The only other matter, Your Honor,

1 is that on the disc from the computer extraction that both
2 myself and Mr. Williams received there is a Google toolbar
3 search result, that this document that is going to be
4 offered into evidence, on page 17 there was reference to
5 Harley, and that has been completely redacted and is no
6 longer there. I will give a copy to defense just to
7 double-check that, and it was on page 17 and is now gone.

8 MR. WILLIAMS: Your Honor, obviously we're going
9 to object to the introduction of the document, the Google
10 search document, because it would contain a lot of
11 information which is not relevant to this case.

12 THE COURT: There has been a tremendous amount
13 of that brought into this case already.

14 MR. WILLIAMS: I'm tightening it up a little
15 bit, Your Honor.

16 MS. MAYES: Your Honor, we'll be able to lay a
17 foundation certainly of those two, use and access and
18 ownership of the computer.

19 THE COURT: Yes, I think at this point I don't
20 know that. I mean, obviously I'd love for you to
21 stipulate and agree to the introduction of it, but at that
22 point I want you to review it and see that it's been
23 redacted properly.

24 Anything else?

25 MS. MAYES: No, sir, Your Honor.

1 THE COURT: Anything, Mr. Williams, from the
2 defense?

3 MR. WILLIAMS: Nothing from the defendant, Your
4 Honor.

5 THE COURT: Bring them in, please.

6 (The jury came into open court at approximately
7 2:04 p.m.)

8 THE COURT: All right, folks, we're ready to
9 start back. I'll recognize the State for your next
10 witness.

11 MS. MAYES: Thank you, Your Honor. The State
12 calls Detective Mike Phipps.

13 THE COURT: Detective Phipps, if you'd come
14 around and be sworn, sir.

15 MIKE PHIPPS, after being duly sworn, testified
16 as follows:

17 THE CLERK: Have a seat up there, please. Once
18 you're seated, state your full name, spelling your last,
19 please.

20 MR. WILLIAMS: Your Honor, may we approach the
21 bench?

22 THE COURT: Sure.

23 (A bench conference was held with the judge and
24 attorneys in the presence of the jury but out of the
25 hearing of the jury.)

1 THE COURT: Ladies and gentlemen, I know you're
2 feeling like yo-yos and you've just gotten comfortable,
3 but I'm going to ask if you would step back in the jury
4 room and let me take up a matter of law. I'll get you
5 back out here shortly.

6 (The jury left open court at approximately 2:08
7 p.m.)

8 THE COURT: All right. Mr. Williams.

9 MR. WILLIAMS: Your Honor, it's my understanding
10 that the Solicitor is attempting to introduce not the
11 photos but items which may have been captured on the
12 computer at some point in time through this forensic
13 examiner, and there has been handed to me a 22-page index
14 from I guess it's called Google, which I assume would be a
15 list of things which were Googled on the computer, if you
16 will.

17 Your Honor, we object to the introduction of
18 many of these things, this document as a whole if you
19 will, because it's replete with items which their
20 probative value would be highly outweighed by the
21 prejudicial aspect of it, to include HIV, HIV articles,
22 HIV news, herpes, herpes research, herpes cure, herpes
23 vaccine, herpes cure, two sections called moves. There's
24 actually -- which I don't know what is actually on this
25 because it's my understanding that there was no files

1 which were downloaded which included the children, the
2 pictures of the children, but there's something here
3 that's listed under Google with the names of three of the
4 children. Now, I just don't know what that is. Obviously
5 that may or may not be important, but all the extra
6 stuff -- I mean, I don't have any problems if they want to
7 introduce the 12 pages of wheel covers and stuff like
8 that.

9 THE COURT: And I don't know the exact purpose
10 on why that document is relevant to the State's case, but
11 the relevant portion that you need to prosecute your case,
12 I mean, do you need all of that?

13 MS. MAYES: What we have found, Your Honor, from
14 having Mr. Phipps review the Google tool search history
15 which is part of the extraction tool that they use is that
16 all of these searches appear to be affiliated with an
17 adult, a car, a truck. There are no child sites, for
18 example, such as Nickelodeon, Disney, Justin Bieber.

19 THE COURT: Right.

20 MS. MAYES: And Mr. Williams has questions --

21 THE COURT: But what about redacting out the
22 things that -- where the prejudicial effect would override
23 the probative value?

24 MS. MAYES: We can do that, Your Honor. We can
25 offer it for ID at this time subject to redaction of

1 anything specifically that he objects to and that the
2 Court finds should be subject to redaction. The main
3 point we're trying to get across is that Mr. Williams has
4 definitely raised the --

5 THE COURT: That the girls used the computer.

6 MS. MAYES: Yes, sir, Your Honor.

7 THE COURT: I'm with you. I get it.

8 Well, let me say this: All of that is relevant
9 to the fact that an adult more than likely is using the
10 computer, but then we get into the prejudicial value
11 outweighs -- and I think without having seen the document,
12 I haven't seen it, but if it's 17 pages and they all look
13 like it's all pretty small writing, there seems to be a
14 lot there, that you can do what you intend to do without
15 doing the sites that may very well -- where the
16 prejudicial effect may outweigh whatever probative value
17 you're trying to do. So -- and I don't know the document,
18 I haven't seen it, and how easy it would be to redact.

19 MS. MAYES: Your Honor, this is an example of
20 page one and --

21 THE COURT: And of course I can't -- and I
22 appreciate you putting it up, but I can't read it.

23 Okay. There you go.

24 MS. MAYES: For example, this is page one and we
25 have search after search related to car parts.

1 THE COURT: Sure.

2 MS. MAYES: So that's actually the essence of
3 what we're getting to is how much of these results are
4 associated with cars, trucks or sites affiliated with
5 something that an adult would look for.

6 THE COURT: Okay. Now Mr. Williams.

7 MR. WILLIAMS: I have absolutely no --

8 THE COURT: I know you don't, but stop for a
9 minute.

10 MR. WILLIAMS: Okay.

11 THE COURT: Where I will have a problem is if I
12 order that it be redacted, those issues that you bring up,
13 and then you attempt to discredit or attack a witness by
14 saying, well, was that everything.

15 MR. WILLIAMS: I'm not going to do that.

16 THE COURT: You know what I'm saying.

17 MS. MAYES: We can reach an agreement on that.
18 That should work.

19 THE COURT: Because what I don't -- because
20 here's the thing: Obviously the State's purpose is
21 that -- and I'm assuming that throughout that search no
22 sites came up like Disney or Nickelodeon or the typical
23 things you would expect to see from a child under the age
24 of 13 or whatever, but having said that and with me
25 willing to take out those prejudicial entries, I don't

1 want it coming back to say that, well, it's -- you know.
2 I mean, obviously you can -- and nothing would preclude
3 you from saying if you want to say, you know, well,
4 couldn't a 12-year-old girl look up lug wheels, you know.
5 But you know what I'm getting at.

6 MR. WILLIAMS: I do, Your Honor.

7 THE COURT: You can't open that door because
8 then I'm going to let those things come back in more than
9 likely because then it does become an issue.

10 MS. MAYES: We may can just take a moment and
11 reach an agreement then.

12 THE COURT: Probably. I would think you'd be
13 able to. So why don't you just kind of do that together.

14 Now, as far as the redaction and how that's
15 going to be done, you know, I don't know how you do that.

16 MS. MAYES: We were able to successfully redact
17 Harley just by cutting that section out and
18 reconditioning.

19 THE COURT: Okay.

20 MS. MAYES: We could have him identify it, offer
21 it into evidence subject to Mr. Williams' objection, and
22 then replace a redacted copy at a later point in time.

23 THE COURT: As long as you're not going to
24 publish it with this witness, if it's not going to be
25 published right now, we can do that. We can go ahead and

1 go through the process of identifying it, talking about
2 it, what does it reflect, move it into evidence, but as
3 long as it's not published to the jury and then we can
4 redact it at a later time.

5 MR. WILLIAMS: I was willing to even stipulate
6 that probably 75 percent of the information on here is on
7 car parts.

8 MS. MAYES: I believe it's more like 90 percent.

9 MR. WILLIAMS: Ninety percent car parts.

10 MS. MAYES: But, for example, page number one,
11 if you want to look at that with me, Mr. Williams, this
12 appears to all be related to trucks. And so, for example,
13 page one, maybe we can reach an agreement that this is a
14 page I would publish for purposes of his testimony for the
15 jury to kind of follow along with what we're talking about
16 and then once we reach an agreement as to the rest of the
17 document, that can be published later.

18 THE COURT: I don't mind you moving it --
19 getting to the point where you set the foundation, it's
20 been moved in, it's in, and then using any part of it that
21 doesn't involve the information that we're going to end up
22 taking out. I don't mind you using the document, but we
23 just have to make sure that the objectionable portions
24 aren't published to the jury.

25 MR. WILLIAMS: And obviously like everybody's

1 computer, it's got things like Riverbank Zoo and a lot of
2 music, too.

3 THE COURT: There's nothing wrong with that.

4 MR. WILLIAMS: It's just a dangerous piece of
5 evidence. Not in terms of conviction, but it's dangerous
6 for the jury just to look at.

7 THE COURT: We'll remove those items that are
8 objectionable. But I agree, I think that can be done at a
9 later time instead of letting the jury sit back there too
10 terribly long.

11 Suzanne, do you need some time, though, to look
12 over it and make sure you don't put up a page that doesn't
13 need to be put up?

14 MS. MAYES: I think we're good, Your Honor. If
15 Mr. Williams would like to step over and look at page 11,
16 that would be the other one that deals mainly with
17 Mustangs.

18 MR. WILLIAMS: Nothing but car stuff.

19 MS. MAYES: At this time we're prepared to offer
20 page one and page 11, which I will set aside, to be
21 published and then the remaining portion of the document
22 will be subject to redaction.

23 THE COURT: Let's do this. I'm going to -- when
24 you get ready to move it in, I'm going to let you move the
25 whole document in, but we're going to note for purposes of

1 the record right now outside the jury's presence that it's
2 being offered with the stipulation and the understanding
3 that there will be some redaction to the copy that goes
4 back to the jury.

5 MS. MAYES: Okay.

6 MR. WILLIAMS: All right, sir.

7 (WHEREUPON, State's Exhibit No. 81 was marked
8 for identification only.)

9 THE COURT: All right. Let's bring the jury in,
10 please.

11 (The jury came into open court at approximately
12 2:20 p.m.)

13 THE COURT: All right. I believe, ladies and
14 gentlemen, that resolves the issue.

15 I believe, Detective Phipps, you've been placed
16 under oath; is that correct, sir?

17 THE WITNESS: Yes, sir. I just haven't stated
18 my name.

19 THE COURT: All right. If you would just then
20 give your name for the record, spelling your last, please.

21 THE WITNESS: Michael Stuart Phipps,
22 P-H-I-P-P-S..

23 DIRECT EXAMINATION

24 BY MS. MAYES:

25 Q Now, Detective Phipps, could you give us some

1 information concerning your educational background and
2 training.

3 A As far as the computer side of this, I started taking
4 classes in 2002, and since then I believe I have had like
5 five classes that deal with looking at computer evidence,
6 digital evidence, and analyzing it.

7 Q And backtrack a little bit. What can you tell us
8 about your law enforcement experience?

9 A I've been with the Lexington County Sheriff's
10 Department for 16 years. Like most people I started out
11 on the road, worked a few years on the road. I then was
12 promoted to a corporal, was a shift supervisor for a short
13 period of time, and then for approximately the last ten
14 years I've been in the crime scene unit, I've been an
15 investigator with the crime scene unit.

16 Q What can you tell us about the responsibilities of a
17 member of the Lexington County crime scene unit?

18 A We respond to just about any type of scene for the
19 purpose of documenting that scene and collecting evidence.
20 Sometimes it involves digital evidence, sometimes it
21 doesn't. We photograph, we videotape, we collect
22 fingerprints, process for fingerprints and collect them,
23 collect for DNA, just about everything you'd see on a TV
24 show for crime scene investigation.

25 Q All right. Have you been qualified previously as an

1 expert in a court of law in any field related to crime
2 scene evidence?

3 A Yes, ma'am, I have.

4 Q What are those fields?

5 A Processing for latent prints, blood spatter,
6 chemiluminescence I believe are the three.

7 Q Now, at what point did the Lexington County Sheriff's
8 Department evolve into having their own computer crimes
9 division?

10 A Last year -- for about three years now I've been
11 involved with the South Carolina Electronic Crimes Task
12 Force. That's a task force administered by the Secret
13 Service. It's a state wide task force where they train
14 local jurisdictions, such as the sheriff's department, to
15 give us that capability to do our own computer crimes
16 investigations. Last year I was able to go to the full
17 blown forensic examiner course, a 192-hour course I
18 believe it is, in Hoover, Alabama. It was at that point
19 that our agency had that capability to do these types of
20 computer exams.

21 Q And has the sheriff's department obtained unique
22 equipment that allows you to access computer extraction
23 and cell phone extraction information?

24 A Yes. The task force also supplies us with the
25 hardware and software that we need to do these type of

1 exams.

2 Q Now, you mentioned before about your training that is
3 specific to the field of digital evidence, such as
4 computers and cell phones. Specifically, can you give
5 some information about any certifications or specific
6 training that you received in that regard?

7 A As I said, I've been taking classes for a period of
8 time. In 2005, I attended a basis data recovery analysis
9 course taught by the National White Collar Crime Center.
10 Also in that year I took the Windows Internet Trace
11 Evidence course. In 2006, I attended the Intermediate
12 Data Recovery and Analysis course. That was also the
13 National White Collar Crime Center.

14 In '07, I attended a cell phone forensics course
15 taught by the National Consortium for Justice. And then
16 in 2009, I attended the National Computer Forensic
17 Institute in Hoover, Alabama, for basic investigation of
18 computers and electronic crimes. And then again in 2013,
19 again at the Forensic Institute for basic computer
20 evidence recovery and training.

21 Q Are any of these trainings, do any of them involve
22 agents from the FBI?

23 A The Secret Service administers the task force and
24 they're the people who have set up the National Computer
25 Forensic Institute.

1 Q And what about the State Law Enforcement Division?

2 A They also have their own computer crimes center and
3 they also participate within the task force.

4 Q Now, what type of specialized certification do you
5 hold?

6 A I hold a certification for a particular piece of
7 software that we use, AccessData is the name of the
8 company, and I'm a certified examiner for AccessData.

9 Q Can you tell us, Detective Phipps, whether the
10 experience and training that you have received over the
11 years has included extraction of data and/or images from
12 computer hard drives?

13 A Yes, several of the classes teach the proper process
14 and procedures for extracting information, digital
15 information from media and then analyzing that.

16 MS. MAYES: Your Honor, at this time the State
17 offers Detective Phipps as an expert in the field of
18 forensic computer examination.

19 THE COURT: Any objection or voir dire from the
20 defense?

21 MR. WILLIAMS: If could voir dire a couple of
22 questions, a few you questions, Your Honor.

23 THE COURT: Sure.

24 VOIR DIRE EXAMINATION

25 BY MR. WILLIAMS:

1 Q As I understand it, the certification which you
2 possess is from the company that makes the equipment,
3 which means that you are able to operate their equipment,
4 this AccessData, that you've been certified through that
5 company to use their machine and operate it correctly; is
6 that right?

7 A It's not a hardware company. They're the company
8 that make the software that does that investigation. They
9 have a certification program on their own software tool
10 that is a proctored exam that's timed, and during the
11 course of this last course that I went to in Hoover,
12 Alabama, we were given the option to be administered that
13 course from them.

14 Q And essentially you were tested by the company as to
15 your ability to operate the software and you operated it
16 with such proficiency that they gave you a certification?

17 A No. We're -- the process of their examination is a
18 series of questions, both on the technical aspect of the
19 examination -- some of it has to do specifically with
20 their software, some of it's general technology questions
21 as far as computer forensics is concerned.

22 Q So there was no hands-on in terms --

23 A No, there is hands-on.

24 Q Okay.

25 A We're sitting in a classroom with the hardware and

1 software running, we're on an Internet connection. We
2 initiate the exam. We're presented with a series of
3 questions that we have to answer either by completing
4 working the problem out on the software and hardware and
5 then giving the resulting answer.

6 Q And are you tested on it?

7 A Yes, it's a time proctored test.

8 Q And are you scored on it?

9 A Yes, we are.

10 Q And do you recall what was considered pass and what
11 was considered fail?

12 A No, sir, I don't recall that.

13 Q Was it just a pass/fail system?

14 A No, sir, there was a cutoff.

15 Q And are there any other certifications that you
16 possess other than what the software company offers you,
17 meaning that you're being offered now as an expert on
18 forensic computer examination. Is there a state group of
19 individuals who are considered forensic computer
20 examiners?

21 A There's a system called certified forensic examiners
22 which is a continuing education program where you can,
23 once you've reached a certain level, take and test for,
24 just similar to the AccessData certification for
25 certification.

1 Q And what is the difference between that and the
2 AccessData certification?

3 A It's administered through a different company,
4 different organization.

5 Q So there is no governmental examination in regards to
6 proficiency in terms of being a forensic examiner of
7 computers?

8 A I'm not aware of any national standard that's unified
9 to test for that type of certification.

10 Q To include Secret Service, SLED, what, U.S. Marshal
11 Service?

12 A Right.

13 Q None of them?

14 A No, sir.

15 Q And are there any national magazines or state
16 magazines which support this group or this learning curve,
17 if you will, of forensic examiners, meaning you get
18 publications in this area? Do you publish in this area?

19 A No, I've never published, no, sir.

20 Q And do you receive publication in this area?

21 A Yes, I do. Mainly digital now. Everything's gone
22 digital.

23 Q And do you get that from the company that you are
24 certified in or do you get it from several other
25 companies?

1 A Mainly it's a -- independent organization that are
2 forensic examiners that publish white papers and studies
3 that they have done in those areas.

4 Q Have you ever been certified in the Court of General
5 Sessions in South Carolina as being a forensic computer
6 examiner?

7 A No, sir.

8 MR. WILLIAMS: Your Honor, we would not
9 stipulate to that.

10 THE COURT: All right. I find based on the
11 testimony and experience and education that the detective
12 is qualified to testify as an expert in that field and
13 will note your exception to that.

14 BY MS. MAYES:

15 Q Now, Detective Phipps, were these changes that have
16 come about recently with the new equipment that you
17 mentioned, does the Lexington County Sheriff's Department
18 currently have somebody with the responsibility of
19 carrying out computer examination?

20 A Yes, ma'am, that's myself.

21 Q So that is your actual job title with the sheriff's
22 department?

23 A Yes. Actually, right now it's still a collateral
24 duty, I'm still doing crime scene duties. Eventually it
25 probably will develop into the only thing I do.

1 Q So now, and let me just summarize by asking it this
2 way: In the past were computers and things of that
3 nature, did they have to go off to different or separate
4 labs outside of the sheriff's department in order to
5 extract information to be examined?

6 A Yes, ma'am. Prior to us receiving this equipment and
7 training, we sent stuff to SLED's computer crime center.

8 Q And now that the sheriff's department has a computer
9 crimes lab, is it necessary to send items such as
10 computers off to independent labs?

11 A No, ma'am.

12 Q I'm going to refer you -- do you have your case file
13 materials with you?

14 A Yes, ma'am.

15 Q I'm going to refer you to item 72 for identification
16 and then item 79, State's Exhibit 79, which in evidence.

17 First I want to ask you about this particular
18 item, ask you what it is and whether or not you recognize
19 it, and that is State's Exhibit 79.

20 A It's an outer packaging that originally had the Acer
21 Aspire laptop computer contained in it. It's a brown
22 wrapped bag that had an original tape seal with signatures
23 on it.

24 Q All right. And can you tell us whether or not
25 Detective Steve Collins' signature was on that bag?

1 A There is a signature present that's prior to my
2 signature. I'm not able to verify his initials.

3 Q Would it have been previously sealed?

4 A It was previously sealed when I received it, yes.

5 Q How do you go about receiving evidence in order to
6 conduct your examination?

7 A Our evidence is housed in our evidence unit. When we
8 receive a lab request to process evidence, we then go over
9 to your evidence unit, make the request to have that
10 evidence withdrawn, and then it's signed out to me. I
11 sign for it, I carry it back to our lab and then start the
12 process. One of the first things I do is verify that I'm
13 receiving evidence that's sealed and hasn't been tampered
14 with.

15 Q All right. Now in a case where, for example,
16 Detective Collins seals an item, submits it to the
17 evidence room to be held for you to withdraw it to conduct
18 an examination, how do you go about or what is the policy
19 to ensure that no one else tampers with it or accesses the
20 evidence in between?

21 A Well, first off it's secured in our evidence unit.
22 When I sign for it I'm responsible for maintaining its
23 integrity at that point. I return it to our lab area
24 where I secure it within the lab area, and of course I
25 note or would have noted whether, you know, the bag was

1 torn, there was something not right with the packaging
2 when I received it.

3 Q And ultimately do you break the seal?

4 A I do.

5 Q For what purpose?

6 A To remove the item and process it.

7 Q Okay. So after the item had been placed into the
8 evidence room sealed, who was the next person to break the
9 seal and access it?

10 A I was.

11 Q And how do you note that you in fact broke the seal
12 and accessed it?

13 A Well, I have my notes that I processed the laptop
14 itself, and then as part of turning it back into our
15 evidence unit, I have to place it back into its original
16 packaging and reseal that packaging and my initials and
17 the date that that occurred appear on this seal here.

18 Q All right. I want to ask you about that briefly.
19 Does the packaging and the seal of the date, reflect the
20 date that the evidence came in or was logged in?

21 A There's a date that's present from the person that
22 sealed it before me. It appears to be November 2, 2012.

23 Q All right. So there's a date on the original seal
24 that says November 2, 2012. And then what is the date in
25 which you unsealed it to conduct your examination?

1 A Well, the date that's on here is not the date I
2 unsealed it, it's the date I resealed it. My
3 examination -- I started my examination April 29th.

4 Q All right. And what day did you reseal it in this
5 bag?

6 A April 30th.

7 Q That would be the following day?

8 A Yes, ma'am.

9 Q All right. I'm going to show you what is State's
10 Exhibit 72 for identification and ask you whether or not
11 you recognize this object.

12 A I do. This is a laptop that I signed out from
13 evidence and processed the hard drive.

14 Q Can you tell us whether or not that is the same
15 laptop that was contained in this bag and underwent
16 examination by you?

17 A It is.

18 MS. MAYES: Your Honor, at this time we would
19 offer the laptop, State's Exhibit 72 as evidence.

20 MR. WILLIAMS: Your Honor, subject to prior
21 objection and secondarily in regards to chain of custody,
22 that there's been a failure to lay sufficient foundation
23 as well as chain of custody of this piece of evidence.

24 THE COURT: All right. Overruled. I think
25 there's been a sufficient chain on this item which is not

1 an item of fungible goods or anything of that nature. I'm
2 going to note your exception.

3 (WHEREUPON, State's Exhibit No. 72 was marked
4 for identification and received into evidence.)

5 BY MS. MAYES:

6 Q Now, just in general, Detective Phipps, tell us a
7 little bit about this computer. What is the make and
8 model of this computer?

9 A It's an Acer, which is the brand name, and the model
10 is an Aspire, A-S-P-I-R-E, and it's branded and has decals
11 on it for Windows 7 installation, but you don't always
12 know what's installed on it until you look at it.

13 Q How do you go about actually retrieving data from the
14 computer and accessing the contents of the computer?

15 A When I receive something like this, whether it's a
16 laptop or a desk top unit, we take it, we open it up and
17 remove the hard drives from it. We don't ever power this
18 computer up. We take those hard drives and we go through
19 a process of imaging them. Had this computer been powered
20 up before that process took place, that would cause
21 certain dates and times to change within the operating
22 system.

23 Q Now what type of software is used in order to access
24 the contents?

25 A We use AccessData's product, which is a drive

1 imagining software, in connection with certain hardware
2 features called a hardware write blocker. And what a
3 write blocker is is we take the hard drive, we connect
4 that to a write blocker. A write blocker can be thought
5 of as like a one-way valve, it only allows information to
6 travel in one direction, so we can be assured that we're
7 not changing anything on that hard drive; we're just
8 taking information off of it, we're not adding to that
9 hard drive.

10 Q All right. And so just to clarify, once you begin
11 the process, is it possible for you or anyone else to add
12 any data or images to what you're looking at?

13 A No, ma'am.

14 Q So everything you're looking at was previously on the
15 computer?

16 A Yes, ma'am.

17 Q Now what are the capabilities of the software, the
18 extraction software that you're using, what type of data
19 can be recovered from the computer examination?

20 A Once the extraction takes place it creates a forensic
21 image, which is sort of an incapsulated file that can't be
22 changed either because if something changes in it, then
23 the software detects a change and won't allow us to
24 analyze it. The FTK imager, which is the software we use
25 to process and pull out all these bits of information,

1 comb through that forensic image and look for stuff that
2 you would have normally seen when the computer was powered
3 up, but it also looks at other areas of the computer such
4 as slack space, which is unused portions of the hard drive.
5 It also looks for deleted files, all sorts of artifacts,
6 and it compiles them and presents them to us. For the
7 logical list, it kind of categorizes images and puts all
8 images in one area so that we can look at them more
9 efficiently.

10 Q Can you tell us whether or not the analysis allowed
11 you to look up information such as the registered owner?

12 A Well, the portion of the operating system, which this
13 is a Microsoft product, Windows 7, there's something
14 called registry, and within that registry, when the
15 software's originally set up the person doing that setting
16 it up has the option to enter certain personal information
17 and that's stored within the registry of the operating
18 system and we can access that through the software.

19 Q Did you obtain the registry software information for
20 this case concerning the defendant Chad Hayes?

21 A We did.

22 Q What information did you recover concerning the name
23 of the registered owner?

24 A The registered owner was indicated as Chad.

25 Q I'm going to show you a document and ask you whether

1 or not you recognize it.

2 A Yes, ma'am.

3 Q How so?

4 A This is a portion of our report that we generate that
5 shows the registry information that's extracted
6 specifically on the Windows 7 system that we analyzed that
7 showed the register owner as Chad.

8 Q All right. And did your extraction process produce
9 this document?

10 A It did.

11 Q Originally in the form of a disk for evidence
12 purposes but later subject to being printed out?

13 A Yes, ma'am.

14 Q Can it be printed out from that disk?

15 A That's correct.

16 MS. MAYES: Your Honor, at this time the State
17 would offer this document as an additional item of
18 evidence.

19 MR. WILLIAMS: Your Honor, we have no objection
20 to this, subject to all the other objections we had in
21 regards to this.

22 THE COURT: Yes, sir. And those are in fact
23 noted and that item is in evidence subject to those
24 earlier exceptions.

25

1 (WHEREUPON, State's Exhibit No. 82 was marked
2 for identification and received into evidence.)

3 BY MS. MAYES:

4 Q Detective Phipps, tell us what we're looking at here.

5 A Again, this is just a printout from that portion of
6 the report that shows specifically the registry
7 information that's archived in the Windows 7 operating
8 system showing the registered owner as Chad, which is
9 something that whoever set the computer up would have had
10 to have typed in.

11 Q Now, the install date for Windows 7, does that
12 necessarily mean the date that the computer was first
13 purchased and used?

14 A No, it's just when that version of Windows 7 was
15 installed. There could have been previous versions. You
16 can upgrade your operating system over time.

17 Q Okay. So this information relates to the
18 installation of Windows 7. And what is the date shown for
19 this installation of Windows 7?

20 A October 24th, 2010.

21 Q Now, in addition to the registry information, can you
22 tell us how, if at all, you're able to extract information
23 as to user accounts?

24 A Yes. The software also shows us how many accounts
25 are set up on the computer. Windows by default gives you

1 certain accounts such as an administrator account, a guest
2 account, so any install of the Windows operating system is
3 going to have those accounts. Then you have the option of
4 setting up separate accounts that are more personalized.
5 If you want one for a spouse or your children or whoever,
6 you can set those up.

7 Q All right. So just to clarify, when you first
8 purchase or install a Windows program, what are the
9 automatic user accounts that come with every Windows
10 package?

11 A With this type or version of Windows, there's an
12 administrator account that's installed, a guest account,
13 and a home group user account, and those are default
14 accounts that are installed just when you install the
15 software.

16 Q So they're automatic?

17 A Yes, ma'am.

18 Q As to the administrator account, can you tell us
19 whether or not that account required a password?

20 A It did.

21 Q And can you tell us whether or not that is normally?

22 A Yes, ma'am. Usually the administrator account is the
23 one you want to protect because of privacy and for
24 security from viruses and such. You don't want to have
25 that one in operation all the time, so most people when

1 they install Windows leave the administrator account alone
2 and they develop one of their own so that should something
3 bad happen on their computer, the activity won't be quite
4 as detrimental as it would have if it had happened on the
5 administrator account.

6 Q Okay. So can you tell us whether normally the
7 administrator account has a separate password even from
8 the user account?

9 A Yes, usually you do want those to be a separate
10 password.

11 Q Now, how many times was the administrator account
12 accessed? Were you able to determine that from the
13 software that you used?

14 A Yes. Our software tells us quite a bit of
15 information about each account, such as how many times it
16 was logged in, the last time it was logged in on, if it
17 has a password, that type of thing.

18 Q Okay. And what information did you obtain concerning
19 the administrator account, specifically as to how many
20 times that had been logged into prior to your examination?

21 A The account shows 13 times it was logged in.

22 Q Now you mentioned that a standard account that comes
23 with the Windows package is called guest, a guest user
24 account.

25 A Right. Usually that's so that if you have friends

1 over or someone that wants to use your computer but you
2 don't want to give them access to all your personal
3 information, you can allow them to log in as a guest.

4 Q How many times have the guest account, guest user
5 account been utilized?

6 A Zero times.

7 Q Now you mentioned another standard account that comes
8 with the Windows package called home group. What is the
9 home group package?

10 A The home group has to do with the networking account,
11 and it also showed a zero log in.

12 Q So zero for home group and zero for guest and 13
13 times for administrator?

14 A Yes, ma'am.

15 Q Now once Windows is installed and ready to be used,
16 what is the normal process for the user to actually open
17 their own account?

18 A Well, you can set up a personalized account at the
19 time it's install or later, either one, and if it's later
20 you'd have to go in under the administrator account and
21 say I want to establish a new account and you can call it
22 whatever you want and give it whatever level of rights you
23 want it to have.

24 Q How many user accounts existed on this computer?

25 A There was one and it was named Chad.

1 Q All right. So there was one user account and the
2 profile name for that user account was Chad?

3 A Yes, ma'am.

4 Q How many times was that user account accessed?

5 A 759 times.

6 Q Now at one point in time did that user account
7 require a password?

8 A Yes, it did.

9 Q Were there any other unique profiles or user accounts
10 other than that user account of Chad's?

11 A No, ma'am.

12 Q Detective Phipps, what are the general capabilities
13 of that laptop which you have before you, the Acer Aspire?
14 Can you tell us whether or not it has Internet access?

15 A I can tell you based not looking at the hardware
16 itself because I didn't make any notes to that, but to the
17 analysis, there was evidence that it had Internet
18 connectivity.

19 Q In addition to that, can you tell us whether or not
20 it has the capability to store photographs or data
21 associated with photographs?

22 A It does.

23 Q In other words, digital images?

24 A Yes, ma'am.

25 Q Once the extraction was completed, were you able to

1 gain access to actual images, including thumbnails on
2 laptops?

3 A I was.

4 Q What, if anything, of significance was recovered
5 concerning this case?

6 A I was given information in the beginning that there
7 may be explicit images of underage females present on this
8 evidence, so obviously I was looking for that type of
9 evidence. Our software, like I said, groups all images
10 together, so it's a process of going through and looking
11 at all those images. We were able to identify several
12 images of that nature, but they were in the form of a
13 thumbnail, which means it's not the original image, but
14 it's a smaller version of that original image that's
15 created in the operating system.

16 Q What, if anything, is of significance to the finding
17 of thumbnail images?

18 A Thumbnails will indicate that either some device was
19 docked to the computer and a file was opened and you
20 viewed those or at least saw the folder that those images
21 were in or that you actually transferred them on to your
22 computer. There's no way to know. Thumbnails, all the
23 thumbnails for the entire computer are housed in one
24 directory structure from Windows 7 and it's a dot thumbs
25 database, DD, and unfortunately there's no other

1 information about the file, you don't know the original
2 name of the file, you don't know the day or the time the
3 file was looked at or loaded onto the computer, but you
4 just see the image itself.

5 Q Now, you indicated that you were looking specifically
6 for explicit images of underage females. Do you have
7 information concerning the three victims in this case:
8 Candace Sapp, Heaven Sapp and Megan Earnest? Were you
9 able to make an identification of any of the photographs?

10 A I didn't have that much intimate knowledge about the
11 case, but I made Investigator Collins aware of what I was
12 finding. He previewed them and confirmed that those are
13 the victims in this case.

14 Q All right. And concerning that positive
15 identification of the victims, were those individual
16 photos preserved as evidence in your actual computer
17 crimes report concerning this case?

18 A They were, yes.

19 Q How many different resolutions existed for the
20 thumbnails that contained the sexually explicit images of
21 the victims in this case?

22 A With thumbnails, when you open a file that has a
23 bunch of different images in it, you have the option on a
24 little slider at the top on how you view it. You can view
25 it as a list, which just gives you the file name and you

1 don't see anything about the image, or you can view the
2 thumbnail views, and those thumbnail views can be small,
3 medium or large. So, you know, you've got a little
4 pictographic representation of that photo and a little
5 icon for each little image, and if you can't see that
6 well enough, you have the option to go up and to hit
7 medium or large and they get bigger. Well, we found all
8 three levels of those for these images, so you can say
9 that at some point someone was viewing a folder that had
10 these images in it and selected the medium and then
11 selected the large also, so we had all three present.

12 Q All three versions of resolution, small, medium and
13 large?

14 A Yes, ma'am.

15 Q What area of the computer were these sexually
16 explicit images of these victims located?

17 A They're in a protected area or file structure of the
18 operating system itself, so some people don't realize that
19 thumbnails remain. After a file is removed or the media
20 is removed from the computer or the file's deleted, those
21 thumbnails persist in there. You have to specifically go
22 in and look for them to get rid of them or use software
23 that knows where they are and can clean your computer
24 properly.

25 Q Under what user profile were they located?

1 A Each profile, each user profile on the computer
2 generates its own unique file structure, so these trace
3 back specifically to Chad's profile.

4 Q I'm going to show you some items previously marked
5 for identification and ask you if you recognize them, and
6 if so, how.

7 A Yes, ma'am. These are images of the thumbnail views
8 that we were finding.

9 Q Do you recognize those specifically as photographs
10 that were recovered pursuant to your extraction?

11 A Yes, ma'am.

12 MS. MAYES: Your Honor, at this time the State
13 would offer these items into evidence. They are State's
14 46, State's 47, State's 48, State's 49, State's 50,
15 State's 51, State's 52, and State's 53.

16 MR. WILLIAMS: Subject to prior objections, Your
17 Honor.

18 THE COURT: Right. I'm going to overrule the
19 objection and allow them in and note your exception.

20 MR. WILLIAMS: Thank you.

21 (WHEREUPON, State's Exhibits Nos. 46-53 were
22 admitted into evidence.)

23 BY MS. MAYES:

24 Q I'm going to show you what is now marked for
25 identification as State's 40, State's 38, State's 39, and

1 State's 74.

2 A These are also printouts of the thumbnail
3 representations that I recovered from the laptop computer.

4 Q And were made part of your evidence report?

5 A Yes, ma'am.

6 MS. MAYES: Your Honor, at this time the State
7 offers those previously-named items as evidence.

8 MR. WILLIAMS: Subject to the prior objections.

9 THE COURT: Overruled on the objections and note
10 those exceptions to that ruling and I'll allow those in
11 evidence.

12 (WHEREUPON, State's Exhibits Nos. 38, 39, 40, 74
13 were admitted into evidence.)

14 BY MS. MAYES:

15 Q State's 54, State's 71, State's 58, State's 61,
16 State's 60, State's 59, State's 56, and State's 57.

17 A Yes, ma'am, the same, these are printouts of the
18 thumbnail representations.

19 Q And also State's 55, can you tell us whether or not
20 the individual in that photograph is clothed?

21 A They are.

22 Q That was also recovered?

23 A Yes, ma'am.

24 MS. MAYES: All of these items are being offered
25 for evidence at this time, Your Honor.

1 MR. WILLIAMS: Subject to prior objection, Your
2 Honor.

3 THE COURT: All right. The objection is
4 overruled and I'll allow them in.

5 (WHEREUPON, State's Exhibits Nos. 54-59, 60, 61,
6 71 were admitted into evidence.)

7 BY MS. MAYES:

8 Q State's 42, if you can take a look at this item and
9 see whether or not you recognize it. States 44, State's
10 41, State's 62, State's 63, State's 64, State's 65, and
11 State's 43.

12 A I do, more printouts from the thumbnail views I had
13 in my report.

14 Q And also State's 45?

15 A Yes, ma'am.

16 MS. MAYES: Your Honor, those items previously
17 mentioned are now being offer as evidence.

18 MR. WILLIAMS: Subject to the prior objection,
19 Your Honor.

20 THE COURT: All right. The objection is noted.
21 Overruled, allow them in evidence.

22 (WHEREUPON, State's Exhibits Nos. 41-45, 62-65
23 were admitted into evidence.)

24 MS. MAYES: Your Honor, at this time the State
25 would request permission to publish.

1 THE COURT: Let me get you to step up here real
2 quick before me do that.

3 (A bench conference was held with the judge and
4 attorneys in the presence of the jury but out of the
5 hearing of the jury.)

6 THE COURT: And, yes, Ms. Mayes, you can publish
7 whatever you wish to publish.

8 At this time I'm going to allow the State to
9 publish those items that have been marked or whatever
10 items they want to publish. They are of a sexual nature,
11 so that if anyone wishes to step out of the courtroom you
12 may do so at this point. If you wish to stay, that's up
13 to you, but I did ask that -- and I think that the girls
14 are out. So I think everyone else in here is an adult,
15 but if you wish to step out, you're welcome to.

16 MS. MAYES: Beg the Court's indulgence.

17 (Pause.)

18 BY MS. MAYES:

19 Q Looking here at this photograph, Detective Phipps, is
20 someone in a tree. Can you tell us whether or not that
21 was recovered along with these other items from the
22 computer?

23 A Yes, ma'am, it was.

24 Q Can you tell us whether or not the photos that you
25 recovered also included two individuals who were nude in a

1 tree?

2 A They did.

3 Q This photo was taken at nighttime. Can you tell us
4 whether those other photos also appear to have been taken
5 at nighttime?

6 A Yes, ma'am, they appear that way.

7 Q Were those photos of the other two individuals,
8 Daughter 1

9 -- previously identified in these photographs as

10 Daughter 1 and Daughter 3, can you tell us whether it

11 was more than one photograph are each of those children in
12 a tree?

13 A Yes, there was.

14 Q That were sexually explicit in nature?

15 A Yes, ma'am.

16 Q Now specifically as to a group of photos -- and I'll
17 Daughter 1
18 just show you real quick -- concerning [REDACTED], I

19 believe you have previously identified this group of
20 photos. Where were these photos taken, appear to be
21 taken?

22 A In a bathroom.

23 Q What, if anything, Detective Phipps, was significant
24 about the child's pubic hair in these photographs?

25 A There appears to be a series of photos that show sort
of a before and after of two different time periods where
the pubic hair appears in one and groomed in the other.

1 Q Looking here at State's Exhibit 50, we see the child
2 in the bathroom. Based on what you just testified to,
3 would this be a photograph that would be before the pubic
4 hair grooming, as you put it, or afterwards?

5 A That one appears before.

6 Q Now, State's Exhibit 56 --

7 MS. MAYES: Beg the Court's indulgence?

8 (Pause.)

9 BY MS. MAYES:

10 Q Just to clarify one thing, let me ask you whether or
11 not there also appear to be a photograph, any photograph
12 depicting the actual shaving process or immediately after
13 the shaving process?

14 A There were.

15 Q In what way?

16 A There was images that appeared to have a closeup view
17 that showed what appeared to be freshly shaved hairs
18 deposited on a white towel.

19 Q Let me show you what is State's Exhibit 47. Can you
20 tell us whether or not this is what you were referring to
21 in this area here?

22 A That is one of the images, yes, ma'am.

23 Q And just to clarify, the bathroom with the duck
24 shower curtain, that would also be the bathroom with the
25 ruffled shower curtain, correct?

1 A Yes, ma'am.

2 Q One shower curtain's on one side.

3 Now you had mentioned photos taken after the
4 shaving process.

5 A Yes, ma'am.

6 Q I'll show you State's Exhibit 46, and there's a
7 shower curtain. Can you tell us whether or not this
8 appears to be the same child we saw in the previous
9 photograph?

10 A It does.

11 Q Were there also a closeup photograph depicting the
12 pubic area after the shaving?

13 A There was, yes, ma'am.

14 Q State's Exhibit 53?

15 A Yes, ma'am.

16 Q Now, as to Daughter 3, I'm going to show you some
17 photographs that are grouped together, State's Exhibit 74
18 and 39 specifically.

19 A Yes, ma'am.

20 Q Can you tell us whether or not these photographs also
21 depict someone with a shaved pubic area?

22 A They do.

23 Q Now moving along to the topic of user access of this
24 computer, what type of tools or instruments are used with
25 the software that can give you information concerning what

1 type of Internet searches are being conducted,
2 specifically Google searches?

3 A There's another software tool we use called Internet
4 Evidence Finder. It's a forensic tool that specifically
5 targets Internet trace evidence. We ran that tool, it
6 generated a report. Part of that report showed that the
7 Google toolbar had been installed. That's an add-on
8 package to Internet Explorer. So if you want to do Google
9 searches right from your Internet Explorer interface you
10 don't have to go to Google's web page, you can just enter
11 into the toolbar.

12 Q And the equipment that you use or the software that
13 you use let's you know the individual searches that occur?

14 A Yes, ma'am.

15 Q Using Google?

16 A It produces a table of search terms that had been
17 entered into that toolbar.

18 Q Can you tell us whether or not you were able to
19 generate that information in this case?

20 A Yes, we generate a report that shows all those search
21 terms.

22 Q Let me show you what is premarked as State's
23 Exhibit 81.

24 A Yes, ma'am, that is the report.

25 Q You recognize this because of the extraction that was

1 done pursuant to your computer crimes analysis?

2 A Correct. We ran the tool, it generated a report. I
3 turned that report over to the Solicitor's office, and
4 that is the copy printout of that digital report.

5 MS. MAYES: Your Honor, I'm offering State's
6 Exhibit 81 at this time. I'm not sure if it's in evidence
7 or not.

8 THE COURT: Is that the report that we referred
9 to earlier?

10 MS. MAYES: Uh-huh.

11 MR. WILLIAMS: Subject to the objections.

12 THE COURT: Subject to the discussion we had in
13 camera on that, I'm going to allow it in.

14 MS. MAYES: Yes, sir.

15 (WHEREUPON, State's Exhibit No. 81 was admitted
16 into evidence.)

17 BY MS. MAYES:

18 Q Now, having a look at this Google tool search report,
19 do you have an opinion, Detective Phipps, as to the user,
20 whether the primary user is an adult or child?

21 A Well, the reason we look at some of these Internet
22 artifacts is to try to establish who's using, who's in
23 control of the computer, their identity, so that's one
24 reason we target some of these artifacts.

25 The majority of the search terms that were

1 entered into that toolbar had to do with cars and trucks
2 and that type of thing, so you can conclude whatever you
3 want to from the fact that most of the searches had to do
4 with vehicles and that type of thing.

5 Q Is it possible for you to give a general estimate of
6 how many of the searches concerned cars or trucks or car
7 parts?

8 A The vast majority, well over 90 percent probably.

9 Q We're looking now at page 1. For example, these
10 are -- if you can just clarify, are these each individual
11 searches as we go down the list?

12 A Yes, each time they search something slightly
13 different, put something slightly different in that search
14 window.

15 Q So if someone searches for wheels and then does a
16 separate search for lugs, it's going to show up in this
17 format?

18 A Yes, ma'am.

19 Q And looking here at a second page, it appears to be
20 searches related to Mustang, '65 Mustang, '87 Mustang.
21 Again, is this what you're referencing in terms of a lot
22 of searches for cars and car-related parts?

23 A Yes, ma'am.

24 MS. MAYES: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 (Pause.)

2 BY MS. MAYES:

3 Q Were you able to determine any date, any specific
4 date or time affiliated with these items that have now
5 been offered as evidence, the sexually explicit images of
6 the children, in connection with this case?

7 A No, ma'am. Unfortunately, thumbnail views don't have
8 the normal dates and times associated with files because
9 it could be something that is viewed on the computer,
10 removed and then even added back, and it would find the
11 same thumbnail view to pull up.

12 Q So, in other words, you were able to recover the
13 thumbnail images; however, you were not able to determine
14 any dates or times associated with when those images were
15 taken?

16 A That's correct.

17 Q Or when those images would have been uploaded to the
18 computer or viewed on the computer?

19 A That's correct.

20 Q Now, in the search of the home there were some
21 photographs taken. Have you had the opportunity to review
22 some of those photographs that deal with the actual search
23 of the home?

24 A Yes. I've seen a few of them, yes, ma'am.

25 Q Specifically as it relates to entertainment-type

1 media recovered from the residence?

2 A Yes, I recall a photo depicting some printers.

3 Q I'm going to show you what is State's Exhibit 13,
4 State's Exhibit 16, and also State's Exhibit 15 -- if you
5 could look at those -- State's Exhibit 17, State's
6 Exhibit 70, State's Exhibit 12, and State's Exhibit 14.

7 A Yes, ma'am.

8 Q Now, computers, can you tell us whether or not some
9 computer works along with printers?

10 A Yes, some printers have the capability to work either
11 as a standalone printer or they have to be used with a
12 computer and then some printers have to be always be used
13 with a computer.

14 Q How many printers are we looking at in this
15 photograph?

16 A Three.

17 Q All right. What type of printer or just general
18 information can you give us about this type of printer?

19 A It's a HP, appears to be like an inkjet printer and
20 it's more commonly one that you would have to connect to a
21 computer to use.

22 Q All right. And there is an Epson computer. Can you
23 tell us whether or not you found any information regarding
24 an Epson?

25 A There was some indication that an Epson computer had

1 been used on this or connected with or communicated with
2 this laptop. It was software specific to Epson and their
3 printing function and being able to output prints to an
4 Epson printer.

5 Q And so just to clarify, you're referring to an Epson
6 printer being potentially connected to that computer based
7 on software you recovered?

8 A Yes, ma'am.

9 Q Now, what is this item here?

10 A That's a Kodak printer, sometimes referred to like an
11 all-in-one, meaning in has multi functions. It can scan,
12 it can print. It has a small display on the front of it
13 so that you can actually see previews of the images before
14 you print them. You can also do some types of editing,
15 cropping, color adjustment, that type of thing.

16 Q All right. And based upon your training and
17 experience, looking at this printer here that you
18 identified as an all-in-one-type printer, can you tell us
19 whether or not they have the ability to read a memory card
20 from a digital camera?

21 A In doing some research on those type of printers,
22 they have built-in memory card readers so you can take a
23 memory card straight out of your camera, plug it into the
24 printer, and without the use of any other computer or
25 device it will bring up those images, allow you to

1 manipulate them if you want to and just print straight to
2 the printer.

3 Q All right. So just to clarify, that particular
4 printer here can actually print photographs directly from
5 a camera memory card without accessing a computer?

6 A Yes, ma'am.

7 MS. MAYES: Beg the Court's indulgence.

8 THE COURT: Yes, ma'am.

9 (Pause.)

10 BY MS. MAYES:

11 Q I'm going to refer you back to the photograph that
12 you saw previously of the digital camera packaging, I
13 believe it was called a Vivitar. Do you recall looking at
14 that?

15 A Yes, ma'am.

16 Q Is there any type of age limitation or restriction
17 for people who are using that type of camera?

18 A No, ma'am.

19 Q It's available to people of all ages?

20 A Yes. It's commonly referred to as a point-and-shoot
21 camera. It's considered an entry level camera, less
22 expensive, but even our own road deputies use those type
23 of cameras to document scenes.

24 MS. MAYES: Nothing further, Your Honor.

25 MR. WILLIAMS: May it please the Court.

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. WILLIAMS:

4 Q Are you a detective, an investigator, a lieutenant, a
5 major?

6 A I wish.

7 Q What do they call you?

8 A I'm a crime scene investigator. That's my primary
9 duty. The computer forensics is a collateral duty for me.

10 Q The last question you were asked -- when you were
11 asked -- and I apologize, you were asked about the Vivitar
12 camera, is that what you were just asked about?

13 A Yes, sir.

14 Q And your answer was it was a point-and-shoot, there's
15 no age, it's a beginner camera?

16 A It's considered an entry level camera, someone that
17 just wants a simple camera that they can point and shoot.

18 Q Let me ask you, I'm kind of going backwards, but my
19 brain works that way sometimes.

20 You were asked about printers and I think you
21 referenced the Kodak printer and you said you called it an
22 all-in-one?

23 A Yes, sir.

24 Q Did you get the information about what that
25 particular equipment could do off of the Internet or off

1 of some brochure or did you actually take that item and
2 check to see what that item was capable of doing?

3 A A combination of looking at the photo to identify the
4 type of equipment it is and going to that manufacturer's
5 website and researching it.

6 Q So at the time that you did your research you didn't
7 know -- did you know what year it was bought or what model
8 it was or anything like that, other than the fact it was a
9 Kodak all-in-one?

10 A That's correct.

11 Q So you have no personal knowledge about what that
12 particular printer all-in-one will do?

13 A I know based on the fact that it has the view scene
14 on it, that it has the capability to do the prints from a
15 memory card.

16 Q If that items has the ability to be viewed, I guess
17 to view items on it, does it have a memory?

18 A Potentially, but I haven't never done forensics on a
19 printer, so I'm not well versed in that area.

20 Q Well, it's almost fancier than the computer, isn't
21 it?

22 A Yes, sir.

23 Q So if it would have a memory, if any type of camera
24 was hooked up that and if it had a memory, conceivably it
25 would have memory with regards when the pictures were

1 shown on it, what images were shown on it, if it's got a
2 memory?

3 A Yes, it may have some type of logging capability that
4 shows how much was printed, when it was printed, that type
5 of thing, yes, sir.

6 Q And if you were detailing when particular pictures
7 were shown or when they were put on items, it would be
8 helpful knowing when they were shown and what items were
9 shown on it, wouldn't it?

10 A Yes, sir.

11 Q But you made -- and no one asked you to perform that
12 task on that particular printer, did they?

13 A No, sir.

14 Q But it could be helpful if you could do that?

15 A There's potential, yes, sir.

16 Q Let's talk about printer number two which was the one
17 which had to be hooked up -- what was printer number two?
18 You had one which had to be hooked up and one that didn't.

19 A Well, the HP on the bottom, the inkjet printer on the
20 bottom --

21 Q Right.

22 A Appears to be of the type that you have to connect to
23 something to make it work.

24 Q That's the old fashioned kind, right?

25 A Yes, sir.

1 Q And when you hook up to that, it's got no memory,
2 does it?

3 A Not that I'm aware of, no, sir.

4 Q It's got no way to tell when anything was viewed on
5 that particular printer?

6 A No, sir.

7 Q Now, what was the other printer that you looked at?

8 A Again, just from the photograph, there's an Epson in
9 the top right there.

10 Q And what does that allow you to do? What does that
11 printer do?

12 A I haven't had a chance to research that. We know a
13 profile for a model number that was on the computer, the
14 laptop computer. I'm not sure if it has a memory card
15 reading capability or not.

16 Q But if it did have a memory card reading capability,
17 it would let you know when someone had looked at any
18 pictures, what pictures were stored there, what images
19 were stored there?

20 A I don't know that for sure. There's potential again.
21 You don't know until you look.

22 Q Right. And in terms of what you did in terms of
23 forensically, you never did any of that?

24 A No, sir.

25 Q Let's go back to the difference between a

1 thumbnail -- because I'm 63 and everybody will tell you I
2 don't even read my own email -- a thumbnail that you get
3 is just an image that somehow floated through your
4 computer; is that correct?

5 A It's -- the Windows operating system in an attempt to
6 make it easier for you to see what your files are will
7 create icon representations for those. You'll have one
8 specific to like a PDF document, so you've got a special
9 symbol and you can tell that's a PDF without looking at
10 the extension or opening it. Well, images when they first
11 load will have a little generic image so everyone knows
12 it's an image, but eventually if you open a large folder
13 and there's a bunch, it takes a while for those thumbnails
14 to populate, but they appear one after the other. And
15 again, to make it easier for you so you don't have to
16 click on each one, if you've got 50 photos in a folder,
17 it's an actual miniature image of what the photo is. So
18 you can visually identify it and pick it out without have
19 to go through all of them.

20 Q Now, are those images being saved on the computer?

21 A Yes, sir.

22 Q And do you have to do anything to make them be saved
23 on the computer?

24 A No, sir.

25 Q So what you're saying is that anytime that the

1 computer is actually just -- when I go home, I've got this
2 big screen TV and I've got all these things hooked up to
3 it and I can go from -- what is it -- Hulu or NetFlix or
4 whatever, it's not being stored on my TV, but it's being
5 stored at my computer, right?

6 A Uh-huh.

7 Q So your computer in this situation is simply just a
8 viewer, am I correct, with the thumbnails? There's not a
9 file?

10 A The thumbnails, correct, thumbnails are not the
11 original file. There was an original file which for
12 whatever reason we can't find. It wasn't originally on
13 there, or like I said, it could have been on removal
14 media, a thumb drive that was originally put into the
15 computer and then removed, or it could have been something
16 that was on the computer and deleted and we just can't
17 recover it.

18 Q Well, when you set up a file on the computer, doesn't
19 the computer automatically give a date and time of when
20 that file is set up?

21 A Yes, sir.

22 Q And when you take that file off the computer, does it
23 give a date and time when that file's removed?

24 A If you're recovering the deleted file. In this case
25 we didn't recover deleted files, we just recovered

1 thumbnails, which aren't deleted files.

2 Q So what you're saying is that this computer never
3 stored any files which included any of those pictures?

4 A Can't say that.

5 Q Okay. Why?

6 A Because you can delete a file to the point that it
7 can't be recovered and deleted files don't necessarily
8 have their associated meta data, meaning the date it was
9 created, the date it was deleted information. So you just
10 can't make that conclusion. All we can say is that the
11 images that we had, the thumbnail images that we recovered
12 could have been on removable media or they could have been
13 on the computer, but they were viewed on the computer due
14 to the fact that we see all three resolutions of those,
15 meaning that they were opened, the folder that contained
16 those images was opened and different levels of viewing
17 was selected, small, medium, large.

18 Q So when you talk about removable data, could that
19 removable I guess data have been a camera?

20 A Yes, sir.

21 Q So if you want to view what was on your camera, you
22 could have plugged up your cord from your camera into the
23 computer and viewed what was on your camera and never
24 downloaded it, never stored it with the computer?

25 A Yes, sir.

1 Q Does it tell you what type of camera was used?

2 A No. Unfortunately, again, there's -- all we have is
3 the thumbnail itself. There's no meta data, meaning, you
4 know, date, time, what type of device it was, any of that.

5 Q So all you can say is that at some point in time
6 somebody looked at -- or these images were at least
7 flashed through that computer? Not whether or not anyone
8 saw it or not, but that somehow it was connected to the
9 computer?

10 A Well, someone had to intentionally view them because
11 they were selecting ultimately up to the large viewing
12 size, and the large is quite big. You can't help but see
13 what you're looking at when you select it.

14 Q And when they do that, are you saying that there is
15 no date and time recorded if you're activating something
16 on the computer?

17 A There's no date and time recorded on the thumbnail,
18 and that's all we have to work off of.

19 Q But isn't your computer showing that you have made it
20 larger, meaning you clicked on it twice to go from that
21 little thumbnail picture up to some larger picture?
22 That's being recorded on the computer, isn't it?

23 A No, sir.

24 Q Where is it being recorded?

25 A It's not being recorded. The original image,

1 wherever it was, has certain file data information
2 associated with it; like you said, the date and time it
3 was taken. If it was copied to the computer, the date and
4 time would show on that, but we didn't recover that. We
5 only recovered the thumbnail.

6 Q And you did no forensics on any of the other
7 equipment there?

8 A No, sir. I wasn't aware of the other equipment.

9 Q Could Vivitar -- you said it was a point-and-click?

10 A Commonly referred to as point-and-shoot; it's just an
11 easy camera to use.

12 Q Is it digital?

13 A It appears to be, based on the information on the
14 packaging that I saw.

15 Q So if it's digital, could you hook up the digital
16 camera to the computer and view what was on the digital
17 camera, Vivitar?

18 A Yes, sir.

19 Q And you said that's an entry level camera, basic no
20 age requirement, simple?

21 A Yes, sir.

22 Q And to your knowledge that was never -- you never got
23 a chance to look at that particular camera?

24 A No, sir, I did not.

25 MR. WILLIAMS: Your Honor, that's all the

1 questions I have.

2 REDIRECT EXAMINATION

3 BY MS. MAYES:

4 Q Just to follow up on that, Detective Phipps, he's
5 asking about the Vivitar camera. You mentioned before
6 that's the same general type of camera, the
7 point-and-shoot, that's used by the road deputies. For
8 what purpose?

9 A They use it to document scenes that aren't quite to
10 the level that they need to call us out on for the crime
11 scene unit, CDV injuries to victims, vandalisms, simple
12 burglaries, that type of thing.

13 Q All right. Now about the different types of
14 resolutions that you noted were found in connection with
15 these thumbnails, the small, the medium and large, your
16 response there on cross-examination is that it had to be
17 intentional. What is it about the different resolutions
18 that indicates that?

19 A Those other resolutions aren't created unless you go
20 up to the file view tab and you select whether you want to
21 see it in list form or thumbnail form and then what size
22 thumbnails you want it to generate for you. So you have
23 to specifically go up there and click on those for those
24 other resolutions to be generated.

25 Q So that's not an automatic feature of the computer;

1 is that correct?

2 A That's correct.

3 Q The user has to access each one of those choices.
4 And what happens if you choose to view a photograph in
5 large version?

6 A Well, again, like I think he was suggesting, you have
7 the option, of course, to double click and view the image
8 directly. But as far as viewing the actual thumbnail, you
9 have the option to click on one of the three categories,
10 small, medium and large, and see all your photos grouped
11 together on the screen at one time at those different
12 resolutions.

13 MS. MAYES: Beg the Court's indulgence.

14 (Pause.)

15 BY MS. MAYES:

16 Q And just to clarify as to Mr. Williams' question
17 about whether or not a camera could have uploaded the
18 images, is it possible for you to distinguish between
19 whether they're just viewed via a camera being attached or
20 actually uploading to the computer?

21 A When you dock either a camera or a thumb drive to the
22 computer, it sees it, assigns a drive letter to it and
23 sees it almost like it's part of that computer. So, in
24 essence, for the period it's connected to it, it is part
25 of the computer. It may not be on the main hard drive,

1 it's just on another piece of media. There's no way for
2 us to say whether those images were physically moved to a
3 portion of that hard drive and then removed or what
4 happened to them other than the fact that they were viewed
5 on the computer.

6 Q All right. Now, in addition to the example that
7 Mr. Williams gave about attaching a camera to view it that
8 way, could a user also take a memory card from the camera
9 and load them onto the computer that way?

10 A Yes.

11 Q And is it possible for you to know whether or not all
12 images were recovered pursuant to your software and your
13 examination?

14 A All the images that we have the technology at this
15 point in time with our equipment were recovered, yes.

16 Q Does that necessarily mean that that's all the images
17 that were ever stored on that computer or do you know
18 that?

19 A No. When an image -- the way we're able to recover
20 some things that are deleted, because when you delete
21 something it at first doesn't go away completely. The
22 operating system just goes in and tags that item as being
23 deleted and makes that physical space that it occupies on
24 the hard drive available to reuse. If nothing's needed to
25 be written to that area then we can go in and recover the

1 entire file. But if the computer continues to be used and
2 used and that area gets overwritten, meaning you bring in
3 more photos or you type a Word document and you save it
4 and the computer needs that space on the hard drive, it's
5 been tagged as available, so then it goes in and
6 overwrites it. At that point our software's not able to
7 recover that prior deleted product, image, document,
8 whatever; it's permanently deleted at that point.

9 Q All right. So Mr. Williams was asking you
10 specifically about deleted images. Is there any way to
11 know for sure that all images that were previously either
12 loaded on the computer or viewed on the computer were
13 recovered in connection with this case?

14 A No, you can't.

15 Q There could be images unrecovered?

16 A That's correct.

17 Q Because they were overwritten?

18 A Yes, ma'am.

19 MS. MAYES: Nothing further.

20 MR. WILLIAMS: Three questions.

21 THE COURT: Don't limit it. Just ask your
22 questions.

23 RE-CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q But you can't say there were other images either, can

1 you?

2 A By "other," what do you mean? Whether the original
3 images were on the computer?

4 Q Well, the question that was asked you was like a
5 double negative.

6 A Okay.

7 Q It's like proving a negative, meaning that she asked
8 you could there have been images that had gotten so much
9 information on there that it had erased the images off the
10 computer.

11 A Yeah, there could have been a lot of other stuff on
12 that computer that we're not able to recover. Just
13 because we do a forensic exam doesn't mean that we're
14 seeing everything that was ever on that computer.

15 Q But it doesn't mean the opposite either? It doesn't
16 mean that there were other images that were on there that
17 you were unable to pick up?

18 A That's right, yes, sir.

19 Q And, again, you can't say that there were deleted
20 files on this computer?

21 A Well, there were a lot of deleted files on the
22 computer. We didn't recover any explicit images that were
23 deleted, no, sir.

24 MR. WILLIAMS: Thank you, Your Honor.

25 THE COURT: Thank you very much, sir. You may

1 step down.

2 Any objections to the detective being excused?

3 MR. WILLIAMS: No, Your Honor.

4 MS. MAYES: None from the State, Your Honor.

5 THE COURT: Thank you very much, sir.

6 Yes, ma'am.

7 MS. MAYES: At this time the State does rest.

8 THE COURT: All right. Let me get you all to
9 step up real quick.

10 (A bench conference was held with the judge and
11 attorneys in the presence of the jury but out of the
12 hearing of the jury.)

13 THE COURT: All right. Ladies and gentlemen,
14 the State has rested. That means I have to take up some
15 matters of law outside your presence before we go any
16 further. So I'm going to ask you to step back into your
17 jury room. It won't be lengthy, but I do need to take up
18 these matters and then I'll bring you back out.

19 (The jury left open court at approximately 3:41
20 p.m.)

21 THE COURT: Okay. At this time, then, I will
22 take up any motions at the close of the State's case.

23 MR. WILLIAMS: Your Honor, we would renew all
24 prior motions dealing with -- most of that had to do with
25 the introduction of evidence, but we would also move for a

1 directed verdict of not guilty on each and every one of
2 the indictments along the lines as to the insufficiency of
3 evidence taken in the light most favorable to the State
4 would be insufficient as a matter of law for this jury to
5 return a verdict of guilty.

6 THE COURT: All right. I'm going to
7 respectfully deny that motion, Mr. Williams. For the
8 record, I think that the State has produced evidence,
9 depending on how the jury views it, because I think it's a
10 jury call as a factual issue, that I think as far as the
11 jury's consideration, and so I think there is evidence,
12 depending on how the jury views, whereby they could render
13 a verdict and I'm going to allow it to go to them as the
14 fact-finders.

15 Anything further?

16 And also we'll note your previous objections and
17 exceptions.

18 MR. WILLIAMS: Yes, sir. Nothing further from
19 the defendant, Your Honor.

20 THE COURT: All right. Have you discussed with
21 Mr. Hayes what the defense intends to do with regard to
22 your case, sir?

23 MR. WILLIAMS: I have, Your Honor. As a matter
24 of fact, we spoke about it actually last night. We also
25 spoke about it during the lunch break and he has made a

1 decision, along with consultation with his family, that he
2 does not intend on taking the stand and present any
3 evidence.

4 THE COURT: Would you have any other witnesses
5 or testimony?

6 MR. WILLIAMS: No, Your Honor.

7 THE COURT: All right. Mr. Hayes, let me just
8 address that with you. And I know you've talked with
9 Mr. Williams, and rightfully so, that's your attorney.
10 You know, we often call -- another term we use for
11 attorneys is counselor, so it's good that you would
12 counsel with him, and then my understanding is you've also
13 discussed it with family members, which is also fine and
14 appropriate. But I just want to talk with you, though,
15 because any time a person exercises or gives up a
16 constitutional right, it's important that I'm convinced
17 that it was done of your own free will and without any
18 coercion or threats or anything of that nature.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now you understand -- and first I
21 want to deal with the fact that you understand that you
22 have the right to testify if you choose to. You
23 understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And of course -- and the right to

1 present any other witnesses or testimony if you chose to
2 do that.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, if you were to choose to
5 testify, then you understand that in addition to any
6 questions Mr. Williams might would ask you, you would also
7 be subject to answer any questions from the State and
8 you'd be required to answer those questions as well. You
9 understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay. I have no idea, we haven't
12 talked about it at all, but if you were to have any prior
13 record that under our law would be deemed impeachable, you
14 understand that I would not allow the State to go into any
15 details as to any prior record, simply I would allow, if
16 it's appropriate, for them to simply inquire whether or
17 not you've been convicted of any other type of crime. You
18 understand that they would be able to ask that question if
19 that were to be applicable?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. Now, in this case you have
22 indicated that you wish to exercise your right to remain
23 silent. And you also -- that is a constitutional right
24 that you have, and when someone exercises their right to
25 remain silent, I have an instruction that I give to the

1 jury when I instruct them on the law, and basically I
2 inform the jury that in this case, as in all cases, the
3 burden of proof rests on the State and you don't have to
4 prove anything, and I would instruct them that in this
5 state or in this country, no person who's charged with a
6 criminal offense is ever required to prove themselves
7 innocent. The burden of proof rests on the State. And so
8 I instruct the jury that the fact that you have chosen to
9 exercise that constitutional right to remain silent, that
10 they are not allowed to consider that at all in their
11 consideration of the evidence and in consideration on your
12 guilt or innocence. You understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: As a matter of fact, I would go a
15 little further and I would tell them that the fact that
16 you chose to exercise that constitutional right, that that
17 could not even be discussed in the jury room at all. You
18 understand that, sir?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, it's important any time -- as I
21 said earlier, you talk to your lawyer, you get good advice
22 there; you talk to your family, you get advise there. But
23 the bottom line, Mr. Hayes, and this is with you and with
24 everybody in this courtroom, when it comes down to
25 exercising or not exercising certain constitutional

1 rights, it's kind of like the buck stops here. The buck
2 stops with you. You can get all the advice and thoughts
3 and suggestions that you want, but the bottom line is it's
4 your decision, and you're the only one that can make that
5 decision. So my -- what I'm looking to determine is
6 whether or not that this is in fact your decision to
7 exercise your constitutional right to remain silent.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Has anyone in any way coerced
10 you or threatened you in any way with that?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. So it's a decision that
13 you've made of your own free will after discussing it with
14 everybody?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Well, I certainly would honor that
17 Mr. Hayes.

18 THE DEFENDANT: Thank you, sir.

19 THE COURT: And we'll proceed in that fashion.

20 I don't know, Mr. Williams and Ms. Mayes, when I
21 passed you that proposed charge, I don't think -- I don't
22 know that I had that instruction in there about a
23 defendant's right to not testify, but certainly that would
24 be an addition that I would make to the charge when we get
25 to that point.

1 But at this time let me go ahead and,
2 Mr. Williams, since the defense has indicated to the Court
3 that you're ready to rest, what I would do is ask, if you
4 don't mind, to let's go ahead and take up any motions at
5 the close of all the evidence and then when the jury comes
6 out, I'll let you rest on the record and then I'm going to
7 send them home with their instruction about where we're
8 going to be tomorrow and regarding closing arguments.

9 MR. WILLIAMS: Yes, Your Honor. We would
10 additionally in that if we're not presenting any evidence,
11 we would take the second, if you will, motion for directed
12 verdict, and that is, viewing the evidence as a whole, it
13 would be insufficient as a matter of law for this jury to
14 return a verdict of guilty on each and every one of the
15 indictments the client is charged with.

16 THE COURT: All right, sir. And again, I'm
17 respectfully going to deny that motion. I think, as I
18 said earlier, it's clearly a factual issue that the jury
19 must determine.

20 MR. WILLIAMS: As well as renewing any motions
21 we made.

22 THE COURT: And all those motions and objections
23 that you've made throughout the course of the trial have
24 been renewed and noted.

25 Well, what I'm going to do then is I'm going to

1 bring the jury out and recognize you, Mr. Williams, let
2 you rest on the record, then I'm going to instruct them as
3 to where we're at in the trial and I'm going to send them
4 home and then we'll remain to discuss the charge if
5 there's anything we need to do more regarding that and
6 anything else we might need to take up. So let's go ahead
7 and bring the jury back in.

8 (The jury came into open court at approximately
9 3:50 p.m.)

10 THE COURT: Thank you, ladies and gentlemen, for
11 your cooperation and patience. You'll recall when we took
12 this break that the State had rested their case and I had
13 matters of law that I needed to take up. And we have done
14 that and I've taken up those matters of law, so I would
15 recognize Mr. Williams on behalf of the defendant.

16 MR. WILLIAMS: Your Honor, the defendant rests.
17 We're prepared to argue.

18 THE COURT: All right. Ladies and gentlemen,
19 the defense has rested their case, and you heard
20 Mr. Williams indicate they're prepared to argue, and I
21 appreciate that. I'm not prepared. I'll tell you -- I'll
22 explain that.

23 What Mr. Williams means, and I know he probably
24 is prepared, but we have reached the portion of the trial
25 where you have heard all the evidence that's going to be

1 presented. So at the close of all the evidence, normally
2 the next phase of the trial would be you'd hear from the
3 attorney with regards to their closing arguments.

4 It's about five minutes to 4:00, and although
5 both sides may very well be ready to proceed with their
6 closing arguments, number one, I don't know how long that
7 will take, and number two, I need to review with the
8 attorneys my charge on the law that I'm going to give you
9 to make sure that I have included everything that I need,
10 so I would need a little bit of time to do that with them.

11 And then the other unknown that no one can say
12 is once you have the case for your consideration, how long
13 it would take you to deliberate to reach a unanimous
14 verdict.

15 So we've got -- tomorrow's Friday and we've got
16 that time, so I'm going to adjourn court this afternoon
17 and let you leave, stay with the attorneys and go over my
18 jury charges to make sure I've got everything in place
19 that I need, and then when you come back in the morning,
20 we'll proceed with the attorneys, recognizing them for
21 their closing remarks, and they'll have whatever time they
22 need to do that and then I'll give you the charge on the
23 law and the case will be ready for your consideration, and
24 then you'll have as much time as you need to deliberate.

25 So I think that's probably the wisest thing to

1 do rather than try to wedge everything in today. So I'm
2 going to ask you when you leave here to return tomorrow
3 morning at the 9:30 and we will get started at 9:30 once
4 everyone has reconvened.

5 Now, I always assume that there are family,
6 friends and loved ones who are curious as to what you've
7 been doing and want to know. I always say that because I
8 know my family, and they're always curious about what's
9 going on, so that's natural. But if you would, let them
10 know that you do have to be back in the morning and that
11 you anticipate that whenever you return back home sometime
12 tomorrow, that you'll be able to tell them whatever they
13 want to know; that it's your understanding that the case
14 will be yours for your consideration tomorrow, and that
15 once that's concluded, then you can feel free to talk
16 about the case, if you choose to.

17 So just ask folks to be patient, and you be
18 patient as far as just get a good night's rest and we'll
19 start back at 9:30 in the morning. And as I said, we'll
20 begin with the closing arguments of the attorneys and then
21 I will give you the charge on the law and then you should
22 have everything you need and we'll send it to you sometime
23 tomorrow morning. Okay?

24 So everyone please remain seated. Ladies and
25 gentlemen, we'll see you back at 9:30 tomorrow morning.

1 (The jury was excused from open court at
2 approximately 3:57 p.m.)

3 THE COURT: All right. Folks, I passed over to
4 you a proposed charge a couple of days ago that has some
5 things in it that I think reflect the law in the case, but
6 I will be happy to hear if there's anything we need to add
7 or delete. I know I need to add the language regarding a
8 person's right to remain silent, and I will do that. But
9 other than that, is there anything from the State?

10 MS. MAYES: No, sir, it's looks fine.

11 THE COURT: All right. How about from the
12 defense?

13 MR. WILLIAMS: Your Honor, when I looked at it
14 the first time it looked fine, so I assume it hasn't
15 changed.

16 THE COURT: The only thing that I will change,
17 Mr. Williams, from what you have --

18 MR. WILLIAMS: Yes, sir.

19 THE COURT: -- would be to add the language
20 about a person's right to remain silent.

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: And that constitutional right. I
23 will add that language. So if there's nothing else, then
24 the charge that you have will be the charge that I will
25 give to the jury.

1 Now, if there's nothing else about the charge, I
2 do need to talk to you all briefly about the verdict form.
3 And what -- let me do this. It won't take but a second.
4 I will run and do it real quick. I'm going to print out a
5 proposed verdict form that I've got here and give both of
6 you a copy, let you look at it, and then we can talk about
7 that. Okay? That won't take but a second.

8 While she's getting that and going to bring it
9 out, if I could just confirm, you're proceeding on seven
10 indictments; is that right?

11 MS. MAYES: I can clarify them for the Court at
12 this point. We have three indictments for lewd act on a
13 child.

14 THE COURT: Okay.

15 MS. MAYES: We have one indictment for
16 contributing to the delinquency of a minor.

17 THE COURT: Yes, ma'am.

18 MS. MAYES: And then we have Indictment
19 2013-1422, CSC with a minor, 2nd degree, as to Daughter 1
20 That was not called. We have Indictment 2013-1420,
21 CSC with a minor, 1st degree, which is Daughter 3.
22 That is going forward. And then CSC with a minor, 2nd
23 degree, 2013-1423, as to Daughter 2 is going forward.

24 THE COURT: All right. Then I'm wrong.
25 Indictment 1422 you're not going forward on, correct, the

Daughter1

1 one involving [REDACTED]?

2 MS. MAYES: That's correct, Your Honor. We
3 passed it up initially, but we're not going forward on
4 that charge. That was actually never called.

5 THE COURT: Okay. Then what you're going to get
6 from Hannah does have that on there, but I will take that
7 off when you get that. Okay?

8 So there's six indictments that you're going
9 forward on?

10 MR. WILLIAMS: I have six on my jury
11 instructions.

12 MS. MAYES: That's correct, six. And 1422 was
13 not listed on the jury instructions.

14 THE COURT: Okay. I screwed up and did
15 something right.

16 And I will tell you, because when I prepared
17 those jury instructions I did recall that we -- I kept
18 thinking in my mind that we had the three victims so there
19 must be another CSC somewhere, and so I got it from Hope,
20 the indictment I got from Hope, and I added that on the
21 verdict form, but I will take it off.

22 Now, you got a copy of the verdict form. Let me
23 just share with you what my concern was or my thought was.

24 I don't understand it, but I'm trying to adhere
25 to the statute. The statute says that on a charge of 1st

1 degree criminal sexual conduct with a minor the jury's
2 verdict must reflect that there was -- that the sexual
3 conduct complained of involves sexual or anal intercourse
4 by a person or intrusion by an object. If you read the
5 statute, it says that.

6 Now, if you listen to the charge on the law, it
7 says the same thing, so I don't understand why it must be
8 reflected on the verdict. But if you look at the
9 statute -- if you've got it in front of you, look at the
10 statute, it requires that it specifically be addressed in
11 the verdict. It says "specific finding."

12 Because the reason I don't quite understand that
13 it must be reflected in the verdict form is because if you
14 don't find that, then there's no conviction under 1st
15 degree because that's part of the elements of the charge.
16 But I'm looking at --

17 MS. MAYES: Your Honor, I believe that change
18 came about in 2006 with Jesse's law when there was a
19 provision that actually made that potentially a death
20 penalty offense. I'm wondering if it could be cured by us
21 conceding on the record that we would not ever seek the
22 death penalty.

23 THE COURT: Well, no, because you can't seek the
24 death penalty unless there's a prior conviction. What it
25 says, Section A under 16-3-655 basically is the section

1 that deals with 1st degree. Okay? Then Section B deals
2 with 2nd degree. Section C deals with 3rd degree. Then
3 when you get to Section D, that's basically the penalty
4 section, and it says here, specifically says here that in
5 the case of a person convicted at trial for a violation of
6 Subsection A(1), which is the subsection that deals with a
7 sexual battery with a victim who's less than 11 years of
8 age, it specifically states that the judge or jury,
9 whichever is applicable, must designate as part of the
10 verdict whether the conduct that constituted the sexual
11 battery involved sexual or anal intercourse by a person or
12 intrusion by an object. And then it says if the person
13 has been previously convicted of or pled guilty or nolo
14 contendere or adjudicated delinquent for 1st degree
15 criminal sexual conduct with a minor who is less than 11
16 years of age, or a federal offense that would constitute
17 that, then the death penalty is on the table.

18 So under Section D it seems to indicate that if
19 a person is convicted by a trial jury of a violation of
20 Section A(1), that the verdict must designate whether the
21 conduct constituted -- which constituted a sexual battery
22 involved either sexual or anal intrusion or intercourse or
23 intrusion by an object.

24 MS. MAYES: Where are you at right now, Your
25 Honor?

1 THE COURT: Are you looking at Section
2 16-3-655(d)?

3 MS. MAYES: Yes.

4 THE COURT: It's D(1). And you have to get
5 past -- it's about, I want to say, a third of the way down
6 and I think it's probably the third time you see where it
7 references A(1), in the case of a person convicted at
8 trial. Do you see that?

9 MS. MAYES: Can we see the copy that you're
10 reading from, Judge?

11 THE COURT: Yes.

12 (A bench conference was held with the judge and
13 attorneys.)

14 (The proceedings were concluded for the day and
15 reconvened on August 1, 2014.)

16 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

17 VOLUME 4 OF 5
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1 THE COURT: Is there anything that we need to
2 take up before we bring the jury out and get started?

3 MR. WILLIAMS: Your Honor, when we were in
4 conference, I did hand up a request to charge. It's my
5 understanding that the Court is not going to charge it,
6 but I'd ask the record to note that I had requested a
7 charge from Ralph King Anderson's book on inference.

8 THE COURT: All right. And do you mind -- I
9 left my copy back there. I'm going to make this a Court
10 Exhibit.

11 MR. WILLIAMS: Yes, sir.

12 THE COURT: And, Ms. Mayes, you weren't back
13 there but Ms. Patterson was, you've seen that request to
14 charge?

15 MS. MAYES: I did, Your Honor.

16 THE COURT: I'm not going to charge it. I'm
17 going to note your objection or the exception to that from
18 Mr. Williams, but I'm going to make that a Court's Exhibit
19 so it will be part of the record.

20 MR. WILLIAMS: Thank you, Your Honor.

21 And it looks like we have the last sheet. And
22 we now have no objection to the --

23 THE COURT: All right. So No. 81 is fully
24 redacted then?

25 MR. WILLIAMS: Yes, sir.

1 THE COURT: State's Exhibit 81.

2 (WHEREUPON, The Court's Exhibit No. 8 was marked
3 for purposes of the record.)

4 MS. MAYES: Your Honor, one more matter if we
5 may approach.

6 THE COURT: Yes, ma'am.

7 (A bench conference was held with the judge and
8 attorneys.)

9 THE COURT: Are we ready?

10 MS. MAYES: Yes, sir, Your Honor.

11 MR. WILLIAMS: Defendant's ready, Your Honor.

12 THE COURT: Bring the jury in, please.

13 (The jury came into open court at approximately
14 10:15 a.m.)

15 THE COURT: Ladies and gentlemen, welcome back.
16 I want to pick up where we left off yesterday and let you
17 know that I have taken up all the matters of law and
18 everything that was necessary to be taken up, and so now
19 we are at the stage of this trial where the evidence in
20 the case is closed. All of the evidence that you're going
21 to have to decide this case has been presented. It is the
22 testimony of the witnesses that testified as well as the
23 exhibits which came in during course of the trial, and you
24 will have those exhibits back in the jury room with you
25 when you retire to deliberate.

1 But we have now reached the portion of the case
2 where the attorneys are going to have -- this is their
3 opportunity to argue to you what they believe the evidence
4 in this case has shown. It is important that you listen
5 carefully to what they share with you.

6 Now, just as I told you about their opening
7 statements, I would repeat as it relates to their closing
8 arguments. They are not under oath, they're not witnesses
9 in this case, and so what they tell you during the course
10 of their argument is not evidence, it is merely their
11 beliefs as to what they contend the evidence has shown.
12 So the evidence is closed; it's what I've indicated to
13 you, but this is their opportunity to talk to you about
14 what they believe that it has shown. So it's important
15 that you listen carefully as they present their arguments.

16 Once they've concluded their remarks to you, I
17 will then give you the charge on the law that is
18 applicable to this case, and then, only then, you'll have
19 everything you need then to go back into the jury room and
20 then you can for the first time begin discussing the case
21 and discussing the evidence and deliberating the issues.

22 So if you would please listen carefully as the
23 attorneys address you with their closing arguments.

24 Ms. Mayes.

25 MS. MAYES: Yes, sir, Your Honor. May it please

1 the Court.

2 THE COURT: Yes, ma'am.

3 MS. MAYES: Imagine a life where day after day
4 the people that you should trust the most in this world,
5 your mother, supposedly your family betray you day after
6 day. Imagine a life where everywhere you turn and
7 everywhere you cry for help leaves you alone.

8 In this case, it's really about truth. There is
9 no higher truth than what comes from right there. You
10 heard the testimony of Daughter 1 Daughter 2 Daughter 3
11 testimony where truth brought them the worse
12 circumstances, truth, telling the truth tore them away
13 from their family, torn them away from each other, left
14 them motherless. But let's be honest here: She was no
15 real mother. She was incompetent, negligent, and they
16 were fending for themselves. And that defendant, Chad
17 Hayes, took advantage of those helpless, vulnerable
18 children in that situation because he knew he could. He
19 knew he could.

20 When he got that call months after the children
21 were gone, gone all the way to Missouri, he got that call
22 from Detective Collins, "I want to you come down to the
23 sheriff's department and talk with me about a case
24 involving the children of your former girlfriend." Well,
25 that tipped him off right there. He absolutely knew they

1 had told. They had told the truth that he thought they'd
2 never tell. Maybe he thought they wouldn't have the
3 courage to tell. Maybe he thought because the mother was
4 letting it happen that he was just going to keep getting
5 away with it and would never answer for it. When he got
6 that call, he was tipped off, and I can guarantee you he
7 put the wheels in motion to start getting rid of evidence,
8 and that was his goal, that was his goal, and he almost
9 got away with it. He almost got rid of the evidence.
10 Cameras were gone, the memory cards were gone, computers
11 were gone. Even those pictures that he had printed out
12 with that fancy printer he had, that all-in-one printer
13 that he keeps in his house, even those pictures that he
14 kept in the drawer of his bed, gone.

15 So he goes down to the police station, meets
16 with Detective Collins, and what does he end up saying? A
17 ridiculous story that would only come from the mouth of a
18 sex offender. He thinks like a sex offender, he talks
19 like a sex offender because he is a sex offender.

20 He tells Detective Collins, yes, I touched them.
21 I touched their breasts, I touched their vagina, but you
22 know what, they asked me to. That is ridiculous,
23 absolutely ridiculous. And then thinking and acting like
24 a sex offender, he goes into this explanation how, oh, it
25 was never sexual, it was never sexual. I thought they

1 might have breast cancer. These children were ten and
2 eleven years old. That is ridiculous.

3 The good thing about being jurors is that you
4 get to rely on your common sense, the same common sense
5 that you've had your whole life, that you carry with you
6 day after day in everything that you do, and that's the
7 same common sense you get to rely on when you're back in
8 the jury room and you're reading that statement, that
9 statement of the defendant.

10 The judge is going to charge you in just a
11 little while on the different types of evidence for you to
12 consider. There's direct evidence. Direct evidence is
13 evidence that comes from someone who saw it, felt it,
14 experienced it firsthand. In this case, there is
15 overwhelming direct evidence not from one victim, not from
16 two, but from three. And these kids had been separated
17 shortly after their mother took off for Missouri. Daughter 3
18 ends up back here, Daughter 2's in Missouri with an aunt, and
19 Daughter 1 is in Missouri and then returns back here. It's
20 chaos. It's a chaotic life for children whose innocence
21 was stolen, whose childhood was stolen, and they're left
22 wounded, pretty much orphaned.

23 So in that situation through both of these
24 interviews, keep in mind that when they went for those
25 interviews and they're telling that interviewer New Year's

1 Eve in the tree, Detective Collins had never even talked
2 with the defendant yet. That computer had never been
3 found. Every single thing they talked about was
4 completely corroborated: The photos that he took, that he
5 made them take, the fact that it was New Year's Eve in the
6 tree, the fact that he was taking pictures in the
7 bathroom, all of that completely corroborated by evidence
8 that law enforcement didn't even know existed until much,
9 much later on down the road. That, ladies and gentlemen,
10 is overwhelming evidence, direct evidence for your
11 consideration.

12 But in addition to that, direct evidence can
13 also be the defendant's own statement. Let's take a look
14 at that for a moment. He starts out in this interview
15 with Detective Collins trying to explain away his
16 behavior. Really, though, how can you ever explain away
17 fondling of children?

Daughter 2

18 "Have you ever touched [REDACTED]?"

19 Well, I never touched her in a sexual manner.
20 When I would feel on her boobs," as he puts here, felt on
21 her boobs, "it was for lumps."

22 She was 11 years old. When she first moved in
23 with him, she was younger than that. He was feeling for
24 anything not normal.

25 "But I told her I was not a doctor." Thinking

1 like a sex offender.

Daughter 1

2 "Have you ever touched [REDACTED]?"

3 I've never touched her in a sexual manner."

4 Ridiculous. "Only if she asked or her mom asked."

5 Again, constantly making excuses or trying to
6 make excuses and false explanations for why he would be
7 touching these children in their private parts.

8 He goes on to say, "I checked for lumps on her
9 boobs and she had a problem with her vagina," so of course
10 he has to help her there he claims. Also, "helped her
11 shave her private part so she could learn how. She asked
12 me to."

13 You heard those children explain exactly what
14 happened. He told them what he was going to do.

15 Remember the testimony of Laurie Caldwell, a
16 SLED agent with years of experience in child sexual abuse
17 and child exploitation investigations? One of the most
18 common tactics that sex offenders use is they try and gain
19 some kind of bribery with the child. And we know that he
20 was controlling, we know that he was at times abusive. We
21 know the children were afraid of him. Remember Michelle
22 Brackett, the guidance counselor who spoke about tears on
23 Daughter 1's face when she explained to Daughter 1 that she was
24 going to have to report to DSS that she had been spanked
25 with that belt, and Daughter 1 was in fear. It was hard

1 enough to tell someone in privacy, you know this is what's
2 going on in my home, I'm afraid, but then to know that
3 that person is going to have to report and your situation
4 is about to get a whole lot worse, she was petrified. And
5 then she stayed in that situation day after day. And so
6 in addition to that control he had over the children, when
7 he wanted something or really needed something, what would
8 he do? Oh, we're going to the beach, we're going to
9 Carowinds. All these little trips he would plan for them,
10 the toys in their rooms. Oh, they never had all those
11 toys before, they should be grateful for what I'm giving
12 them. So he goes to Daughter 1 and Daughter 2 and says, you know
13 what, we're going to Carowinds and you're going to have to
14 wear bikinis at Carowinds. If you're going to wear a
15 bikini you're going to have to shave. And you know what,
16 I'm going to shave you. He told her what he was going to
17 do and he did it.

18 And among the most appalling things of all of
19 these ridiculous statements that he made is that he would
20 try and say he was just helping her, just like he's just
21 doing a breast exam. It's not sexual. We know exactly
22 what it was. He shaved this child down to almost nothing
23 and to do that, he had to put his hands on her. He took
24 pictures before, he took pictures during, he took pictures
25 after. He took pictures of her pubic hair on a white

1 towel after she's just been shaved.

Daughter 2 Daughter 2

2 [REDACTED] was 11 years old. Does she want
3 to go to Carowinds? Of course she wants to go to
4 Carowinds. What kid doesn't. Especially children like
5 them who have had so little in life. Well, to go to
6 Carowinds, you know what, [REDACTED] Daughter 2 's going to have to get
7 shaved. This is his bedroom. And you'll see these
8 pictures, they're going to be back in the jury room.

9 This is his bedroom. That's his bed and that's
10 his drawers to the bed where he keeps these pictures. And
11 he didn't even have to load these on the computer. He had
12 that fancy all-in-one printer in his house. He works at
13 Michelin. What does he need with that? Why does need
14 that? Why does he need three printers? That all-in-one
15 printer, you take the memory card out of a digital camera
16 and you put it right in there and it prints the pictures
17 for you. You never even have to load it on the computer.
18 And you know why he's using that? Because he can't take
19 these pictures to Wal-Mart, he can't take them to CVS.
20 Because anybody who works there is going to know that this
21 is child pornography and they're mandated reporters and
22 they're going to report him immediately. That's why he's
23 got that printer in his house.

24 This photo is taken in his bedroom. This child
25 is 11 years old. She has been shaved completely beneath

1 the vagina.

2 Mr. Williams was asking, well, did they take
3 fingerprints? Did they take fingerprints of his beard
4 trimmer that was in his house in his master bathroom? Of
5 course not. Why would you take fingerprints of his own
6 beard trimmer that's in his own bathroom? And he lives
7 alone. Please, the State submits, do not get sidetracked.
8 Do not get sidetracked by these red herrings that are
9 thrown out there about, well, where does he keep the car?
10 Does he keep the car in the shed or not in the shed?
11 Well, that drag car's in one of the pictures, so what does
12 that mean? Who cares? What does that have to do with
13 anything? The child is naked in the tree. And before law
14 enforcement even found the computer these children were
15 telling people he made us take naked pictures in the tree
16 on New Year's Eve. That's what it's all about.

17 When we talk about New Year's Eve, this is
18 Heaven in a tree. In this picture she had just turned 11
19 years old. The picture's taken two days after she's 11
20 years old. Does this look like the face of a child who
21 wants to be photographed? And then he would tell them
22 what to do, smile, pose, do this, do that, and they talked
23 about how his voice would change in order for him to get
24 them to carry out what it was he wanted.

25 There are multiple crimes that encompass this

1 case, multiple crimes that overlap. There's touching,
2 there's child exploitation, and then as he goes on in his
3 statement to explain, there's what we call criminal sexual
4 conduct. What is criminal sexual conduct under the law?
5 Criminal sexual conduct is any intrusion, however slight,
6 of a body opening. In this case it's vaginal intrusion.
7 That can be in intercourse such as intrusion by the
8 genitals or it can be, in this case, an object such as a
9 finger. That has been the law for years, and it still is
10 the law. When we talk about intrusion, it includes
11 objects such as a finger.

12 The children were able to explain how they knew
13 that the touching went beyond just touching on the outside
14 of their private parts. ^{Daughter 3} [REDACTED], who was ten years old when
15 she last lived with him -- she was under age 11, she was
16 ten when they left -- she talked about how sometimes he
17 would touch on the inside, and it felt different. And
18 really for a ten-year-old, how else can they explain it?
19 Heaven knew that he had touched on the inside lots of
20 times, and she explained that. What does he say about
21 that?

22 "Describe what you would do when you would touch
23 the girls' breasts or vagina area?

24 Answer: Check their breasts for lumps, feel
25 around on the breasts to see if I felt knot or bump or

1 lumps." Really? "Check their vagina for redness or feel
2 in, around it for swelling or anything not normal to me."
3 Not normal to him? So he's got to put his finger in and
4 feel in around the vagina to figure out if it feels normal
5 or not? Absolutely ridiculous. That, ladies and
6 gentlemen, is CSC, what we call criminal sexual conduct
7 with a minor. There are no ifs, ands, or buts about that.
8 He said out of his own mouth what he did, and what he did
9 is under the law intrusion by an object, which includes
10 the finger. Any intrusion, however slight.

11 When we look at the law, and the judge will
12 charge you momentarily in much more detail than I will,
13 let's look first at Daughter 3 Daughter 3
14 [REDACTED] was ten years
15 old when she last saw that man. So we know right here she
16 was a minor who was less than 11 years of age. Here you
17 see her date of birth, April 1, 2001. The only remaining
18 element to be proven under the statute is what's called
19 sexual battery. And the judge will charge you exactly on
20 the law for sexual battery, and it is as follows: Any
21 intrusion, however slight, of any part of a person's body
22 or any object into the genital opening of another person's
23 body. Again, under the law it has always been and always
24 will be that digital penetration with a finger, any
25 intrusion however slight into the vaginal opening is
sexual battery.

Daughter 3

1 Now, when [REDACTED] got her forensic interview she
2 talked about different types of touching that he would do
3 in different places of the house. There was one point in
4 the interview where the interviewer was asked her about
5 being touched in the bathroom: Did he touch on the inside
6 that time? No. She said, Did it go inside? No. Then
7 later or earlier in the interview she had said, Did he
8 touch on the inside or the outside? And she said, Both.
9 So she can clearly distinguish when he's touching on the
10 outside and when he's touching on the inside. You only
11 need find that it happened on one occasion and one
12 occasion at any point in time is sufficient for proof
13 beyond a reasonable doubt of this offense.

Daughter 2

14 Now, moving on to [REDACTED], that is criminal
15 sexual conduct with a minor in the 2nd degree. Again the
16 same elements, except this time the child is 11 years of
17 age, and again sexual battery includes any intrusion,
18 however slight, of the genital opening.

Daughter 1

Daughter 2

19 Now let's talk about [REDACTED] -- [REDACTED] a little
20 bit. Heaven talked about the things she likes to do in
21 school and one of the things that's she's always been open
22 about is that she's struggled in school. She is special
23 needs and has been special needs as the guidance staff
24 explained since early in primary school. She is in a
25 special education class for math. So when she gets asked

1 questions, How old were you when such-and-such happened,
2 How old were you when such-and-such happened, she can't
3 answer questions like that. This was three years ago and
4 a child like that can't say I was this old when this
5 happened. Children don't think like that. Even the
6 brightest kids in the world don't think like that. The
7 way they think is when I was lived here what happened and
8 how long did that happen. And the bottom line is when she
9 got asked a question, Was it still going on, the touching
10 inside? The touching inside your private parts, was it
11 still going on up to before you left for Missouri? Her
12 answer was yes. That's how we know that it occurred when
13 she was 11 years old. She had been 11 years old since all
14 the way back before New Year's, and they left in
15 September. She knew it was still going on and had been
16 going on. Again, you only need to find that one act of
17 sexual battery, one intrusion occurred, the intrusion that
18 he talked himself when he said he would feel in around the
19 vagina.

20 Now, there is a charge that is known as lewd act
21 upon a child. This charge concerns all three children.
22 It's going to be a charge before you as to Daughter 1 Daughter 3
23 Daughter 2 and [REDACTED]. Well, what is a lewd act? Is the defendant
24 over the age of 14? Yes. It's any touching with the body
25 or its parts of a child under the age of 16. It's

1 attempting or committing.

2 Right here. Let's talk about those shaving
3 incidents with Daughter 1 and Daughter 2. How could it ever be
4 anything other than lewd when you see photos? He took
5 photos after with their legs spread apart and there's
6 nothing left there. To take his hands and put them on
7 that child and commit that act, there is absolutely no
8 mistaking we're talking about a lewd act. Fondling of
9 Megan's breasts when she was eight, nine, and ten years
10 old, there's no question what we're talking about. With
11 the intent of arousing, appealing to, or gratifying the
12 lust and passions of the person or child. We know what
13 his intentions were. Those photos, not just the photos
14 after the shaving, but also the photos in the trees. He's
15 done closeups, multiple closeups. And they want to try
16 and say their mom took the pictures? She was a bad
17 mother? She was neglectful. She put that man before her
18 children. Everybody here knows that. But there is no
19 mother on this planet that would take those pictures.
20 When you look at them, you'll know exactly what happened.
21 In those pictures he's the one who said he shaved her in
22 his statement. He's the one who said, I taught her to
23 shave so she could learn how. Well, the part he left out
24 of that statement is that he was photographing it as it
25 happened. He said that before those pictures were ever

1 even found, proof beyond a reasonable doubt I submit of
2 this offense.

3 The last charge before you is going to be a
4 crime we call contributing to the delinquency of a minor.
5 And there's not even a board for that because it is so
6 simple and so easy. What that law entails is endangering
7 the morals of a child. And it can be any one of the
8 children, it does not have to be all of them. But these
9 actions, forcing them to take part of child pornography,
10 forcing Daughter 3 to watch that. Is that endangering their
11 morals? Absolutely.

12 And you know when Daughter 3 -- do you think Daughter 3
13 wanted to get on that stand and talk about these pictures?
14 She may never talk about it until she's an adult and she
15 chooses to talk about it with the person that she cares
16 about. She'll tell you what she saw. She'll tell you
17 what she found in his drawers.

18 The most significant aspect of this case is that
19 it speaks the truth. Every facet of this case, every
20 circumstance speaks the truth, because those children have
21 no motive whatsoever to come in this courtroom and say
22 this about him if it weren't true. For a 14-year-old to
23 get on an airplane for the first time by herself and come
24 down here and take that stand in front of a roomful of
25 strangers, there's no motive except to tell the truth.

1 And with truth you get justice. Think about what telling
2 the truth as I said in the beginning has cost them: Their
3 family, each other -- they're split apart -- and their
4 privacy which was on display here in this courtroom.
5 Think about that as the price they pay for justice and
6 give it to them.

7 You have before you the most noble of
8 opportunities, to deliver a verdict that speaks the truth,
9 and in this case that is guilty of criminal sexual conduct
10 in the 1st degree, in the 2nd degree, guilty of lewd act
11 upon a child, and guilty of contributing to the delinquency
12 of a minor.

13 Thank you.

14 THE COURT: Thank you, Ms. Mayes.

15 Mr. Williams.

16 MR. WILLIAMS: May it please the Court.

17 THE COURT: Yes, sir.

18 MR. WILLIAMS: It's been a long week. It's hard
19 to remember everything that's been testified to and it's
20 hard to -- I'm sure it's going to be hard for you all to
21 remember everything that's been testified to because you
22 all weren't -- didn't have the opportunity to make notes
23 like I did. I'd make notes and I'd go home and I'd check
24 them, and maybe my notes weren't exactly right or I'd look
25 at this and say did that one say that one or did this one

1 say that one. And I guess the reason I'm telling that you
2 is that sometimes as lawyers when we stand up here and we
3 try to tell you what when recall the testimony to be,
4 sometimes we're right, sometimes we're wrong. We just do
5 the best we can at remembering what the testimony is.

6 The persons who have to remember what the
7 testimony is is y'all. So I kind of give that to you as a
8 beginning point because if I say something that you don't
9 remember that way, you can either get together and decide
10 what you all remember to be the correct testimony or what
11 you can do is you can always have it played back because
12 the one person who knows absolutely what was testified to
13 is this court reporter. She may not remember it right
14 now, but she can play it back for you.

15 You know, a trial's kind of like a book, it's --
16 or it's like a story. It's got a beginning, it's got an
17 end. You all are probably looking forward to the end.
18 But in the preamble or the opening, I told you about that
19 he was looking forward to that because he wanted to shine
20 a light on the truth. And that sounds trite, but when I
21 got to the office this morning, I was thinking about
22 shining a light because it was dark when I got up. It was
23 real dark when I got up and it was rainy and I couldn't
24 see anything.

25 Fortunately, sometimes lawyers are like used car

1 salesman. We -- you know, when your client comes in to
2 see you, you give him something to remember your name so
3 if they're ever looking for you they can call you or maybe
4 they'll pick it up, use it one day and say, well, I
5 remember him, he was a nice guy. And one of the things
6 that my office has started handing out to the clients, I
7 guess when they become clients, is we have little
8 flashlights. It's got our name on them, really nifty.
9 They're real useful, too. You put it on your key ring,
10 see -- I'm not going to shine it in your eyes. Because I
11 guess probably the reason I thought about the light as
12 much as I did is I don't know if you all noticed it, but
13 every time I'd get up out of that table, that light would
14 be on and it would catch me in the eyes and I'd go back
15 and my eyes would kind of gloss over. But the importance
16 of all this is that we want to shine a light on what
17 happened and we don't want you all to be swayed by the
18 allegations, by the pictures.

19 Because as I told at the beginning, there were a
20 lot of people who couldn't -- couldn't even handle this
21 case, couldn't even begin to look at this case and make
22 any decisions on it. But you 12 said, okay, I'll do it.
23 Won't be happy about it, but I'll do it.

24 And then I started thinking about light and dark
25 and then I thought to myself, well, you know, isn't it

1 interesting that all these pictures they want to talk
2 about were at night. Because surely you wouldn't take
3 pictures in the daytime because people don't do that in
4 the daytime because everybody can see in the daytime,
5 can't see at night. So I looked at the pictures and I
6 looked at the pictures and I looked the pictures, because
7 sometimes the truth escapes you or hides from you
8 sometimes. And I did keep talking about the car and
9 things of that nature because every time that I looked at
10 the car, that Mustang car, it's one of those super duper
11 cars and it's got this big scoop on it. And I'm sure you
12 saw it, but I'm going to pull it out for you so I can find
13 out where we hid that big deal. You'll have all of these
14 back there in the jury room with you.

15 Well, here it is, Quick Silver. I actually went
16 to his house last night to look at the car. There it is,
17 Quick Silver, a big old gray car.

18 And then I started remembering the testimony. I
19 said, you know, the testimony was that he didn't drive it,
20 didn't drive it. It's only been driven one time. The one
21 time was on the racetrack and the other time he had to
22 move it around. And you all are starting to say what is
23 that lawyer talking about? Why is he talking about that?
24 Because there was a gray car in the background of this
25 picture. I don't understand it, but there's a gray car in

1 the background of these pictures -- of this picture.

2 But I kept looking at that gray car and I said,
3 you know, it looks a little bit different to me, I can't
4 quite figure it out. Then the more I looked at it, the
5 more I realized that this gray car didn't have that big
6 old scoop on it. I said, well, surely this has got to be
7 the gray car that's in my client's backyard. And I looked
8 at it a little bit more and I said, well, look at those
9 hubcaps. It doesn't have the same hubcaps on it. And
10 then I started remembering about the vehicle that couldn't
11 be driven around. And I finally started thinking, well,
12 maybe that's not the same gray car. I don't know if it is
13 or it isn't, but it's just real peculiar.

14 Then I started thinking about, well, why -- why
15 would you take a picture with a gray car in the background
16 like that? Because everything here is to tie up a rope,
17 tie up a string, wrap it around Chad Hayes..

18 Well, then I started thinking more about the
19 testimony. I said, well, everybody said we took these
20 pictures on New Year's Eve. Everybody said it's New
21 Year's Eve. What a convenient time to pick, New Year's
22 Eve. Not Halloween, not spring, but New Year's Eve. And
23 what's important about New Year's Eve? Ain't nobody
24 working on New Year's Eve. So that means that Chad Hayes
25 wouldn't be at work. Why is that important? Because we

1 all know that Chad Hayes works at night. He works at
2 Michelin, he works at night. So if I were to pick a time
3 when Chad Hayes was taking pictures, the most convenient
4 time I would picture would be New Year's Eve. Well, sure.

5 But then I started thinking, well, what's the
6 deal about New Year's Eve? Most of the time that's
7 wintertime. People don't normally take off their tops at
8 wintertime.

9 Well, maybe that's not enough. Let me think
10 some more about this. Then I looked at the pictures some
11 more. And then I realized on State's Exhibit No. 41 and
12 State's Exhibit No. 65 -- of course you can never put your
13 hands on it because there's so many of them here. And I
14 beg your indulgence on this, but this is kind of
15 important, I want you all to see this, because
16 sometimes -- and I messed them all up now, I realize that,
17 but trying to get to them in a hurry.

18 Okay. Here is 65, and I hope to find 41 for
19 you. Here is 65. Let me see if I can find 41. When I
20 show you 41, you'll say I know what he's talking about.

21 Here it is right here. Isn't it funny how
22 things pop out when you stare at things long enough?
23 Forty-one and 65. Try to ignore the nude bodies in the
24 picture. It's the same girl. She looks a little
25 different, but it's the same girl.

1 What else did you see? It's not the same tree.
2 As a matter of fact, she looks a little different in one
3 of the pictures to me than she does in the other one,
4 which means that those two picture were not taken at the
5 same time. Period. Now why would you go to all this
6 trouble of saying that all these pictures were taken at
7 one time in a tree on New Year's Eve when you know it's
8 not true? You know it's not true.

9 Well, you know, I heard the Solicitor talk about
10 motive. Well, maybe the motive is you can't blame momma.
11 You can't blame momma. Maybe things didn't play out the
12 way that they were supposed to play out.

13 You know, the judge always tells you at the
14 beginning of a trial that this is not -- this is not TV.
15 You know, you can go home at night -- when I was growing
16 up you didn't have this kind of TV, but when I go home at
17 night and I watch TV, I can see all kind of things on TV,
18 about these new reality programs and about -- and they
19 always have these weird plots and stuff like that. But
20 you don't expect to see them in a courtroom. Because what
21 we're looking to do here is what? Shine a light.

22 So let's just start with who should be here to
23 testify: Christy Earnest, the mother. Oh, she's so sad.
24 She's so sad. She's sick. She didn't protect my
25 children. She let this Chad Hayes do all these terrible

1 things. We learn from one of the children that she was
2 living in Missouri and she was living was a couple -- at
3 least a couple of other guys at different times, and that
4 they left because there was drugs on every corner.

5 And she moves up here and she finds a rube, Chad
6 Hayes the rube, just a little Lexington County guy who's
7 got his family back there: Grandma, momma, brother, and
8 girlfriend, but not his daddy. And you notice in the
9 testimony that tends to play out, too, because remember
10 the first person of the three alleged victims who
11 testified? She testified that -- and this is how you can
12 kind of tell if people are telling the truth or not
13 telling the truth because you have the right to make those
14 decisions based on what their testimony is -- the first
15 girl had said that he took -- he took a frying pan to his
16 86-year-old grandmother, struck her upside the head. But
17 when confronted with that, well, that was just secondhand
18 conversation. From whom? And then not only that, she
19 said, well, you know, he beat his momma. Don't you think
20 his brother would stop that if that was happening, beat
21 his momma? Well, we had another witness come up and say,
22 well, no, that didn't happen. One of the other girls said
23 that didn't happen. But the one thing that they wouldn't
24 change is the poor deal about his father who's in the
25 hospital who can't come here. We can say that because we

1 don't have to worry about what he's going to say. But
2 everything was secondhand conversation.

3 I apologize for having to be so slow about how
4 we go through this, but I -- but to a certain extent you
5 have to touch upon about of all. And I'm going to kind of
6 take you from the beginning with all the witnesses that
7 testifies.

8 Ms. Brackett, she was the guidance counselor.
9 Her report was she met every day with some of the
10 children, every day, and she reported in 2008 the
11 spanking. And she should. My mom was a teacher, I'm a
12 former teacher. She reports it. What does DSS do? They
13 go out there, they investigate it, and they unfound it.
14 But what is important is you'd think a guidance counselor
15 would be able to pick up on a bunch of beatings, a bunch
16 of marks, a bunch of bruises, some sort of sexual abuse if
17 some of that was going on. But the girls say, no, no, no,
18 we didn't tell her that because we didn't want to be split
19 up.

20 So the second witness was Constance Watkins, and
21 she's the one who testified that it was unfounded, and she
22 said -- what was kind of important about her is she said,
23 well, you know, I never met the mother except when she was
24 getting the children out. But she said she called Marty
25 Longshore as soon as she heard about the sexual

1 accusations..

2 Well, here I guess it's because I'm a defense
3 lawyer, but when you tell me that the first reporting
4 officer is Marty Longshore, I want to see Marty Longshore..
5 But he didn't come today.

6 Next witness that testified was Ashley Rodriguez,
7 who is the sister. She's the one that these -- two of the
8 girls live with. She says that the reason they came to
9 stay with Chad was because there was a big fight. Well,
10 how big a fight is it for you to snatch children up in the
11 middle of the night and run over to some strange man's
12 house and move in with him? What was the fight about? I
13 don't know. But she loves these children, she's always
14 had communication with them.

15 And the reason I'm saying this is not because
16 I'm a smart aleck, though my wife will call me a smart
17 aleck on periods of time, but the reason I'm kind of
18 saying it is because she says she had these communications
19 with the girls all the time. And then I asked her about
20 the three years or about the time when they were not
21 living there, well, I always talked with them for those
22 three-year time period, I always had a way to get in touch
23 with them. I talked to them on the cell phone, we
24 communicated over the Internet. Why is all this
25 important? Because the big story, the underlying story in

1 this case is that the reason they didn't report any of
2 this, they couldn't tell anybody. "I couldn't talk to my
3 aunt." My aunt that I moved in with, that I love, "I
4 couldn't talk to my aunt. I had no way to get in touch
5 with her." "It was so bad that I had to move a brother in
6 here from Missouri, sneak him a cell phone so that they
7 could call."

8 And if you remember the story from one of the
9 girls, they said, yeah, the brother -- well, it would be
10 her uncle got the cell phone and she took it to home to
11 her mother. Why the heck are you taking it home to your
12 mother who's not going to protect you? Why didn't you
13 just -- why didn't you grab a phone and call somebody?
14 You've got friends. And there was something about not
15 having the phone number. Remember the little girl that
16 was testifying she didn't have the phone number? And then
17 we kept on and on -- oh, she's had the same number for
18 years.

19 The thing about truth is that there's only one
20 truth. There are no variations of truth. It's not
21 like -- it's not like Mozart and variations on a theme.
22 There's only one truth.

23 Well, Nicholas, the guy who brought the cell
24 phone, where is he? He's not here. He didn't testify.
Daughter 1

25 So we've already talked about [REDACTED] We

1 talked about the stabbing with the fork and hitting
2 grandma with the frying pan. But what was interesting
3 about Candace is that she was very careful to say that
4 this occurred on New Year's Eve between 11 p.m. and
5 midnight. She did admit that mom knew about the pictures
6 and it was always her and Heaven in the tree. And she was
7 specific on some other things. She said the chip was
8 bought at Wal-Mart. You remember all the deal about the
9 pictures, about the picture of Chad? See, this is
10 supposed to be the sleeping -- the smoking gun. And it
11 is, he's got a digital camera.

12 Well, as we listened to the witnesses, this
13 turned from this Sony camera to two cameras -- remember,
14 it went to two cameras. But when we asked about the
15 camera, they said, well, that's the camera right there in
16 the camera pack. How's that picture getting taken? Well,
17 must have had another camera. Well, of course there's
18 another camera. Well, who took the picture? I don't know
19 who took the picture.

20 There's a reason why we're doing this. It's not
21 just a mystery. She's real specific about when and where,
22 that this memory card was bought at Wal-Mart. She's real
23 specific about when it happened: New Year's, 11 o'clock.
24 But the problem with those specifics is it doesn't match
25 up when you've got two pictures taken at different times.

1 See, things start to unravel when you start
2 looking at things that don't match up to the same story.
3 She did say it was saved on the computer as opposed to one
4 of the children that said that there were pictures. See,
5 you notice that everybody was always in the courtroom at
6 the same time, and the big deal here is, well, they were,
7 I don't know, they were taken away at different times. As
8 I recall what actually happened is that this thing was
9 like reported in August or September of 2011, but these
10 allegations were not made for several months later,
11 several months later. You see everything that's done here
12 is to try to tie these strings together.

13 So Megan was the next witness to testify. And
14 she's cute. God, she's cute. I've got two daughters. I
15 wish my daughters were as -- that cute. She's cute, she's
16 young.

17 You know, it's really sad he did this to her.
18 "Sometimes it's like he made us cry, but remember, we're
19 not living with him now." Who does that in front of a
20 camera with no one in the room? Well, it happens all the
21 time. She did verify that there was a camera in the
22 camera case, it was gray. The one thing she did do which
23 was a little bit different is she lets us know there's all
24 kind of people staying with Ashley. And she verifies that
25 there are pictures, not on a computer, but pictures. And

1 the other thing which was interesting is that she says the
2 only time she got spanked there were only little red
3 marks, it wasn't anything severe. There's a gray camera
4 and a turquoise camera and she saw mom using the laptop.
5 Did you all pick up on that? She saw mom using the
6 laptop.

Daughter 2

7 Strike that. That was [REDACTED] who said that.

8 See, I told you I'd get confused.

Daughter 2 Daughter 2

9 [REDACTED] -- [REDACTED] was taller. But what's

Daughter 2

10 interesting about [REDACTED] was that she's in two trees and
11 that she says -- remember how this came out? It wasn't
12 brought out on direct, but we were looking at the picture
13 about what's over here, what's over here. It turns out
14 that there is a rental unit which is next door and she
15 lets it out, well, there's some girl that stays there. We
16 went on a little bit further, there's a guy who lives
17 there. We went on a little bit further and, oh, you know,
18 he was out that night that I was in the tree. I could see
19 him, but he couldn't see me. And she was the one who
20 talked about drugs on every corner, but she was also the
21 one who said that he didn't hit his grandmomma.

22 None of the three stories are consistent.

23 Ballard comes in and testifies -- now the purpose of

24 Ballard being here was to prove that my client didn't work
25 on New Year's. I will tell you right now, I didn't work

1 on New Year's either, and I'll bet half of you all didn't
2 work on New Year's. But he also testified to some stuff
3 that I said in the opening, and that is that the guy had
4 been there for ten years and that he couldn't come back.

5 Laurie Caldwell testified that essentially,
6 because it was brought up in argument, to grooming, that
7 my client was grooming these children. When he wasn't
8 beating them, he was grooming them. And then I asked her,
9 I said, does grooming mean -- grooming's giving candy to
10 them. Grooming is being nice to them.

11 Brooke Wymer took the stand and all she
12 testified to was the fact that she had been at the
13 Dickerson -- I think she verified that both the girls have
14 given the interviews consecutively, meaning one gave her
15 interview, then the other one gave her interview so that
16 the proper questions could be asked.

17 Detective Collins. All right, let's talk about
18 him. It was going to happen eventually, wasn't it? I
19 don't have it blown up. It's on the card.

20 Detective Collins comes in and he tells you in
21 his investigative mode he has my client come in and he
22 asks him questions. And yes, I did question why would you
23 do it in that way? Why wouldn't you have somebody in
24 there to be a witness on things? Why wouldn't you have
25 this recorded? Why would you have a statement here that

1 says a notary can sign? Why wouldn't you have all those
2 things? I mean, that's basic stuff. And then after he
3 has this conversation, then he gives Miranda and then he
4 has my client write something out.

5 You know, if you read what my client actually
6 wrote out, "A, B, C, D, I never touched them in a sexual
7 manner, I never touched them in a sexual manner," then he
8 proceeds to say "I touched them on their boobs or their
9 vagina," it's almost like he's programmed to say this.
10 But what I noticed as I was looking at it, I said, well,
11 you spelled it here one way and then you spelled it here
12 another way. It says he helped the girls shave. Does
13 that mean he gave a razor to her and she did the shaving?

14 You know, as a father of two girls, you may have
15 touched your girls at some time, but you didn't touch them
16 in a sexual way. Maybe he was just saying that of course
17 I touched them sometimes, but it wasn't in a sexual way.
18 I don't know if a father would at some point in time maybe
19 was in that position, but now the question is whether or
20 not there's some sort of sexual intent, some sort of
21 sexual thing done, because, I mean, that's the key. I
22 mean, that's the key.

23 But I don't even know if he said it. You know
24 why I don't know if he said it? Because there's not a
25 recording of it. It's some sort of written deal. I don't

1 know what he had to write or what was required of him.

2 But the important part after this is that you
3 remember that he was arrested on April 30th -- I'm sorry,
4 strike that -- March 30th, and he got out of jail on bond
5 on November 30th. Now why is that important? Because as
6 soon as he was arrested, he didn't get out. So they go
7 through a process where they do a search warrant and they
8 come out there and they check his house and they don't
9 find the camera and they don't find the computer and they
10 want to make this big deal about oh, well, mom's hiding
11 the computer. The search warrant said it had to be at a
12 particular location. That's how search warrants are: If
13 they write a search warrant for your house, they're not
14 going to go next-door and search somebody else's house.
15 And the computer was not there. So he comes back the next
16 day and says, well, I'll get a search warrant for your
17 house. So she goes out in the yard and pulls a computer
18 back and hands it to him.

19 You know, when he was arrested on March 30th --
20 now, mind you, he's still in jail. When he was arrested
21 on March 30th, where do you think his laptop was? I don't
22 know, maybe on the front seat of the trunk of his car?
23 The front seat of the trunk of his car, that's stupid. On
24 the front seat of his trunk -- say this one more time,
25 Theo, and you'll get it straight. On the front seat of

1 his truck. Because you know when they arrest you, they
2 don't drive your vehicle back home. So there's the big
3 secret right there.

4 MS. MAYES: Objection, Your Honor, referencing
5 facts not in evidence.

6 THE COURT: Sustained.

7 MR. WILLIAMS: We don't know where it was from
8 March 30th anyway. We do know where it was after it was
9 turned over. And see, that's important because we've
10 learned that -- as lay people we've learned that when you
11 have evidence, you seize that evidence and you test that
12 evidence. You don't take pictures of it and come into
13 this courtroom and have some witness say, well, that's a
14 printer, that printer can do so-and-so. You don't do
15 that. You seize that printer and you take that printer
16 out and you have it analyzed so that you can see what's on
17 that printer if it's got memory. None of those printers
18 were seized. They'll take pictures of the camera, the
19 green camera, the Long guy's camera, take a picture of a
20 box that contained that. Take a picture of it. Why not
21 seize the package and bring it to you?

22 You know what's important about that, and it
23 came out from one of the witnesses, that's a beginner,
24 that's a beginner camera. What kind of person buys a
25 beginner camera? The turquoise camera, you can hook it up

1 and you can take pictures.

2 Well, the theory is that my client somehow
3 managed to hide his computer, take all his cell phones and
4 throw all his cell phones away while he was in jail. But
5 what they want to do is they bring up a witness, and her
6 name is Ms. Sykes, she's the one who came out there and
7 testified that she was present when the computer was
8 seized, and she says, well, you know, we've got jail calls
9 from this period of time. So you're left to speculate, I
10 wonder what happened during those jail calls. I guess
11 that's a matter not in evidence.

12 The insinuation is that mom went out there and
13 took everything out of the house and hid it. Well, she
14 wouldn't have taken that turquoise camera because I'm sure
15 that whoever owned that camera took it with them.

16 Well, the next witness and the last witness to
17 testify was Investigator Michael Phipps and he testified
18 that he can't tell you that those picture were ever
19 downloaded. He can't. He can only tell you they were
20 viewed, they were viewed.

21 I don't know. I guess I'm silly for asking
22 questions about fingerprints. But, you know, I kind of
23 expected my client's fingerprints to be on the shaver, but
24 I was kind of interested in seeing who else's fingerprints
25 would have been on the shaver. I was kind of interested

1 in somebody telling me when that computer was purchased.
2 We know that the program was run on it on October of 2012,
3 remember, because he said that's when it was set up.
4 Well, if you can determine that, you can determine when
5 the computer was purchased. Why is that important?
6 Because the allegations are about how long things had been
7 going on.

8 You know, the one thing I kept expecting was for
9 somebody to tell me that these children were in therapy.
10 I implore you to shine a light before you convict somebody
11 where there's insufficient evidence, that you find that
12 person not guilty, because that's what you're sworn to do.
13 And the other thing is, I kind of really meant it when I
14 said that I appreciate you coming up here and taking this
15 when I saw three people just kind of fall off and they
16 wouldn't even listen or see the pictures or do anything.
17 It's not pleasant. It's not pleasant for anybody. Nobody
18 wants to look at those pictures, hear these types of
19 cases. But we don't want to make a decision in the dark.
20 We want to know what the truth is. We want to shine a
21 light.

22 Thank you so much.

23 THE COURT: Thank you, Mr. Williams.

24 MR. WILLIAMS: Thank you, Your Honor.

25 THE BAILIFF: Your Honor.

1 and you can take pictures.

2 Well, the theory is that my client somehow
3 managed to hide his computer, take all his cell phones and
4 throw all his cell phones away while he was in jail. But
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18 wants to look at those pictures, hear these types of
19 cases. But we don't want to make a decision in the dark.
20 We want to know what the truth is. We want to shine a
21 light.

22 Thank you so much.

23 THE COURT: Thank you, Mr. Williams.

24 MR. WILLIAMS: Thank you, Your Honor.

25 THE BAILIFF: Your Honor.

1 THE COURT: Yes, sir.

2 THE BAILIFF: They need to take a break.

3 THE COURT: All right. Let the bailiff know
4 when you're ready to come back. Please don't discuss the
5 case.

6 (The jury left open court at approximately 11:27
7 a.m.)

8 (A break was taken.)

9 THE COURT: Ladies and gentlemen, we'll come
10 back to order. The ladies and gentlemen of the jury are
11 ready to return. Let's bring them out.

12 (The jury came into open court at approximately
13 11:44 a.m.)

14 THE COURT: Ladies and gentlemen, during the
15 course of the trial when we started this case I told you
16 that you are the judges of the facts of the case and I'm
17 not to have any influence over you with regards to the
18 facts or the presentation of the facts. And so it's been
19 appropriate for me to be out of the way, basically up on
20 the bench, while the attorneys have presented to you the
21 evidence in the case. But we've now reached the portion
22 of this trial where you and I are in this together, you as
23 the judges of the facts and me as the judge of the law, so
24 I think it's appropriate for me to come down and be with
25 you as I give you the charge on the law.

1 I am going to read this verbatim so that I don't
2 misquote anything or leave anything out, and you will have
3 a copy of this in the jury room. So if you would, let me
4 have your attention as I give you the law in the case.

5 Madame Forelady and members of the jury, you've
6 heard all the evidence and the arguments of both parties.
7 I will now explain to you the law which applies to this
8 action.

9 The indictments charge the defendant, Chad
10 Stephen Hayes, with 1st degree criminal sexual conduct
11 with a minor, 2nd degree criminal sexual conduct with a
12 minor, lewd act on a minor, and contributing to the
13 delinquency of a minor. I remind you that the fact that
14 the defendant was arrested, charged and indicted in this
15 case is not evidence in this case and it cannot be
16 considered by you as evidence of guilt in this case, nor
17 does it create any presumption or inference of guilt.
18 These indictments, these documents are simply the formal
19 written instruments which bring the charges made against
20 the defendant into court. They are the formal documents
21 by which this case is brought into court.

22 Now, I will give you a copy of these
23 instructions in written form to have with you in the jury
24 room. During your deliberations may refer to the
25 instructions to guide you in your decision-making. You

1 must, however, consider these instructions as a whole and
2 not follow some and ignore others.

3 Now, the defendant has pled not guilty to the
4 indictments and to the charges, and that plea puts the
5 burden on the State to prove the defendant guilty. A
6 person charged with committing a criminal offense in South
7 Carolina is never required to prove him or herself
8 innocent. I charge you that it is an important rule of
9 law that the defendant in a criminal trial, no matter what
10 the seriousness of the charges may be, will always be
11 presumed to be innocent of the crime for which the
12 indictments were issued unless guilt has been proven by
13 evidence satisfying you of that guilt beyond a reasonable
14 doubt. This presumption of innocence does not end when
15 you begin your deliberations, but it accompanies the
16 defendant throughout the trial until you reach a verdict
17 of guilt based on evidence satisfying you of that guilt
18 beyond a reasonable doubt.

19 The presumption of innocence is not a mere legal
20 theory, it is not just a legal phrase, but it is a
21 substantial right to which every defendant is entitled
22 unless you, the jury, are satisfied from the evidence of
23 the defendant's guilt beyond a reasonable doubt.

24 So what is a reasonable doubt in the law? The
25 State has the burden of proving the defendant guilty

1 beyond a reasonable doubt. Some of you may have served as
2 jurors in civil cases where you were told that it is only
3 necessary to prove that a fact is more likely true than
4 not true, such as by the greater weight or the
5 preponderance of the evidence. In criminal cases, the
6 State's proof must be more powerful than that. It must be
7 beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that
9 leaves you firmly convinced of the defendant's guilt.
10 There are very few things in this world that we know with
11 absolute certainty, and in criminal cases the law does not
12 require proof that overcomes every possible doubt. If,
13 based on your consideration of the evidence, you are
14 firmly convinced that the defendant is guilty of the
15 crimes charged, you must find the defendant guilty. If on
16 the other hand you think there is a real possibility that
17 the defendant is not guilty, then you must give the
18 defendant the benefit of that doubt and find him not
19 guilty.

20 I remind that you during this trial you and I
21 have certain duties to perform. As the trial judge, it is
22 my responsibility to preside over the trial of this case,
23 and I also had the duty to rule on the admissibility of
24 evidence offered during this trial. You are to consider
25 only the competent evidence that is before you. You are

1 to consider only the testimony which has been presented
2 from that witness stand and any exhibits which have been
3 made a part of this record in the case as well as any
4 stipulations or agreements of counsel.

5 I have the additional duty to charge you the law
6 that is applicable in this case. As the presiding judge,
7 I am the sole judge of the law, and it is your duty as
8 jurors to accept and to apply the law as I now state it to
9 you. If you already have any idea as to what the law is
10 or what the law ought to be and it does not agree with
11 what I now tell you the law is, you must abandon your idea
12 because you are sworn to accept and to apply the law
13 exactly as I state it to you.

14 In every case tried in this court before a jury,
15 the jury becomes the sole and the exclusive judge of the
16 facts of the case. A trial judge cannot intimate, state,
17 comment on, or make any statement to a trial jury about
18 the facts of the case. Since you, the jury, are the sole
19 judge of the facts in this case, you are not to infer from
20 what I have said during the progress of this trial in
21 ruling upon the admissibility or evidence or otherwise, or
22 anything that I say now during the course of this
23 instruction to you, that I have an opinion about the facts
24 in this case. The law does not allow me to have an
25 opinion about the facts. This is a matter solely for you,

1 the jury, to determine. As jurors, it is your duty to
2 determine the effect, value, weight, and truth of the
3 evidence presented during the trial.

4 Now, there are two types of evidence which is
5 generally presented during a trial. There this direct
6 evidence and there is circumstantial evidence.

7 Direct evidence is the testimony of a person who
8 claims to have actual knowledge of a fact, such as an eye
9 witness. It is evidence which immediately established the
10 main fact to be proved.

11 Circumstantial evidence is proof of a chain of
12 facts and circumstances indicating the existence of a
13 fact. It is evidence which immediately establishes
14 collateral facts from which the main fact may be inferred.
15 In other words, circumstantial evidence is based on
16 inference and not on personal knowledge or observation.

17 Now, the law makes absolutely no distinction
18 between the weight or value to be given to either direct
19 or circumstantial evidence, nor is a greater degree of
20 certainty required of circumstantial evidence than of
21 direct evidence. You should weigh all of the evidence in
22 this case. After weighing all the evidence in this case,
23 if you are not convinced of the defendant's guilt beyond a
24 reasonable doubt, then you must find the defendant not
25 guilty. If on the other hand after weighing all of the

1 evidence you are convinced of the defendant's guilt beyond
2 a reasonable doubt, you would then find the defendant
3 guilty.

4 So necessarily, you must determine the
5 credibility of the witnesses who have testified in this
6 case. And, ladies and gentlemen, credibility simply means
7 believability. It becomes your duty as jurors to analyze
8 and to evaluate the evidence and to determine which
9 evidence convinces you of its truth.

10 In evaluating eye witness testimony, you should
11 remember that the State must prove the identity of the
12 defendant as the person who committed the crimes beyond a
13 reasonable doubt.

14 In determining the believability of witnesses
15 who have testified in this case, you may believe one
16 witness over several witnesses or several witnesses over
17 one. You may believe a part of the testimony of a witness
18 and reject the remaining part of that same testimony or
19 you may believe the testimony of a witness in its entirety
20 or reject that witness's testimony in its entirety. You
21 may consider whether any witness has exhibited to you any
22 interest, bias, prejudice, or other motive in this case.
23 You may also consider the appearance and the manner of a
24 witness while on the witness stand.

25 The testimony of a victim need not be

1 corroborated or confirmed in prosecutions for 1st degree
2 criminal sexual conduct with a minor.

3 Now, the Rules of Evidence ordinarily do not
4 permit witnesses to testify to opinions or conclusions.
5 There is an exception to this rule that exists for
6 witnesses that we call expert witnesses. A witness who by
7 education and experience has become an expert in some art,
8 science, profession, or calling, may state an opinion as
9 to relevant and material matter in which that witness
10 claims to be an expert, and may also state the reasons for
11 that opinion.

12 You should consider any expert opinion received
13 into evidence in this case and, like any other evidence,
14 give it the weight that you think it deserves. An expert
15 witness -- an expert witness' testimony is to be given no
16 greater weight than that of other witnesses simply because
17 the witness is an expert. Further, you're not required to
18 accept an expert's opinion, even though it's not
19 contradicted.

20 Now, I instruct you and I emphasize that the
21 fact that the defendant in this case did not testify is
22 not a factor to be considered by you in any way in your
23 deliberation and in your consideration on the question of
24 the guilt or innocence of the defendant. It must not be
25 considered by you in any manner whatsoever.

1 A defendant has the constitutional right to
2 remain silent, and the assertion of this right must not be
3 considered by you in your deliberations. I repeat, under
4 your oath you are to draw no conclusion whatsoever from
5 the fact that the defendant in this case did not testify.

6 The fact that this defendant did not testify
7 should not even be discussed in the jury room. The burden
8 of proof, as I stated to you, is on the State. The
9 defendant is not required to prove his innocence. The
10 burden of proof remains on the State to prove guilt beyond
11 a reasonable doubt.

12 Now, there are multiple indictments or charges
13 in this case. The defendant is charged with several
14 counts of criminal sexual conduct. Under South Carolina
15 law, when two or more acts of criminal sexual conduct
16 occur at or about the same time, each act is a separate
17 crime rather than one continuing crime.

18 You must consider each charge separately, that
19 is, you must decide separately what the evidence in the
20 case shows about each crime charged. Your decision on one
21 charge should not affect your decision on another charge.
22 You take each indictment or charge on its own merit.

23 Now, the defendant is charged with 1st degree
24 criminal sexual conduct with a minor. The State must
25 prove beyond a reasonable doubt that the defendant engaged

1 in a sexual battery with the victim.

2 Now, a sexual battery is defined as sexual
3 intercourse, cunnilingus, fellatio, anal intercourse, or
4 any intrusion, however slight, of any part of a person's
5 body, or of any object into the genital or anal openings
6 of another person's body, except when the intrusion is
7 accomplished for medically recognized treatment or
8 diagnostic purposes.

9 The State must then prove beyond a reasonable
10 doubt that the victim was less than 11 years old at the
11 time of the sexual battery. Consent, willingness,
12 indifference, or ignorance on the part of the minor, if
13 any, as to what was taking place does not in any way
14 affect the charge of criminal sexual conduct with a minor
15 because an unmarried woman under the age of 14 cannot
16 legally consent to sexual intercourse or sexual contact.

17 Now, the defendant is also charged with
18 committing the offense of 2nd degree criminal sexual
19 conduct with a minor. The State must prove beyond a
20 reasonable doubt that the defendant engaged in a sexual
21 battery with the victim. I have defined sexual battery
22 above in the charge on 1st degree criminal sexual conduct
23 with a minor and that definition is the same for 2nd
24 degree criminal sexual conduct with a minor.

25 The State must also then prove beyond a

1 reasonable doubt that the victim was at least 11 years of
2 age, but not more than 14 years of age at the time of the
3 sexual battery.

4 Now, as I charged you earlier when I charged you
5 the law on 1st degree criminal sexual conduct, the
6 consent, willingness, indifference, or ignorance on the
7 part of the minor, if any, as to what was taking place
8 does not in any way affect the charge of criminal sexual
9 conduct with a minor, because as I stated to you, an
10 unmarried woman under the age of 14 cannot legally consent
11 to sexual intercourse or sexual contact.

12 The defendant is also charged with committing
13 the offense of lewd act on a minor. A minor under the law
14 is a person under the age of 18 years of age.

15 The State must first prove beyond a reasonable
16 doubt that the defendant was over 14 years of age. Next,
17 the State must prove that the defendant willfully and
18 lewdly committed or attempted a lewd or lascivious act on,
19 or with the body or its parts, of a child under the age of
20 16 years of age, with the intent to arouse, appeal to, or
21 gratify the lust, passions, or sexual desires of the
22 defendant or of the child.

23 Willfully means voluntarily and intentionally
24 with the specific intent to do something the law forbids.
25 Lewd means obscene, lustful, indecent, or lecherous.

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

4 Finally, the defendant is also charged with the
5 offense of contributing to the delinquency of a minor. As
6 I stated earlier, a minor is a person who is less than the
7 age of 18 years of age.

8 The State must first prove beyond a reasonable
9 doubt that the defendant was over the age of 18 under this
10 charge. The State must then prove beyond a reasonable
11 doubt that the defendant knowingly and willfully
12 encouraged, aided, or caused a minor to do any act which
13 caused or influenced the minor to behave in a way which
14 would willfully injure or endanger the minor's morals or
15 health or the morals or health of others.

16 Now, Madame Forelady and members of the jury, as
17 you retire to begin your deliberations, I want to express
18 to you the hope that each of you will be mindful of the
19 importance of your responsibility. You're not called upon
20 to serve as jurors very often, and the proper performance
21 of the duty requires each of you to reach the height of
22 freeing your mind of all improper influences.

23 As the presiding judge of this court, I am
24 vitally concerned that whatever verdict you find will be
25 the result of your going into the jury room and confining

1. your deliberations to the evidence and to the law that you
2. have heard in this courtroom, weighing it fairly and
3. impartially, as I have every confidence you will do.

4. Your verdict in this case cannot be based on
5. sympathy, compassion, prejudice, or emotion, or some
6. other consideration that's not found in the evidence.
7. Remember, as I told you earlier, your verdict must be
8. unanimous.

9. Now, Madame Forelady, this notebook will be in
10. the jury room with you, and in the front cover I have a
11. verdict form. As I told you in the instructions, you're
12. to take each charge independently or on its own. So the
13. verdict form has several pages. And what I've done is I
14. have indicated -- the top of the page just simply has the
15. caption of the case with all the indictment numbers, but
16. then I've broken it down.

17. As you deliberate, you can take these charges in
18. any order you choose to do it in your deliberations, but
19. when you're complete with your deliberations, you will
20. then -- the verdict form -- for example, I have as to
21. Indictment 2013-GS-32-1420, which is the charge of 1st
22. degree criminal sexual conduct with a minor, then under
23. the charge I have in parentheses, Daughter 3. This
24. is -- you have to -- your deliberations and your verdict
25. have to be based on the evidence that was produced as to

1 that victim in this charge.

2 Your verdict, you have two forms of the verdict,
3 either not guilty or guilty. And, Madame forelady, you
4 will mark the jury's decision on which is the proper
5 verdict.

6 Now, on that charge, with regards to the 1st
7 degree criminal sexual conduct, if you find the defendant
8 not guilty, then you'll check the appropriate box and
9 you'll move on to the next charge or whatever other
10 charges you're dealing with.

11 If you find the defendant guilty, there is a
12 second portion of that charge and it says, if guilty, then
13 you must, and you'll have to answer this question: If you
14 find the defendant is guilty of this 1st degree criminal
15 sexual conduct, then you must indicate whether the sexual
16 battery did involve sexual or anal intercourse or
17 intrusion by an object or did not, and you'll answer that,
18 whatever the finding is of the jury.

19 Then the next I have -- and there's no rhyme or
20 reason for the order I've listed them, it's just I've
21 listed all the charges -- then there is the 2nd degree
22 criminal sexual conduct with a minor involving Daughter 2
23 [REDACTED], and whatever the jury's verdict, you'll reflect that
24 on there. And then there are the three charges for lewd
25 act on a minor, and then there's the last charge which is

1 contributing.

2 As the jury reaches verdicts on these matters,
3 you'll reflect what the verdict is on this sheet and then
4 you'll sign as the forelady. And then, if you will, once
5 you've reached a verdict, you'll knock on the door and let
6 the bailiffs know that you have a verdict. Okay?

7 Now, what I'm going to do is I'm going to get
8 you to step back into the jury room, but don't start your
9 deliberations yet. It's not going to take a long time,
10 but I'm just going to ask and go over with the lawyers
11 very quickly to make sure I didn't leave anything out or I
12 didn't misstate anything or omit anything. If I need to
13 bring you back out to give you some other section of the
14 charge or whatever, I will do that. But if everything is
15 good with the charge, we'll gather all the exhibits and
16 we'll send them back to the jury room along with this
17 notebook. When you get those exhibits and this notebook,
18 that's your cue then to begin the deliberations. Okay.

19 So if you would, please step back into your jury
20 room and await these items.

21 (The jury left open court at approximately 12:07
22 p.m.)

23 THE COURT: Are there any exceptions or
24 objections to the charge from the State?

25 MS. MAYES: None from the State, Your Honor.

1 THE COURT: Anything from the defense?

2 MR. WILLIAMS: Only as to the failure of the
3 Court to instruct on the inference from Judge Anderson's
4 book.

5 THE COURT: All right. And that's certainly
6 noted, your exception.

7 Folks, if you all will get with Carol, and
8 there's a lot here, so go ahead and review everything and
9 make sure everything's there that's supposed to be there
10 and make sure that there's nothing that doesn't belong in
11 there.

12 (A break was taken.)

13 (WHEREUPON, the jury began deliberations at
14 approximately 12:20 p.m.)

15 THE COURT: Ladies, I want to thank you for you
16 service. Like I explained to you when we got started, if
17 there were to be a problem with one of the main panel,
18 then we would have to select between the two of you or
19 maybe even both, but I think everyone seems healthy.

20 THE JUROR: Seems that way.

21 THE COURT: I'm going to excuse you now. There
22 is no way to predict how long that will take, that
23 process. You're welcome to stay or you're absolutely free
24 to go.

25 I want to thank you for your service. If you

1 need a work excuse we can get that, but if you don't need
2 that, thank you again and you have completed your jury
3 service.

4 THE JUROR: Thank you, Your Honor.

5 (The alternate jurors were excused at
6 12:22 p.m.)

7 THE COURT: We're at ease pending a jury
8 verdict.

9 (A break was taken while the jury deliberates.)

10 THE COURT: Let's bring the jury in.

11 (The jury came into open court at approximately
12 1:28 p.m.)

13 THE COURT: All right, folks. You sent a note
14 out that you wanted to hear Michael Phipps' testimony, and
15 so we've cued that up and we're ready to go with that.
16 She will play that for you at this time.

17 Anytime the jury asks to hear testimony, I just
18 want you to know I can play whatever it is you want to
19 hear, all of it, part of it, whatever you want to hear,
20 we've got it all, so we're just going to play it until you
21 all tell us any different, okay?

22 (The requested portion of the testimony of
23 Michael Phipps was played back.)

24 THE COURT: All right. Ladies and gentlemen,
25 what I'm going to do is send you back to the jury room to

1 continue deliberations.

2 Hope has got lunch for you and we'll bring that
3 in. You can deliberate while you eat, you can set
4 deliberations aside and eat and go back to it, that's up
5 to you all. Y'all work it out however you want to do it,
6 but we'll bring that in to you in the jury room. But
7 don't begin any deliberations until third parties are out.

8 (WHEREUPON, the jury resumed deliberations at
9 approximately 2:04 p.m.)

10 THE COURT: Anything from the State?

11 MS. MAYES: No, sir.

12 MR. WILLIAMS: Nothing from the defense, Your
13 Honor.

14 THE COURT: We've got your numbers, we'll holler
15 at you if we need you.

16 We'll be at ease while the jury continues their
17 work.

18 (WHEREUPON, The Court's Exhibits Nos. 8-9 were
19 marked for purposes of the record.)

20 (A break was taken while the jury deliberates.)

21 THE COURT: Folks, it's my understanding that
22 the jury has reached a verdict. I stand here as you do, I
23 have no idea what that may be, but I do want to say that
24 whatever verdict the jury has reached, that I would ask
25 that it please be received in a professional manner. I

1 will be the first to understand that cases like this have
2 a lot of emotion, and I understand that, but I also
3 understand that the jury's worked here all week, they've
4 done their job. I don't ever ask folks to agree with the
5 jury's verdict, I simply just ask that it be received in a
6 professional manner. You don't have to agree with them,
7 but I'd like there to be no emotional outbursts or any
8 disturbance and have the verdict received in a
9 professional way.

10 If you don't think you can do that, if you don't
11 think you can control your emotions, then I would ask you
12 to step out of the courtroom as we receive the verdict
13 because -- and I say this not to be rude or to be a jerk,
14 but if there are any outbursts or disrespect for the
15 jury's verdict, I will have whoever creates it placed
16 under arrest and taken out and you'll be considered being
17 in contempt of court. And I say that -- as I said, I
18 don't say that to be rude because I do understand the
19 emotional aspect of cases like this, but I say it as a
20 cautionary comment, that if you think you might not be
21 able to control your emotions, then you might want to step
22 out.

23 Is the State ready to receive the verdict?

24 MS. MAYES: Yes, sir, Your Honor.

25 THE COURT: Defense ready?

1 MR. WILLIAMS: Defense is ready, Your Honor.

2 THE COURT: Okay. If you would bring the
3 members of the jury in.

4 (The jury came into open court at approximately
5 2:42 p.m.)

6 THE COURT: Madame Forelady, have the members of
7 the jury reached a unanimous verdict, ma'am?

8 THE FOREPERSON: Yes, sir.

9 THE COURT: All right. If you'd please pass
10 that over to the bailiff. Thank you very much.

11 All right. Madame Clerk, if would you please
12 publish the verdict of the members of the jury, please.

13 THE CLERK: In the matter of the State versus
14 Chad Stephen Hayes, Indictment No. 2013-GS-32-1420,
15 2013-GS-32-1423, 2013-GS-32-1680, 2013-GS-32-1681,
16 2013-GS-32-1683 and 2013-GS-32-1684, as to the Indictment
17 of 23 -- excuse me -- 2013-GS-32-1420, 1st degree criminal
18 sexual conduct with a minor, Daughter 3, we, the jury,
19 find the defendant Chad Stephen Hayes guilty of 1st degree
20 criminal sexual conduct with a minor. The sexual battery
21 did involve sexual or anal intercourse by a person or
22 intrusion by an object.

23 As to Indictment 2013-GS-32-1423, 2nd degree
24 criminal sexual conduct with a minor, Daughter 2, we, the
25 jury, find the defendant Chad Stephen Hayes guilty of 2nd

1 degree criminal sexual conduct with a minor.

2 As to the Indictment 2013-GS-32-1680, lewd act
3 Daughter 3
4 on a minor, [REDACTED], we, the jury, find the
5 defendant Chad Steven Hayes guilty of lewd act on a minor.

6 As to the Indictment 2013-GS-32-1681, lewd act
7 Daughter 2
8 on a minor, [REDACTED], we, the jury, find the defendant
9 Chad Steven Hayes guilty of lewd act on a minor.

10 As to Indictment 2013-GS-32-1683, lewd act on a
11 Daughter 1
12 minor, [REDACTED], we, the jury, find the defendant Chad
13 Steven Hayes guilty of a lewd act on a minor.

14 As to Indictment 2013-GS-32-1684, contributing
15 to the delinquency of a minor, we find the defendant Chad
16 Steven Hayes guilty of contributing to the delinquency of a
17 minor.

18 They are all so signed by the Forelady, Terri
19 Colwell, August 1, 2014.

20 Madame Forelady, ladies and gentlemen of the
21 jury, if this is your verdict, please indicate each of you
22 by raising your right hand.

23 All hands are raised, Your Honor.

24 THE COURT: Thank you. Any request from the
25 defense regarding polling?

MR. WILLIAMS: We request polling, Your Honor.

THE COURT: Madame Clerk, if you would, please.

THE CLERK: Yes, sir.

1 As I call your juror number, if you will hold
2 your hand up and I'll recognize you. I will ask you as to
3 the verdicts, were these your verdicts and are they still
4 your verdicts. Once I finish asking the question, please
5 respond at that time.

6 Number 162.

7 THE JUROR: Guilty.

8 THE CLERK: No. Hold up. Just hold your hand
9 up for me.

10 As to the verdicts, were these your verdicts and
11 are they still your verdicts?

12 THE JUROR: Yes.

13 THE CLERK: Thank you, ma'am.

14 115, as to the verdicts, were these your
15 verdicts and are they still your verdicts?

16 THE JUROR: Yes, ma'am.

17 THE CLERK: Number 6, as to the verdicts, were
18 these your verdicts and are they still your verdicts?

19 THE JUROR: Yes.

20 THE CLERK: Number 203, as to the verdicts, were
21 these your verdicts and are they still your verdicts?

22 THE JUROR: Yes, ma'am.

23 THE CLERK: 137, as to the verdicts, were these
24 your verdicts and are they still your verdicts?

25 THE JUROR: Yes, ma'am.

1 THE CLERK: 154, as to the verdicts, were these
2 your verdicts and are they still your verdicts?

3 THE JUROR: Yes.

4 THE CLERK: 155, as to the verdicts, were these
5 your verdicts and are they still your verdicts?

6 THE JUROR: Yes, ma'am.

7 THE CLERK: 177, as to the verdicts, were these
8 your verdicts and are they still your verdicts?

9 THE JUROR: Yes, ma'am.

10 THE CLERK: 194, as to the verdicts, were these
11 your verdicts and are they still your verdicts?

12 THE JUROR: They are.

13 THE CLERK: 187, as to the verdicts, were these
14 your verdicts and are they still your verdicts?

15 THE JUROR: Yes.

16 THE CLERK: 89, as to the verdicts, were these
17 your verdicts and are they still your verdicts?

18 THE JUROR: Yes, ma'am.

19 THE CLERK: Number 30, as to the verdicts, were
20 these your verdicts and are they still your verdicts?

21 THE JUROR: Yes, ma'am.

22 THE CLERK: All jurors polled, Your Honor.

23 THE COURT: All right. Anything further from
24 the defense?

25 MR. WILLIAMS: Nothing from the defendant, Your

1 Honor.

2 THE COURT: Ladies and gentlemen, I want to
3 thank you for your service this week. It has been a long
4 week, we've gone full days, and one of the things that
5 I've noticed throughout the course of the trial is that
6 everyone throughout the course of the trial remained very
7 attentive. And you would think, well, you know, we're
8 supposed to, right? But not all juries do that. But it
9 was a pleasure to work with you, and as we went through
10 the week I was very impressed you were on time, you paid
11 close attention, and I want to thank you for your service.

12 Now, in a moment we're going to proceed to
13 sentencing, and what I typically do is, you've done all
14 the work in this case and so if you wish to remain for
15 that, you're welcome to stay for that. If you wish to
16 leave, you may also do that.

17 This does conclude your service for this week,
18 and as I mentioned to you on Monday when we went through
19 the qualifications, you have earned an exemption, so that
20 if you get selected or receive a summons for jury service
21 in circuit court for the balance of this year or for the
22 next two years, if you wish to exercise that exemption and
23 be excused, you can do that. But I do tell folks that it
24 is just an exemption, it doesn't mean you're not qualified
25 to serve. So if you get that summons and you would like

1 to serve again, you certainly have the right to do that,
2 and I would encourage you to do that. But we're going to
3 take a few moments while we gather some paperwork and then
4 we're going to proceed to the sentencing portion. Those
5 of you who want to say for that, you're welcome to do so.
6 If anyone wishes to leave, you're also free to go at this
7 time.

8 (Jury service concluded at approximately 2:45
9 p.m.)

10 THE COURT: Solicitor, do you have any
11 sentencing sheets?

12 MS. MAYES: I do, Your Honor.

13 THE COURT: Mr. Williams, I'm going to recognize
14 you for any motions subsequent to the jury's verdict.

15 MR. WILLIAMS: Thank you, Your Honor. I renew
16 all the prior motions that I've made prior to the return
17 of the jury's verdict.

18 In addition, Your Honor, I would move -- which
19 is customarily made at the conclusion of the jury's
20 verdict, and that is to set aside the jury's verdict and
21 grant the defendant a new trial, that the evidence taken
22 should have been insufficient for the rendering of a
23 guilty verdict.

24 THE COURT: All right. I'm going to
25 respectfully deny that motion. As I said earlier when we

1 covered the motions at the close of the evidence, or at
2 the close of the State's case and at the close of the
3 evidence, I do feel that this case was -- obviously was
4 strongly hinged upon the facts and how a jury viewed those
5 facts, and I didn't see anything in this record that would
6 cause me any concern with regards to the jury's
7 consideration of the facts, and so I'm going to
8 respectfully deny the motion.

9 MR. WILLIAMS: Thank you, Your Honor.

10 THE COURT: Solicitor, is there anything the
11 State wishes to present regarding the sentencing phase?

12 MS. MAYES: Yes, sir, Your Honor. We ask that
13 the Court first hear the sentencing as it pertains to the
14 victim, ^{Daughter 2} [REDACTED]. She has a 5:00 o'clock flight at the
15 Charlotte airport back to Missouri. Our investigator is
16 putting her on the plane and will be leaving in the next
17 ten minutes.

18 THE COURT: Okay.

19 MS. MAYES: This is our victim advocate, Wendy
20 Fraser, Your Honor.

21 THE COURT: All right.

22 MS. FRASER: Good afternoon, Your Honor.

23 THE COURT: Good afternoon, ma'am.

24 MS. FRASER: This is Heaven's statement.

25 Dear Judge, I would like to tell you what Chad

1 Hayes did to me made me feel horrible, really bad. I feel
2 like he shouldn't have done that to me. I was scared to
3 tell because it was embarrassing and hard to tell anyone
4 because I was afraid Chad would beat me. It's something I
5 don't like to talk about. I would like to see him go to
6 prison and stay there. I'm scared that if he gets out of
7 jail he will hurt another child.

8 THE COURT: Thank you.

9 MS. MAYES: [REDACTED] Daughter 1

10 THE COURT: [REDACTED] Daughter 1
11 [REDACTED], thank you for having the
12 courage to come and be here this week. I know that was
13 not easy for you.

14 MS. [REDACTED] Daughter 1
15 MS. [REDACTED]: Dear Judge, The experience we
16 had while we lived with the defendant Chad Hayes was
17 traumatizing, horrible, and very disturbing. The
18 experience has changed my life forever. It has changed
19 everything from my lifestyle to my living environment. I
20 don't live with my mom and sisters. We have been
21 separated for several years. When we first got out of the
22 situation I didn't talk to anyone or trust any male
23 figure. It took forever to get over this. Yes, my mom
24 was around when everything happened, she didn't say
25 anything or do anything about it. She put him first
before her children. And yes, it was wrong, and she was
very negligent. The situation made me feel very bad, had

1 lowered my self-esteem a lot. It took away a big part of
2 my life, took away my freedom, my childhood and my privacy
3 was interrupted. It makes me feel like I had given up on
4 life. I feel like he should be put away and the key
5 thrown away. Just him getting put away doesn't give back
6 my justice.

Daughter 1

7 THE COURT: Thank you very much, [REDACTED].
Daughter 3

8 MS. MAYES: [REDACTED].

9 Beg the Court's indulgence.

10 (Pause.)

11 MS. MAYES: We understand, Your Honor, this
12 criminal sexual conduct with a minor 1st degree is a
13 mandatory 25 years, so we leave sentencing, Your Honor, in
14 the Court's hands.

15 THE COURT: All right.

16 MS. MAYES: No prior record.

17 THE COURT: Mr. Williams, I'll be happy to hear
18 from you, if Mr. Hayes would like to address the Court, or
19 if anyone else would like to address the Court, I'll be
20 happy to hear from anyone.

21 MR. WILLIAMS: Your Honor, Chad is 42 years of
22 age. I became affiliated with Chad when -- I think Your
23 Honor understands that he was represented at some period
24 of time by Richard Briebart who is no longer obviously
25 practicing law. He was arrested on March 30th and then

1 remained in jail until November 30th, and I obviously know
2 there's going to be a substantial amount of time. I'd ask
3 that obviously he receive whatever little bit of credit
4 that would affect in regards to his sentence.

5 THE COURT: Sure.

6 MR. WILLIAMS: He has no prior record. He's
7 never been married, no children. He worked at Michelin
8 for ten years. He's a graduate of Batesburg-Leesville
9 High School.

10 While he was in jail his ten years ran out --
11 actually, what had occurred, I went to his house last
12 night to kind of see the surroundings. It's a very close
13 knit family, Your Honor. It really is all family
14 property. When you pull into his property you've got his
15 house there and he lives there with his girlfriend. Next
16 door is his mother and his father. His father is not
17 present today because he has cancer and has been in out of
18 the hospital since May 3rd of this year, so he just could
19 not be here.

20 His mother has probably been the rock of his
21 family for quite some period of time. I probably feel
22 like I have to address her because she has really been a
23 rock for Chad and for her husband. And she's probably
24 endured a lot more than most ladies would.

25 His brother is over on the end, Your Honor, who

1 is seated on the corner. He looks a lot like him except
2 he's got black hair. And the young lady with the blond is
3 his wife. And then grandma who's 86 years of age is the
4 young lady with the blue.

5 Chad essentially takes care of his grandmother
6 and cuts grass. He could not go back to Michelin, so
7 he -- when I say he cuts grass, it's not like he cuts one
8 yard or two yards. He's got a business, Your Honor.

9 THE COURT: A business, yes.

10 MR. WILLIAMS: Whatever Your Honor does
11 obviously is going to be a long period of time. I do
12 not -- I do not fight the jury's verdict in any way. And
13 I was very sincere when I argued to the jury that I really
14 appreciated their decision-making, because Your Honor
15 knows we were up here and picking a jury and there were a
16 lot of jurors who would not sit on this jury.

17 THE COURT: Right.

18 MR. WILLIAMS: So I respect their decision and I
19 thank them for their service.

20 And we would ask the Court to be as lenient as
21 possible in regards to whatever sentence that you issue.
22 Obviously, he's going to catch a good little bit of time.

23 THE COURT: All right. Mr. Hayes, anything you
24 wish to tell the Court, sir? You're not required to.

25 THE DEFENDANT: No, sir, not at this point.

1 THE COURT: I don't mean to delay anyone, but
2 I'm going to take a short recess, literally a couple of
3 minutes. I'm going to ask the attorneys to step back with
4 me.

5 (A break was taken.)

6 THE COURT: I apologize for taking that time. I
7 just wanted to make sure I have everything correct.

8 I don't know what to say. The legislature
9 entrusts judges with this position and then by law and by
10 ethics we're bound to sit impartially and to weigh
11 everything fairly and not allow our decisions to be
12 impacted by things that are not proper, that aren't before
13 the Court. But unfortunately, when they do that, they
14 don't take away our sense of humanity, they don't take
15 away our feelings and our emotions, so clearly we have
16 that.

17 Mr. Hayes, you know, the law under one of your
18 charges here provides for a life sentence, and there's
19 that part of me, that dad part of me, that human part of
20 me that thinks that's absolutely appropriate, and that to
21 quote one of the young ladies here -- and I want them to
22 know -- the other two girls have gone -- I just appreciate
23 so much the courage that it took for you all to come and
24 do what you did.

Daughter 1

25 But as I think [REDACTED] said, that he be put away

1 and throw away the key so he'd never do this to another
2 child again, and that's the emotional urging that I have.

3 But to the extent I'm able to shelve that and
4 start looking at this, and so I am going to take into
5 consideration the fact that you have no prior record, that
6 this is a first offense, although albeit it, it's as bad
7 as it can get. You know, some people tell us that the
8 worse crime we have in our society is murder and that
9 everything falls under that. Well, I don't agree with
10 that. I think this is worse, and I just want Candace and
11 Heaven and Megan to know how much the Court appreciates
12 their courage to shine a light on this darkness. I just
13 think so highly of those young ladies for their bravery.

14 I agree with Mr. Williams and again want to
15 thank the members of the jury for your service.

16 You know, I heard the evidence for the first
17 time as you heard it. Some people thing judges know about
18 the case before it starts, but we know very little, and so
19 I heard it as you heard it. And for what it's worth,
20 which is probably nothing, I think you do an outstanding
21 job and I think the evidence certainly supports the
22 decisions that you've made and strongly supports it.

23 Having said that, as to Indictment
24 2013-GS-32-1423, that's the criminal sexual conduct with a
25 minor in the 2nd degree, the sentence of the Court is that

1 you be committed to the State Department of Corrections
2 for a period of 15 years.

3 On 2014-GS-32-1680, lewd act, committing a lewd
4 act upon a child under the age of 16, the sentence of the
5 Court is that you be committed to the State Department of
6 Corrections for a period of 15 years.

7 2014-GS-32-1681, lewd act upon a child under the
8 age of 16, sentence of the Court is that you be committed
9 for a period of 15 years.

10 2014-GS-32-1683, lewd act upon a child under the
11 age of 16, that you be committed for a period of 15 years.

12 2014-GS-32-1684, contributing to the delinquency
13 of a minor, the sentence of the Court is that you be
14 committed to the State Department of Corrections for a
15 period of three years.

16 All of those sentences are to run concurrent
17 with each other.

18 On Indictment 2013-GS-32-1420, criminal sexual
19 conduct with a minor under the age of 11, that being a 1st
20 degree, the sentence of the Court is that you be committed
21 to the State Department of Corrections for a period of 25
22 years, no part of which may be reduced or parole granted,
23 no probation, and that is to run consecutive to the other
24 charges which you've been sentenced here today.

25 Good luck to you, sir.

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

M304165

ACTION OF GRAND JURY

For Brasington
 Foreperson of Grand Jury

Date: 5-6-13

VERDICT

GUILTY
Tim O'Connell
 Foreperson of Petit Jury

Date: 8/1/2014

DOCKET NO. 2013GS3201420

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MAY TERM 2013

THE STATE

vs.

Chad Stephen Hayes

CDR #: 0385

Indictment for

Criminal sexual conduct with a minor
first degree

§ 16-03-0655(A)(1)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

)
)
)
)

INDICTMENT FOR

Criminal sexual conduct with a minor –
first degree

§ 16-03-0655(A)(1)

At a Court of General Sessions, convened on MAY 2013, the Grand Jurors of Lexington County present upon their oath:

That Chad Stephen Hayes did in Lexington County, South Carolina, on or about January 1, 2008 through November 30, 2011, commit the offense of criminal sexual conduct with a minor in the first degree by engaging in sexual battery upon or with a minor who was less than eleven years of age, to wit: Megan Ernest, date of birth April 1, 2001, such sexual battery including but not limited to genital intrusion, in violation of Section 16-3-655(A)(1), Code of Laws of South Carolina, 1976, as amended.

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

Suzanne Mayes
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Chad Stephen Hayes

AKA:
 Race: White Sex: M Age: 42
 DOB: 02-22-1972 SS#: 250-59-6593
 Address: 2251 Broad St
 City, State, Zip: Leesville, SC 29070-7682
 DL#: 008962092 SID#:

*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 / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ § 17-25-45

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: [Signature] Solicitor 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 25 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: 2013-GS-32-1423 2014-GS-32-
☒ 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
§ 50-21-11.1 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$130.00

Clerk of Court/ Deputy Clerk: [Signature]

Court Reporter: [Signature]

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS3201420

A/W#: M304165

Date of Offense: 3/1/2011

S.C. Code § 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

_____ 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: 2141

Sentence Date: 8-1-2014

WITNESSES

Lexington County Sheriff's Department

Stephen M. Collins

Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

M304167

ACTION OF GRAND JURY

Ron Brasington
 Foreperson of Grand Jury
 Date: 5-6-13

VERDICT

GUILTY

Terrell Colewell
 Foreperson of Petit Jury
 Date: 8/1/2014

DOCKET NO: 2013GS3201423

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MAY TERM 2013

THE STATE

vs.

Chad Stephen Hayes

CDR #: 0396

Indictment for

Criminal sexual conduct with a minor
 second degree

§16-03-0655(B)(1)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Criminal sexual conduct with a minor - second
COUNTY OF LEXINGTON	)	degree
	)	

§ 16-03-0655(B)(1)

At a Court of General Sessions, convened on MAY 2013, the Grand Jurors of Lexington County present upon their oath:

That **Chad Stephen Hayes** did in Lexington County, South Carolina on or about December 30, 2010 through November 30, 2011, commit the offense of criminal sexual conduct with a minor in the second degree by engaging in sexual battery upon or with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: Heaven Sapp, date of birth December 30, 1999, including, but not limited to, genital intrusion, in violation of Section 16-3-655(B)(1), S.C. Code of Laws, 1976, as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Lexington

VS.

Chad Stephen Hayes

AKA:

Race: White Sex: M Age: 42

DOB: 02-22-1972 SS#: 250-59-6593

Address: 2251 Broad St

City/State/Zip: Leesville, SC 29070-7682

DL#: 008962092 SID#:

*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 / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg

in violation of § 16-03-0655(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC 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:



Solicitor

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 18 TH 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

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 (DUI 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)	\$	\$
TOTAL		\$130.00

Clerk of Court/ Deputy Clerk:

Court Reporter:

SCCA217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS3201423

A/W#: M304167

Date of Offense: 3/1/2011

S.C. Code § 16-03-0655(b)(1)

CDR Code #: 0396

SENTENCE SHEET

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: 2141

Sentence Date: 8-1-2014

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

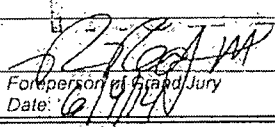
Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

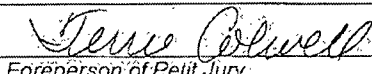
14-STR-00027

ACTION OF GRAND JURY


Foreperson of Grand Jury
Date: 6/11/14

VERDICT


Guilty


Foreperson of Petit Jury
Date: 8/1/2014

DOCKET NO. 2014GS3201680

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2014

THE STATE

vs.

Chad Stephen Hayes

CDR #: 2468

Indictment for

Attempting or Committing a Lewd Act
Upon a Child

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Attempting or Committing a Lewd Act
Upon a Child

§ 16-15-0140

At a Court of General Sessions, convened on June 2014, the Grand Jurors of Lexington County present upon their oath:

That Chad Stephen Hayes, date of birth 2/22/1972, being a person over fourteen years of age, did in Lexington County, South Carolina, on or about January 1, 2008 through November 30, 2011, willfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child, to wit: fondling and/or inappropriate touching of **Megan Ernest, date of birth 4/1/2001**, in violation of Section 16-15-140, Code of Laws of South Carolina, 1976, as amended, and subsequently codified as S.C. Code Section 16-3-655(C), 1976, as amended.

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

Suzanne Mayes
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Chad Stephen Hayes

AKA:

Race: White Sex: M Age: 42

DOB: 02-22-1972 SS#: 250-59-6593

Address: 2251 Broad St

City, State, Zip: Leesville, SC 29070-7682

DL#: 008962092 SID#:

*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 § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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:

Solicitor

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 18 ^{mo} 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: 2013-65-32 - 1429/1423/2014-65-32-1681; 1683; 1684
☒ 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: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$100
§ 56-5-2995 (DUI Assessment)	\$12	\$12
§ 56-1-286 (DUI Breath Test)	\$25	\$25
Proviso 17.9 (Public Def/Prob)	\$500	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$5
3% to County (if paid in installments)		\$
TOTAL		\$130.00

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3201680

A/W#: 14-STR-00027

Date of Offense: 1/1/2008

S.C. Code § : 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

TO:

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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.

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 18 ^{mo} 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: 2013-65-32 - 1429/1423/2014-65-32-1681; 1683; 1684
☒ 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: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$100
§ 56-5-2995 (DUI Assessment)	\$12	\$12
§ 56-1-286 (DUI Breath Test)	\$25	\$25
Proviso 17.9 (Public Def/Prob)	\$500	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$5
3% to County (if paid in installments)		\$
TOTAL		\$130.00

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

SCCA217 (03/2011)

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

14-STR-00028

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 6/9/14

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/1/2014

DOCKET NO. 2014GS3201681

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2014

THE STATE

vs.

Chad Stephen Hayes

CDR #: 2468

Indictment for

Attempting or Committing a Lewd Act
Upon a Child

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

INDICTMENT FOR
Attempting or Committing a Lewd Act
Upon a Child

§ 16-15-0140

At a Court of General Sessions, convened on June 2014, the Grand Jurors of Lexington County present upon their oath:

That Chad Stephen Hayes, date of birth 2/22/1972, being a person over fourteen years of age, did in Lexington County, South Carolina, on or about January 1, 2008 through November 30, 2011, willfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child, to wit: fondling and/or inappropriate touching of Heaven Sapp, date of birth 12/30/1999, in violation of Section 16-15-140, Code of Laws of South Carolina, 1976, as amended, and subsequently codified as S.C. Code Section 16-3-655(C), 1976, as amended.

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

Suzanne Mayer
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Chad Stephen Hayes

AKA:

Race: White Sex: M Age: 42

DOB: 02-22-1972 SS#: 250-59-6593

Address: 2251 Broad St

City, State, Zip: Leesville, SC 29070-7682

DL #: 008962092 SID#:

*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 § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

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

ATTEST:

Solicitor

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 10 months 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: 2013-65-32-1420; 1423; 2014-65-32-1680; 1683;☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied. 1684☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPRS

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)	\$300	\$
§ 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 (SCCA Surcharge)	\$5	\$6.00
3% to County (if paid in installments)	\$	\$
TOTAL		\$130.00

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3201681

A/W#: 14-STR-00028

Date of Offense: 1/1/2008

S.C. Code § 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS☐ Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

2141

8-1-2014

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

14-STR-00030

ACTION OF GRAND JURYForeperson of Grand Jury
Date: 6/19/14VERDICT

Foreperson of Petit Jury

Date: 8/1/2014

DOCKET NO. 2014GS3201683The State of South Carolina
County of LexingtonCOURT OF GENERAL SESSIONSJUNE TERM 2014THE STATE
vs.

Chad Stephen Hayes

CDR #: 2468Indictment forAttempting or Committing a Lewd Act
Upon a Child

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Attempting or Committing a Lewd Act Upon a
Child

§ 16-15-0140

At a Court of General Sessions, convened on June 2014, the Grand Jurors of Lexington County present upon their oath:

That Chad Stephen Hayes, date of birth 2/22/1972, being a person over fourteen years of age, did in Lexington County, South Carolina, on or about January 1, 2008 through November 30, 2011, willfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child, to wit: fondling and/or inappropriate touching of Candice Sapp, date of birth 10/19/1996, in violation of Section 16-15-140, Code of Laws of South Carolina, 1976, as amended, and subsequently codified as S.C. Code Section 16-3-655(C), 1976, as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Chad Stephen Hayes

AKA:

Race: White Sex: M Age: 42DOB: 02-22-1972 SS#: 250-59-6593Address: 2251 Broad StCity/State/Zip: Leesville, SC 29070-7682DL#: 008962092 SID#: *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 § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

S. Mayes
Solicitor

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 months 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: 2013-65-32-1420, 1923/2014-65-32-1630, 1631, 1684☒ 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 PTUPTotal: \$ 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 17.9 (Public Def/Prob) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (DUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ TOTAL \$ Clerk of Court/ Deputy Clerk S. MayesCourt Reporter: C. Shum

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS.

INDICTMENT/CASE# 2014GS3201683A/W#: 14-STR-00030Date of Offense: 1/1/2008S.C. Code § 16-15-0140CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS☒ 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:

Solicitor

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 months 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: 2013-65-32-1420, 1923/2014-65-32-1630, 1631, 1684☒ 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 PTUPTotal: \$ 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 17.9 (Public Def/Prob) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114 (DUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ TOTAL \$ Clerk of Court/ Deputy Clerk S. MayesCourt Reporter: C. Shum

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2141Sentence Date: 8-1-2014

WITNESSES

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 11035119

LSM

ARREST WARRANT NUMBER

14-STR-00031

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 6/9/14

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/1/2014

DOCKET NO. 2014GS3201684

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2014

THE STATE

vs.

Chad Stephen Hayes

CDR #: 0048

Indictment for

Contributing to Delinquency of a Minor

§ 16-17-0490

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.Chad Stephen Hayes

AKA:

Race: White Sex: M Age: 42DOB: 02-22-1972 SS#: 250-59-6593Address: 2251 Broad StCity, State, Zip: Leesville, SC 29070-7682DL#: 008962092 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was:
TO: Minor / Contributing to the delinquency of a minor

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3201684A/W#: 14-STR-00031Date of Offense: 1/1/2008S.C. Code § 16-17-0490CDR Code #: 0048

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charges: ☒ As Indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The pleas: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence ☐ Recommendation by the StateATTEST: L. S. Mayes

Solicitor

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 3 ~~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: 2013-GS-32-1420, 1423, 1424-GS-32-1680, 1681, 1683
☒ 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	\$
§ 56-5-2912(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$
TOTAL		\$ <u>130.00</u>

Clerk of Court/Deputy Clerk

Court Reporter: C. Thorne

SCCA 217 (03/2011)

PEEP

_____ 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: 2141Sentence Date: 8-1-2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

727

COUNTY OF Lexington
 STATE OF VS.
Chad Stephen Hayes
 PLAINTIFF:
 DEFENSE:
 DOB: 02-22-1972 SS#: 250-59-6593
 Address: 2251 Broad St.
 City, State, Zip: Leesville, SC 29070-7682
 Phone: 008962092 SID#: _____

INDICTMENT/CASE#: 2013GS3201420
 A/W#: M304165
 Date of Offense: 3/1/2011
 S.C. Code §: 16-03-0655(A)(1)
 CDR Code #: 0385

RECEIVED
 SC Court of Appeals

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was
☒ CONVICTED OF or ☐ PLEADS
 to: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ § 17-25-45
 w/minor 1st or Lewd Act)

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 TEST: _____

Solicitor _____ SC Bar# _____ Defendant _____ Attorney for Defendant _____ SC Bar# _____

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 25 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: 2013-65-32-1423; 1680; 1681; 1683; and 1684
 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: _____

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: _____

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 (SCJA Surcharge)	\$5	\$ 5.00
% to County (if paid in installments)		\$
TOTAL		\$ 130.00

Clerk of Court/Deputy Clerk Beth Carey
 Court Reporter: Therese
 CCA/217 (03/2011)

Presiding Judge _____
 Judge Code: 2141
 Sentence Date: 8-1-2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

728

COUNTY OF Lexington
STATE VS.
Chad Stephen HayesINDICTMENT/CASE#: 2013GS3201423A/W#: M304167Date of Offense: 3/1/2011S.C. Code §: 16-03-0655(b)(1)CDR Code #: 0396

A:

ce: White Sex: M Age: 42B: 02-22-1972 SS#: 250-59-6593dress: 2251 Broad Sty, State, Zip: Leesville, SC 29070-7682#: 008962092 SID#:DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

disposition of the said indictment comes now the Defendant who was

: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg

☒ CONVICTED OF or ☐ PLEADSviolation of § 16-03-0655(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0396NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act): charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials): plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST:

Solicitor [Signature] SC Bar# Defendant Attorney for Defendant SC Bar# HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,a determinate term of 18 TH days/months/years or ☐ under the Youthful Offender Act not to exceed years/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment\$; 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 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 ☐ Orderedtotal: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS Recipient: Fine: \$ 4-1-206 (Assessments 107.5 %) \$ 4-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.004-1-211(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 \$ 25.0014-1-213 (Drug Court Surcharge) \$150 \$ 0-21-114 (BUI Breath Test Fee) \$50 \$ 6-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00to County (if paid in installments) \$ TOTAL \$ 130.00Clerk of Court/ Deputy Clerk Beth CarrigCourt Reporter: C. Thorne

CA217 (03/2011)

SENTENCE SHEET

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel

§ 47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge Judge Code: 2141Sentence Date: 8-1-2014

COUNTY OF Lexington
 STATE VS.
Chad Stephen Hayes
 KA:
 Race: White Sex: M Age: 42
 DOB: 02-22-1972 SS#: 250-59-6593
 Address: 2251 Broad St
 City, State, Zip: Leesville, SC 29070-7682
 L#: 008962092 SID#:

INDICTMENT/CASE#: 2014GS3201680
 A/W#: 14-STR-00027
 Date of Offense: 1/1/2008
 S.C. Code §: 16-15-0140
 CDR Code #: 2468

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 On: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: Chad Hayes
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 18 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: 2013-63-32-1420/1423/1604-63-32-1681; 1683; 1684
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 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: \$ _____
 Payment Terms:
 Set by SCDPPPS

Recipient:
 Fine:
 4-1-206 (Assessments 107.5%) \$
 4-1-211(A)(1) (Conv. Surcharge) \$100 \$
 4-1-211(A)(2) (DUI Surcharge) \$100 \$
 56-5-2995 (DUI Assessment) \$12 \$
 56-1-286 (DUI Breath Test) \$25 \$
 Viso 47.9 (Public Def/Prob) \$500 \$
 14-1-212 (Law Enforce: Funding) \$25 \$
 14-1-213 (Drug Court Surcharge) \$150 \$
 0-21-114 (BUI Breath Test Fee) \$50 \$
 6-5-2942(J) (Vehicle Assessment) \$40/ea \$
 Viso 90.5 (SCCJA Surcharge) \$5 \$
 to County (if paid in installments) \$
 TOTAL \$130.00

_____ 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: 2141
 Sentence Date: 8-1-2014

Rank of Court/ Deputy Clerk Bill Carney
 Court Reporter: Thurman
 CA/217 (03/2011)

COUNTY OF Lexington
 STATE VS
Chad Stephen Hayes

CA:

ce: White Sex: M Age: 42

DOB: 02-22-1972 SS#: 250-59-6593

Address: 2251 Broad St

City, State, Zip: Leesville, SC 29070-7682

#: 008962092 SID#:

DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

disposition of the said indictment comes now the Defendant who was:

Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

☒ CONVICTED OF or ☐ PLEADS

violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45
 w/minor 1st or Lewd Act)

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years

or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

\$; 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: 2013-65-32-1420; 1423; 2014-65-32-1630; 1634;

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied.

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

al: \$ plus 20% fee: \$

ment Terms:

Set by SCDPPPS

ipient:

ne: \$

1-1-206 (Assessments 107.5%) \$

1-1-211(A)(1) (Conv. Surcharge) \$100 \$ 120.00

1-1-211(A)(2) (DUI Surcharge) \$100 \$

6-5-2995 (DUI Assessment) \$12 \$

6-1-286 (DUI Breath Test) \$25 \$

iso 47.9 (Public Def/Prob) \$500 \$

4-1-212 (Law Enforce. Funding) \$25 \$ 25.00

4-1-213 (Drug Court Surcharge) \$150 \$

1-21-114 (BUI Breath Test Fee) \$50 \$

5-2942(J) (Vehicle Assessment) \$40/ea \$

iso 90.5 (SCCJA Surcharge) \$5 \$ 6.00

to County (if paid in installments) \$

AL \$ 130.00

k of Court/ Deputy Clerk Beth Carey

rt Reporter: C. Thorne

A/217 (03/2011)

INDICTMENT/CASE#: 2014GS3201681

A/W#: 14-STR-00028

Date of Offense: 1/1/2008

S.C. Code §: 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

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: 2141

Sentence Date: 8-1-2014

COUNTY OF Lexington
 STATE VS.
Chad Stephen Hayes
 (A):
 ce: White Sex: M Age: 42
 (B): 02-22-1972 SS#: 250-59-6593
 dress: 2251 Broad St
 y, State, Zip: Leesville, SC 29070-7682
 #: 008962092 SID#:

INDICTMENT/CASE#: 2014GS3201683
 A/W#: 14-STR-00030
 Date of Offense: 1/1/2008
 S.C. Code §: 16-15-0140
 CDR Code #: 2468

SENTENCE SHEET

DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 : Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
 NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: Chad Hayes
 Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 a determinate term of 15 TH days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 ; _____; 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: 2013-65-32-1420; 1423; 2014-65-32-1680; 1681; 1684
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied

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
 al: \$ _____ plus 20% fee: \$ _____
 ment Terms: _____
 Set by SCDPPPS _____

ipient: _____

ne: \$
 I-1-206 (Assessments 107.5 %) \$
 I-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 I-1-211(A)(2) (DUI Surcharge) \$100 \$
 6-5-2995 (DUI Assessment) \$12 \$
 6-1-286 (DUI Breath Test) \$25 \$
 /iso 47.9 (Public Def/Prob) \$500 \$
 4-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 4-1-213 (Drug Court Surcharge) \$150 \$
 I-21-114 (BUI Breath Test Fee) \$50 \$
 I-5-2942(J) (Vehicle Assessment) \$40/ea \$
 /iso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
 to County (if paid in installments) \$
 TAL \$

rk of Court/ Deputy Clerk: Keith Carrigan
 rt Reporter: C. Thomas
 A/217 (03/2011)

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: 2141
 Judge Code: 2141
 Sentence Date: 8-1-2014

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

732

COUNTY OF Lexington
 STATE VS.
Chad Stephen Hayes
 (A: _____)
 Race: White Sex: M Age: 42
 DOB: 02-22-1972 SS#: 250-59-6593
 Address: 2251 Broad St
 City, State, Zip: Leesville, SC 29070-7682
 #: 008962092 SID#: _____
 DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 disposition of the said indictment comes now the Defendant who was
 r: Minor / Contributing to the delinquency of a minor

INDICTMENT/CASE#: 2014GS3201684
 A/W#: 14-STR-00031
 Date of Offense: 1/1/2008
 S.C. Code §: 16-17-0490
 CDR Code #: 0048

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)
 Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)
 plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: 2 Smayes
 Solicitor SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 a determinate term of 3 ~~days/months/years~~ or ☐ under the Youthful Offender Act not to exceed _____ years
 or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 \$ _____; 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: 2013-65-32-1420, 1423, 2014-65-32-1680, 1681, 1683
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 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: \$ _____

4-1-206 (Assessments 107.5%) \$ _____

4-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

4-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

56-5-2995 (DUI Assessment) \$12 \$ _____

56-1-286 (DUI Breath Test) \$25 \$ _____

also 47.9 (Public Def/Prob) \$500 \$ _____

14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

14-1-213 (Drug Court Surcharge) \$150 \$ _____

0-21-114 (BUI Breath Test Fee) \$50 \$ _____

6-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

also 90.5 (SCCJA Surcharge) \$5 \$ 5.00

to County (if paid in installments) \$ _____

TOTAL \$ 130.00

Clerk of Court/ Deputy Clerk Bill Carrigan

Court Reporter: C Thorne

CA/217 (03/2011)

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

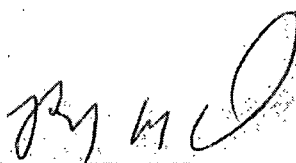
Judge Code: 2141

Sentence Date: 8-1-2014

CERTIFICATE OF COUNSEL

Counsel for appellant certifies that this Record of Appeal contains all material proposed to be included by and of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Filings

June 24th, 2016



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734 1330
ATTORNEY FOR APPELLANT

RECEIVED

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JUN 24 2016

SC Court of Appeals

CERTIFICATE OF COUNSEL

Counsel for appellant certifies that this Record of Appeal contains all material proposed to be included by and of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Filings

June 24th, 2016



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734 1330
ATTORNEY FOR APPELLANT