

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

Maite Murphy, Circuit Court Judge

RECEIVED

MAY 25 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT WILLIAM WAZNEY,

APPELLANT

APPELLATE CASE NO. 2015-000884

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

J. BENJAMIN APLIN
Senior Assistant Attorney Deputy General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

ERNEST A. FINNEY, III
Solicitor, Third Judicial Circuit
Sumter County Courthouse
141 N. Main Street
Sumter, SC 29150-4965
(803) 436-2185

Attorneys for Respondent

INDEX

INDEX	i
TRIAL TRANSCRIPT APRIL 13, 2015	1
JURY VOIR DIRE	5
JURY SELECTION	15
DEFENSE MOTION TO EXCLUDE EMAILS	27
RULING BY THE COURT ON DEFENSE MOTION TO EXCLUDE EMAILS	29
OPENING INSTRUCTIONS BY THE COURT	36
OPENING STATEMENT BY MR. MEADOWS	43
OPENING STATEMENT BY MR. KEFFER	53
TESTIMONY	
MINOR	57
KAMI WRIGHT	160
DEFENSE MOTION TO EXCLUDE CO-WORKER TESTIMONY ABOUT INADMISSIBLE CHARACTER EVIDENCE	176
RULING BY THE COURT ON DEFENSE MOTION TO EXCLUDE CO-WORKER TESTIMONY ABOUT INADMISSIBLE CHARACTER EVIDENCE	178
TESTIMONY	
TRAVIS PORTER	180
ERIN BOLAND	193
STATE RESTS	199
DEFENSE MOTION FOR A DIRECTED VERDICT	199

RULING BY THE COURT ON DEFENSE MOTION FOR A DIRECTED VERDICT	200
COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY	201
DEFENSE RESTS	204
CLOSING ARGUMENT BY MR. MEADORS.....	208
CLOSING ARGUMENT BY MR. KEFFER.....	231
CHARGE ON THE LAW	236
VERDICT	250
SENTENCING	257
INDICTMENTS AND SENTENCING SHEETS.....	260
CERTIFICATE OF COUNSEL.....	270

INDEX

	Page
Voir dire of jury panel	6
Striking of the jury	16
Pre-trial motions	26
Opening remarks by Mr. Meadors	44
Opening remarks by Mr. Keffer	54
Minor	
Direct examination	57
Cross-examination	132
Redirect examination	149
Kami Wright:	
Direct examination	160
Cross-examination	166
Redirect examination	168
Travis Porter:	
Direct examination	182
Cross-examination	191
Erin Boland:	
Direct examination	194
Cross-examination	195
Redirect examination	199
Motion for directed verdict	200
Defendant informed of rights	202
Closing remarks by Mr. Meadors	209
Closing remarks by Mr. Keffer	232
Charge to the jury	237
Verdict	251
Sentence of the Court	258

EXHIBITS

STATE'S:

No.	Description	I.D./EVD.
1	Email	36/37
2	Email	36/37
3	Email	36/37
4	Email	36/37
5	Email	36/37
6	Email	36/37
7	Email	36/37
9	Email	36/37
10	Email	36/37
11	Email	36/37

12	Email	36/37
13	Email	36/37
14	Email	36/37
15	Email	36/37
16	Email	36/37
17	Email	36/37
18	Email	36/37
19	Email	36/37
20	Email	36/37
21	Email	36/37
22	Email	36/37
23	Email	36/37
24	Email	36/37
25	Email	36/37
26	Email	36/37
27	Email	36/37
28	Email	36/37
29	Email	36/37
30	Email	36/37
31	Email	36/37
32	Email	36/37
33	Email	36/37
34	Email	36/37
35	Email	36/37
36	Email	36/37
37	Email	36/37
38	Email	36/37
39	Email	36/37
40	Email	36/37
41	Email	36/37
42	Email	36/37
43	Email	36/37
44	Email	36/37
45	Email	36/37
46	Email	36/37
49	Photo of car	70/70
50	Plumber stick	87/87
51	Box w/contents	116/116
52	Letter	120/122
53	Statement	120
54	Note	152/153
55	Dates	159/159

1 THE COURT: It's a pleasure to be here
2 with you this week here in Sumter County. I have
3 been through the initial qualification process for
4 jury selection this morning and we'll now proceed
5 with the next stage of it as the solicitor will call
6 his first case.

7 Solicitor, you may call your case.

8 MR. MEADORS: May it please the Court.

9 THE COURT: Yes, sir.

10 MR. MEADORS: At this time we do call the
11 case of the State of South Carolina versus Robert
12 William Wazney. Mr. Wazney is present with his
13 attorney John Keffer, Sumter County true bill
14 indictment 2014-GS-43-317, count one criminal sexual
15 conduct with a minor in the second degree; count
16 two, criminal sexual conduct with a minor in the
17 second degree; Sumter County true bill indictment
18 2015-GS-43-333, criminal sexual conduct with a minor
19 second degree; and Sumter County true bill
20 indictment 2015-GS-43-334, criminal sexual conduct
21 with a minor in the second degree. Your Honor, also
22 I talked with Mr. Keffer. You can scratch number 13
23 off the witness list too, if Your Honor will please
24 do that.

25 THE COURT: Thank you. Ladies and

1 gentlemen of the jury panel, we're about to begin
2 the trial of the case of the State versus Robert
3 William Wazney. And ladies and gentlemen,
4 Mr. Wazney, as you have heard the Solicitor call the
5 case, is charged with several counts of criminal
6 sexual conduct with a minor in the second degree.
7 I'm going to ask you several questions regarding any
8 potential knowledge that you may have of this case
9 so that we can select a fair and impartial jury.

10 The first question is -- Solicitor, I'll
11 allow you to introduce yourself along with the
12 members of your staff.

13 MR. MEADORS: May it please the Court.

14 THE COURT: Yes, sir.

15 MR. MEADORS: My name is John Meadors.
16 I'm assistant solicitor and I work for the Honorable
17 Earnest A. "Chip" Finney, III, your elected
18 solicitor. Talitha Harrison is the victim advocate
19 in this case and Thomas Miller also in this case.

20 THE COURT: Ladies and gentlemen of the
21 jury panel, any member of the jury panel related by
22 blood or marriage or is a close personal or social
23 friend of the members of the Solicitor's Office or
24 their staff or has ever been represented by any of
25 the attorneys in the Solicitor's Office, if so,

1 please stand.

2 (There was no response.)

3 THE COURT: I find there is no one
4 standing. And Mr. Keffer, I'll allow you to
5 introduce yourself.

6 MR. KEFFER: Thank you, Your Honor. My
7 name is John Keffer. I've been practicing 16 years
8 in Sumter County. I practice with Mr. Ken Young.

9 THE COURT: Ladies and gentlemen of the
10 jury panel, is there any member of the jury panel
11 that is related by blood or marriage or close
12 personal or social relationship with Mr. Keffer or
13 any members of his law firm or has been represented
14 by their law firm, if so, please stand.

15 THE POTENTIAL JUROR: I do.

16 THE COURT: Yes, sir, your juror number?

17 THE POTENTIAL JUROR: 154.

18 THE COURT: 154. Sir, if you could please
19 approach.

20 (WHEREUPON, counsel approached the
21 Bench for an on-the-record discussion.)

22 THE COURT: Sir, you were represented by
23 Mr. Keffer?

24 MR. KEFFER: No, ma'am, I do contract work
25 on the computers at his law firm.

1 THE COURT: Okay. Knowing the members of
2 the law firm, can you set that relationship aside
3 and be fair and impartial to both the State and the
4 to Defendants?

5 THE POTENTIAL JUROR: I believe so but.

6 THE COURT: And there's no right or wrong
7 answer. I just need to know for sure whether or not
8 you can set that aside and be fair and impartial to
9 both sides. Do — you obviously have a financial
10 interest.

11 THE POTENTIAL JUROR: Exactly.

12 THE COURT: In that, can you set that
13 aside though and listen to the testimony as it comes
14 from the witness stand?

15 THE POTENTIAL JUROR: Yes, ma'am.

16 THE COURT: Will you be fair and impartial
17 to both the State and the Defendant?

18 THE POTENTIAL JUROR: Uh-huh.

19 THE COURT: You need to say —

20 THE POTENTIAL JUROR: Yes, ma'am.

21 THE COURT: And will you follow the law as
22 I give it to you?

23 THE POTENTIAL JUROR: Yes, ma'am.

24 THE COURT: All right, sir, thank you.

25 Ladies and gentlemen of the jury panel, is

1 there any member of the jury panel that is related
2 by blood or marriage or is a close personal and
3 social friend of the defendant Mr. Robert William
4 Wazney, if so, please stand.

5 Yes, sir, would you approach.

6 (Potential juror approached the Bench for an
7 on-the-record discussion.)

8 THE COURT: And your juror number?

9 THE POTENTIAL JUROR: Number 108.

10 THE COURT: Number 108. Mr. Mendiola?

11 THE POTENTIAL JUROR: Yes.

12 THE COURT: Yes, sir, how do you know the
13 defendant?

14 THE POTENTIAL JUROR: I actually went to
15 -- I work for Carolina Power. We buy a lot of
16 products from him and I know him as being, working
17 there at Batteries Plus. And unfortunately, I have
18 prior knowledge of what happened 'cause a lady in
19 the office found it on the site that he was in the
20 thing for when he was ---

21 THE COURT: What he was accused of doing?

22 THE POTENTIAL JUROR: Yes, ma'am.

23 THE COURT: Okay, you have actual
24 knowledge of the case ---

25 THE POTENTIAL JUROR: I've heard about

1 this before this, yes, ma'am.

2 THE COURT: What exactly did you hear?

3 THE POTENTIAL JUROR: It's mainly what the
4 picture was posted on the internet about him and ---

5 THE COURT: Just a news release?

6 THE POTENTIAL JUROR: It was whatever on
7 the internet that they released a picture of him and
8 what they say.

9 THE COURT: Okay, what the allegations
10 are?

11 THE DEFENDANT: I think so, yes.

12 THE COURT: You don't know any specific
13 allegations, just what you saw?

14 THE POTENTIAL JUROR: I don't know
15 specific. Unfortunately it was an issue also a man
16 in our own present plant manager. I think there was
17 like a family member that was caught up in that
18 allegation 'cause they have a young child so.

19 THE COURT: Okay. So having that
20 knowledge you think you can set that aside or not?

21 THE POTENTIAL JUROR: I don't think I
22 could be fair because I have heard, and I want to be
23 honest about that.

24 THE COURT: I appreciate that. That's
25 why we ask. I'm gonna excuse you from the trial of

1 this case but stick with us 'cause we might send you
2 down the hall for another trial, okay. Thank you,
3 sir.

4 (End of on-the-record discussion.)

5 THE CLERK: We have also have juror 57.

6 THE COURT: Mr. Mendiola, could you come
7 back here for just one second.

8 THE POTENTIAL JUROR: Sure.

9 (Potential juror approaches Bench for an
10 on-the-record discussion.)

11 THE POTENTIAL JUROR: Is there a problem,
12 ma'am?

13 THE COURT: No, I just want to make sure
14 you don't discuss anything with these jurors, okay?

15 THE POTENTIAL JUROR: I won't.

16 (End of Bench conference with Juror Mendiola.)

17 (Whereupon, potential juror approached the Bench for
18 an on-the-record discussion.)

19 THE COURT: Mr. Geddings, how are you,
20 sir?

21 THE POTENTIAL JUROR: Good. I've known
22 Mr. Robert Wazney for the past three or four years.

23 THE COURT: How do you know him?

24 THE POTENTIAL JUROR: Farmers Telephone.
25 I purchased batteries through him. I used to be

1 employed. And his former employees have been saying
2 different stuff, why he got released. I don't feel
3 like I can be.

4 THE COURT: So you have some previous
5 knowledge about the allegations, right?

6 THE POTENTIAL JUROR: Right, yes, ma'am.

7 THE COURT: You understand that basically
8 the State has a burden of proving each of the
9 allegations based on the testimony that comes from
10 the witness stand. Can you set aside what you've
11 heard in the past and render a fair and impartial
12 decision?

13 THE POTENTIAL JUROR: I can try, yes,
14 ma'am.

15 THE COURT: Well...

16 THE POTENTIAL JUROR: I figured I need to
17 tell.

18 THE COURT: No, no, I appreciate that. I
19 just want to make sure that you can set whatever you
20 heard in the past aside and be fair and impartial to
21 both the State and the Defense?

22 THE POTENTIAL JUROR: Yes, ma'am.

23 THE COURT: Can you do that?

24 THE POTENTIAL JUROR: Uh-huh.

25 THE COURT: Can you follow the law as I

1 give it to you?

2 THE POTENTIAL JUROR: Yes, ma'am.

3 THE COURT: All right, sir, will you
4 listen to the testimony as it comes from the witness
5 stand and render a decision solely based on what you
6 heard in this courtroom?

7 THE POTENTIAL JUROR: Yes, ma'am.

8 THE COURT: All right, sir, thank you.

9 (WHEREUPON, counsel approached
10 the Bench for an off-the-record discussion.)

11 THE COURT: Ladies and gentlemen of the
12 jury panel, I'm gonna save myself a little exercise
13 here just in case. I'm gonna ask you -- name of
14 potential witnesses in this case. After I list
15 these potential witnesses, if any member of the jury
16 panel is related by blood or marriage or close
17 social or personal relationship with any of these
18 people, I will ask you to then stand. The potential
19 witnesses are: Minor : This is Ms. Hornak
20 here. Erin Boland, Pam Shields, Travis Porter, Kami
21 Wilds, Sharon Wazney, Robin Griggs, Angela Puente,
22 Sister Ritchie Hornak, Ashleigh Benda,
23 Andrew Mark Winston, Corporal McCauley, and
24 Investigator Durran Solomon. Any members of the
25 jury panel related by blood or marriage or close

1 social or personal relationship with any of the
2 potential witnesses in this case, if so, please
3 stand.

4 (There was no response.)

5 THE COURT: I find there is no one
6 standing. Is there any member of the jury panel
7 who's ever been a victim or charged with something
8 that's considered a violent crime? A violent crime
9 is considered an armed robbery, burglary, murder,
10 rape, anything of that nature. Anybody in the jury
11 panel or close personal or family situation ever
12 been a victim of or charged with a violent crime, if
13 so, please stand.

14 (There was no response.)

15 THE COURT: I find there is no one
16 standing. Has any member of the jury panel formed
17 or expressed any opinion about any issue or matter
18 involved in this case, if so, please stand.

19 (There was no response.)

20 THE COURT: I find there is no one
21 standing. Is there any member of the jury panel
22 aware of any bias or prejudice towards either the
23 State or to the Defense in this case, if so, please
24 stand.

25 (There was no response.)

1 THE COURT: I find there is no one
2 standing. Is there any member of the jury panel
3 that was a member of the grand jury which issued the
4 indictments in this case, if so, please stand.

5 (There was no response.)

6 THE COURT: I find there is no one
7 standing. Is there any member of the jury panel who
8 is a member of or contributor to any group which has
9 as its primary concern the promotion of law
10 enforcement or victim's rights? These groups would
11 include but certainly not limited to, MADD, SADD, or
12 Citizens Against Violent Crime, if so, please stand.

13 (There was no response.)

14 THE COURT: I find there is no one
15 standing. Is there any member of the jury who knows
16 of any reason whatsoever why he or she should not
17 serve as a juror in this case with a particular
18 emphasis on your ability to be fair and impartial to
19 both the State and to the Defense, if so, please
20 stand.

21 (There was no response.)

22 THE COURT: I find there is no one
23 standing. Is there any additional voir dire
24 questions either from the State or from the Defense?

25 MR. MEADORS: Not from the State, Your

1 Honor.

2 MR. KEFFER: None, Your Honor.

3 THE COURT: All right. Ladies and
4 gentlemen of the jury panel, we will now begin the
5 jury selection process in this case. Mr. Craig, do
6 you need a few minutes?

7 THE CLERK: No, ma'am, we're ready.

8 THE COURT: Ladies and gentlemen, if your
9 name is called as a potential juror in this case, if
10 you will please come forward, face the back of the
11 courtroom. That way the attorneys for the State and
12 the Defense can either seat you on the jury or not
13 seat you on the jury. Again, please don't take any
14 offense either way as there's many reasons for the
15 selection process as it continues. If your name is
16 called, also please bring all your personal
17 belongings with you as if you are seated on the jury
18 so we'll go ahead and seat you in the jury box.

19 You may proceed, sir.

20 THE CLERK: Number 46, Sharhonda Prince
21 (white female). What saith the State?

22 MR. MEADORS: Please present the juror.

23 THE CLERK: What saith the Defense?

24 MR. KEFFER: Please seat the juror.

25 THE CLERK: Have a seat in the jury box,

1 ma'am.

2 Number 100, Christopher Matthews (white
3 male). What saith the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: What saith the Defense?

6 MR. KEFFER: Please seat the juror.

7 THE CLERK: Have a seat in the jury box,
8 sir.

9 Number 112, Barbara Monroe (black female).
10 What saith the State?

11 MR. MEADORS: Please present the juror.

12 THE CLERK: What saith the Defense?

13 MR. KEFFER: Please seat the juror.

14 THE CLERK: Have a seat in the jury box,
15 ma'am.

16 Number 85, Kevin Johnson (white male).
17 What saith the State?

18 MR. MEADORS: Please present the juror.

19 THE CLERK: What saith Defense?

20 MR. KEFFER: Please excuse the juror.

21 THE CLERK: Have a seat back with the
22 panel, sir. You're excused from this trial at this
23 time.

24 Number 61, Lorraine Gibson (black female).
25 What saith the State?

1 MR. MEADORS: Please excuse the juror.

2 THE CLERK: Have a seat back with the
3 panel, sir. You've been excused from this trial at
4 this time.

5 Number 154, William Swick, III (white
6 male). What saith the State?

7 MR. MEADORS: Please excuse the juror.

8 THE CLERK: Have a seat back with the
9 panel, sir. You've been excused from this trial at
10 this time.

11 Number 140, Ruby Ross (black female).
12 What saith the State?

13 MR. MEADORS: Please present the juror.

14 THE CLERK: What say Defense?

15 MR. KEFFER: Please seat the juror.

16 THE CLERK: Have a seat in the jury box,
17 ma'am.

18 Number 36, Mark Cox (white male). What
19 saith the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: What saith the Defense?

22 MR. KEFFER: Please excuse the juror.

23 THE CLERK: Have a seat back with the
24 panel, sir. You've been excused from the trial at
25 this time.

1 Number 171, Thomsena Wheeler (black
2 female). What saith the State?

3 MR. MEADORS: Please present the juror.

4 THE CLERK: What saith the Defense?

5 MR. KEFFER: Please seat the juror.

6 THE CLERK: Have a seat in the jury box,
7 ma'am.

8 Number 77, Denise Howell (black female).
9 What saith the State?

10 MR. MEADORS: Please present the juror.

11 THE CLERK: What saith the Defense?

12 MR. KEFFER: Please seat the juror.

13 THE CLERK: Have a seat in the jury box,
14 ma'am.

15 Number 5, Rebecca Ardis (white female).
16 What saith the State?

17 MR. MEADORS: Please present the juror.

18 THE CLERK: What say Defense?

19 MR. KEFFER: Please excuse the juror.

20 THE CLERK: Have a seat back in the panel.
21 You've been excused from this trial at this time.

22 Number 180, Rhonda Egan (white female).
23 What saith the State?

24 MR. MEADORS: Please present the juror.

25 THE CLERK: What saith Defense?

1 MR. KEFFER: Please excuse the juror.

2 THE CLERK: Have a seat back in the panel.

3 You've been excused from this trial at this time.

4 Number 26, David Bunker (white male).

5 What saith the State?

6 MR. MEADORS: Please present the juror.

7 THE CLERK: What say Defense?

8 MR. KEFFER: Please seat the juror..

9 THE CLERK: Have a seat in the jury box,
10 sir.

11 Number 159, Megan Tomlinson (white
12 female). What saith the State?

13 MR. MEADORS: Please present the juror.

14 THE CLERK: What saith Defense?

15 MR. KEFFER: Please excuse the juror.

16 THE CLERK: Have a seat back with the
17 panel. You've been excused from this trial at this
18 time.

19 Number 63, Lethia Glisson (black female).
20 What saith the State?

21 MR. MEADORS: Please present the juror.

22 THE CLERK: What saith the Defense?

23 MR. KEFFER: Please seat the juror.

24 THE CLERK: Have a seat in the jury box,
25 ma'am.

1 Number 67, Benny Griffin (white male).

2 What saith the State.

3 MR. MEADORS: Please present the juror.

4 THE CLERK: What saith Defense?

5 MR. KEFFER: Please seat the juror.

6 THE CLERK: Have a seat in the jury box,
7 sir.

8 Number 19, Ronald Bridges (white male).

9 What saith the State?

10 MR. MEADORS: Please present the juror.

11 THE CLERK: What say Defense?

12 MR. KEFFER: Please seat the juror..

13 THE CLERK: Have a seat in the jury box,
14 sir.

15 Number 72, Julie Marie Michael Hodge
16 (white female). What say the State?

17 MR. MEADORS: Please present the juror.

18 THE CLERK: What say Defense?

19 MR. KEFFER: Please excuse the juror.

20 THE CLERK: Have a seat back in the panel,
21 ma'am. You've been excused from this trial at this
22 time.

23 Number 51, Kathy Fennell (white female).
24 What say the State?

25 MR. MEADORS: Please present the juror.

1 THE CLERK: What say Defense?

2 MR. KEFFER: Please seat the juror.

3 THE CLERK: Have a seat in the jury box,
4 ma'am.

5 Number 129, Angele Portee. (black female).
6 What say the State?

7 MR. MEADORS: Please present the juror.

8 THE CLERK: What say Defense?

9 MR. KEFFER: Please seat the juror.

10 THE CLERK: Have a seat in the jury box,
11 ma'am.

12 How many alternates, Judge?

13 THE COURT: Let's have two.

14 THE CLERK: Alternate juror number 91,
15 Barbara Lash (black female). What saith the State?

16 MR. MEADORS: Please present the juror.

17 THE CLERK: What say Defense?

18 MR. KEFFER: Please excuse the juror.

19 THE CLERK: You've been excused from this
20 trial at this time.

21 Number 56, Levern Gamble (black male).
22 What saith the State?

23 MR. MEADORS: Please present the juror.

24 THE CLERK: What saith Defense?

25 MR. KEFFER: Please seat the juror.

1 THE CLERK: Have a seat in the panel, sir.
2 Number 162, Cynthia Vaughn (black female).
3 What say the State?

4 MR. MEADORS: Please present the juror.

5 THE CLERK: What say Defense?

6 MR. KEFFER: Please excuse the juror.

7 THE CLERK: Have a seat back in the panel,
8 ma'am. You've been excused from this trial.

9 Number 20, Rykeen Brown (black male).
10 What saith the State?

11 MR. MEADORS: Please excuse the juror.

12 THE CLERK: Have a seat back in the panel.
13 You've been excused from this trial at this time.

14 Number 178, Ella Wright (black female).
15 What saith the State?

16 MR. MEADORS: Please present the juror.

17 THE CLERK: What saith Defense?

18 MR. KEFFER: Please seat the juror.

19 THE CLERK: Have a seat in the jury panel,
20 ma'am.

21 THE COURT: Any exceptions or objections
22 to the selection of this jury from either the State
23 or the Defense?

24 MR. MEADORS: Beg the Court's indulgence.
25 Nothing from the State.

1 THE COURT: Anything from Defense?

2 MR. KEFFER: Nothing from the Defense.

3 THE COURT: Ladies and gentlemen of the
4 jury that was selected for the trial of this case,
5 we have some other matters that we must take up
6 before we start the trial of this case and I don't
7 want for you to just sit and wait for us to finish
8 our other business so we're going to start the trial
9 of this case in the morning. Again, I'm gonna
10 instruct you please not talk to anybody about the
11 case. Don't allow anyone to talk about the case
12 with you. Don't do any independent research about
13 the case or look at anything. I don't know if
14 there's anything on the news or anything of that
15 sort. Don't do any investigation on the internet or
16 anything of that sort because it would be improper
17 for you to be influenced by anything outside of the
18 courtroom or what you hear in the trial of this
19 case.

20 If you see any participants or any
21 potential witnesses out and about and they don't say
22 anything or speak with you, they're not being rude
23 or unfriendly, they're just following the Court's
24 instructions as it is improper for anybody to have
25 any contact with you about the case until we fully

1 begin the trial of the case and you hear the full
2 testimony from the witness stand and any other
3 evidence that is properly introduced. I'm gonna ask
4 you to return to your jury room. They will show you
5 where your jury room is, let you know where to
6 report to in the morning. You're to report to your
7 jury room at 9:45, then we will begin the trial of
8 this case shortly thereafter. Have a good evening
9 and we'll see you tomorrow.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 12:18 p.m.)

12 THE COURT: Counsel for both parties, my
13 understanding is we have several pretrial matters
14 that must be heard this afternoon. How long do you
15 expect those to take?

16 MR. KEFFER: Judge, these are primarily
17 our motions. I don't think collectively they're
18 going to last longer than 30 minutes to an hour.
19 Essentially you've heard most of them in chambers.

20 THE COURT: Okay, I'll be happy to -- It's
21 up to y'all if you want to take lunch and come back
22 or you want to go ahead and grill all through we can
23 go ahead and take care of them. It's completely up
24 to y'all.

25 MR. MEADORS: What would you prefer?

1 THE COURT: I'm happy to go ahead and
2 let's hear the matters.

3 MR. MEADORS: That's fine with the State.

4 THE COURT: All right.
5 Counsel.

6 MR. KEFFER: Yes, Your Honor.

7 MR. MEADORS: Judge, before we do that I
8 just want to on the record, the caption on two of
9 the indictments which is wrong, the body does
10 correctly reflect the statute and we just move to
11 amend without objection the caption. And it should
12 be 14 to 16 on the two indictments.

13 THE COURT: And Counsel, that's correct,
14 Mr. Keffer?

15 MR. KEFFER: No objection.

16 THE COURT: So we will allow that
17 amendment on those indictments.

18 Mr. Keffer, I'll be happy to hear from
19 you.

20 (WHEREUPON, counsel approached the Bench
21 for an off-the-record discussion.)

22 THE COURT: We'll take a brief recess, and
23 let me know when you're ready. I'm happy to give
24 y'all time if you need it.

25 (WHEREUPON, a recess was taken from the

1 proceedings.)

2 THE COURT: Counsel, ready to proceed?

3 MR. KEFFER: Yes, Your Honor. Your Honor,
4 on behalf of Mr. Wazney, the defendant in this case,
5 we would renew our Rule 5 and Brady motions we had
6 filed previously.

7 THE COURT: Solicitor?

8 MR. KEFFER: Just for the record.

9 THE COURT: Solicitor, everything's been
10 disclosed?

11 MR. MEADORS: Yes, ma'am. I have not
12 actually read his latest motion last week, but he
13 told me what it was and I think it was a request for
14 everything else on Minor computer just
15 like with no timeframe or anything. The assistant
16 solicitor, the person who kind of helps me get
17 organized, quite frankly, had downloaded all the
18 emails between Ms. Hornak, Minor the
19 defendant Robert Wazney, and we provided all of
20 those from her computer. We didn't provide anything
21 else, so if there's other stuff on her computer and
22 I want to say that's not relevant to this
23 proceeding. He was on his honeymoon, but I did call
24 him on his honeymoon, Mr. Tyler Brown, and he told
25 me he had given all the emails between them. Aside

1 from that we would object to relevancy anything
2 else, that could go on forever.

3 THE COURT: Mr. Keffer.

4 MR. KEFFER: And just to be clear, the
5 State has disclosed all communications, emails,
6 between the defendant Robert Wazney and the victim
7 in this case. I just want to be clear that we have
8 a couple of weeks, had over three hundred emails I
9 think it's whittled down to 46, 47, all of which I
10 have, I just want to make sure that's out there that
11 wasn't disclosed.

12 THE COURT: My understanding, Solicitor,
13 you've disclosed everything that you have?

14 MR. MEADORS: Yes, ma'am, and I will
15 double check again tonight to make sure; but as far
16 as now, everything, communication between Mr. Wazney
17 and Ms. Hornak from her computer was downloaded from
18 Mr. Brown.

19 THE COURT: Okay.

20 MR. KEFFER: Judge, along those lines we
21 have a motion to suppress introduction of those
22 particular emails on the basis that they're
23 prejudicial, the value is outweighed any probative
24 value emails in question. I think the State has the
25 court's review are not in and of themselves

1 pornographic or particularly suggestive or point
2 that they are overly suggestive of improper
3 relationship and only one reason the State is trying
4 to introduce them is to link these emails, these
5 communications to the actual acts that the victim
6 has complained of. I ask the Court to review them
7 in its own discretion and make, rule and
8 determination on those. I think the State does have
9 them.

10 THE CLERK: Solicitor, do you have a copy
11 of those for the Court?

12 MR. MEADORS: Judge, I have, I do. The
13 court reporter told me once we marked them I
14 couldn't get them back so I didn't want to submit
15 all of them. I think I can give you two what would
16 give you a sample of what he's talking about
17 indicative that the whole, that Your Honor, our
18 theory of the case is step-grandfather basically
19 courted her, fell in love with her. She may have
20 fell in love with him more than a
21 grandfather/granddaughter relationship, but was
22 teaching her in some of these emails, describe what
23 is masturbation, what is fellatio, and basically
24 courts her and then expects and then shows her how
25 to do sexual acts at one point sticks, had her put a

1 plunger, if you will, inside her vagina as she's
2 giving him oral sex. All these emails, I think some
3 of them are prejudicial, but we believe they're more
4 probative than prejudicial. I guess for record
5 purposes we had one marked State's 1. And all of
6 these emails are either coming from Robert Wazney to
7 the victim Minor or vice versa. She'll be
8 able to authenticate those. That's one which is a
9 website which deals with definitions of sex.

10 THE COURT: Any further argument, counsel?

11 MR. KEFFER: Nothing, Your Honor. They
12 are indicative of the exhibits we previously had
13 marked. We just tried this case a few weeks ago so
14 I'm more than familiar with the emails in and of
15 themselves and that they are -- what you have is a
16 staple or example of what will be, I suspect, will
17 be introduced at some point.

18 MR. MEADORS: And the other one is --
19 testimony has been and we believe it will be again,
20 this was a picture where she was sucking the
21 defendant's finger while he took a picture and her
22 testimony will be that's what he liked her to do to
23 get excited.

24 THE COURT: Based upon the, having the,
25 established the proper foundation at the time during

1 the trial, the Court finds at this time that the
2 probative value outweighs any prejudicial effect and
3 at this point they will not be suppressed.

4 MR. KEFFER: Your Honor, our last motion
5 was a motion to sequester all witnesses in this
6 case.

7 THE COURT: Certainly, other than the
8 victim and investigating officer pursuant to the
9 victim rights act. Solicitor, you agree with that?

10 MR. MEADORS: Yes, ma'am, we understand
11 completely. We had them, they stayed in for
12 openings the last time so the jury could see them;
13 but with consent of counsel we ask that again but
14 whatever Your Honor rules, we'll make sure they're
15 sequestered.

16 THE COURT: Okay, so we'll sequester. The
17 victim, other than the victim and obviously she's a
18 minor, obviously her parent would be allowed to ---

19 MR. MEADORS: What we did the last time
20 her uncle was here and I assume he'll be here
21 tomorrow. The mother was a witness, we will
22 sequester her, and have the uncle here.

23 THE COURT: Is that okay with Defense?

24 MR. KEFFER: Yes, Your Honor, that's fine.

25 THE COURT: That's how we'll proceed on

1 that.

2 MR. KEFFER: No other motions, Your Honor.

3 THE COURT: Anything from the State?

4 MR. MEADORS: Judge, there's -- I
5 mentioned in chambers, mentioned to Mr. Keffer and
6 other, Mr. Wazney's phone and I believe Ms. Hornak's
7 phone was sent to SLED last week. I got the results
8 Friday. We're still reviewing those. I'll provide
9 those to Mr. Keffer. I don't on offering anything
10 off those.

11 THE COURT: All right, sir. So that's the
12 State's position that they're not intending to offer
13 that. And again, I'm gonna caution both parties
14 obviously to review of the witnesses what is going
15 to be admissible, what is not, based upon your
16 understanding of the factual allegations of this
17 case regarding any rape shield statute issues, as
18 well as any other potential incriminating acts or
19 allegations against the defendant so please make
20 sure to review that with the witnesses.

21 MR. MEADORS: And Your Honor, could I very
22 briefly, if it pleases the Court, there is a video
23 interview of Minor on December 16th of 2013
24 when she's -- and at that point, Judge, on
25 December 16th, 2013, the defendant had already been

1 arrested for allegations of sexually assaulting
2 Sister her sister, he was already in jail.
3 DSS had been involved because one of the brothers,
4 brother Wilson was alleged to have also sexually
5 assaulted Sister All of that comes out on
6 that video. At some point about, I say, halfway
7 through, at some point on that video Ms. Hornak is
8 asked about the defendant. Obviously we ask that
9 the Defense counsel not be allowed to use the word
10 video. It's not admissible under our rules because
11 of her age; therefore, respectfully we don't think
12 to should be put in their minds there is a video so
13 we ask that and I believe he's willing not to
14 mention that. In addition, Your Honor, specifically
15 on that video of December 6th involving Minor
16 she is asked about a prior incident with an
17 uncle. She was seven or eight when that happened.
18 The uncle was 11. That inadvertently came out last
19 -- well, it came out last time the judge found
20 manifestations on the record to reflect for mistrial
21 on behalf of the State; but I think all parties
22 considered, but again, I think all, everyone
23 understands that's not admissible. I just wanted to
24 say that one more time for the record.

25 THE COURT: Mr. Keffer.

1 MR. KEFFER: That's correct, Your Honor.

2 THE COURT: All right. So obviously there
3 will be no mention of the video considering it's not
4 admissible evidence and also any other potential
5 prior bad acts against anybody else are not
6 admissible or relevant in this case so they're not
7 to be mentioned. Anything further at this time?

8 MR. MEADORS: And Your Honor, the only
9 reason -- not to belabor the point, but if you
10 mention something almost the whole picture would
11 have to come out. There's no way to explain it and
12 that's why we have tailored it to one victim and
13 going to focus on that so that's how.

14 THE COURT: Sure, and that's part of my
15 caution to both attorneys to definitely consult with
16 your witnesses so that they know not to mention any
17 other allegation or any other prior bad act of any
18 other party because certainly that's not relevant so
19 certainly they need to be cautioned ahead of time so
20 that that doesn't accidentally slip out. Obviously
21 if the door is opened somehow we'll have to deal
22 with that at some point; but the Court's ruling is
23 that it's not admissible and the parties are
24 instructed not to even go there.

25 MR. MEADORS: And Judge, a lot of

1 Mr. Keffer's questioning last time the victim moved
2 back into her mom's house. A lot of that, I think
3 that primarily was because of the allegations of the
4 brother on the sister, not this necessarily, so to
5 go down -- it's -- we're just going to have to tread
6 very carefully, I don't know how to say it.

7 THE COURT: Right. Now not knowing all
8 the facts at this juncture, obviously it's, I just
9 have to caution you both. You both are aware of the
10 facts and potential pitfalls that come with such
11 testimony being elicited so please tread very
12 lightly in your questioning.

13 MR. MEADORS: Thank you.

14 MR. KEFFER: But just to be clear as we
15 discussed in chambers, the victim will be
16 cross-examined as to the prior interview. There
17 will be no mention of whether it was videoed or not.
18 There will be no mention of any other prior bad acts
19 alleged by any other family member. There will be
20 no mention of prior bad acts against my client
21 against his sister quite frankly.

22 THE COURT: Correct.

23 MR. KEFFER: But the importance of that,
24 of course, is that almost none of what she testified
25 in direct is even revealed at that point so it will

1 be very narrowly -- I think we're on the same page.

2 THE COURT: Sure, I think certainly you're
3 able to cross-examine her regarding the interview
4 and any potential inconsistencies she may have had;
5 however, don't go down the road of any other prior
6 bad acts or any other allegations.

7 MR. KEFFER: Thank you, Your Honor.

8 MR. MEADORS: Thank you, Your Honor.

9 THE COURT: Anything further from anyone?

10 MR. MEADORS: We'll be ready to go at
11 9:45. See everybody then. We'll be adjourned.
12 (Court was adjourned and resumed on April 14, 2015.)

13 (WHEREUPON, State Exhibit Nos. 1-7 and
14 9-46 were marked for identification
15 only.)

16 MR. MEADORS: Your Honor, we have marked 1
17 through 46 with the exception of number 8. 1
18 through 8 and then 9 through 46, of course, subject
19 to his objection yesterday where Your Honor ruled
20 more probative than prejudicial. We would like to
21 enter those at this time. I don't believe there's
22 an objection besides what was raised yesterday.

23 THE COURT: Is that correct, sir?

24 MR. KEFFER: Same objection, Your Honor.

25 THE COURT: All right, I think we'll go

1 ahead and submit those.

2 (WHEREUPON, State Exhibit Nos. 1-7 and
3 9-46 were admitted into evidence.)

4 THE COURT: We're ready for our jury?

5 MR. MEADORS: Yes, Your Honor.

6 THE COURT: That was 1 through 46, except
7 for number 8. Let's have our jury please.

8 (WHEREUPON, jury was returned to the courtroom at
9 10:08 a.m.)

10 THE COURT: Good morning, ladies and
11 gentlemen of the jury, welcome back this morning.

12 Mr. Clerk, if you will please swear our
13 jury.

14 THE CLERK: Yes, sir. Ladies and
15 gentlemen, please stand, raise your right hand to be
16 sworn in.

17 (Whereupon the jury was sworn.)

18 THE CLERK: Please respond by saying I
19 will.

20 (Jurors responded.)

21 THE CLERK: Thank you, be seated.

22 THE COURT: Once again, good morning,
23 ladies and gentlemen of the jury. Thank you for
24 accepting the important responsibility of jury
25 service and your contribution today to our system of

1 justice. While we now say to you is intended to
2 serve as an introduction to the trial of this case,
3 these remarks are not a charge on the law in this
4 case. I will instruct you on the law applicable to
5 the case at the end of the trial before you retire
6 to consider your verdict. This is merely an
7 explanation on the procedure that we will follow in
8 the trial of this case so that you may better
9 understand what is happening here this morning.
10 You're not allowed to take notes.

11 Ladies and gentlemen, the defendant is
12 charged with four indictments in this case for
13 criminal sexual conduct in the second degree. The
14 elements of those charges will be explained to you
15 at a later time. The indictments are simply the
16 charge by which the case is brought into this court.
17 It is not in any sense evidence of any allegations
18 that they contain. The defendant has pled not
19 guilty to these charges and to these indictments,
20 and the State, therefore, has a burden of proving
21 the defendant guilty of each of the charges and the
22 elements of each indictment beyond a reasonable
23 doubt. It will be your duty, ladies and gentlemen,
24 to decide whether the State has met that burden of
25 proof.

1 Your purpose as jurors is to find and
2 determine the facts. You are the judge of the
3 facts. If at any time I make a comment regarding
4 the facts you must disregard that. You are to
5 determine the facts from the testimony you hear and
6 the other evidence that's introduced in court. It
7 is up to you to determine the inferences which you
8 feel are properly drawn from the evidence. It is
9 especially important that you perform your duty
10 determining the facts diligently and conscientiously
11 because ordinarily there's no way to correct an
12 erroneous determination of the facts by a jury. On
13 the other hand and with equal emphasis, the same law
14 that makes you the judges of the facts makes me the
15 judge of the law. The law as given by the Court is
16 the only law that you may consider. You must accept
17 it and follow it even though you may disagree with
18 it. I cannot tell you what the facts are, and you
19 cannot disagree with me about that the law is or
20 what the law should be. Your job is to take the law
21 as I give it to you and apply it to the facts as you
22 find them from the testimony of the witnesses and
23 any other evidence that is introduced. After doing
24 that you will render your verdict, a true and just
25 verdict under the solemn oath that you just took as

1 jurors.

2 Until I advise you to begin your
3 deliberations you must not discuss this case with
4 anyone including your fellow jurors, your friends,
5 or family members, and anyone involved in the case.
6 This includes discussions face to face and those by
7 telephone, email, text, blogs, or any method of
8 communication. You may not use a computer, cell
9 phone, or other electronic device with
10 communications that — communication capabilities at
11 any time while in the courtroom or during your
12 deliberations. During your breaks or for meals or
13 overnight, if necessary, you may use these devices;
14 however, you may not at any time use these devices
15 to get or send information about the case. This
16 includes information about a party, a witness, an
17 attorney, a court officer, any news accounts about
18 the case, research on any topics that may be raised,
19 or any topics that you may think may be helpful in
20 deciding the case, or any testimony that is
21 presented by a witness. During the trial do not
22 read, listen to, or watch any news reports about the
23 case. This includes anything that may be in the
24 newspapers or on the internet, radio, or television.
25 You must not consider anything that you have read or

1 heard about the case outside of the courtroom,
2 whether before or during the trial.

3 After the case is submitted to you, you
4 must discuss it only in the jury room with your
5 fellow jurors. The attorneys and the parties in the
6 case have been advised that they're not to talk to
7 you at all; so if you see them during a break or
8 after court today, if they don't talk to you at all
9 they're not being unfriendly, they're just following
10 the Court's instructions. It is important that you
11 keep an open mind and not decide any issue in the
12 case until all of the evidence has been presented,
13 the parties have made their closing arguments, and
14 I've instructed you on the law in this case. It is
15 your solemn responsibility to determine the guilt or
16 innocence of the defendant, and your verdict must be
17 based solely on the evidence as it is presented to
18 you in this trial and on the law as I instruct it to
19 you at the close of the trial.

20 In just a moment the Solicitor will make
21 what is called an opening statement which the
22 solicitor will explain to you what the issues in
23 this case are, at least what the solicitor thinks
24 the issues in this case are. The attorney for the
25 defendant may also make an opening statement

1 although he is not required to do so. What the
2 attorneys tell you during their opening statement is
3 not evidence in this case. It is only their
4 contention as to what the issues are. The evidence
5 in this case will be presented to you from the
6 testimony from the witness stand from the sworn
7 witnesses and any exhibits that are introduced into
8 evidence.

9 From time to time during the trial you may
10 hear one of the attorneys say something like, Your
11 Honor, we have a matter of law, or may we approach
12 the Bench. Or sometimes I myself might find it
13 necessary to excuse you from the courtroom for a
14 short while so the attorneys and I can discuss a
15 matter of law. The reason for this is because
16 you're the judges of the facts in this case and
17 sometimes when I'm discussing matters of law with
18 the attorneys it may be necessary for me to make
19 some comment as to the facts in connection with
20 ruling as to whether or not a particular law
21 applies. I'm not supposed to tell you what I think
22 the facts are so I will excuse you from the
23 courtroom while these discussions take place so that
24 you in no way will be influenced by anything that I
25 might say or do this connection with the facts of

1 this case.

2 In determining what the true facts are in
3 this case you must decide whether or not the
4 testimony of the witnesses is believable. It will
5 be my responsibility to rule as a matter of law
6 whether certain testimony is admissible or not; but
7 once the testimony is admitted it is solely for you
8 to determine whether you believe it or not. In
9 deciding whether to believe a witness, you have the
10 right to consider the interest of any witness, the
11 bias of any witness, the prejudice of any witness,
12 the opportunity for the witness to have seen the
13 matters, and the things about which the witness may
14 testify, and the way the witness acts on the witness
15 stand. You have the right to consider anything that
16 is on the record that will help you evaluate the
17 testimony of the witnesses. That means it is your
18 duty to pay close attention to these witnesses, to
19 observe the witnesses, to listen to the witnesses,
20 and to pay close attention to the attorneys and to
21 the Court. Don't let your thoughts wander, but give
22 strict attention to the testimony in this case so
23 that at the end of all the testimony, after the
24 arguments of counsel and the instruction of the law
25 in the case, you will then be in a position to

1 determine what the true facts are and render a true
2 and just verdict in this case.

3 It will be the added duty of the
4 foreperson which I will appoint at a later time to
5 be the liaison with the Court. That doesn't give
6 the foreperson any greater weight or authority; it's
7 just how the jury communicates with the Court if you
8 need anything at any point.

9 Any objections to the opening instruction
10 from either the State or from the Defense at this
11 time?

12 MR. MEADORS: No, ma'am.

13 MR. KEFFER: No, ma'am.

14 THE COURT: All right, Solicitor, you may
15 proceed.

16 MR. MEADORS: May it please the Court.

17 THE COURT: Yes, sir.

18 MR. MEADORS: Mr. Keffer. What is the
19 relationship of a grandfather and a granddaughter?
20 What's that relationship? Going to movies. Going
21 out to restaurants. Going shopping. Going to the
22 park to fly a kite. The relationship of a
23 grandfather to a granddaughter. What it's not, the
24 evidence will show, is having your granddaughter
25 suck your finger so you'll get excited. That's what

1 a grandfather/granddaughter relationship is not.

2 Good morning, ladies and gentlemen. Good
3 morning. My name is John Meadors. I was introduced
4 to you yesterday. I'm an assistant solicitor for
5 the Third Judicial Circuit. I'm here today
6 representing the people of the State of South
7 Carolina, the people of Sumter, against the
8 defendant Robert Wazney, who's represented by
9 Mr. John Keffer. I work for the Honorable Earnest
10 A. "Chip" Finney, III, who y'all saw yesterday was
11 here helping me pick the jury yesterday. Now I want
12 to first say and echo Your Honor, thank you for
13 being here, thank you for being here. Thank you for
14 showing up and thank you for being willing to serve.
15 Mr. Campbell, our clerk over here, does an
16 outstanding job. When you came in here yesterday
17 you didn't go to the jury school on how to be a
18 jury. He doesn't have a crash course on how to be a
19 juror, but you've been going to that school your
20 whole life. The experiences you gathered, your
21 interactions with other people, evaluating other
22 people, deciding what's credible and believable in
23 your life, it's the school of common sense and
24 that -- those qualities and those experiences you
25 bring in here with you when they're sitting right

1 there with you, and that's what you'll use in this
2 case to determine what the truth is. It's true in
3 every case. Your experiences in life, and that's
4 all we can ask you. And this is an incredibly
5 beautiful system where people, your peers come in
6 and decide what truth is, and that's all we ask.

7 We've all got roles. His Honor -- Her
8 Honor, excuse me, Her Honor law, she's the law in
9 this courtroom. She tells us all what the law is.
10 She'll instruct us on that at the end of the case
11 and guides us throughout this trial. Mr. Keffer and
12 I have roles too. Your role is also that of a
13 judge; you're the judge of the facts. You decide
14 what the facts are; you decide what happened. Isn't
15 that beautiful? And you will then take what you
16 think the truth is and apply it to Her Honor's
17 charge, you'll come up with a verdict. And that's
18 what we're gonna ask you to do tomorrow, maybe
19 Thursday. It's not gonna be a long trial, but it's
20 an important trial to Mr. Wazney, to Minor
21 and her family here. It's an important trial no
22 matter how long it is. And all we can ask you to do
23 is use your common sense and listen and evaluate the
24 testimony that comes from this witness stand and the
25 evidence Your Honor lets in 'cause that's all you

1 can decide this case on, evidence that comes in
2 through the witness stand. That's what you got to
3 decide.

4 Now what's this case about? Well, it's
5 criminal sexual conduct with a minor in the second
6 degree. We used to say it was rape a few years ago,
7 but that's the term they use now. Criminal sexual
8 conduct with a minor in the second degree. Well,
9 let's break that down a little bit. With a minor in
10 the second degree it's based on that. It's just got
11 nothing to do with consent. It's based on age. You
12 have one count -- we'll go into this detail more --
13 which says that this incident, this sexual battery
14 which I'll get to in a minute, happened to the
15 victim and that's Minor

16 Raise your hand.

17 That she was at least 11, between 11 and
18 14. That's one of the four indictments. The other
19 three is that she's at least 14 but less than 16.
20 That's the age. Criminal sexual conduct with a
21 second degree.

22 Well, what's the sexual battery. Well,
23 and some terms are going to come out here and I
24 apologize. These are facts coming out, coming out
25 soon. Sexual battery is sexual intercourse, anal

1 intercourse, cunnilingus, giving a woman oral sex,
2 fellatio, someone gives a man oral sex, or any
3 intrusion however slight in the opening of another
4 person's body or an object going into the anal or
5 vagina of other person's body or any opening.
6 That's what sexual battery is. We've got to show
7 you one of those things happened to Minor
8 that she's between the ages of 14 and less than 16
9 and on one of the counts it happened between 11 and
10 14 right before her 14th birthday I think the
11 evidence will show. Sexual battery with a minor and
12 we've got to show that he is in a position -- listen
13 to this -- position of familial, custodial, or had
14 authority over her. He's step-granddaddy. Or that
15 he's older than the victim. I can explain it all.
16 Well, that's the law. Sexual battery, she's a
17 certain age, he's in a position of familial,
18 custodial, or is older than her.

19 Now what's our burden? Y'all can repeat
20 this to me better than I could. What's our burden?
21 We must prove to you that the defendant Robert
22 Wazney committed criminal sexual conduct with a
23 minor in the second degree on Minor with her
24 body beyond a reasonable doubt. Beyond a doubt that
25 makes reasonable folks to hesitate to act. I submit

1 to you we're going to do that.

2 Now what kind of evidence are you going to
3 hear? Well, it's a rape case, criminal sexual
4 conduct case. You're going to hear from the victim.
5 And it's not where they're other witnesses or
6 cameras around when these things take place. It's
7 usually one on one when the evidence shows people
8 trying to hide, trying to keep it secret. Minor

9 is going to take the stand just before lunch
10 right now. She's the first witness, and she's going
11 to tell you what happened to her. She's gonna tell
12 you about her relationship between them. That's the
13 case. That's the case. Use your common sense when
14 you listen to her, when you evaluate her. Watch
15 her, watch her reactions, listen to her answers.
16 Credibility, believability, you will decide what
17 that is.

18 We'll have witnesses, testimony from her.
19 The law allows in these type cases to have time and
20 place witnesses. There may be a witness or two
21 that's allowed to say Ms. Minor she said that this
22 happened to her and it happened at a certain place.
23 The law allows that limited type of hearsay in these
24 type of cases because there are usually no witnesses
25 when these happen. You'll hear some witness of

1 that. You may hear some witnesses from Battery Plus
2 where the defendant worked come in and tell you we
3 worked there, how long he worked there, did they
4 ever see Minor in the store. But primarily the
5 testimony from Minor is what you'll decide this
6 case on. What other evidence will you hear or see?
7 What about documentary evidence, pictures, emails,
8 between Robert Wazney, Minor Robert Wazney.
9 You'll have those to look at to evaluate as we go
10 through this testimony.

11 There are a couple of types of evidence.
12 One is direct evidence, you see something, you smell
13 it, you hear it, you taste it. And you come in here
14 and you take that stand, you take an oath to tell
15 the truth and you say here's what I saw, here's what
16 I felt, here's what I smelled, somebody experiences
17 it personally and tells you about that. There's
18 circumstantial evidence, evidence which is proof of
19 change of facts and circumstances that leads to the
20 existence of a fact, proof of chain of facts and
21 circumstances which leads to the existence of a
22 fact. You'll have direct and circumstantial. Her
23 Honor will charge you on that later. They're equal.
24 You can consider them both equal.

25 What's this case about? Folks, I believe

1 the evidence is going to show, I believe the
2 evidence is going to show that Robert Wazney, the
3 defendant, loved Minor He loved her. He
4 loved her the evidence will show. But it will show
5 it wasn't in a grandfather/granddaughter way. He
6 loved her and he wanted her. He wanted her. He
7 wanted her. And he started courting her. Sent
8 emails which we're gonna show you. Tells her he
9 loves her, sends her definitions of sexual things
10 like masturbation. You're going to see those in
11 just a little bit. Correspondence between the
12 defendant and the victim. The evidence will show it
13 started shortly before her seventh grade year. I'm
14 gonna get up here and put down the years when she's
15 in school, and it's basically between the years when
16 she was 13 and 16 when this happened.

17 She's gonna tell you there was a keyboard
18 in her house, and I believe the evidence will show
19 that at first she was kind of interested. She
20 didn't know. She was, didn't know what to do and he
21 had become her friend, made himself her friend, not
22 a granddaddy but her friend. And she didn't think
23 he'd really do anything but he tried to touch her
24 and she didn't like it and he kissed her and listen
25 to her when she describes that kiss. She didn't

1 want that kiss. And that led into the seventh grade
2 year where he was taking her to school. He got her
3 to touch his penis. Then that leads into the
4 summer. Her first -- I believe it will be her 14th
5 birthday on or about July 21st of 2013, either the
6 night of the 20th or the 21st, her birthday. Well,
7 she has him perform oral sex on him. Makes her
8 swallow his semen. There's some stuff coming out,
9 folks, and that leads to a relationship where he's
10 molesting her. And she's gonna tell you it happened
11 in the car, sometime at school at Alice Drive,
12 sometime outside Spring Valley. It happened at
13 Battery Plus. It happened at Battery Plus where he
14 worked on South Pike. It happened on Hideaway which
15 is off Cove Road where Sharon Wazney was married to
16 Robert Wazney at the time. She lived with Robert at
17 the time, grandma. And she's gonna describe to
18 you different sexual assaults and acts. She's gonna
19 tell you that she had a pen pal with somebody in
20 Japan. I don't understand all this from a computer.
21 But he got angry about it and wanted to look, wanted
22 to check on it. So she sent emails to him saying
23 here it is, are you happy now. He was jealous.
24 This isn't an ordinary grandfather/granddaughter
25 relationship the evidence will show. We believe the

1 evidence will show that at Battery Plus one time he
2 not only attempted anal intercourse, but had her put
3 a plumber stick in her vagina. But that's what the
4 evidence is going to show, and you're gonna be
5 evaluating that. You're gonna see the plumber
6 stick. All we can ask you is to listen, listen,
7 observe, use your senses, and decide what the truth
8 is. Decide what's credible and what's believable,
9 and that's all we can ask, and we know you'll do
10 that.

11 In January of 2014 when Ms. Kami Wilds
12 came to talk to Minor and she showed her a letter
13 that she'd written summarizing what happened to her
14 and she gave it to Ms. Wilds and Ms. Wilds gave that
15 to law enforcement. Ms. Wilds will be here as the
16 time and place witness maybe this morning or this
17 afternoon. She'd been a few weeks before that,
18 Minor to talk to somebody, didn't tell her
19 everything that had happened then, Mr. Robert
20 Wazney. And that was December 16th. We're gonna
21 talk about all of it. On January 4th of the 14th
22 she talked to Ms. Kami Wilds, tells her everything.
23 That goes to law enforcement, and we're here today.
24 Thank you for being here.

25 At the end of the case after you've heard

1 all the witnesses I'm gonna stand right here and ask
2 you based on Minor testimony and the
3 corroboration that you'll hear and see, and feel
4 maybe through the testimony, to come back with a
5 verdict that says Mr. Robert Wazney, you were a
6 granddaddy, but this was not normal. This
7 relationship is not right, and we're gonna find you
8 guilty of criminal sexual conduct with a minor in
9 the second degree. Thank you.

10 THE COURT: Counsel.

11 MR. KEFFER: Ladies and gentlemen, good
12 morning. My name is John Keffer. We met the other
13 day during jury selection. And I can promise you is
14 that what you're gonna hear is the most horrendous
15 facts one can ever hear. The prosecutor is right,
16 what you're going to hear in this horrid act is
17 going to be horrible. But that's the hardest thing
18 you got to do because you also have to judge
19 credibility and believability. And you're gonna
20 hear her story change, and I'm not talking about a
21 little bit of change, I'm talking drastically
22 change. And if there's one thing we can agree on,
23 the relationship between the victim and Robert
24 Wazney was not a grandfather/granddaughter
25 relationship. She did not refer to him as granddad.

1 The experiences that you have, I suspect are not
2 gonna be what you hear your next couple of days;
3 they're not. You're gonna hear some of the craziest
4 things ever and it's gonna bother you and it should
5 bother you. But there's something else that will
6 bother you too. Why does this story keep changing?
7 Remember what I said, not changing a little bit, but
8 a lot. And I'm talking drastically it changes.

9 Now the prosecutor, John, can come up here
10 and tell his side of the story, what he intends that
11 the evidence will show. And we can talk about
12 plumber sticks and emails and all that kind of stuff
13 which she's gonna get right up there on that stand.
14 She's gonna testify and you're gonna have to look at
15 her believability and credibility because there's
16 always two sides of every story and it's never cut
17 and dry; we all live that. You're gonna see the
18 evidence and you're gonna have to judge what
19 happened during this timeframe. And it's gonna be
20 hard 'cause it's gonna bother you, and it should
21 bother you.

22 But let's not forget there's a defendant
23 sitting right there who is protected by the same law
24 the State is bringing, and they have to prove beyond
25 a reasonable doubt. We're not gonna talk about

1 beyond a reasonable doubt now since it's not where
2 we talk about it. But you guys decide the facts of
3 the case. You have to look up there, look at
4 everything, and listen to that testimony and decide
5 what really happened. And if it really happened the
6 way it's being described, why did it keep changing;
7 and again, not just a little, but drastically
8 changing. Because the prosecutor is right, Minor
9 was questioned initially. None of that came out.
10 It slowly came out but it didn't come out quite the
11 way it's being presented, not nearly the way it's
12 being presented. And in fact, her testimony is
13 going to be drastically different than other
14 statements that were made previously. Why? Why did
15 it get so different? And who was in love with who?
16 Was Robert Wazney in love with Ms. Minor or was it
17 the other way around. Was the child confused? And
18 again, we're not talking about a
19 grandparent/grandchild relationship, just put that
20 right out 'cause that's not what happened. You're
21 gonna hear things about not only the victim and Mr.
22 Wazney, you're gonna hear things about family that's
23 gonna kind of, it's not gonna all be normal. It's
24 not gonna be your normal situation. And it's gonna
25 be hard. It's gonna be hard to sit here and listen

1 to it, it's not easy. But it's was for him either
2 to sit here, listen to these things knowing that
3 story changed time and time again. It's not easy on
4 him no more than it's easy on Ms. Minor but that's
5 where your role comes in. You've got to decide
6 who's believable and who's credible.

7 Thank you for paying attention and please
8 do the best you can to pay attention to the
9 witnesses and the evidence. I know you will. This
10 is very important. This might be the most important
11 some of you ever do in your life to serve on this
12 jury 'cause it is important. Thank you.

13 THE COURT: Mr. Solicitor, you may call
14 your first witness.

15 MR. MEADORS: May it please the Court.

16 THE COURT: Yes, sir.

17 MR. MEADORS: Your Honor, because of
18 sequestration, just one second.

19 THE COURT: Yes, sir.

20 (Pause.)

21 MR. MEADORS: If it pleases Your Honor,
22 the State will call Minor.

23 THE CLERK: Place your left hand on the
24 bible, raise your right hand please. State your
25 name please.

SW - M. HORNAK - DIRECT

1 THE WITNESS: Minor

2 WHEREUPON,

3 Minor

4 having been duly sworn by the Clerk, testified
5 as follows:

6 THE CLERK: Come around please. State
7 your full name and spell your last for the record.

8 THE WITNESS: Minor H-O-R-N-A-K.

9 THE COURT: Your witness.

10 MR. MEADORS: May it please Your Honor.

11 **DIRECT EXAMINATION**

12 BY MR. MEADORS:

13 Q Good morning. You are Minor

14 A Yes, sir.

15 Q Please tell the ladies and gentlemen of this jury
16 about you. Where where you born?

17 A I was born in Tuomey Hospital in Sumter.

18 Q And what is your birthday?

19 A July 21st, 1997.

20 Q July 21st, 1997. So how old are you today?

21 A 17.

22 Q Tell these folks a little bit about your family
23 please. Who's your mother?

24 A My mom is Angela Puente.

25 Q Ms. Puente, would you raise your hand please.

SW - M. HORNAK - DIRECT

- 1 And who is your father?
- 2 A Ritchie Hornak.
- 3 Q He just left the room, correct?
- 4 A Yes, sir.
- 5 Q And I think your mom is now married to a
- 6 gentlemen named Caesar?
- 7 A Yes, sir.
- 8 Q And how long has she been married to Caesar?
- 9 A Six years.
- 10 Q Now do you have brothers, a brother and a sister?
- 11 A Yes, sir.
- 12 Q What are their names please?
- 13 A Brother and Sister
- 14 Q How old are they?
- 15 A Wilson is 16 and Sister is 11.
- 16 Q You have any other brothers or sisters,
- 17 step-brothers or step-sisters?
- 18 A I have two.
- 19 Q Who are they?
- 20 A They live in Mexico. Their name is (ph)
- 21 and (ph).
- 22 Q And have you ever met them in person?
- 23 A No, sir.
- 24 Q You do like SKYPE or something to talk to them.
- 25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q What year are you in school?

2 A I'm in eleventh grade.

3 Q What type of courses are you taking?

4 A I'm in all honors. Right now I'm in chemistry
5 honors, Algebra II honors. I'm in advanced
6 orchestra and third year ROTC.

7 Q Which one is your favorite?

8 A Orchestra.

9 Q And you're in ROTC. What's your rank?

10 A I'm a cadet major.

11 Q And is ROTC, do y'all go around and compete?

12 A Yes, sir.

13 Q And as far as your orchestra do y'all go around
14 and play?

15 A Yes, sir.

16 Q Now who are your paternal grandparents, your
17 daddy's mom and daddy?

18 A Sharon Wazney. And his dad is, I never really
19 met him so...

20 Q Did Sharon Wazney, your grandmama, get remarried?

21 A Yes, sir.

22 Q Who did she marry?

23 A She married to Robert Wazney.

24 Q The defendant by Mr. Keffer. Now how long have
25 they been married?

SW - M. HORNAK - DIRECT

1 A I think 16 years.

2 Q You've known Mr. Wazney your whole life?

3 A Yes, sir.

4 Q All right. What about your grandparents on your
5 other side, do you know anything about them?

6 A Yes, sir.

7 Q What are their names? Your momma's mom and
8 daddy?

9 A Jerry Geddings and Lucille Geddings.

10 Q And just a few more questions about your family.
11 You got any uncles or ---

12 A I have my Uncle Chris over there.

13 Q That's Uncle Chris?

14 A Yes, sir. And my mom's brother, Uncle Jay.

15 Q Do you drive?

16 A Yes.

17 Q When did you get your driver's license?

18 A I just got it Friday.

19 MR. MEADORS: Beg the Court's indulgence.

20 BY MR. MEADORS:

21 Q What do you remember about growing up and your
22 relationship with the defendant Robert Wazney as a
23 little girl?

24 A We did things together. We liked hanging out,
25 and we'd build swings and stuff.

SW - M. HORNAK - DIRECT

1 Q What do you call him?

2 A I call him Waz.

3 Q Waz?

4 A Yes.

5 Q And where did he and Sharon, your grandmama,
6 live?

7 A They live on Hideaway.

8 Q Hideaway?

9 A Yes, sir.

10 Q And did you live there for a while?

11 A For about three months.

12 Q Okay. Where had you lived prior to that?

13 A My dad's house.

14 Q Okay. And where are you living now, Minor

15 A I live with my mom.

16 Q Okay. And she live across from Shaw?

17 A Yes, sir.

18 Q And Caesar is there?

19 A Yes, sir.

20 Q And Sister

21 A Yes, sir.

22 Q At some point in your relationship with the
23 defendant Robert Wazney, or Waz as you know him, did
24 it change from -- what -- tell them about your
25 relationship with Waz. Did there come a point where

SW - M. HORNAK - DIRECT

1 it changed from swing set to something else?

2 A Yes. We became, I guess, closer friends you call
3 that over time.

4 Q And give us an idea what you're talking about. I
5 mean, how often were you talking to him?

6 A He gave me a phone a while back ago and we
7 started texting all the time every day.

8 Q So he gave you a phone?

9 A Yes, sir.

10 Q And you would text -- how often would you text?
11 You say every day, how often on a day, average day?

12 A It was an all day thing.

13 Q And what were you texting about?

14 A In the beginning it was mostly just random
15 things, about -- it was random things really.

16 Q Random things?

17 A Yes.

18 Q Did that change over time?

19 A Yes, sir.

20 Q Into what?

21 A More sexual.

22 Q Say that again?

23 A More sexual.

24 Q Between both of you?

25 A (Shakes head.)

SW - M. HORNAK - DIRECT

1 Q And again, you have to answer.

2 A Yes, sir.

3 Q What grade, you're in the eleventh grade?

4 A Yes, sir.

5 Q All right. And that would have been 2014,
6 started this school year?

7 A Yes, sir.

8 Q To 2015?

9 A Yes, sir.

10 Q So the year prior to that you were in the tenth
11 grade?

12 A Yes, sir.

13 Q Is that right?

14 A Yes, sir.

15 Q And the year prior to that you were in what
16 grade?

17 A Ninth grade.

18 Q And the year prior to that you were in what
19 grade?

20 A Eighth grade.

21 Q And the year prior to that you were in what
22 grade?

23 A Seventh grade.

24 Q So in 2007 you were how old? 10? 8 or 9? 2001,
25 2002, 2003, 2004, 2005, 2006, 2007 -- is that 10?

SW - M. HORNAK - DIRECT

- 1 A Yes, sir.
- 2 Q Ten years old in 2007?
- 3 A Uh-huh.
- 4 Q And this is important but, in 2008 you were how
- 5 old?
- 6 A 11.
- 7 Q 2009?
- 8 A 12.
- 9 Q 2010?
- 10 A 13.
- 11 Q (Writes on board.)
- 12 A 14.
- 13 Q (Writes on board.)
- 14 A 15.
- 15 Q (Writes on board.)
- 16 A 16.
- 17 Q And you are 17, 2014, and your birthday is,
- 18 you'll be 18 this July 21st, correct?
- 19 A Yes, sir.
- 20 Q In the seventh grade -- well, before your seventh
- 21 grade, 2010 to 2011, do you remember anything
- 22 happening between you and the defendant?
- 23 A Yes, sir.
- 24 Q Was that yes, sir or no, sir?
- 25 A Yes, sir..

SW - M. HORNAK - DIRECT

1 Q All right, what happened?

2 A My cousin was in town from Pennsylvania, and he
3 brought me a keyboard and we were -- I was playing
4 on my keyboard and my whole family was in the living
5 room but Waz, Waz sitting right beside me. And I
6 was just playing on it. And we were just having
7 this conversation and someone brought up about, I
8 don't know, like, I was curious kind of thing. And
9 I didn't really think anything would happen, and so
10 he tried touching me and I got up and left.

11 Q Would y'all just talk, I mean, what were you --
12 you said you were kind of interested. What were you
13 thinking?

14 A I'm not sure. I was just curious, but I didn't
15 really think anything that would happen.

16 Q And where were you, Miss Minor

17 A We were at my nana's house, Sharon's house.

18 Q Nana is Sharon Wazney?

19 A Yes, sir.

20 Q And you were at her house?

21 A Yes, sir.

22 Q Did the defendant live there also?

23 A Yes, sir.

24 Q Where were you in the house?

25 A We were in the computer room.

SW - M. HORNAK - DIRECT

1 Q Where was he sitting in relation to you?

2 A He was on my right side.

3 Q What had y'all been doing?

4 A We were just messing on the keyboard.

5 Q What happened?

6 A Well, we were just -- I was playing on my
7 keyboard and I told him, 'cause we were like close
8 friends, and so I told him and he started reaching
9 down my leg and he touched me and I got up and left.

10 Q Did you want him to do that?

11 A No, sir.

12 Q Where did he touch you?

13 A Over my clothes over my vaginal area.

14 Q Over your clothes over your vaginal area?

15 A Yes, sir.

16 Q And what'd you do after that?

17 A I got up and walked away.

18 Q What happened after that? I mean, after that.

19 I'm not about talking a day or two later. After you
20 got up and walked away, what happened after that, if
21 anything?

22 A I'm not sure what time, I think it was after
23 dinner. We were leaving and everybody was out the
24 house saying their good-byes, and I was in the house
25 getting my stuff and Waz grabbed me and tried to

SW - M. HORNAK - DIRECT

1 French kiss me.

2 Q Had you ever been done that by anybody before?

3 A No, sir, I never kissed anyone before?

4 Q When you say a French kiss, what does that mean?

5 Or what, what do you understand that to mean?

6 A He tried putting his tongue in my mouth.

7 Q And what did you do?

8 A I thought it was gross so I pushed him away and I
9 left.

10 Q And where was all this?

11 A Where was this?

12 Q Yeah, I mean, approximately when?

13 A It was around my seventh grade.

14 Q Okay. So in the 2010, 2011?

15 A Yes, sir.

16 Q I'm sorry to ask you this, but tell these folks
17 about your -- did you have any friends?

18 A No, sir.

19 Q Were you lonely?

20 A Yes, sir.

21 Q And did Robert Wazney become your friend?

22 A Yes, sir.

23 Q Was he your best friend?

24 A Yes, sir.

25 Q Did -- something else happened after this

SW - M. HORNAK - DIRECT

1 incident you told these folks about with the
2 defendant?

3 A During?

4 Q I'm sorry.

5 A Oh, during my seventh grade year.

6 Q Did something else happen of a sexual nature?

7 A Yes, the summer, 2011.

8 Q Okay. During your seventh grade year you said
9 this incident happened.

10 A Yes, sir.

11 Q Did he touch you after that?

12 A Yes, sir.

13 Q And tell them about that, where did that happen?

14 A He usually picked me up at school, after school,
15 and my sister. And he would drop my sister off and
16 then come pick me up, and he liked touching me over
17 my clothes.

18 Q And when -- was this during your seventh grade
19 year?

20 A Yes, sir.

21 Q Approximately, do you remember when the
22 keyboard -- I'll call it the keyboard incident --
23 happened? Was that the summer before your seventh
24 grade year or during your seventh grade year or?

25 A I believe it was the summer before seventh grade.

SW - M. HORNAK. - DIRECT

1 Q And what you've just told the ladies and
2 gentlemen about, you said you were in a car?

3 A Yes, sir.

4 Q And was this during your seventh grade year?

5 A Yes, sir.

6 Q And what would happen?

7 A He would take -- he would pick up my sister first
8 and then drop ---

9 Q What's your sister's name?

10 A Sister And he would drop her off because she
11 got off earlier than me.

12 Q Where did she go to school?

13 A Millwood.

14 Q I'm sorry?

15 A She went to Millwood.

16 Q And then what, how would you get home?

17 A He would come pick me up.

18 Q Robert Wazney would?

19 A Yes, sir.

20 Q What kind of cars did he drive?

21 A He drove different ones. He had a black
22 Thunderbird.

23 Q A black Thunderbird?

24 A Yes, sir.

25 Q What other type of vehicle?

SW - M. HORNAK - DIRECT

1 A The red Fiero.

2 Q I'm sorry?

3 A The red Fiero. And sometimes a blue truck.

4 Q Can you describe the windows on these vehicles?

5 A Yes, sir, they were very dark.

6 Q I'm gonna show you what's marked 49. Do you
7 recognize that?

8 A Yes, sir.

9 Q Does it relate to what you were just talking
10 about?

11 A Yes, sir.

12 MR. MEADORS: Your Honor, we'd offer
13 State's 49.

14 MR. KEEFER: No objection, Your Honor.

15 THE COURT: All right, it's in.

16 (WHEREUPON, State Exhibit No. 49

17 was marked for identification and

18 admitted into evidence.)

19 BY MR. MEADORS:

20 Q Is this one of the vehicles that Robert Wazney
21 picked you up in?

22 A Yes, sir.

23 Q There's a picture of a man back here, is that
24 your uncle?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q And how did you describe those windows?

2 A They're tinted, very dark.

3 Q And what would happen between you and Waz during
4 your seventh grade year when he picked you up in
5 that car, if anything?

6 A We went to -- he'd usually take me to like a
7 McDonalds parking lot or somewhere about ten
8 minutes.

9 Q Why would he do that?

10 A So he can mess with me, like touch me.

11 Q Where was he touching you?

12 A Over my clothes and vaginal area. He touched my
13 breasts, and then he started going into it some
14 more.

15 Q What do you mean by going into it some more?

16 A He would start fingering.

17 Q Start what?

18 A Fingering.

19 Q Robert Wazney would put his finger in your body?

20 A Yes, sir.

21 Q Where would he put it in your body?

22 A In my vagina.

23 Q And where did this happen?

24 A In the car.

25 Q And how often did that happen?

SW - M. HORNAK - DIRECT

- 1 A It was almost every day.
- 2 Q What did you say when he was doing this?
- 3 A I was uncomfortable, didn't like it.
- 4 Q You were uncomfortable, didn't like it?
- 5 A (Shakes head.)
- 6 Q And your testimony is that was during your
- 7 seventh grade year, correct?
- 8 A Yes, sir.
- 9 Q So you were 13 then?
- 10 A Yes, sir.
- 11 Q You don't know how old Robert Wazney is, do you?
- 12 A Not now.
- 13 Q He's older than you, correct?
- 14 A Yes, sir.
- 15 Q And those instances with the car and the
- 16 McDonalds, was that in South Carolina?
- 17 A Yes, sir.
- 18 Q What was that McDonalds near?
- 19 A In front of Sumter High.
- 20 Q So how long did that go on that school year?
- 21 A It was almost a whole year.
- 22 Q Did you ever see his penis?
- 23 A Yes, sir.
- 24 Q When did that, how'd that -- when did that
- 25 happen?

SW - M. HORNAK - DIRECT

1 A It started in seventh grade and he would make me
2 jack him off.

3 Q Had you ever done that before?

4 A No, sir.

5 Q Where would he -- where did this occur?

6 A In the parking lots, at McDonalds, in the car.

7 Q Parking lots where?

8 A At McDonalds.

9 Q Did you ever do that at either one of the
10 schools?

11 A Later on, yes.

12 Q Okay. You're 17 now. I don't know if you -- did
13 he ejaculate?

14 A Yes, sir.

15 Q And how did he clean himself up?

16 A He had napkins in the car.

17 Q Was he saying anything when this was going on?

18 A No, he just liked it really.

19 Q Did you want to please him?

20 A No, sir.

21 Q Is it your testimony then at the McDonalds you
22 would have been 13 this school year, correct?

23 A Yes, sir.

24 Q And that's when your testimony he put his finger
25 inside your body and your vagina?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q If I asked you this I'm sorry, but how often was
3 this happening?

4 A It was almost every day.

5 Q On your birthday, where did you usually spend
6 your birthday?

7 A On my birthday nights I usually spend the night
8 with my grandma, nana.

9 Q Sharon Wazney?

10 A Yes, sir.

11 Q And on your 14th birthday, that would have been
12 2011?

13 A Yes, sir.

14 Q On your 14th birthday, do you remember -- do you
15 remember that?

16 A Yes, sir.

17 Q Tell these ladies and gentlemen of this jury what
18 you remember about your 14th birthday, either the
19 night before or the day after.

20 A I believe it was the night before, and he came
21 into the room. We were playing video games in the
22 computer room.

23 Q What kind of games did y'all like to play?

24 A I believe it's called Dougall.

25 Q Carla McDougall?

SW - M. HORNAK - DIRECT

1 A Yes, sir. And he, he went and talked to nana and
2 came in the room and he told me he put sleeping
3 medicine in her drink so that she would stay asleep.

4 Q That's what Waz told you?

5 A Yes, sir. And he got on the floor and he told me
6 to do like 69.

7 Q Told you to do what?

8 A 69.

9 Q Did you know what that was?

10 A No, sir.

11 Q Did you do that?

12 A Yes, sir.

13 Q Were you still -- this was the night before you
14 still 13?

15 A Yes, sir.

16 Q All right. And what floor -- I apologize, where
17 were you, where were you?

18 A In the computer room.

19 Q Okay. But again, for the record where?

20 A Oh, at nana's house on Hideaway.

21 Q Sumter County?

22 A Yes, sir.

23 Q And you were in the computer room and Nana, was
24 anybody else there besides you, Robert Wazney, and
25 Nana, Sharon Wazney?

SW - M. HORNAK - DIRECT

- 1 A No, sir.
- 2 Q And did you, did y'all do the 69?
- 3 A Yes, sir.
- 4 Q Tell them about it please.
- 5 A He layed on the floor like down and took it out.
- 6 Q Took what out?
- 7 A His penis. And I never -- I thought it was gross
- 8 when he told me doing these and stuff 'cause I never
- 9 did it before. I never, I never gave like, I guess,
- 10 a blowjob before.
- 11 Q You thought it was gross?
- 12 A Yes, sir.
- 13 Q And did you do it?
- 14 A Yes, sir.
- 15 Q Did you want to do it?
- 16 A No, sir.
- 17 Q For the record Robert Wazney put his penis in
- 18 your mouth?
- 19 A Yes, sir.
- 20 Q On or about July 20th, 2011?
- 21 A Yes, sir.
- 22 Q And you were 13, almost 14?
- 23 A Yes, sir.
- 24 Q Did he do anything to you?
- 25 A Yeah, he was fingering me, messing with me.

SW - M. HORNAK - DIRECT

- 1 Q Did you learn what 69 meant?
- 2 A That night I did.
- 3 Q And what does it mean?
- 4 A It was whenever you, I guess, get on top of each
- 5 other, give each other oral.
- 6 Q Giving each other what?
- 7 A Yes.
- 8 Q Did he give you oral?
- 9 A Some.
- 10 Q Say it again?
- 11 A A little bit.
- 12 Q It's not -- you're not enjoying this?
- 13 A No, sir.
- 14 Q Had you ever done that before?
- 15 A No, sir.
- 16 Q Did he ejaculate?
- 17 A Yes, sir.
- 18 Q Ma'am?
- 19 A Yes, sir.
- 20 Q And tell -- I don't know how to ask it. What
- 21 happened to his semen?
- 22 A It was on my mouth and I thought it was gross so
- 23 I went and spit it out.
- 24 Q Did he want you to spit it out?
- 25 A No.

SW - M. HORNAK - DIRECT

- 1 Q Did he say don't spit it out?
- 2 A No, sir, but I knew he didn't.
- 3 Q I think you said he did you some 69?
- 4 A Yes, sir.
- 5 Q Had you ever had that done to you before?
- 6 A No, sir.
- 7 Q So he put his tongue or mouth on your vagina?
- 8 A Yes, sir.
- 9 Q On or about June, July 20th, 2011?
- 10 A Yes, sir.
- 11 Q At Hideaway?
- 12 A Yes, sir.
- 13 Q In Sumter?
- 14 A Yes, sir.
- 15 Q You're fixing to go into your eighth grade then,
- 16 correct?
- 17 A Yes, sir.
- 18 Q That's 11, 12?
- 19 A Yes, sir.
- 20 Q What school were you in?
- 21 A I was at Hillsborough.
- 22 Q How far is -- just remind me, I can't think right
- 23 now, how many grades is Hillsborough?
- 24 A Just three, 6, 7 and 8.
- 25 Q And where were your living then?

SW - M. HORNAK - DIRECT

- 1 A With my dad.
- 2 Q Here in Sumter?
- 3 A Yes, sir.
- 4 Q How would you get to and from school?
- 5 A Waz would pick me up. Waz would pick me up.
- 6 Q How did you get to school in ninth grade?
- 7 A My dad dropped me off on the way to work?
- 8 Q Where did he work?
- 9 A He works at Caterpillar.
- 10 Q Caterpillar. And was Robert Wazney, the
- 11 defendant, also known as Waz, where was he working?
- 12 A Batteries Plus.
- 13 Q Excuse me?
- 14 A Batteries Plus?
- 15 Q Batteries Plus.
- 16 A Yes, sir.
- 17 Q And when he would pick you up in the eighth grade
- 18 now 2011, 2012 what kind of car was he driving?
- 19 A It would be either his -- black Thunderbird.
- 20 Q And did anything happen during the school year of
- 21 2011 and 2012?
- 22 A Yes, sir. It was the same, basically the same in
- 23 the seventh grade but more and more in depth with
- 24 what he did.
- 25 Q And you're gonna have to tell these ladies and

SW - M. HORNAK - DIRECT

1 gentlemen of the jury what you mean a little more in
2 depth.

3 A It was just more fingering and blowjobs.

4 Q Did this become a regular thing?

5 A Yes, sir.

6 Q Did you want to do this?

7 A No, sir.

8 Q Was Waz still your best friend?

9 A In a ways. He was the only one, he was the only
10 person I could talk to.

11 Q Did y'all, you and the defendant Robert Wazney,
12 email each other?

13 A Yes, sir.

14 Q And did he ever suggest anything in emails? You
15 testified on a sexual nature. Did he ever send, you
16 know, definitions of sex stuff?

17 A Yes, sir.

18 Q This has been entered as State's Number 1. Is --
19 you recognize that?

20 A Yes, sir.

21 MR. MEADORS: And Your Honor, I ask your
22 permission to approach, I'm sorry.

23 THE COURT: You may approach.

24 BY MR. MEADORS:

25 Q It's got up here -- what name was this sent from?

SW - M. HORNAK - DIRECT

1 A It was sent from his email account.

2 Q What is that?

3 A

4 Q Who was this sent to?

5 A It was sent to me.

6 Q And what is g.mail account?

7 A

8 Q 1?

9 A Yes, sir.

10 Q And when was this sent?

11 A January 13th, 2011.

12 Q Would that be during your eighth grade year,

13 Minor

14 A Yeah, end of my seventh grade year.

15 Q That's 2010, 2011, 2011?

16 A Yeah, that's --

17 Q I'm sorry, I can't see. What is this titled?

18 A Teen site.

19 Q Why'd he send you this?

20 MR. KEFFER: Objection, Your Honor.

21 THE COURT: Sustained.

22 BY MR. MEADORS:

23 Q What -- read what's on there.

24 A It was talking about condom sizes, birth control,
25 masturbation, kissing, safe sex, and 69.

SW - M. HORNAK - DIRECT

1 Q Does it have something on there, tools and toys?

2 A Yes, sir.

3 Q And your granddaddy sent you that?

4 A Yes, sir.

5 Q I apologize, dear, but did you say your eighth
6 grade year got more intensive?

7 A Yes, sir.

8 Q When you say that was intense it meant what?

9 A Fingering and giving him blowjobs.

10 Q And that happened where? During your eighth
11 grade year where did it happen?

12 A In parking lots, usually at McDonalds.

13 Q In Sumter County?

14 A Yes, sir.

15 Q Did -- did you taste his semen?

16 A Yes, sir.

17 Q Did it taste funny?

18 A Yes, sir.

19 Q Now you said he worked, he, Robert Wazney the
20 defendant, he worked at Batteries Plus?

21 A Yes, sir.

22 Q Is that on South Pike?

23 A Yes, sir.

24 Q In Sumter County?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q Did you have occasion to go there?

2 A Yes, sir.

3 Q Do you remember when?

4 A Sometimes when I was sick if nobody could pick me
5 up he would pick me up from work.

6 Q From where?

7 A He would pick me up from his work.

8 Q And when was this?

9 A It was in my eighth grade year one time. I
10 remember 'cause my nurse was complaining that I
11 missed a lot of days at school.

12 Q Your who was complaining?

13 A My nurse, that's how I remember it.

14 Q Why were you missing so many days from school?

15 A I was just sick usually, and I also had right
16 side pain.

17 Q What was Robert Wazney's job at Battery Plus?

18 A I believe he was a manager.

19 Q Did anything of a sexual nature happen at Battery
20 Plus?

21 A Yes, sir.

22 Q Can you tell the ladies and gentlemen about that.

23 A In the back of the store, the storage room, he
24 got -- he made me get on to a table and wanted to
25 try anal but it hurt too much so I made him stop.

SW - M. HORNAK - DIRECT

1 Q And this was in the back of Battery Plus?

2 A Yes, sir.

3 Q Was anybody else there?

4 A No, sir.

5 Q He wanted you to try anal?

6 A Yes, sir.

7 Q Did you actually try anal?

8 A Yes, sir, he tried.

9 Q And I got to ask you this, how do you mean he
10 tried?

11 A He, he wanted to go in raw in my anal, and it
12 hurt too much so I told him no. He never went in.

13 Q Never went in?

14 A No, but he tried.

15 Q And did anything else of a sexual nature happen
16 then?

17 A Yes, sir. He made me give him about a few, three
18 blowjobs because I wouldn't do anal.

19 Q Anything else happen?

20 A No, sir.

21 Q When was this?

22 A It was during my eighth grade year.

23 Q So at the time you just talked about Battery Plus
24 during your eighth grade year, he put his in your
25 mouth?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And he tried to put his penis in your anus but it
3 didn't work?

4 A Yes, sir.

5 Q And you said he was raw, wanted to go do it raw?

6 A Yes, sir.

7 Q Does that mean without ointment or lotion?

8 A Yes, sir.

9 Q Did you want to do that?

10 A No, sir.

11 Q Did you want to try that?

12 A No, sir.

13 Q Did you want to experiment with that?

14 A No, sir.

15 Q Did you go -- had anything else happen at Battery
16 Plus?

17 A Yes, sir.

18 Q And what was that? When was that?

19 A I believe it was before ninth grade. I had, I
20 had like a little job there because I needed money,
21 and I believe it was the second day or so. He went,
22 nobody, he put a ---

23 Q The second day you were working at Battery Plus?

24 A Yes, sir.

25 Q Okay.

SW - M. HORNAK - DIRECT

1 A He put like a 15 minute break sign on his door,
2 and he went into the storage room and sat in the
3 chair. He gave me like a plunger, a plunger stick
4 kind of thing, and he told me to use it while I gave
5 oral.

6 Q To use the plumber stick while you give him oral?

7 A Yes, sir.

8 Q And did you want to do that?

9 A No, sir.

10 Q Did you tell him, I don't want to do it?

11 A Yes, sir, it was uncomfortable.

12 Q Was it clean?

13 A I asked him 'cause I freaked out about it and he
14 said he cleaned it.

15 MR. MEADORS: Your Honor, State's 50
16 without objection.

17 THE COURT: All right.

18 (WHEREUPON, State Exhibit No. 50 was
19 marked for identification and
20 admitted into evidence.)

21 BY MR. MEADORS:

22 Q Was this the plumber stick?

23 A Yes, sir.

24 Q For the record, State's 50, what did the
25 defendant ask you to do with that?

SW - M. HORNAK - DIRECT

1 A He asked me to, I guess you can say he asked me
2 to grind on it while I was giving him an oral.

3 Q Did you do that?

4 A Yes, sir.

5 Q Ma'am?

6 A Yes, sir.

7 Q Did that hurt?

8 A Yes, sir.

9 Q So for the record, that went in your vagina?

10 A Yes, sir.

11 Q And while his penis was in your mouth?

12 A Yes, sir.

13 Q At Batteries Plus?

14 A Yes, sir.

15 Q And when do you think that was?

16 A I believe it was before ninth grade.

17 Q So sometime around -- well, you tell me.

18 A Around 2004.

19 Q Before you started the ninth grade?

20 A Yes, sir.

21 Q You'd have been 14 or 15?

22 A Yes, sir.

23 Q And didn't you say he put a 15 minute thing or
24 something ---

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q ---closing the store?

2 A Yes, sir.

3 Q So was there anybody else there?

4 A No, sir.

5 Q And he's the manager?

6 A Yes, sir.

7 Q Are you talking to anybody else during this time
8 period? I mean, have you -- do you have some folks
9 you were at school or anybody else that you're
10 talk -- I'm talking about this case, just, are you
11 having folks you're talking, texting, or
12 communicating with in school?

13 A I didn't really talk a lot to anybody during
14 middle school, but so I liked talking on Twitter
15 with my Japanese pen pals.

16 Q Say that again.

17 A Japanese pen pals.

18 Q And how did that come about?

19 A I go on Twitter and I was interested in pen pals
20 and we'll exchange emails and we'll just start
21 talking.

22 Q And so you developed a pen pal on email, is that
23 what you said, ---

24 A Yes, sir.

25 Q ---call it?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And did Waz know about that?

3 A Yes, sir.

4 Q Did he like that?

5 A No, sir.

6 Q Why not? Or did he tell you why he didn't like
7 it?

8 A I just knew he didn't like me talking to anybody.

9 Q What did he say about that?

10 A I mean, ---

11 Q As far as, did he check -- did he want you to --
12 what did he do about that pen pal?

13 A He made me send him screen shots of our
14 conversations often.

15 Q Made him do -- he made you do what?

16 A Send screen shots.

17 Q Beg the Court's indulgence. I'm gonna show you
18 what's marked State's 15, 16 and 17 and ask you,

19 Ms. Minor does that relate to your
20 testimony?

21 A Yes, sir.

22 Q What is that? What are 15, 16 and 17?

23 A These were screen shots that I sent.

24 Q You sent to who? Who did you sent ---

25 A I sent to Waz.

SW - M. HORNAK - DIRECT

- 1 Q What are they screen shots of?
- 2 A My conversations with all my pen pals.
- 3 Q Conversations with who?
- 4 A One of my pen pals.
- 5 Q And on State's 16, that's from you to who?
- 6 A Me to Waz.
- 7 Q And what does it say at the top?
- 8 A It says happy now.
- 9 Q Happy now? This is State's 2. Do you recognize
- 10 that?
- 11 A Yes, sir.
- 12 Q And is that from Robert to you?
- 13 A Yes, sir.
- 14 Q And what's that a picture of?
- 15 A The back of a car.
- 16 Q He sent this to you?
- 17 A Yes, sir.
- 18 Q What's that?
- 19 A A bunch of teenagers.
- 20 Q What is that?
- 21 A That was a cheerleader bending over all the way.
- 22 Q Did he ever -- he, Robert Wazney, ever say
- 23 anything to you about this position?
- 24 A Yes, sir.
- 25 Q What'd he say?

SW - M. HORNAK - DIRECT

1 A He wanted me to try that, become flexible like
2 that.

3 Q Your grandfather wanted you to try that?

4 A Yes, sir.

5 Q And he sent you this?

6 A Yes, sir.

7 Q And there's a picture up here with some nuns.
8 What was that about?

9 A I'm not sure. It's just nuns with legs sitting
10 on a chair.

11 Q State's 3 was an email from Robert Wazney to you
12 on June 8th, 2011?

13 A Yes, sir.

14 Q Please tell the ladies and gentlemen of the jury
15 about that.

16 A It says, how do you know you're loved by the one
17 you love.

18 Q How do you know you're loved by what?

19 A By the one you love.

20 Q What did you think of this?

21 A I thought it was weird.

22 Q On page three what is that title?

23 A When someone loves you.

24 Q Did you, did you love Waz?

25 A As a friend, yes.

SW - M. HORNAK - DIRECT

1 Q Did he love you?

2 A Yes, sir, he said he did.

3 Q What's State's 4, June 29th, 2011?

4 A He sent me ---

5 Q "He" being Robert Wazney, the defendant?

6 A Yes, sir. He sent me a letter. It was about, I
7 guess, love.

8 Q About love?

9 A Yes, sir.

10 Q Did you read it?

11 A Yes, sir.

12 Q Read the first sentence of State's Number 4.

13 A Only once in your life, I truly believe, you can
14 find someone who can completely turn your world
15 around.

16 Q Read the second sentence please.

17 A You tell them things that you've never shared
18 with another soul and they absorb everything you say
19 and actually want to hear more.

20 Q Read the third sentence.

21 A You share hopes for the future, dreams that will
22 never come true, goals that were never achieved, and
23 the more -- many disappointments life has thrown at
24 you.

25 Q Did Robert Wazney ever ask you to do anything

SW - M. HORNAK - DIRECT

1 that excited him?

2 A Yes, sir.

3 Q What was that?

4 A He liked me to suck on his fingers.

5 Q Why did he want you to do that?

6 A It turned him on.

7 Q He told you that?

8 A Yes, sir.

9 Q In State's 26, who's that young lady in there?

10 A That's me.

11 Q That's you?

12 A Uh-huh, yes, sir.

13 Q And whose finger is that in your mouth?

14 A His finger.

15 Q Who took the picture?

16 A He did.

17 Q And that's sent from you to him?

18 A Yes, sir.

19 Q How often would you do that?

20 A Every now and then.

21 Q Well, did you do that before there'd be a sexual
22 experience or did you do it sometime there wasn't.

23 A It was both and also afterwards.

24 Q Also after what?

25 A After doing sexual stuff.

SW - M. HORNAK - DIRECT

1 Q He wanted you to suck his finger?

2 A Yes, sir.

3 Q During your ninth grade year, 2012 and 2013, were
4 there other times when Robert Wazney, the defendant,
5 touched you or had you touch him or y'all --
6 anything else of a sexual nature occur?

7 A Yes, sir, well, my 14th birthday.

8 Q Which would be January 21st of -- July 21st, I
9 apologize. What happened?

10 A I believe him and my grandmother got into a fight
11 and she left and ---

12 Q Where were you?

13 A I was at my grandmother, at nana's house. And
14 they got into a fight and she drove away, and she
15 was gone for a few hours and so he wanted to try a
16 69 again.

17 Q And when was this?

18 A It was before my ninth grade year. I was turning
19 15.

20 Q And what happened?

21 A She left the house and he knew that she would be
22 gone for a while so he wanted to do 69 again.

23 Q Where were you?

24 A In the computer room at nana's house.

25 Q And I ask it terribly, but you said on your

SW - M. HORNAK - DIRECT

1 birthday, was this the night before on your
2 birthday?

3 A I believe this was the night before.

4 Q And did you do 69 again?

5 A Yes, sir.

6 Q And for the record what did you do?

7 A We just -- I gave him a blowjob.

8 Q This becoming pretty regular?

9 A Yes, sir.

10 Q Did you swallow his semen?

11 A Yes, sir.

12 Q Did you suck his finger?

13 A Yes, sir.

14 Q Did he put his tongue on you?

15 A Sir?

16 Q Did y'all do the 69 position? So that was
17 birthday July 21st or the night before. And I'm
18 sorry, what grade were you going into?

19 A Ninth grade.

20 Q So that I believe you said July 21st, 2012 you
21 meant 15. I'm just confused. Is that correct?

22 A Yes, sir.

23 Q That 69 position where you put his penis in your
24 mouth and you -- did he put his tongue on you down
25 there?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And that happened in where?

3 A In the computer room.

4 Q Where?

5 A At Sharon's house.

6 Q Where?

7 A On Hideaway.

8 Q And did it happen in Sumter County?

9 A Yes, sir.

10 Q Where were you in school in the ninth grade?

11 A Sumter High School.

12 Q Was that, that starting your freshman year?

13 A Yes, sir.

14 Q So going into this freshman year of 2012, 2013
15 you're 15?

16 A Yes, sir.

17 Q After this incident you just described did
18 anything else occur of a sexual nature between you
19 and the defendant Robert Wazney?

20 A It was the same routine in seventh and eighth
21 grade going to parking lots, and this time was
22 actually at the school parking lot.

23 Q At Sumter High School?

24 A Yes, sir.

25 Q At Sumter High School parking lot?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And what would, what happened?

3 A I would give him a blowjob and he would finger
4 me.

5 Q You getting tired of this?

6 A Yes, sir.

7 Q Did you tell him that?

8 A Yes, sir.

9 Q What did he ever tell you -- well, during this
10 time did you ever -- what did he tell you if you
11 told anybody?

12 A There's this one time we were driving by Dillon
13 Park and he was really mad for some reason, and he
14 was just telling me that if I ever told anybody or
15 if he thought anybody knew what happened he would
16 kill me, his boss, and himself.

17 Q Kill you, his boss, and himself?

18 A Yes, sir.

19 Q Did he say what boss?

20 A His boss at Battery Plus.

21 Q You, his boss at Battery Plus, and himself?

22 A Yes, sir.

23 Q And that was where? Where did he tell you that?

24 A We were driving past Dillon Park.

25 Q Did this go on through your ninth grade year?

SW - M. HORNAK - DIRECT

- 1 A Yes, sir.
- 2 Q And how often was it happening?
- 3 A Every day.
- 4 Q Where did it, and specifically for the record,
- 5 you said it happened at the school?
- 6 A Yes, sir, and at McDonalds.
- 7 Q Where at the school during the ninth grade year
- 8 which is 2012, 2013, specifically at school?
- 9 A The visitor's parking lot.
- 10 Q And what car was he driving?
- 11 A It would be any of the three cars.
- 12 Q Were you in this car some?
- 13 A Yes, sir.
- 14 Q Can you see out of that car?
- 15 A You can see out of car.
- 16 Q Is it hard to see in the car?
- 17 A Yes, sir.
- 18 Q And that's in Sumter County, Sumter High School
- 19 in that parking place where you were?
- 20 A Yes, sir.
- 21 Q Where he put his penis in your mouth?
- 22 A Yes, sir.
- 23 Q Did he put his finger in your vagina?
- 24 A Yes, sir.
- 25 Q That's the school year 2012, 2013?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q Now did something happen before your 16th
3 birthday?

4 A I don't really, I don't really recall anything on
5 my 16th birthday.

6 Q I'm sorry, again?

7 A I don't recall anything or...

8 Q You said he was angry the day he talked about he
9 would kill you, the Battery Plus guy, and himself?

10 A Yes, sir.

11 Q What was his demeanor like toward you as this was
12 progressing into your freshman year? Describe your
13 relationship this year.

14 A Ninth grade he was always angry. We always
15 argued all the time, and he liked shaking a lot.
16 And once he was driving recklessly to school and
17 liked embarrassing me.

18 Q Say that last part.

19 A He liked embarrassing me.

20 Q And give us an example of that?

21 A Whenever he dropped me off he would roll his
22 engine.

23 Q Do what?

24 A He would roll his engine in front of everybody.

25 Q Rev it up?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q Did that embarrass you?

3 A Yes, sir.

4 Q When you'd go by what time was it in the morning
5 when he dropped you off at school? When was it --
6 you said something he talked about it at school in
7 ninth grade? When did, what time did it happen?

8 A He was dropping me off, I believe it was in my
9 tenth grade year. What time? I believe it was
10 around 8 a.m.

11 Q What time?

12 A Around 8 a.m.

13 Q 8. Did you ever use, did he ever have you use
14 any sex toys or try?

15 A Yes, sir.

16 Q Tell us about that.

17 A He had two vibrators and one of them was silver,
18 had a black button on the end and ---

19 Q Silver with a black button on the end?

20 A Yes, sir. And another one was remote control.
21 It was like egg shaped.

22 Q Remote control egg shaped vibrator?

23 A Yes, sir.

24 Q Did he ever have you try one of those out?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q Did he ever have you try those out at Battery
2 Plus?

3 A Yes, sir.

4 Q Tell the ladies and gentlemen, did you like that?

5 A No, sir.

6 Q Did he have any at his home that he asked you to
7 use?

8 A He had some dildos.

9 Q And were those ever used on you at your home?

10 A Yes, sir.

11 Q Ma'am?

12 A Yes, sir.

13 Q Did he ever have you do anything else with your
14 finger besides stick it in -- did he ever have you
15 do anything with your finger?

16 A Yes, sir.

17 Q Tell these folks about that.

18 A One time I believe my grandmother went to the
19 store and we're in the computer room and he wanted
20 me to give blowjob and finger his anus.

21 Q Would you put your finger in his butt?

22 A Yes, sir.

23 Q Did you do that?

24 A Yes, sir.

25 Q Did you like doing that?

SW - M. HORNAK - DIRECT

1 A No, sir.

2 Q You said at some point he got angry. Did — what
3 happened to your wifi or his wifi?

4 A Whenever I moved in with my grandmother he didn't
5 like me talking to anybody so he liked turning off
6 my — he liked turning off wifi or any type of
7 communication I had often.

8 Q So he controlled your wifi usage?

9 A Yes, sir.

10 Q Who gave you the phone?

11 A He did.

12 Q What was your emotional state like at this point?

13 A I was really depressed at the time.

14 Q Did you want to stop this?

15 A Yes, sir.

16 Q Did Waz want you to stop?

17 A No, sir.

18 Q Did he get upset?

19 A Yes, sir.

20 Q Beg the Court's indulgence. When y'all moved,
21 with nana or Sharon and Robert, when was that?

22 A It was the fall of tenth grade year, so 2013.

23 Q And did you want to move there then?

24 A No, sir.

25 Q And why not?

SW - M. HORNAK - DIRECT

1 A 'Cause he was there, Robert was there.

2 Q And the revving of the engine you said when he
3 got angry, that happened when?

4 A During my tenth grade year.

5 Q So during this tenth grade year?

6 A Yes, sir.

7 Q At that point you're 16, right?

8 A Yes, sir.

9 Q Did you want this to stop?

10 A Yes, sir.

11 Q Did he want it to stop?

12 A No, sir.

13 Q I'm going to go through these. State's 5, is
14 that from you to the defendant?

15 A Yes, sir.

16 Q State's 6, who -- is this from Robert Wazney to
17 you?

18 A Yes, sir.

19 Q And what are these pictures of?

20 A Those are the bunch of outfits that he liked.

21 Q Bunch of outfits what?

22 A That he liked.

23 Q Why'd you send them to him?

24 A Why I sent them to him? He wanted me to try the
25 outfits out.

SW - M. HORNAK - DIRECT

- 1 Q He sent them to you?
- 2 A Yes, sir.
- 3 Q He wanted you to what?
- 4 A He wanted me to try out the style.
- 5 Q State's 7, is that -- it's a email from Robert
- 6 Wazney to you?
- 7 A Yes, sir.
- 8 Q What's the ---
- 9 A It says lovingyou.com.
- 10 Q Lovingyou.com?
- 11 A Yes, sir.
- 12 Q Now State's 9 is Marion Hornak to Robert Wazney.
- 13 A Yes, sir.
- 14 Q What is this? It's labeled your chart.
- 15 A It's a sexual preference chart.
- 16 Q Sexual what chart?
- 17 A Preference chart.
- 18 Q State's 10, what is that?
- 19 A It's an email from Waz to me talking about live
- 20 with an open heart.
- 21 Q What's the date on that?
- 22 A July 12th, 2011.
- 23 Q Live with an open heart, move to love, accept the
- 24 diversity of love?
- 25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q State's 11. Is that to you, to Waz?

2 A Yes, sir.

3 Q What's the date?

4 A October 25th, 2011.

5 Q Dating, top, kissing?

6 A Yes, sir.

7 Q Did Waz want to marry you?

8 A He said he did.

9 Q Say that again?

10 A He said he did.

11 Q Robert Wazney said he wanted to marry you?

12 A Yes, sir.

13 Q And when was that going to happen?

14 A He always talked about after I turned 18.

15 Q Did he talk about where -- you mentioned you like

16 Japan.

17 A Yes, sir.

18 Q What did he tell you about Japan, or a trip?

19 A He said he'd take me.

20 Q Said what?

21 A Of he said he would help me go.

22 Q Help you go to Japan?

23 A Yes, sir.

24 Q Now is this -- this is State's 12. Is that from

25 Wazney to you?

SW - M. HORNAK - DIRECT

- 1 A Yes, sir.
- 2 Q What is this a site about?
- 3 A It's customizing your rings.
- 4 Q Rings?
- 5 A Rings.
- 6 Q State's 13, from you to Waz again. Is that a
- 7 chart?
- 8 A Yes, sir.
- 9 Q What do you call this thing?
- 10 A Sexual preference.
- 11 Q What's the date on that?
- 12 A October 24th, 2011.
- 13 Q State's 14, from Waz to you again, is that a
- 14 picture of the rings?
- 15 A Yes, sir.
- 16 Q Did y'all go look at a ring?
- 17 A No, sir.
- 18 Q State's 18, is that more pictures of your texts?
- 19 A Yes, sir.
- 20 Q With your friend that you sent to Waz?
- 21 A Yes, sir.
- 22 Q What is this 19 to you, from you to Waz?
- 23 A It was a picture he liked.
- 24 Q I don't know if I ever asked that. Describe that
- 25 kiss that you didn't like, were y'all kissing after

SW - M. HORNAK - DIRECT

1 that? I mean, was kissing, did y'all doing all this
2 other stuff that's going on did you ---

3 A He liked trying to do wet kisses me and I didn't..

4 Q And I swear I'm old, what do you mean by wet
5 kisses?

6 A French kisses.

7 Q So he's still trying to do that?

8 A Yes, sir.

9 Q You didn't like that?

10 A No, sir.

11 Q When was he usually try to do that?

12 A Usually before sexual stuff.

13 Q Now State's 20, was this from Waz to you?

14 A Yes, sir.

15 Q And that's on February 13th, 2012?

16 A Yes, sir.

17 Q Tell the ladies and gentlemen of the jury, what
18 is -- what did this mean to you?

19 A It was stuff he said that looked like me.

20 Q He said that looked like you?

21 A Yes, sir.

22 Q Your granddaddy sent you that?

23 A Yes, sir.

24 Q Kisses kept or wasted, love is to be tasted.

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q Robert Wazney to you?

2 A Yes, sir.

3 Q What's that a picture of?

4 A People in bed.

5 Q Did he tell you what that meant?

6 A Yes, sir.

7 Q Tell the ladies and gentlemen what did that mean.

8 A He said blind is love. I mean, love is blind.

9 Q Love is blind. And we're still, for the record
10 State's 20. We find one, State's 20, it's a picture
11 of a man and woman kissing, hugging?

12 A Yes, sir.

13 Q State's 21, what'd he tell you about that?

14 A That was a picture I liked, I wanted to paint.

15 Q That's one you sent to Waz?

16 A Yes, sir.

17 Q Now State's 22, isn't there an earlier exhibit
18 about that?

19 A Yes, sir.

20 Q Is this the same email or the same content that
21 you'd received from Waz earlier?

22 A Yes, sir.

23 Q What's the date on that?

24 A April 9th, 2012.

25 Q Why did you send that to Waz?

SW - M. HORNAK - DIRECT

1 A We were going through a big fight and I wanted to
2 calm him down so I sent the same thing he sent me.

3 Q Only once in your life, I truly believe, you find
4 someone who can completely turn your world around?

5 A Yes, sir.

6 Q You sent him back the email he had sent you
7 previously?

8 A Yes, sir.

9 Q State's 23, from you to Waz, why were these sent
10 to Waz?

11 A He knew I got a new shirt and he liked it and he
12 wanted to see pictures of me wearing it.

13 Q He wanted to see pictures of you wearing a new
14 shirt?

15 A Yes, sir.

16 Q State 24 you sent to Waz?

17 A Yes, sir.

18 Q What is that?

19 A I was making a joke.

20 Q What kind of joke?

21 A It was just a single joke.

22 Q State's 25 from you to Waz regarding a romantic
23 date something? Just has the site to a link but not
24 downloaded, right?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 MR. MEADORS: And Your Honor, I
2 appreciate, I'm trying to go through these as quick
3 as I can for the Court, I apologize.

4 THE COURT: Yes, sir.

5 BY MR. MEADORS:

6 Q State's 27, did you send these to Waz?

7 A Yes, sir.

8 Q What are they?

9 A This picture and the last picture is something he
10 took of me.

11 Q He took of you?

12 A Yes, sir.

13 Q Where was that?

14 A It was at his house.

15 Q State 28, are there more pictures of you?

16 A Yes, sir.

17 Q And there's a picture of you and Waz?

18 A Yes, sir.

19 Q Where was this?

20 A I believe it was in the computer room.

21 Q You don't wear glasses anymore?

22 A No, sir.

23 Q Twenty-nine more pictures of you and Waz?

24 A Yes, sir.

25 Q Is that Waz there too?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And where was this picture taken?

3 A At my house.

4 Q Where was that?

5 A At my dad's house on Griffin Lane.

6 Q What lane?

7 A Griffin Lane.

8 Q State's 30, could you tell the ladies and
9 gentlemen of the jury what this is.

10 A This is one is his hand and one is my hand. He
11 wanted -- he told me that he wanted to do that
12 picture.

13 Q That's you and Robert Wazney, one is his hand and
14 one is your hand?

15 A Yes, sir.

16 Q What are y'all making there?

17 A A heart.

18 Q A heart? Now this is July 21st, 2012?

19 A That was my 15th birthday party.

20 Q 15th birthday. Where'd y'all go?

21 A We went to the Pizza Lane.

22 Q Would your grandmama take you shopping too?

23 A Yes, sir.

24 Q Would that either be the day before or day of
25 your birthday?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q More pictures of your birthday?

3 A Yes, sir.

4 Q Thirty-two?

5 A Yes, sir.

6 Q Minor to Robert, I don't know, what is that,

7 State's 33?

8 A It was just you put pictures inside of a glass..

9 Q State's 34?

10 A It was my Christmas pajamas that my nana bought
11 me.

12 Q And you sent that to -- or Robert took that and
13 sent that to your gmail account?

14 A Yes, sir.

15 Q Robert Wazney? 35, what's this all about? This
16 is from you to Waz.

17 A I believe they were just jokes that I sent him.

18 Q Guess who just got laid! Fucking awesome man!

19 With some eggs in there?

20 A Yes, sir.

21 Q What is that?

22 A It was a message of a accidental texting him on
23 email.

24 Q And that is June 23rd of 2013?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

1 Q 37, picture of you on a horse?

2 A Yes, sir.

3 Q And these are between you and defendant Robert

4 Wazney, correct?

5 A Yes, sir.

6 Q Pictures of you in State's 38 and 39, it looks
7 like a Sunday dress or a spring dress, or something,
8 right?

9 A Yes, sir.

10 Q And you sent -- Robert sent those to you?

11 A Yes, he took them.

12 Q Took the picture and sent them to you. That's
13 38, 39, 40, and he took these pictures?

14 A Yes, sir.

15 Q 41, Wazney to you. What's that a picture of?

16 A Me playing video games.

17 Q And what's that video game there?

18 A Call of Duty.

19 Q That's what y'all like to do?

20 A Yes, sir.

21 Q And that, where is that?

22 A In his computer room.

23 Q On Hideaway Road or Drive?

24 A Yes, sir.

25 Q Where a lot of this stuff happened?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q 42, is that pictures the defendant took of you?

3 A Yes, sir.

4 Q 43, also pictures of you?

5 A Yes, sir.

6 Q 44?

7 A Yes, sir.

8 Q Who is that fella in that photograph?

9 A That's my dad.

10 Q Ritchie Hornak?

11 A Yes, sir.

12 Q And that's July 24th 2013?

13 A Yes, sir.

14 Q 45 is a picture of you in a dress?

15 A Yes, sir.

16 Q And 46 is a picture of you?

17 A Yes, sir.

18 Q Where is that taken?

19 A At Battery Plus.

20 Q Battery Plus.

21 MR. MEADORS: Your Honor, this is State's
22 51, I believe without objection.

23 THE COURT: All right, sir.

24 (WHEREUPON, State Exhibit No. 51

25 was marked for identification and

SW - M. HORNAK - DIRECT

1 admitted into evidence.)
2 BY MR. MEADORS:
3 Q What are all these things right here?
4 A They're just Japanese words.
5 Q Japanese words?
6 A Yes, sir.
7 Q Who gave those to you?
8 A He did.
9 Q Who is he?
10 A Waz did.
11 Q Did he know of your interest in Japan?
12 A Yes, sir.
13 Q Promise he's going to send you there if he could?
14 A Yes, sir.
15 Q And what are these things?
16 A They're just Japanese charms and a rock.
17 Q Who did you get those from?
18 A Waz.
19 Q Japanese what?
20 A I think that's a charm. I'm not sure what it's
21 called.
22 Q What is this?
23 A It's a puzzle game.
24 Q And this?
25 A It's another puzzle game.

SW - M. HORNAK - DIRECT

1 Q And what's this?

2 A It's a Japanese coin thing and he had it
3 customized with his name and my name encarved inside
4 of it.

5 Q And a heart there?

6 A Yes, sir, and he wrote my name in Japanese inside
7 of it.

8 Q What's this?

9 A This was a letter he gave me.

10 Q Do you remember when he gave you that?

11 A I don't really quite remember. I think ninth
12 grade maybe.

13 Q Can you read -- oh, before you get there, what is
14 this?

15 A It is a bunch of hearts.

16 Q A bunch of hearts? Please read that letter.
17 Take your time.

18 A "Only you can see who I am. Only you can love me
19 the way I want to be loved."

20 Q Speak up a little bit please.

21 A Only you can love me the way I want to be loved.
22 I love you more than you can imagine. It's more
23 than I've ever loved before. As long as we are
24 together there will never be a dark or lonely night.
25 No matter how far you are away from me the

SW - M. HORNAK - DIRECT

1 brightest, most warming light, I can see and feel in
2 my heart. You mean everything to me. If it means I
3 have nothing and you have everything that will have
4 the way it has to be. Your smile warms my soul and
5 gives me direction. One day it will happen, all of
6 our dreams will come true. My life I dedicate to
7 your happiness. One day my love, one day."

8 Q One day my love, one day?

9 A Yes, sir.

10 Q Robert Wazney gave you that?

11 A Yes, sir.

12 Q Why didn't you tell her?

13 A Sir?

14 Q Why didn't you tell her when this was going?

15 A Why I didn't?

16 Q Why didn't you tell her? I'm not fussing, I'm
17 asking. Why didn't you tell her?

18 A I didn't want any of my family to judge me, and
19 we were going through a lot and I didn't want to add
20 on to anything. And I was also really scared, and I
21 was so protective a little bit.

22 Q You still love Waz? I mean, this time you were
23 protective you still ---

24 A I was just protective. I didn't know what was
25 going to happen.

SW - M. HORNAK - DIRECT

1 Q Listen to this very carefully, okay. Do you
2 remember the last time a sexual thing happened?

3 A Yes, sir.

4 Q When was that?

5 A It was at, I think it's, it's a gas station right
6 in front of McDonalds. I was living with my mom at
7 the time. It was before Thanksgiving 'cause I
8 remember 'cause they were going to Greenville and
9 ---

10 Q Who was going to Greenville?

11 A Nana and Waz. And my mom's husband Caesar had to
12 work early so the only person who could take us to
13 school is Waz, and Waz dropped my sister off, and
14 then took me to the gas station and he wanted me to
15 give him a blowjob and that was the last time.

16 Q And what gas station?

17 A It was the one in front of McDonalds. I think
18 it's Kangaroo.

19 Q And you would have been going to school?

20 A Yes, sir.

21 Q And that's in Sumter County?

22 A Yes, sir.

23 Q And he at the Kangaroo he put his --- did he put h
24 is penis in your mouth?

25 A Yes, sir.

SW - M. HORNAK - DIRECT

- 1 Q And did he ejaculate?
- 2 A Yes, sir.
- 3 Q And that was before Thanksgiving you say?
- 4 A Yes, sir, I believe so.
- 5 Q That was before and that would have been
- 6 Thanksgiving of 2013, right?
- 7 A Yes, sir.
- 8 Q And you would have been in the tenth grade?
- 9 A Yes, sir.
- 10 Q And that was the last time?
- 11 A Yes, sir.
- 12 Q Do you know a lady named Kami Wilds?
- 13 A Yes, sir.
- 14 Q And you had occasion to talk with her?
- 15 A Yes, sir.
- 16 Q Did you give her a letter?
- 17 A Yes, sir.
- 18 Q And why had you written that letter?
- 19 A. A few weeks prior everything was kind of going
- 20 downhill, and I wanted to tell my mom but I didn't
- 21 want to tell her in person so I wrote a letter for
- 22 her and I was going to put it with her work supplies
- 23 or in her purse where she could find it.
- 24 Q You didn't want to tell your momma?
- 25 A Not in person.

SW - M. HORNAK - DIRECT

1 Q So you wrote it down?

2 A Yes, sir.

3 Q Did you put it in her purse or somewhere where
4 she could find it?

5 A No, sir.

6 Q What'd you do with it?

7 A A lady ---

8 Q Just, did you give it to Ms. Wilds?

9 A Yes, sir.

10 Q Okay.

11 (WHEREUPON, State Exhibits Nos. 52 and 53
12 were marked for identification only.)

13 THE COURT: Was 52 without objection?

14 MR. MEADORS: Well, Your Honor, one
15 second.

16 BY MR. MEADORS:

17 Q I show you what's marked as 53 for I.D. only. Do
18 you remember this man right here?

19 Stand up please, Investigator Erin Boland.

20 Do you remember him?

21 A Yes, sir.

22 Q And on January 9th, 2014, did you give him a
23 printed statement?

24 A Yes, sir.

25 Q Okay. And is that your signature on the back?

SW - M. HORNAK - DIRECT

1 A Yes, sir.

2 Q And State's 52 for I.D. Is this the letter that
3 Ms. -- you gave to Kami Wilds?

4 A Yes, sir.

5 MR. MEADORS: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 BY MR. MEADORS:

8 Q Prior to Ms. Kami, giving this letter to Ms. Kami
9 Wilds and prior to talking to Mr. Erin Boland -- and
10 what date was this letter to Ms. Kami Wilds? Do you
11 remember when you gave it to her?

12 A I believe it was January 4th.

13 Q And she talked to you where, Ms. Kami Wilds, when
14 she came to talk to you?

15 A In my room at my mom's house.

16 Q And that's where?

17 A At Guard Street in Sumter.

18 Q Across from the Shop?

19 A Yes, sir.

20 Q Little brick house?

21 A Yes, sir.

22 Q Lawn mover on the front?

23 A Yes, sir.

24 Q Prior to that -- listen to me very closely.

25 Prior to that did you go to Florence and talk to

SW - M. HORNAK - DIRECT

1 somebody?

2 A Yes, sir.

3 Q Okay. Did you tell them everything then?

4 A No, sir.

5 Q All right. Why not?

6 A I was scared, confused. It was all of a sudden.

7 MR. MEADORS: Beg the Court's indulgence.

8 I'm almost through Mr. Keffer will have a chance --

9 Your Honor, we'd offer State's 52 without objection.

10 MR. KEFFER: No objection.

11 THE COURT: All right, thank you.

12 (WHEREUPON, State Exhibit No. 52

13 was admitted into evidence.)

14 BY MR. MEADORS:

15 Q Just for the record I have to ask this, is the

16 person in the room -- just wait till I finish

17 before -- is the person in the room that you gave --

18 well, is the person in the room that touched you

19 over your clothes, the keyboard incident, is the

20 person in the room that French kissed you, is the

21 person in the room that started messing with you

22 during your seventh grade year and put his finger

23 inside of you, is the person in the room that had

24 you put his penis in his [sic] mouth, is the person

25 in the room that put that plunger in your vagina, is

SW - M. HORNAK - DIRECT

1 the person in the room that numerous times put his
2 penis in your mouth that ejaculated in your mouth,
3 is the person in the room that taught you how to 69,
4 and the person in the room of all these acts you
5 described here today, it that person in the room, in
6 this room, is he in here?

7 A Yes, sir.

8 Q All right. Who is he?

9 A The defendant over there (indicating).

10 Q Robert Wazney?

11 A Yes, sir.

12 Q In the blue, white shirt, glasses, next to
13 Mr. Keffer?

14 A Yes, sir.

15 Q He did this to you?

16 A Yes, sir.

17 Q And is the person in the room, is the person in
18 the room that said he wanted to marry you?

19 A Yes, sir.

20 Q Person in the room that told you one day my love,
21 one day?

22 A Yes, sir.

23 Q Is that Mr. Wazney?

24 A Yes, sir.

25 THE COURT: Would counsel please approach.

1 (WHEREUPON, counsel approached the

2 THE COURT: Ladies and gentlemen of the
3 jury, it's about 12:15. It's been quite a long
4 morning so this is a good time for us to take our
5 recess for lunch. If you would be back in your jury
6 room you should have sufficient time to, if you can
7 be back in an hour, at 1:15, I certainly would
8 appreciate that. Again, please remember my previous
9 instruction not to discuss this case with anyone or
10 allow anyone to discuss this case with you. Have a
11 nice lunch.

12 (WHEREUPON, the jury was removed from the
13 courtroom at 12:13 p.m.)

14 THE COURT: Counsel, I meant to ask you
15 this before, has the defendant been out on bond up
16 until trial, been in custody?

17 MR. MEADORS: He's in custody.

18 MR. KEFFER: He's in custody.

19 THE COURT: I just want to be sure, thank
20 you. We'll be at ease until 1:15.

21 MR. MEADORS: Your Honor, I will tell her
22 that, I'll instruct her she can't talk to any of us.
23 I want her to hear it from you.

24 THE COURT: Ms. Hornak, you're not allowed
25 to discuss your testimony with anyone at this time,

1 okay?

2 THE WITNESS: Yes.

3 (Whereupon, a lunch break was taken.)

4 THE COURT: Are the parties ready to
5 proceed?

6 MR. MEADORS: We are. Judge, before we
7 start I know in Mr. Keffer's opening mentioned
8 something about these family dynamics, it was a
9 mess, I just don't know what he's attempting perhaps
10 to go into but I just -- I just don't want to wait
11 to when they're in here. If we could just go into
12 any of the, it's kind of an open-ended statement. I
13 just want to again be sure we're not talking about
14 going into any other alleged instances. I just
15 don't know, I just want to ---

16 THE COURT: Mr. Keffer, what was your
17 point with that?

18 MR. KEFFER: Your Honor, I believe her
19 testimony is going to show that she's lived outside
20 of her parents for a period of time. She lived with
21 dad for a period of time, then she lived with my
22 client and his spouse for a period of time. In the
23 middle of all this custody was transferred from
24 through family court where the biological mother was
25 given custody on the same day as the initial

1 interview. Those are the only three things I was
2 going to point out. I wasn't getting into siblings,
3 whatever we had talked about before, wasn't getting
4 into that. I guess I was merely showing we don't
5 have a normal family, which I don't know if any
6 family is normal, but I think you can see where I'm
7 going.

8 THE COURT: Sure. I would think my only
9 concern with that, Mr. Keffer, as to asking her
10 about any kind of legal findings from a family court
11 situation. I think you can certainly ask her, you
12 know, did you then go live with your mom or didn't
13 you live with your dad. I think that'd certainly
14 speak to that. But to ask her about any kind of
15 family court findings or custodial issues, I think
16 that would be beyond her knowledge of what ---

17 MR. KEFFER: Well, I, it's interesting
18 unless I have this wrong, on her way to -- her
19 mother drove her to Florence which the reason on the
20 same day her mother was granted custody, the mother
21 did not have custody the day before. And she's a
22 teenager so surely she knows she's going to be
23 living with mom on the same day she's going to
24 Florence for this initial interview. But I wasn't
25 going to go beyond that.

1 THE COURT: Sure. I think you just need
2 to be careful in how you word it as far as, because
3 I don't think you want to put any kind of thought
4 into the jury as to what other court proceedings are
5 going on; I don't think that's proper. I think you
6 can ask her then you were going to live with your
7 mom, or you know, as a result of.

8 MR. KEFFER: Well, that brings up all the
9 other, another issue involving family court because
10 subsequent -- well, actually simultaneously to that
11 occurring my client's wife filed an action in family
12 court for divorce. And I understand, I mean, at the
13 same time. I mean, all this happened within these
14 same period. I understand she's, I think she's
15 going to testify and I was going to ask her about
16 the filing of those pleadings and nothing's happened
17 on that case, Judge, and that's still pending.

18 THE COURT: What's your purpose in going
19 there? Your client filed for divorce on because of
20 this situation?

21 MR. KEFFER: My client didn't file for
22 divorce.

23 THE COURT: Your client's wife filed for
24 divorce.

25 MR. KEFFER: Yes.

1 THE COURT: Right.

2 MR. KEFFER: She doesn't go into specifics
3 in the pleadings to my knowledge. I hadn't read the
4 pleadings lately but.

5 THE COURT: And what's the relevance of
6 that to this action?

7 MR. KEFFER: Well, these children were
8 living in the same household. The victim has
9 testified that there was problems and arguments in
10 that household that at one point the wife had left.
11 We believe what his spouse has done since his
12 incarceration, selling the marital property and
13 whatnot which we feel like we can prove, in and of
14 itself may be a motivating factor for these
15 allegations. And my client denies these
16 allegations, and you know, we're, he's trying to
17 figure out why too, my understanding is that his
18 spouse is disabled and has, he was sole provider.
19 They had businesses, they had houses, they had cars.
20 They had -- a lot of that stuff has been sold or
21 otherwise disposed of since. But I'm not -- I might
22 as well get that out now because that was going to
23 be part of what I asked her about the filing, the
24 timing of it, and what she's done with marital
25 property since.

1 THE COURT: You're talking about the
2 child?

3 MR. KEFFER: No. I'm not talking about
4 her testimony. I'm talking about his wife's
5 testimony, if she testifies.

6 THE COURT: His wife's testimony, okay,
7 all right, okay. I was thinking you were talking
8 about the child so. If the child testified, or if
9 the wife testifies, you're saying on
10 cross-examination you're gonna ask her ---

11 MR. KEFFER: The filing of the pleadings,
12 initial pleadings, when she filed them, what she was
13 requesting, what she's done with marital property
14 since.

15 THE COURT: And how is that relevant to
16 the sexual abuse allegation of ---

17 MR. KEFFER: Again, again, it goes back to
18 these ar-- his blood children. These are
19 step-grandchildren. The victim's already testified
20 there was problems in the household. Clearly there
21 was marital discord. I mean, I, and he's denied the
22 allegations.

23 THE COURT: But his spouse's action
24 subsequent to the disclosure have nothing to do with
25 the disclosure of the victim. I don't see how you

1 get there after the fact. I mean, maybe explain it
2 to me further but I'm not seeing you connect the
3 dots after the fact. After he's incarcerated, what
4 she does after that has nothing to do with the
5 victim's initial disclosure.

6 MR. KEFFER: Well, again, and we're
7 dealing with a teenager. We're dealing with
8 step-grandchildren; and while this is going on,
9 actually, it was really simultaneously, his wife
10 files an action against him asking for all this
11 property and disposing of all this property and
12 whatnot, you know. And I don't know what the
13 victim's mother is going to testify to. I guess
14 what I'm saying is that it is cross-examination.
15 I'm not talking about cross-examining the minor
16 child. I'm talking about cross-examining his spouse
17 as to what's going on, what going on with this
18 relationship, what kind of problems were they having
19 and whatnot. I do think it's relevant it's possibly
20 a factor in how these allegations come up. And the
21 jury can come back and say this is made up, we don't
22 find it believable, we find that his spouse created
23 these issues and planted these seeds and
24 allegations. They can come back and say that if
25 they knew what was going on with them as a marital

1 couple, I guess that's what I'm saying.

2 MR. MEADORS: All of that happened after
3 the disclosure and the statement of January 6th.
4 We've got a family court, I think the earliest day
5 we see is January 10th, January 10th, 2014, after he
6 was arrested, after she gave disclosure, just -- and
7 again it says we have a file document from the
8 clerk's office that our motion was because he's
9 incarcerated. So I mean, all of it was after. I
10 don't see any respectfully, Judge, relevance to
11 Minor coming forward, any motive whatsoever. We
12 have no documentation or knowledge whatsoever that
13 this was even an issue prior to this issue coming
14 up, again, him being incarcerated. I just don't
15 seat the relevance respectfully.

16 MR. KEFFER: With all due respect, let me
17 get through this cross-examination and let me
18 rethink what we're talking about on another
19 subsequent witness, but let me just proceed with
20 this.

21 THE COURT: Why don't we do that in a way
22 we can, you know, at this point I tend to agree that
23 it's subsequent to the disclosure subsequent to him
24 being arrested so I don't see the relevance at this
25 point; however, we can revisit it after the

SW - M. HORNAK - CROSS

1 testimony when that particular witness testifies.

2 MR. KEFFER: Sure, sounds good.

3 THE COURT: We ready for our jury?

4 MR. MEADORS: Yes, Your Honor.

5 MR. KEFFER: Yes, ma'am, Your Honor.

6 THE COURT: Let's have our jury please.

7 (Whereupon, the jury was returned to the courtroom
8 at 1:33 p.m.)

9 THE COURT: Welcome back, ladies and
10 gentlemen of the jury, I hope you had a nice lunch.
11 We will now proceed with the trial of this case.

12 Ms. Hornak, if you'd please return to the
13 witness stand.

14 Your witness, Mr. Keffer.

15 MR. KEFFER: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 BY MR. KEFFER:

18 Q Minor may I call you Minor

19 A Yes, sir.

20 Q Is that your nickname?

21 A Yes, sir.

22 Q If I understood your testimony you're 17 years
23 old; is that right?

24 A Yes, sir.

25 Q Sumter High School?

SW - M. HORNAK - CROSS

1 A Yes, sir.

2 Q And you're in honors classes?

3 A Yes, sir.

4 Q And you're in honors in chemistry. And you're in
5 honors in algebra II I believe you testified to?

6 A Yes, sir.

7 Q And your favorite subject is orchestral band,
8 orchestral band? Am I saying that right?

9 A Orchestral.

10 Q And what instrument you play, by the way?

11 A I play viola.

12 Q And how long have you played it?

13 A About seven years now.

14 Q I understand you're also in ROTC; is that right?

15 A Yes, sir.

16 Q And your current rank is?

17 A Cadet major.

18 Q Can you tell the jury what that rank means? I
19 mean, I was prior military myself. Could you tell
20 the jury what that means as far as?

21 A Well, I'm like an officer. I'm actually the
22 third highest rank cadet in the ROTC program. And I
23 can take all positions that other cadets can't so
24 I'm a Kovar commander, personal flight commander,
25 and I'm also inspector general.

SW - M. HORNAK - CROSS

1 Q There's about two thousand students at Sumter
2 High, would you agree with me?

3 A Yes, sir.

4 Q And your ROTC group is rather large; is that
5 correct?

6 A Yes, sir.

7 Q You're the third highest rank person?

8 A Yes, sir.

9 Q Is that right? And you're a junior in high
10 school; is that correct?

11 A Yes, sir.

12 Q In fact, you desire one day to join the military;
13 is that correct?

14 A Yes, sir.

15 Q You desire to join the air force; is that right?

16 A Yes, sir.

17 Q Getting back to your testimony and the reason
18 that we're here, it's true that December 2013 you
19 traveled to Florence; is that right?

20 A Yes, sir. Yes, sir.

21 Q Sometimes your yes's and no's get confused. And
22 if I put my hand up I'm asking for clarification.
23 I'm sure the jury is having a little difficulty as
24 well. You did go to Florence; is that correct?

25 A Yes, sir.

SW - M. HORNAK - CROSS

1 Q And at that time -- and that was December 2013?

2 A Yes, sir.

3 Q Does that sound about right?

4 A Yes, sir.

5 Q And at that time you didn't reveal any type of
6 sexual intercourse with the defendant; is that
7 right?

8 A I didn't reveal anything but I did say it was
9 close to it.

10 Q Okay. Do you recall what you said when you were
11 asked?

12 A I said he tried.

13 Q Okay. But you denied it; is that right?

14 A I denied?

15 Q That he had -- that he had done anything; is that
16 right?

17 A Yes, sir.

18 Q Okay. You denied all about the anal sex you
19 testified to; is that right?

20 A I wasn't asked about those.

21 Q Let me just put it this way, you didn't mention
22 any of that; is that right?

23 A Yes, sir.

24 Q You didn't mention any word about Batteries Plus?

25 A No, sir.

SW - M. HORNAK - CROSS

1 Q Didn't mention anything about a plunger?

2 A No, sir.

3 Q Didn't mention anything about giving blowjobs
4 every day in front of Sumter High Middle School; is
5 that right?

6 A Yes, sir.

7 Q And you didn't mention anything about a keyboard?

8 A Yes, sir.

9 Q Is that correct?

10 A Yes, sir.

11 Q And this is all in December 2013?

12 A Yes, sir.

13 Q And I recall your prior testimony was, almost on
14 a daily basis this type of behavior occurred when he
15 would pick you up or drop you off from school.

16 Would that be a fair statement?

17 A Yes, sir.

18 Q I'm sorry?

19 A Yes, sir.

20 Q Okay. That's what you testified to; is that
21 right?

22 A Yes, sir.

23 Q But when first asked about it you didn't mention
24 any of those things?

25 A No, sir.

SW - M. HORNAK - CROSS

1 Q You didn't mention that he planned on marrying
2 you?

3 A No, sir.

4 Q Didn't mention anything about the four emails
5 that the State has produced?

6 A No, sir.

7 Q You didn't mention anything about the outfits
8 that he says he supposedly sent to you; is that
9 correct?

10 A Yes, sir.

11 Q None of those things were discussed; is that
12 right?

13 A Yes, sir.

14 Q You didn't reveal any of those things?

15 A No, sir.

16 Q That was the first time you were asked; is that
17 right?

18 A Yes, sir.

19 Q Now subsequent to that I believe you testified on
20 just a few weeks later on January 4th, 2014, you had
21 written a letter to your mother; is that correct?

22 A Yes, sir.

23 Q And I think it's -- I think we have the original
24 here. This looks like State's 52. Does this appear
25 to be the original and is that your signature on the

SW - M. HORNAK - CROSS

1 front and back?

2 A Yes, sir.

3 Q So would that be a fair representation of a
4 letter that you wrote to your mother?

5 A Yes, sir.

6 Q And were you being -- let me back up.

7 December 2013, was that a truthful, honest statement
8 that you gave?

9 A No, sir.

10 Q Okay.

11 A I didn't reveal everything.

12 Q Okay, would you agree with me that you didn't
13 really reveal anything?

14 A Yes, sir. Yes, sir.

15 Q Okay. Now January 4th you have a letter that you
16 had said was prepared for your mother.

17 A Yes, sir.

18 Q Is that correct?

19 A Yes, sir.

20 Q I think you said you had put it in a place where
21 she would, her work pages would be, in hopes that
22 she would get it?

23 A Yes, sir.

24 Q Did you ever give it to her?

25 A After I showed Kam-- gave it Kami.

SW - M. HORNAK - CROSS

1 Q And you're talking about Ms. Wilds; is that
2 right?

3 A Yeah.

4 Q So Ms. Wilds actually saw it first; is that
5 correct?

6 A Yes, sir.

7 Q Have you had time to review that? Do you want to
8 take a few minutes and -- you're familiar with the
9 contents of it?

10 A Yeah, I'm familiar with it.

11 Q Now this is what you're writing down to your
12 mother; is that right?

13 A Yes, sir.

14 Q Would you agree with me that you didn't write
15 anything down about anal sex?

16 A No, sir, I didn't you write everything. It
17 already took up one page.

18 Q Well, it's actually two -- it's actually front
19 and back; is that right?

20 A Uh-huh, yes, sir.

21 Q In fact, when you talked about school you wrote
22 after school for two years but only a few times. Is
23 that your handwriting?

24 A Yes, sir. I was too embarrassed to say anything
25 else about it.

SW - M. HORNAK - CROSS

1 Q And in fact, you stated that he succeeded in
2 touching me a few times and almost went in. That's
3 the second paragraph; is that right?

4 A Yes, sir.

5 Q You didn't mention anything about Batteries Plus?

6 A No, sir.

7 Q You didn't mention anything about a plunger?

8 A No, sir.

9 Q You didn't mention anything about daily oral sex
10 given to Robert Wazney; is that right?

11 A Yes, sir.

12 Q Let's be clear about something, you never
13 referred to Robert Wazney as grandpa or granddad?

14 A Well, I used to call him grand Waz when I was
15 younger.

16 Q I'm sorry?

17 A I used to call him grand Waz when I was younger.

18 Q Grand Waz?

19 A Yes, sir.

20 Q And when did it change to just Waz?

21 A I'm not sure. I think it was like around middle
22 school.

23 Q And your own words, you testified earlier, you
24 considered him a close friend?

25 A Yes, sir.

SW - M. HORNAK - CROSS

1 Q And you didn't mention anything to your mother in
2 this letter that he wanted to marry you; is that
3 right?

4 A No, sir.

5 Q And we had all those, all those dates the State
6 had up, you recall that, if I can draw your
7 attention to this. You recall the Solicitor asking
8 you about dates and when things started and whatnot?
9 You recall that this morning; is that right?

10 A Yes, sir.

11 Q Okay. And I think you, if I understood your
12 testimony, you had gone back to Alice Drive Middle
13 School; is that right?

14 A Yes, sir.

15 Q About seventh grade; is that correct?

16 A Yes, sir.

17 Q But when you were first asked the first time you
18 didn't mention anything about that; is that correct?

19 A No, sir.

20 Q You didn't mention anything about 2010, 2011,
21 2012, or 2013 or 2014, did you?

22 A No, sir.

23 Q And you didn't write anything in that letter to
24 your mother; is that right?

25 A Can you rephrase that?

SW - M. HORNAK - CROSS

1 Q You didn't mention anything of these dates ---

2 A Oh, I didn't.

3 Q ---in that letter to your mother?

4 A I didn't write any dates on it.

5 Q You didn't write any dates on it; is that right?

6 A Yes, sir.

7 Q Could you turn over -- and that's a, that's the
8 of what you'd written. You'd written two pages but
9 that's front and back, is that right? That's still
10 your handwriting; is that right?

11 A Yes, sir.

12 Q You had written on her and you had advised your
13 mother to give this to the attorney, to the lawyer?

14 A Yes, sir.

15 Q Is that right?

16 A Yes, sir.

17 Q Which lawyer?

18 A I just said, I think it was somewhere else. I
19 was just saying, like, just give it to somebody.

20 Q You would agree with me didn't say just give it
21 to somebody, you said give it to the lawyer; is that
22 right?

23 A No, I was just talking about a lawyer, or anybody
24 who would read it.

25 Q I'm sorry, I didn't camp that.

SW - M. HORNAK - CROSS

1 A I wasn't talking about a lawyer. I was just
2 talking about somebody, just give it to a lawyer or
3 whoever.

4 Q Okay. But again, you would agree this is a, the
5 first time that you had opened up to your mother
6 about this; is that right?

7 A Yes, sir.

8 Q And this is the second time that you had given
9 any type of statement?

10 A Yes, sir.

11 Q And it's the first time none of it was mentioned;
12 you would agree?

13 A Yes, sir.

14 Q The second time those things like the plunger at
15 Batteries Plus and oral sex and anal sex, they're
16 not mentioned specifically in here either; is that
17 right?

18 A Yes, sir, it was too embarrassing to talk about.

19 Q It was too embarrassing to talk about?

20 A Yes, I didn't want to reveal everything.

21 Q And in that letter you didn't mention anything
22 about the emails or the fact that Mr. Wazney wanted
23 to marry you, in your words?

24 A No, sir.

25 Q That was January 4th, 2014?

SW - M. HORNAK - CROSS

1 A Yes, sir.

2 Q Is that right?

3 A Yes, sir.

4 Q Do you remember talking to Investigator Boland in
5 this case?

6 A Yes, sir.

7 Q You spoke to him after that letter you had wrote
8 for your mother; is that right?

9 A Yes, sir.

10 Q Would you agree with me that that was the
11 handwritten statement that you made?

12 A Yes, sir.

13 Q Are you familiar with that? Have you seen it
14 recently?

15 A Yes, sir.

16 Q Do I need to show you a copy of it?

17 A I'm okay.

18 Q Would you like a copy?

19 A Sure.

20 Q Just to review?

21 A Yes, sir.

22 MR. MEADORS: I think that's marked for

23 ---

24 THE COURT: It should be number 53.

25 MR. MEADORS: We have no objection if he's

SW - M. HORNAK - CROSS

1 offering that.

2 MR. KEEFER: He's not offering it, Your
3 Honor.

4 BY MR. KEEFER:

5 Q Could you review that four page, five page
6 statement.

7 A (Pause.) Okay.

8 Q Were you able to get through that?

9 A Uh-huh.

10 Q You need water or anything? You all right?

11 A I'm okay.

12 Q Okay. You would agree me that statement is very
13 detailed.

14 A Yes, sir.

15 Q Okay, you said yes, sir; is that right?

16 A Yes, sir.

17 Q And in fact, that's the first time you had
18 written down anything about a plunger?

19 A Yes, sir.

20 Q And 69 position I think is in there; is that
21 right?

22 A Yes, sir.

23 Q All right. Oral sex is in there; is that
24 correct?

25 A Yes, sir.

SW - M. HORNAK - CROSS

1 Q Pretty much your whole testimony this morning is
2 in there; is that correct?

3 A Yes, sir.

4 Q That's your handwriting?

5 A Yes, sir.

6 Q And you wrote it?

7 A Yes, sir.

8 Q And that was the third time, that was your third
9 statement?

10 A Yes, sir.

11 Q Would you agree with me?

12 A Yes, sir.

13 Q So the first time, no mention of anything? Is
14 that right?

15 A Yes, sir.

16 Q And on January 4th nothing nearly as specific;
17 would you agree?

18 A Yes, sir.

19 Q In fact, in your own handwriting you wrote that
20 things at school only happened a few days, okay?

21 A Yes, sir.

22 Q Whereas, this morning it was every day since
23 seventh grade. Isn't that fair statement of your
24 testimony?

25 A Yes, sir.

SW - M. HORNAK - CROSS

1 Q And when you speak with law enforcement five days
2 later, January 9th, 2014, your statement goes into
3 the very specifics, okay? Would that be right?

4 A Yes, sir.

5 Q You go into Battery Plus; is that correct?

6 A Yes, sir.

7 Q And the plunger; is that correct?

8 A Yes, sir.

9 Q But even that statement wasn't true and accurate;
10 would you agree with me?

11 A It is true.

12 Q I'm not sure what -- you're saying it's truthful
13 and accurate?

14 A Yes, sir.

15 Q Okay. That doesn't mention anything about all of
16 these emails that you testified to; is that right?

17 A I didn't really feel that emails would be a part
18 of it really.

19 Q So are you saying you let law enforcement know
20 about the emails and decided to keep it out?

21 A No, I didn't know that I mentioned pictures and
22 in ---

23 Q You don't mention the 46 emails that you
24 testified to this morning; is that right?

25 A No, I was just basing this off actions.

SW - M. HORNAK - CROSS

1 Q In fact, today is the first time you testified or
2 made statements about emails; is that right?

3 A Yes, sir. Yes, sir.

4 Q Okay. So Mary, let me ask you, you know the jury
5 is wanting to know, which one of these statements is
6 accurate?

7 A January 9th.

8 Q Are you saying that so this morning statements
9 weren't accurate?

10 A Yes, sir.

11 Q I'm hearing ---

12 A Yes, sir.

13 Q So now you're saying this morning statements were
14 not accurate?

15 A Oh, they're accurate.

16 Q Oh, now they are accurate. I'm not trying to
17 trip you up.

18 MR. MEADORS: Your Honor, objection,
19 that's exactly what he's doing.

20 THE COURT: She misunderstood the
21 question. Please repeat the question.

22 BY MR. KEEFER:

23 Q Mary, there's three dates on there. My question
24 to you is, which statements are accurate?

25 A None of the January 9th.

SW - M. HORNAK - REDIRECT

1 Q Okay. And I'm not trying to trip you up. You
2 testified this morning. Are you telling the jury
3 today that your testimony herein today is the most
4 accurate?

5 A Yes, sir.

6 Q Would you agree with me that this is the fourth
7 time you've been given a chance to tell the story?

8 A Yes, sir.

9 Q Okay. Please answer any questions the State may
10 have.

11 THE COURT: Redirect.

12 MR. MEADORS: May it please the Court.

13 **REDIRECT EXAMINATION**

14 BY MR. MEADORS:

15 Q In State's 52 Mr. Keffer asked you about -- is
16 this a letter you wrote for who?

17 A It was for my mom.

18 Q And did you put in here about that December
19 interview Mr. Keffer asked you about, did you put in
20 there about why you, what happened then?

21 A Yes, sir.

22 Q What did you say?

23 A About why I didn't?

24 Q Did you say you froze? It's in evidence.

25 A Oh, all right.

SW - M. HORNAK - REDIRECT

1 Q The forensic interview question thing I kind of
2 froze up?

3 A Yes, sir.

4 Q I was ready to answer the questions to get it
5 over with but I just froze?

6 A Yes, sir.

7 Q I didn't lie but I didn't tell the truth?

8 A Yes, sir.

9 Q I'm writing this note 'cause I'm scared to do it
10 in person?

11 A Yes, sir.

12 Q Did you want to tell your mama in person what had
13 happened to you?

14 A No, sir.

15 Q Why not?

16 A I was too embarrassed and ashamed.

17 Q You gave this letter to Ms. ---

18 A Ms. Wilds.

19 Q Why did you give it to her?

20 A She came in and she seemed really friendly and
21 she was kind of asking me questions, and I knew that
22 it was gonna have to come out sometime.

23 Q When had you prepared that note?

24 A About two weeks prior.

25 Q Did you put everything in that note that happened

SW - M. HORNAK - REDIRECT

1 to you?

2 A No, sir.

3 Q Mr. Keffer asked you about the school. Is it on
4 the side after school for about two years but only a
5 few times?

6 A Yes, sir.

7 Q Did you put down every incident in there that you
8 told the jury about?

9 A No, sir.

10 Q Did all those happen that you told the jury
11 about?

12 A Yes, sir.

13 Q Why didn't you put it all down here?

14 A That would be too much to put on my mom, way too
15 much, and it was -- it would take up a lot of paper.
16 Like this one was about five pages and I, I was also
17 still too embarrassed to confess everything.

18 Q What you put in there Wazney molested you?

19 A Yes, sir.

20 Q Now did you also tell Ms. Kami Wilds that he
21 threatened to kill you, your boss, you, his boss,
22 and himself?

23 A Yes, sir.

24 Q And did you write that down?

25 A Oh, yes, sir.

SW - M. HORNAK - REDIRECT

1 (WHEREUPON, State Exhibit No. 54 was
2 marked for identification only.)

3 MR. KEFFER: No objection.

4 MR. MEADORS: State's 54.

5 (WHEREUPON, State Exhibit No. 54 was
6 admitted into evidence.)

7 BY MR. MEADORS:

8 Q Is that your handwriting?

9 A No, sir.

10 Q What does it say?

11 A It says, "Waz told Minor threat to be killed.
12 Told he would kill me and his boss if he was ever
13 sent to jail."

14 Q And who wrote that?

15 A Oh, that part is me.

16 Q That part right there is your handwriting?

17 A Yes, sir.

18 Q You didn't write the top part?

19 A No, sir.

20 Q And does it say written by Kami Wilds at the top?

21 A Yes, sir.

22 Q But you wrote the body of it?

23 A Yes, sir.

24 Q And did you tell her that on January 4th he
25 threatened to kill me, his boss, and himself?

SW - M. HORNAK - REDIRECT

1 A Yes, sir.

2 Q If you told?

3 A Sir?

4 Q If you told?

5 A Yes, sir.

6 Q Is that another reason you didn't tell everything
7 in December?

8 A Yes, sir.

9 Q Mr. Keffer asked you about State's 53. How many
10 pages is there?

11 A Four pages.

12 Q Does it have your name at the top?

13 A Yes, sir.

14 Q Is that Eric Boland's name?

15 A Yes, sir.

16 Q And does it have when you gave this statement?

17 A Yes, sir.

18 Q I can't see it now. January 9th?

19 A Yes, sir.

20 Q 1:25 p.m. Who wrote this statement?

21 A I did.

22 Q Where were you?

23 A The police station.

24 Q And did Mr. Boland just give it to you and say
25 tell me what happened?

SW - M. HORNAK - REDIRECT

1 A Yes, sir, he told me to write it out.

2 Q And did you sit down then and write it out?

3 A Yes, sir.

4 Q Did you put more in that you had put in this
5 little note to your momma?

6 A Yes, sir.

7 Q And it looks like you -- if you changed something
8 on here did you initial it?

9 A Yes, sir.

10 Q And at the end it's got an X there with M.H.,
11 that your initials?

12 A Yes, sir.

13 Q Mr. Keffer asked you about this, did you put in
14 here about the keyboard incident?

15 A Yes, sir.

16 Q And did you put in there about the French kiss
17 after that?

18 A Yes, sir.

19 Q And did you put in there about going to Alice
20 Drive Middle ---

21 A Yes, sir.

22 Q ---being molested there? Did you put that in the
23 statement?

24 A Yes, sir.

25 Q Did you put in there he started fingering you,

SW - M. HORNAK - REDIRECT

1 digital penetration, put in your vagina?

2 A Yes, sir.

3 Q And did he?

4 A Yes, sir.

5 Q Did you put in here about your 14th birthday?

6 A Yes, sir.

7 Q Him laying on the floor and telling you to suck
8 his dick?

9 A Yes, sir.

10 Q Thought it was nasty, you thought it was gross;
11 is that in here?

12 A Yes, sir.

13 Q You talked about going to school the next year,
14 he was pulling his dick out?

15 A Yes, sir.

16 Q Had you play with it?

17 A Yes, sir.

18 Q Did you put in here about him trying to give you
19 anal sex but it hurt?

20 A Yes, sir.

21 Q Did you put in here about him teaching you 69
22 position?

23 A Yes, sir.

24 Q Did you put in here about jacking him off in the
25 car?

SW - M. HORNAK - REDIRECT

1 A Yes, sir.

2 Q 69 at your birthday?

3 A Yes, sir.

4 Q McDonalds parking lot, is that in here?

5 A Yes, sir.

6 Q That you were depressed, did you put that in
7 there?

8 A Yes, sir.

9 Q He was getting angry with you?

10 A Yes, sir.

11 Q Did you put in here about the Battery Plus
12 instances?

13 A Yes, sir.

14 Q Did you put in here getting more forceful in your
15 tenth grade year?

16 A Yes, sir.

17 Q Did you put in here about him shouting and
18 squealing his engine and tires to embarrass you.

19 A Yes, sir.

20 Q Did you put in here about the instances at
21 Spartanburg [sic] High School in the parking lot in
22 the car?

23 A Yes, sir.

24 Q Did you put in here about the Kangaroo when he
25 gave you a blowjob -- when you gave him a blowjob;

SW - M. HORNAK - REDIRECT

1 is that in this statement?

2 A Yes, sir.

3 Q Did you put in here about your wifi being cut
4 off?

5 A Yes, sir.

6 Q Did you put in here about the vibrators?

7 A Yes, sir.

8 Q Did you put in here he got angry and didn't want
9 to stop?

10 A Yes, sir.

11 Q And you told some things today that you never
12 told before, right?

13 A Yes, sir.

14 Q That doesn't mean these were lies, does it?

15 A No, sir.

16 Q As a matter of fact, where did he -- where did
17 you say you were when he threatened you ever tell,
18 if you ever tell, Minor I'm gonna kill you, the
19 boss at Battery Plus, the man at Battery Plus, and
20 myself. Where were you when he told you that?

21 A In the car.

22 Q And where were you?

23 A We were in front of Dillon Park.

24 Q You never told anybody that before that, did you?

25 A No, sir?

SW - M. HORNAK - REDIRECT

1 Q Where you were, in front of Dillon Park, that
2 part you never told?

3 A Yes, sir.

4 Q Is that the truth?

5 A Yes, sir.

6 Q That doesn't mean these were lies that you didn't
7 tell everything here, did it?

8 A No, sir.

9 Q Did you put in State's 53 for I.D. that he made
10 you put his, put your finger in his butt one time?

11 A Yes, sir.

12 MR. MEADORS: Beg the Court's indulgence.
13 Sumter High School if I said Spartanburg, Sumter
14 High School. I apologize.

15 (WHEREUPON, State Exhibit No. 55 was
16 marked for identification only.)

17 MR. MEADORS: Your Honor, we offer this as
18 State's 55.

19 THE COURT: Any objection?

20 MR. KEFFER: No objection, Your Honor.

21 (WHEREUPON, State Exhibit No. 55
22 was admitted into evidence.)

23 BY MR. MEADORS:

24 Q Did you want to tell at first?

25 A Yes, sir.

SW - M. HORNAK - REDIRECT

1 Q Tell them again why you didn't tell at first?

2 A I was scared and embarrassed. I was very
3 embarrassed.

4 Q That's all. Thank you.

5 THE COURT: You may step down, ma'am.
6 Thank you.

7 You may call your next witness.

8 MR. MEADORS: Judge, just a few seconds to
9 get her. It's down the hall.

10 (Pause.)

11 MR. MEADORS: The State of South Carolina
12 would call Kami Wright, Your Honor. She has changed
13 her name.

14 THE CLERK: Place your left hand on the
15 bible, raise your right hand please.

16 WHEREUPON,

17 **KAMI WRIGHT,**

18 having been duly sworn by the Clerk, testified
19 as follows:

20 THE CLERK: Come around please. State
21 your name, spell your last for the record.

22 THE WITNESS: Kami Wright.

23 THE COURT: Your witness.

24 MR. MEADORS: May it please the Court.

25 **DIRECT EXAMINATION**

SW - K. WRIGHT - DIRECT

1 BY MR. MEADORS:

2 Q Good afternoon.

3 A Good afternoon.

4 Q Please tell the ladies and gentlemen of the jury
5 a little about you. You've been called Kami Wilds
6 during this trial. That is not your name. Explain
7 why you're now Kami Wright.

8 A I returned to my maiden name. My name was
9 legally changed to Kami Wright.

10 Q That was fairly recently?

11 A Yes, sir.

12 Q Tell the folks about you, Ms. Wright. Where are
13 you from, a little bit about your background, your
14 education and your training in your main primary
15 field that you work in.

16 A Okay. I was born in Pennsylvania originally. I
17 was raised over in the east coast. My father was in
18 law enforcement. He served in the secret service
19 during President Reagin's term of office. I have
20 served over 19 years in the air force. I'm getting
21 ready to retire soon. I've been stationed at Shaw
22 Air Force Base for over seven years.

23 Q What do you do there?

24 A I am in the information technology career field.

25 Q And how long have you been here in Sumter?

SW - K. WRIGHT - DIRECT

1 A I've been in Sumter for over seven years. I
2 moved here in January of 2008.

3 Q Did you have an occasion on January 4th, 2014, to
4 talk with Minor

5 A Yes, sir.

6 Q Where was that?

7 A It was at her mother Angela's house on Broad
8 Street.

9 Q Can we approach.

10 (WHEREUPON, counsel approached the
11 Bench for an off-the-record discussion.)

12 BY MR. MEADORS:

13 Q Did you have occasion to talk to Minor

14 A Yes.

15 Q And it's in evidence. This may be -- State's 52,
16 do you recognize this?

17 A Yes, sir.

18 Q Okay. And where did you receive that from?

19 A I was in her bedroom with her behind closed doors
20 having a conversation, and she grabbed that from her
21 dresser drawer.

22 Q Had you known her?

23 A That was my first occasion of meeting her.

24 Q And you saw her go grab it?

25 A I did.

SW - K. WRIGHT - DIRECT

1 Q Prior to that how long had you spent with her,
2 just a time period.

3 A Approximately an hour.

4 Q Okay.

5 A Hour-and-a-half maybe.

6 Q And she got that and gave it to you?

7 A Yes, sir.

8 Q And what did she tell you -- listen specifically,
9 the law is real specific on this please, ma'am.
10 What did she tell you about a time and place of a
11 sexual assault, you, what'd she tell you?

12 A She was very scared at first and hesitant to open
13 up. She was afraid that people would --

14 Q Specifically time and place, where did she
15 actually, that's what you're allowed to testify to.

16 A She told me that she was sexually assaulted and
17 she said that it happened while she was being
18 transported to and from school and that it started
19 when she was in the seventh grade and between the
20 ages of 12 and 13 and that it also happened at
21 Batteries Plus, sorry, and at her nana's.

22 Q At her what?

23 A At her nana's house.

24 Q Okay. And she told you that on January 4th?

25 A She did.

SW - K. WRIGHT - DIRECT

1 Q And did she also give you this letter?

2 A Yes, sir.

3 Q And what did you do with the letter?

4 A I turned it over to the Sheriff's Department,
5 Investigator Mr. Boland.

6 Q And do you remember how you did that?

7 A I faxed it to him per her request.

8 Q And then later did you get that as we -- t he
9 original in preparation for this?

10 A Yes, sir.

11 Q And actually it's -- okay, go ahead, I'm sorry.
12 State's 54, do you recognize that?

13 A Yes, sir.

14 Q At the top I see that you had scratched out, I
15 assume you did, the year?

16 A Yes, sir.

17 Q The one you originally sent to the Sheriff's
18 Department had 2013 I believe, and you subsequently
19 scratched out and put 2014?

20 A Yes, sir, because it was a brand new year.

21 Q Say that again.

22 A Yes, sir, because it was a brand new year and I
23 was thinking we wrote the previous year.

24 Q You just changed 13 to 14?

25 A Yes, sir.

SW - K. WRIGHT - DIRECT

1 Q And initialed that?

2 A Yes, sir.

3 Q And what is this?

4 A This was what Minor disclosed to me during our
5 conversation in her bedroom as to why she was so
6 afraid of telling anybody and why she was concerned
7 about people hearing us talk about it in her
8 bedroom.

9 Q And what did she tell you?

10 A She told me that he threatened to kill her and
11 his boss at Batteries Plus if she told and if he
12 ever went to jail.

13 Q And did she write that down?

14 A She did.

15 Q And did you write the top part?

16 A I wrote the top part and she transcribed it on
17 the bottom.

18 Q And did you also send this to Erin Boland at the
19 Sheriff's Department?

20 A I did.

21 MR. MEADORS: May we approach.

22 THE COURT: Yes, sir.

23 (WHEREUPON, counsel approached the
24 Bench for an off-the-record discussion.)

25 BY MR. MEADORS:

SW - K. WRIGHT - CROSS

1 Q Is this Minor

2 A Yes, sir.

3 Q That's who gave that letter to you, that
4 statement?

5 A Yes, sir.

6 Q Thank you. That's all.

7 THE COURT: Your witness.

8 MR. KEFFER: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. KEFFER:

11 Q If I call you Ms. Wilds, I apologize. I didn't
12 realize you changed names.

13 A Yes, sir.

14 Q Is it your testimony you met with the victim in
15 this case for over an hour?

16 A Yes, sir.

17 Q And the only thing you wrote down in an hour was
18 that he told he would kill me and the boss if he was
19 ever sent to jail. That's the only thing you wrote
20 down?

21 A I was listening to her explain ---

22 Q This is -- I'm sorry, go ahead.

23 A I was listening to her explain.

24 Q And the only thing you could write down was that
25 he threatened to kill her and the boss if he was

SW - K. WRIGHT - CROSS

1 ever sent to jail? That's it?

2 A Minor actually wrote it down.

3 Q Well, you didn't write anything down?

4 A I wrote the top portion.

5 Q Okay. I'm sorry, you wrote January 4th -- it
6 says 2013 but it's 2014; is that correct?

7 A Yes.

8 Q It says meeting and it says written by Kami
9 Wilds; is that right?

10 A Yes, the very top.

11 Q There's anything else on that form?

12 A No, sir.

13 Q There's nothing about sex or anything like that
14 you just testified to. Nothing is written on that
15 form other than what's on there; is that right?

16 A On here. There was other things in the letter
17 that she gave to me, yes, sir.

18 Q Okay. The letter she gave you that was written
19 several weeks earlier?

20 A Approximately two weeks.

21 Q It would have been sometime in December; would
22 you agree?

23 A Yes, sir.

24 Q So you had that, and then you spent an hour with
25 her?

SW - K. WRIGHT - REDIRECT

1 A Yes, sir.

2 Q And that's the only thing, the only note, that's
3 it; is that right?

4 A From our conversation, yes, sir.

5 MR. KEFFER: No other questions, Your
6 Honor.

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

8 MR. MEADORS: Your Honor, can I have one
9 followup?

10 THE COURT: Yes, sir.

11 **REDIRECT EXAMINATION**

12 BY MR. MEADORS:

13 Q But you did write up a report specifically about
14 this and that time what you learned, and he's got a
15 copy of it; doesn't he?

16 A Absolutely.

17 MR. KEFFER: Objection, Your Honor.
18 Objection, Your Honor. May we continue to discuss
19 something outside the presence -- if we can
20 approach.

21 THE COURT: Approach for one second.

22 (WHEREUPON, counsel approached the
23 Bench for an off-the-record discussion.)

24 THE COURT: Ladies and gentlemen, we'll
25 take a brief recess. If you will please go to your

1 jury room for one second.

2 (WHEREUPON, the jury was removed from the
3 courtroom at 2:16 p.m.)

4 THE COURT: Just for the record there was
5 a brief bench conference after that last question
6 and Mr. Keffer objected to the last question because
7 it was stated that the form report was given and
8 basically indicating some supposition to the jury
9 that there was more involvement with Ms. Wrights'
10 involvement in this case. The State's position was
11 that, from what I understand, Solicitor, if you --
12 if I misspoke if you'd please tell me -- that
13 basically he opened the door by asking the question
14 you didn't do anything else. Is that correct?

15 MR. MEADORS: Yes, ma'am.

16 THE COURT: And there was no other mention
17 regarding her position there because the Court has
18 already ruled that her status there as a guardian ad
19 litem is not admissible. The probative value about
20 that about her position there is outweighed by the
21 prejudicial effect and the Court has ruled that none
22 of that is coming in. So Mr. Keffer, what is your
23 position as to what you further want to put on the
24 record regarding that.

25 MR. KEFFER: Well, Your Honor, this is

1 part of the guardian ad litem report. I don't know
2 if the Court has seen it or not; I suspect not. As
3 it pertains to this victim it's relatively short,
4 and my point with this witness was that she had gone
5 into some great detail about some of the specific
6 allegations. And first of all, those aren't even in
7 the guardian report; they're not existent. They're
8 not in her written report; that's number one.
9 Number two, the handwritten note that she has, I'm
10 assuming that's the only handwritten note that as
11 far as the only part we received. We received the
12 guardian report just a few weeks ago. But I think
13 the jury is prejudiced by the fact she states, I was
14 told A, B, and C; and not only — it's not contained
15 in the written report which I didn't go into and I
16 didn't ask her questions about it because it's not
17 in here and there's too much of other stuff that's
18 in there. I didn't want this witness to get off
19 into other areas, but now she said these things and
20 the only writing that we have from this particular
21 witness doesn't state any of that. And the report
22 doesn't state anything about the school. It talks
23 in vague terms about Minor . . . states that she was in
24 the seventh grade, 12, 13 years old. The keyboard
25 is mentioned. That's one of the most specific

1 things that are mentioned. He threatened to kill
2 her and his boss is in there; but these other things
3 she testified to were not in this written report.
4 And I didn't want to bring that -- I don't want the
5 jury thinking there's some other report out there
6 that's not being, that they're not gonna see.

7 THE COURT: Solicitor.

8 MR. MEADORS: Your Honor, may it please
9 the Court, he -- my -- what I heard was he was
10 specifically trying to say you met with her an hour
11 and a half and didn't write anything down, you
12 didn't take anything down, all you did was this
13 statement and she -- the witness said, well, she
14 actually wrote that statement. And you didn't do
15 any report, you didn't do anything. Well, it's just
16 not true, and we couldn't bring it out in the report
17 specifically and there's no other way for her to do
18 it. She's smart enough to know she couldn't answer,
19 was going to wait for the Court's ruling. She did
20 do what in her world. She did it the only way she
21 could do it. That isn't her job to take it down
22 right there, and that's exactly what he was trying
23 to convey to the jury.

24 You can't speak right now.

25 In her report, Judge, she says Minor

1 declared the inappropriate relationship started with
2 Mr. Wazney when she was in seventh grade and
3 approximately 12 to 13, talked about the keyboard
4 incident, first encounter, that it has been going on
5 last two years, told him to stop, talked about the
6 threat if he ever went to jail, fearful of him
7 getting out, he was her best friend, confided in
8 him, told him things. Mr. Wazney would give her
9 things and promised to give her money for a trip to
10 Japan. I mean, it's pretty much the case. She
11 summarized it in there and she did summarize it, but
12 I don't know how — and Your Honor, I thought I was
13 pretty careful. I said, you did do a report. And I
14 stopped. And I don't know how else to handle it
15 because we clearly would have been left with the
16 jury being left with the impression that she did
17 nothing, went out there, a threat to kill, and she
18 just left an hour and a half, didn't take any notes,
19 didn't do anything and that's the message he was
20 trying to convey and I think that was inappropriate
21 and I think that opened the door to at least say,
22 well, you did do a report.

23 THE COURT: We're not going to go through
24 anything further with that door. I think he opened
25 the door by saying you didn't do anything. She did

1 say she did a report and that could certainly be the
2 report to law enforcement, could be a report to
3 anything. But Mr. Keffer, basically you, what she's
4 ---

5 MR. KEFFER: Judge, I withdraw the
6 objection. I just ---

7 THE COURT: Because basically she stayed
8 within the time and place exception of 81(d) (1) (d)
9 (ph) and that's all she can testify to, and if you
10 open the door I think that's prejudicial to your
11 client and anything else so I'm going to -- I'm
12 glad -- now that you've withdrawn that objection so
13 let's just move on and have nothing further
14 regarding the report.

15 MR. MEADORS: Your Honor, can we have a
16 short break?

17 THE COURT: Sure. How long do you need?

18 MR. MEADORS: Ten minutes, is that okay?

19 THE COURT: That's fine. Hold on. Since
20 Ms. Wright ---

21 MR. KEFFER: Your Honor, I'm through with
22 this witness.

23 THE COURT: Okay. I hate for her to just
24 wait around. You need a break between your next
25 witness?

1 MR. MEADORS: We're gonna try and figure
2 out how to finish that, and yes, ma'am -- no, no, I
3 can take my break now.

4 THE COURT: I just have for her to wait, I
5 mean, if she's, if everybody is done.

6 MR. KEFFER: I'm done with her, Your
7 Honor.

8 MR. MEADORS: Obviously I can't go any
9 further with her, I'd like to, but I can't 'cause
10 that's it, I'm through, and he's through with her.

11 THE COURT: Do you have any objection with
12 her going ahead and being excused, or you prefer
13 doing that in front of the jury? Why don't we do
14 that in front of the jury so they don't have a
15 question, and then we'll take another break. Unless
16 Ms. Wright, you don't mind waiting for a couple of
17 minutes.

18 THE WITNESS: I don't mind waiting. I've
19 been here all day.

20 THE COURT: All right. Why don't we take
21 a brief ten minute recess and just let me know when
22 you're ready.

23 (WHEREUPON, a recess was taken from the
24 proceedings.)

25 THE COURT: All right, just for scheduling

1 purposes, it's my understanding we have a little bit
2 of conflict with a witness' availability this
3 afternoon so my intent is just go ahead and break
4 for afternoon and restart the trial, the testimony
5 in the morning. And before we do that, before I
6 bring the jury back out, Mr. Wazney, I'm going to
7 advise you at this time that tomorrow after the
8 State rests their case I will place you under oath
9 and question you whether or not you want to testify
10 so I want to give you plenty of time to discuss that
11 with your attorney, family, friends, whatever.
12 Ultimately the decision, of course, is up to you
13 whether or not you want to testify, but that gives
14 you some time overnight to think about it so they
15 will be prepared to answer those questions tomorrow,
16 okay.

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right, let's have our jury
19 back please.

20 (Whereupon, jury was returned to the courtroom at
21 2:40 p.m.)

22 THE COURT: Welcome back, ladies and
23 gentlemen of the jury, thank you for your patience.
24 Ms. Wright's testimony is now concluded.

25 You may be excused, ma'am.

1 Ladies and gentlemen of the jury, it's
2 still rather early in the afternoon and it's almost
3 close to 3:00. There are some scheduling conflicts
4 so they have absolutely nothing to do with this
5 trial, but we have to multitask at times when we
6 hold court so it's actually a good time for us to
7 take our afternoon recess and restart the testimony
8 first thing in the morning. Again, if you will be
9 in your jury room again at 9:45 in the morning we
10 will review with the trial of the case. Again,
11 please remember my instruction to you to not discuss
12 this case with anyone or allow anyone to discuss the
13 case with you or do any kind of independent research
14 on the case. Have a good evening.

15 (WHEREUPON, the jury was removed from the
16 courtroom at 2:42 p.m.)

17 THE COURT: Anything further before we
18 recess?

19 MR. MEADORS: No, ma'am, thank you, Your
20 Honor.

21 THE MR. KEFFER: Nothing, Your Honor.

22 THE COURT: We'll be back at 9:45. Have a
23 good evening.

24 (Proceedings were concluded at 2:43 p.m. and resumed
25 on April 15, 2015).

1 THE COURT: Parties ready to proceed?

2 MR. MEADORS: State's ready.

3 MR. KEFFER: Your Honor, I did want to put
4 my motion up, 404(b), as it pertains to Travis
5 Porter.

6 THE COURT: Yes, sir.

7 MR. KEFFER: Would now be the appropriate
8 time to do that before ---

9 THE COURT: Yes, please.

10 MR. KEFFER: Your Honor, as discussed, the
11 State has called Mr. Travis Porter. Mr. Porter has
12 been employed with my client for over ten years at
13 Batteries Plus. His testimony is expected to elicit
14 the following: That there were numerous telephone
15 conversations, text messages, and emails between the
16 victim and my client; that there was SD cards like
17 cassettes, CDs, DVDs, found in his work area when he
18 was terminated; that he was terminated due to
19 downloading excessive pornography that when they
20 reviewed his computer his computer had crashed so
21 many times due to the downloading of pornography
22 that there were numerous sexual harassment
23 complaints made against my client by both customers
24 and fellow employees. Various complaints of that
25 nature were made and that there were pictures sent

1 from the victim to the defendant through emails that
2 were on the business computer and that there was a
3 remote control library found at his workplace and
4 that there was a safe found, an undisclosed safe
5 that was found behind a picture in my client's
6 office that Mr. Porter is expected to testify had no
7 idea about. There was nothing in the safe when
8 Mr. Porter found it, and obviously our position is
9 that that all goes to my client's character. We,
10 under State v. Nelson, we say is not proper.

11 THE COURT: Solicitor.

12 MR. MEADORS: Judge, our testimony we
13 think we will elicit from Mr. Porter is just his how
14 long he worked with the defendant, the defendant's
15 job title, if he knew Minor if he'd see
16 them in the store together. I believe his testimony
17 was he knew they were talking on the phone at great
18 lengths together; that she came there several times,
19 kind of his work schedule. He did, "he" being
20 Porter, did find a remote control and a vibrating
21 egg in the defendant's desk drawer some time in the
22 summer of 2013. He informed the owner of that.
23 After the defendant left employment that was gone
24 and they were no longer in the desk. I really
25 wasn't quite familiar with all the other things he

1 said earlier about the pictures and all the
2 downloads; I might have had a different position but
3 that's what we plan on bringing out.

4 THE COURT: Okay. And ---

5 MR. MEADORS: We do think the remote
6 control egg is relevant, and there's been testimony
7 by the victim that something happened at Battery
8 Plus with the remote control vibrator. We do think
9 that is relevant and more probative than
10 prejudicial.

11 THE COURT: Certainly the Court's position
12 is as follows, the communications between the
13 defendant and the victim, certainly not the content
14 of, but if Mr. Porter knew that there was
15 communications that would be corroborative with the
16 victim's testimony and that that is admissible.
17 Regarding the pornography, that is not admissible
18 pursuant to State v. Nelson, and the probative value
19 of that is outweighed by its prejudicial effect.
20 The emails on the computer and the pictures, I think
21 that's cumulative. There's already been numerous
22 pictures, numerous already presented, so the Court
23 is not gonna allow that. Regarding the remote
24 control vibrator, certainly the victim did testify
25 as to such an object being used, and that's

1 corroborative to that. The probative value is
2 greater than the prejudicial effect on that, and
3 that will be admissible. The safe is, it is what it
4 is. If it was found after he left, obviously
5 there's no contents in it so that's not prejudicial
6 and that is admissible. So if you can keep it to
7 that, Solicitor, regarding the work schedule, that
8 he knew the victim and how long he worked there. As
9 long as the remote control I think that would clear
10 that matter up.

11 MR. MEADORS: Yes, ma'am.

12 THE COURT: Anything further?

13 MR. KEFFER: No, Your Honor.

14 MR. MEADORS: No.

15 THE COURT: Let's have our jury please.

16 (WHEREUPON, the jury was returned to the
17 courtroom at approximately 10:20 a.m., and
18 the following proceedings commenced in
19 open court.)

20 THE COURT: Good morning, ladies and
21 gentlemen of the jury, welcome back this morning. I
22 hope that you had a good evening. Gentlemen in the
23 turquoise shirt, what is your name, sir?

24 THE FOREMAN: Ronald Bridges.

25 THE COURT: Mr. Bridges, since you're

SW - T. PORTER - DIRECT

1 sitting there on the end I think I'm gonna appoint
2 you as our foreman. And now we're ready to proceed
3 with the testimony of this case.

4 You may call your next witness, Solicitor.

5 MR. MEADORS: May it please Your Honor.

6 THE COURT: Yes, sir.

7 MR. MEADORS: State of South Carolina will
8 call Travis Porter.

9 THE CLERK: Place your left hand on the
10 bible, raise your right hand please. State your
11 name.

12 THE WITNESS: Travis Ryan Porter.

13 WHEREUPON,

14 **TRAVIS R. PORTER,**

15 having been duly sworn by the Clerk, testified
16 as follows:

17 THE CLERK: Thank you. Come around, sir.

18 State your name, spell your last for the record.

19 THE WITNESS: Travis Ryan Porter, last
20 name P-O-R-T-E-R.

21 MR. MEADORS: May it please the Court.

22 THE COURT: Yes, sir.

23 **DIRECT EXAMINATION**

24 BY MR. MEADORS:

25 Q Mr. Porter, good morning.

SW - T. PORTER - DIRECT

1 A Good morning.

2 Q Please tell the ladies and gentlemen of this jury
3 about Travis Porter, where you were born, a little
4 bit about your background, your education, and what
5 you're doing now please.

6 A My hometown is Tucson, Arizona, and I was born in
7 1979. I moved out here in 2002, in July of 2002. I
8 worked with Batteries Plus from September of 2002
9 on.

10 Q And what were, what is your job of — has your
11 job changed with Battery Plus?

12 A I was the assistant manager and currently I'm the
13 manager.

14 Q And Battery Plus, what's the Plus mean? What do
15 y'all sell besides batteries?

16 A Batteries, chargers. Right now we had a name
17 change of Batteries Plus Bulbs so we also sell bulbs
18 now.

19 Q You've been in that business since 2002?

20 A Yes, sir.

21 Q And at some point did the defendant Robert Wazney
22 start working at Batteries Plus?

23 A I don't know the exact date, but it was in the,
24 roughly first part of 2003.

25 Q And what was his job title at Batteries Plus,

SW - T. PORTER - DIRECT

1 Robert Wazney's?

2 A He was the manager.

3 Q And how long did Robert Wazney work at Batteries
4 Plus?

5 A I'm guesstimating roughly from about April of
6 2003 to August of 2013.

7 Q What are y'all's hours at Batteries Plus?

8 A They have changed. At one time we were open
9 eight to six. They required that we stay open more
10 hours so then we were open at seven. We stayed open
11 from seven to seven, and currently we're open eight
12 to eight.

13 Q Eight to eight?

14 A Yes.

15 Q Well, back in 2011, 2012?

16 A We were open at 7 a.m.

17 Q And closed?

18 A At seven.

19 Q Okay, kind of give me an idea of work schedules
20 back then, specifically of the defendant?

21 A Yes. Robert would work from 7 to 2:30 on Monday
22 through Friday. I closed every day. I would work
23 Tuesday through Saturday roughly from 10 to 7. We
24 were closed then on Sunday so I would have Sunday
25 and Monday off.

SW - T. PORTER - DIRECT

1 Q You open on Sunday now?

2 A Yes.

3 Q And do you know when the defendant would get off
4 at 2:30 why was that?

5 A To pick up the kids.

6 Q Would he ever -- did he have authority just to
7 close the store during business hours? Well, let me
8 ask it another way. Didn't he close the store
9 during business hours sometime?

10 A Yes.

11 Q When would that be?

12 A On Mondays when I wasn't there he would close the
13 store roughly between 230 and 4:00.

14 Q And had you seen a sign that indicated that to
15 you?

16 A Yes, sir, that's how I knew about it. I would be
17 doing things in town. I had to actually heard
18 customers say that they had seen a sign at the door,
19 but I had actually stopped by several times and seen
20 that sign on the door on Mondays.

21 Q So were there times that Robert Wazney was
22 managing the store just by himself and nobody else
23 would be there?

24 A Yes, on Mondays. He were to be there all day by
25 himself.

SW - T. PORTER - DIRECT

1 Q Minor stand up please. Do you know Minor

2

3 A Yes, sir.

4 Q How do you know her?

5 A He would bring her up to the store.

6 Q Robert Wazney?

7 A Yes.

8 Q Robert Wazney would?

9 A Yes.

10 Q Okay. And where was his office, Robert Wazney's
11 office, at Batteries Plus?

12 A For the majority of the time it was in the front
13 part of the store in the -- we had several offices
14 in the back. His was the front one. After in 2013
15 when we were remodeling his office was put in the
16 back.

17 Q So '11, '12 time period his office ---

18 A Was up front.

19 Q When you say upfront, I've been to your store.

20 You got a counter where people pay?

21 A I'm sorry?

22 Q You have a counter where people pay?

23 A Yes.

24 Q Like where you are right now.

25 A Yes.

SW - T. PORTER - DIRECT

1 Q If I was paying you for some batteries, was his
2 office in front where I am or behind you?

3 A It would be to the back right, yes.

4 Q So not out where the merchandise is?

5 A No. No.

6 Q Was that ---

7 A When I say front, relative to the back offices to
8 the back.

9 Q That's -- thank you. And was there a door to
10 that office?

11 A Yes, but that was accessible through the two main
12 doors, swing doors.

13 Q And did the store have a safe?

14 A Yes, the company had its own safe.

15 Q Did you learn that Mr. Wazney put in another
16 safe?

17 A When we moved his office to the back, the one
18 that was directly behind it, I had seen the patch of
19 the dry wall, and the dry wall mud, he had painted
20 it. In the back office I had actually seen another
21 safe behind the calendar in his office. I informed
22 the owner of that, if that was his safe, and the
23 owner said it was not.

24 Q And that was the office that he, Mr. Wazney or
25 the defendant Robert Wazney, was using '11, '12,

SW - T. PORTER - DIRECT

1 '13?

2 A Yes, yes.

3 Q Was that safe empty after he left?

4 A When he came and picked up his things, yeah, it
5 was empty. I didn't have access inside. It had a
6 key and I didn't have that key.

7 Q When Minor was at the store and you saw
8 her there, where would she hang out?

9 A The majority of the time they would be in his
10 office. Sometimes he would come out front and she
11 would come out and talk a little bit, chat a little
12 bit, but then they would go back in the office.

13 Q And have -- you saw this with your eyes?

14 A Yes, yes.

15 Q Were you aware when Minor wasn't at the
16 store that defendant Robert Wazney communicate with
17 her either by, by telephone?

18 A Through the cell phone, yes.

19 Q Okay. And can you tell the ladies and gentlemen
20 how long those conversations would be?

21 A I think the longest one would be about 45 minutes
22 to an hour.

23 Q Now some --

24 A If I may, I was just going to say if I may speak,
25 that would be like per phone call. I'm not saying

SW - T. PORTER - DIRECT

1 that that would just be once in the day. He would
2 talk several times on Sundays.

3 Q So multiple communications?

4 A Yes.

5 Q Between Wazney and Minor

6 A Yes.

7 Q Now did you have an occasion in the summer of
8 2003 to look in the desk that the defendant was
9 using?

10 A Uh-huh, yes.

11 Q Can you tell the ladies and gentlemen of the jury
12 what you discovered?

13 A In 2003?

14 Q 2013. Did I say 2003? I apologize for the
15 record. I'm tired. 2013, I'm sorry.

16 A In 2013, I can't give you specifics of what I was
17 looking for. It could have been anything from tape
18 or staples or something, but I was going through the
19 desk and I happened to find a black remote in the
20 top right-hand drawer of his desk.

21 Q A black what?

22 A A black remote. We work with batteries so we see
23 a lot of car remotes. It did not look like a car
24 remote. I had pushed the button and saw a red light
25 come on, nothing had happened. When I pulled the

SW - T. PORTER - DIRECT

1 door back a little bit further and found it looked
2 like a black egg. I took that black egg and opened
3 it up and unscrewed it. There were two AAA
4 batteries in there, and he had put a piece of
5 cardboard between the battery connections in the
6 batteries. As soon as I pulled that out and pushed
7 the button that thing vibrated.

8 Q It what?

9 A It vibrated.

10 Q Are you familiar with what that was?

11 A No, sir.

12 Q You subsequently ---

13 A I had an idea but, yeah.

14 Q Why would you put -- well, you work at Battery
15 Plus. Why do you put a piece of paper between the
16 batteries?

17 A To make sure it doesn't come on accidentally.

18 Q Did you take that? What did you do after you had
19 found that? Did you ---

20 A The owner was there at the time. Mr. Wazney was
21 not there. I had shown the owner it.

22 Q What did you do with it after that, the remote
23 control and the vibrating egg? What did you do with
24 it, actually do with it?

25 A I took it to the owner in his office and showed

SW - T. PORTER - DIRECT

1 him, and then the owner told me to go ahead and put
2 it back to where it was.

3 Q It wasn't yours?

4 A No, sir.

5 Q And after the defendant Robert Wazney left
6 Batteries Plus was that remote control vibrating egg
7 still there?

8 A It was not there.

9 Q Beg the Court's indulgence. Is this Robert
10 Wazney right here that you worked with at Batteries
11 Plus?

12 A Yes, sir.

13 Q Oh, one thing I forgot to ask, did Minor
14 ever work there?

15 A This is about, I want to say roughly in July, he
16 was there at that particular time. I don't remember
17 what the occurrence was, why he was there by
18 himself. He had Minor up there and actually had
19 put her into our counterpoint which is our point of
20 sale system. Had put her in there as a use and she
21 had some tickets rung up. The owner was entirely
22 unaware of that, and I had presented that to the
23 owner.

24 Q So she -- you saying she actually took some money
25 from some customers?

SW - T. PORTER - CROSS

1 A Yes.

2 Q And this was July of what year?

3 A 2013.

4 Q And did you get -- so how long was she there as
5 kind of an employee?

6 A Like I think a day or two.

7 Q Okay.

8 A Only a few days.

9 Q Did she get paid?

10 A Yes. The owner, once the owner saw he was quite
11 upset with it; but he said if she's gonna work, then
12 he wrote her a check.

13 Q For two days?

14 A Yes.

15 MR. MEADORS: Thank you, Your Honor,
16 that's all. Thank you, sir.

17 THE COURT: Cross-examination.

18 MR. KEFFER: Thank you, Your Honor.

19 **CROSS-EXAMINATION**

20 BY MR. KEFFER:

21 Q Travis, we've not met before, I'm John Keffer. I
22 represent Mr. Wazney.

23 A Nice to meet you.

24 Q You had testified that you had seen Mr. Wazney
25 and Minor talking on the phone on a fairly regular

SW - T. PORTER - CROSS

1 basis.

2 A Yes, sir.

3 Q You didn't listen to the substance of those
4 conversations, did you?

5 A No, his phone would be loud enough to where I
6 could hear it, you know, but not actually hear what
7 the substance of the conversation was. I could hear
8 on his end but, go ahead.

9 Q And hearing from his end was there anything of a
10 sexual nature being discussed?

11 A No.

12 Q And when you were present and Minor was present
13 did you see the two of them engage in any type of
14 hugging or kissing or anything like that?

15 A Not kissing, maybe a hug or just an arm thing,
16 but it wasn't suspicious at the time.

17 Q It wasn't suspicious?

18 A No, sir.

19 Q Had it been you would have reported to your
20 manager?

21 A Yes.

22 Q Is that right?

23 A Yes, sir.

24 Q And you didn't see any of that?

25 A No, no.

SW - T. PORTER - REDIRECT

1 Q And you've been there for over ten years?

2 A Yes, sir.

3 Q And you're still in Florence?

4 A Yes, sir.

5 Q You've known Mr. Wazney for nine years, at least,
6 roughly?

7 A Approximately.

8 Q Nine years? No other questions.

9 THE COURT: Anything further?

10 **REDIRECT EXAMINATION**

11 BY MR. MEADORS:

12 Q Did you tell the information that you told at
13 some to Investigator Boland?

14 A I'm sorry, say that again.

15 Q Did you tell Investigator Boland what you had
16 testified to?

17 A Yes.

18 Q Thank you. That's all.

19 THE COURT: You may step down, sir. Thank
20 you.

21 You may call your next witness.

22 MR. MEADORS: Investigator Erin Boland.

23 THE CLERK: Place your left hand on the
24 bible, raise your right hand please. State your
25 name please.

SW - E. BOLAND - DIRECT

1 THE WITNESS: Erin Boland, Sr.

2 WHEREUPON,

3 **ERIN BOLAND, SR.,**

4 having been duly sworn by the Clerk, testified
5 as follows:

6 THE CLERK: Come around, sir. State your
7 name and spell your last for the record.

8 THE WITNESS: Erin Boland, Sr.,
9 B-O-L-A-N-D.

10 THE COURT: Your witness.

11 MR. MEADORS: May it please the Court.

12 THE COURT: Yes, sir.

13 **DIRECT EXAMINATION**

14 BY MR. MEADORS:

15 Q What's Robert Wazney's date of birth please?

16 A I would have to refer back to my incident report
17 on that, sir.

18 Q That's fine.

19 A Do we have that available?

20 Q (Document tendered to the witness.)

21 A According to my incident report I identified
22 Robert Wazney as being born

23 Q

24 A Correct.

25 Q Is Robert Wazney in the courtroom?

SW - E. BOLAND - DIRECT

1 A Yes, he is.

2 Q Did you receive a fax from Kami Wilds, now Kami
3 Wright? You may not know she's changed, didn't know
4 she changed her name.

5 A Yes, I did. I received that fax on January 6th,
6 2014 after being given information from Miss Diane
7 Jeter of the Department of Social Services.

8 Q Look at that right here please. State's 53, is
9 that the original?

10 A Yes, this is the original version that I received
11 via fax.

12 Q And State's 54, is that the original of what you
13 received from the fax?

14 A Yes, it is.

15 Q And subsequently, just yes or no answer, did you
16 have occasion to take the statement from the victim
17 Minor on January 9th?

18 A Yes, I did.

19 Q And is that Minor here in the courtroom?

20 A Yes, it is.

21 Q And in addition to that, did you have occasion to
22 talk to Travis Porter where he conveyed some
23 information to you about Battery Plus?

24 A Yes, I did.

25 Q Thank you. That's all we have.

SW - E. BOLAND - CROSS

1 THE COURT: Cross-examination.

2 **CROSS-EXAMINATION**

3 BY MR. KEEFER:

4 Q Investigator Boland, how long have you been on
5 the police force of Sumter County?

6 A I came on initially in 2002 as a reserve officer,
7 went full time in 2003 and was part of their
8 investigative, criminal investigative division,
9 since approximately 2007 till recently.

10 Q What is your current occupation?

11 A Currently I'm the assistant public safety
12 director of Riverbank Zoo.

13 Q You're no longer with Sumter County; is that
14 right?

15 A That's correct.

16 Q But during this, your investigation in this case,
17 you were in charge of this investigation. Would
18 that be fair to say?

19 A Yes, I was a senior investigator tasked to our
20 special victims unit.

21 Q And you have testified on January 6th you
22 received a fax which was the front and back letter
23 of Ms. Minor is that correct?

24 A That's correct.

25 Q And did you also receive this as part of that

SW - E. BOLAND - CROSS

1 fax?

2 A Yes, I did.

3 Q So you received both of these documents from
4 Ms. Kami Wilds. I knew she changed her name, but is
5 that right?

6 A Yes, that's correct.

7 Q And as a result of receiving those documents you
8 contacted Ms. Hornak?

9 A That's correct. I actually contacted her parents
10 and scheduled an interview with her.

11 Q And you were aware, of course, that a month prior
12 when questioned she had denied anything involving
13 Mr. Wazney? You're aware of that; is that right?

14 A Yes, I was aware of that.

15 Q Okay. And how long was she in your office?

16 A She began writing her statement at 1:25 p.m. and
17 finished it at 3:34 p.m. She was in there maybe an
18 additional ten minutes prior to beginning the
19 statement, the written statement.

20 Q Okay. And you're getting that from the incident
21 report, is that ---

22 A I'm getting that from the times I documented on
23 the statement itself.

24 Q Okay. So roughly over two hours she was in your
25 office. Was anybody else present?

SW - E. BOLAND - CROSS

1 A There were other investigators in and out but
2 none present in the actual interview room that I
3 used.

4 Q Was her statement recorded auto, by audio?

5 A We do audio/video recording. I'm not aware if
6 they have that currently or not.

7 Q You're not aware whether or not it was actually
8 done or ---

9 A Well, it is automatically recorded. During that
10 time frame it was a new system and they did have
11 some issues with how long things were held so I'm
12 not sure if it's available or not.

13 Q We don't have it today?

14 A Not that I'm aware of.

15 Q And there were several corrections that were made
16 on her statement, and I believe she put initials
17 next to them; is that right?

18 A That's correct. They were, majority appeared to
19 be spelling errors, things of that nature.

20 Q Okay. Would it be fair to say that was the
21 extent of your investigation as far as Mr. Wazney
22 and Minor was concerned, was taking her statement
23 right there?

24 A No, I also spoke with Mr. Porter.

25 Q Okay, and you spoke to Mr. Porter?

SW - E. BOLAND - REDIRECT

1 A Yes.

2 Q Is that right? And as a result we're on trial
3 today for Mr. Wazney; is that right?

4 A That's correct.

5 Q Okay.

6 MR. KEFFER: No other questions.

7 THE COURT: Anything further?

8 **REDIRECT EXAMINATION**

9 BY MR. MEADORS:

10 Q There's no audio/video of her giving that
11 statement, correct?

12 A To my knowledge, no.

13 Q She wrote that statement out, correct?

14 A She did, in her handwriting.

15 MR. MEADORS: Could we approach.

16 (WHEREUPON, counsel approached the
17 Bench for an off-the-record discussion.)

18 THE COURT: You may step down, sir. Thank
19 you.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: You may call your next
22 witness.

23 MR. MEADORS: Your Honor, may we have a
24 short recess.

25 THE COURT: Would you approach please.

1 (WHEREUPON, counsel approached the
2 Bench for an off-the-record discussion.)

3 MR. MEADORS: The State of South Carolina
4 rests.

5 THE COURT: Thank you, Solicitor. Ladies
6 and gentlemen of the jury, the State has rested
7 their case at this time. This gives us an
8 opportunity to take our morning recess to hear some
9 matters outside of your presence. If you would
10 please take a brief recess to the jury room. Again,
11 please do not discuss this case with anyone, allow
12 anyone to discuss the case with you. We'll be right
13 back with you.

14 (WHEREUPON, the jury was removed from the
15 courtroom at 10:42 a.m.)

16 THE COURT: Any motions at this time?

17 MR. KEFFER: Your Honor, on behalf of the
18 defendant I would move for directed verdict on all
19 charges. I do not feel the elements have been made,
20 specifically the elements of any type of sexual
21 battery were made or alleged. The victim had
22 testified for a few hours, and I just feel like to
23 preserve the record I've got to at least put that on
24 the record that we would move for directed verdict
25 for the State not proving the elements.

1 THE COURT: Thank you. Solicitor.

2 MR. MEADORS: May it please the Court,
3 Your Honor, I think there's sufficient evidence
4 under the rule respectfully for Your Honor to deny
5 the motion. The victim, I think, in detail covered
6 numerous batteries within the time periods of each
7 indictment we believe are presented through her
8 testimony, and jurisdiction was established through
9 her in Sumter County. I may have said the wrong
10 county a few times or wrong high school, but I think
11 overall we covered that Sumter County in all the
12 sexual batteries we allege in the indictment.

13 THE COURT: Yes, sir. And Mr. Keffer, as
14 you know, at this stage of the proceedings the Court
15 is concerned with existence or the nonexistence of
16 evidence and not its weight. There has been direct
17 evidence and circumstantial evidence presented on
18 each of the elements of each offense, and the Court
19 will respectfully deny your motion.

20 MR. KEFFER: Thank you, Your Honor.

21 THE COURT: Mr. Wazney, at this point
22 we'll place you under oath.

23 Mr. Bailiff, please place the defendant
24 under oath please.

25 He can stand there, that's fine.

1 THE CLERK: Place your left hand on the
2 bible, raise your right hand please. State your
3 name please.

4 THE DEFENDANT: Robert William Wazney.
5 WHEREUPON,

6 **ROBERT W. WAZNEY,**
7 having been duly sworn by the Clerk, testified
8 as follows:

9 THE COURT: Mr. Wazney, at this time I'm
10 going to explain to you certain of your rights. If
11 you don't understand anything that I say, please let
12 me know. If you want me to explain anything in more
13 detail, also please let me know. Do you understand?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: We have now reached the stage
16 of the proceedings where you may present your
17 defense. You have the right to claim the
18 protections given to you by the Fifth Amendment of
19 the Constitution of the United States. This
20 amendment states in part that no person shall be
21 compelled to testify or be a witness against
22 himself. This means that you cannot be required to
23 testify in this case. You have the right to testify
24 on your own behalf; however, no one can make you
25 testify. This is a personal right; no one can waive

1 this right except for you.

2 If you decide to testify you will be
3 subject to the same rules that govern other
4 witnesses, and you may be examined and
5 cross-examined on any relevant issue in this case.
6 In addition, if you have any convictions involving
7 dishonesty or false statement of for crimes
8 punishable by imprisonment for more than one year
9 and the Court determines that the probative value of
10 admitting such evidence outweighs the prejudicial
11 effect to you, the Solicitor will be able to
12 introduce your record and attack your credibility.
13 If you decide to testify, this decision on your part
14 must be freely, voluntarily, and intelligently made
15 with the knowledges of the protections given to you
16 by the Fifth Amendment the consequences of your
17 decision to testify.

18 If you decide not to testify I will
19 instruct the jury they cannot give the fact that you
20 did not testify any consideration whatsoever and
21 that there is absolutely no prejudice to you because
22 you did not testify. It is left entirely up to you
23 as to whether or not you wish to testify. You may
24 talk to your attorney, your family, your friends, or
25 anyone else, but the final decision is left entirely

1 up to you. Do you have any questions about what
2 I've just explained to you?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: You -- have you discussed with
5 your attorney whether or not you wish to testify?

6 THE DEFENDANT: Can I confer with my
7 counsel?

8 THE COURT: Yes, sir, you may.

9 (Defendant confers with his attorney.)

10 THE DEFENDANT: I'm not going to testify.

11 THE COURT: Yes, sir, and that's certainly
12 your right. I will certainly instruct the jurors as
13 I just explained to you there's absolutely no
14 prejudice to you in you exercising that right.

15 THE DEFENDANT: Thank you.

16 THE COURT: Mr. Keffer, do you intend on
17 calling any witnesses?

18 MR. KEFFER: I do not, Your Honor.

19 THE COURT: We can go ahead and bring the
20 jury back. We'll just go ahead and rest and take
21 another recess to review the verdict form as well as
22 proposed jury instructions and give you a second to
23 prepare for closings. Let's have our jury please.

24 (Whereupon, the jury was returned to the courtroom.

25 at 10:48 a.m.)

1 THE COURT: Welcome back, ladies and
2 gentlemen of the jury.

3 Mr. Keffer, does Defense wish to present
4 any evidence?

5 MR. KEFFER: We do not, Your Honor.

6 THE COURT: Does Defense rest?

7 MR. KEFFER: Yes.

8 THE COURT: Ladies and gentlemen of the
9 jury, both parties have rested their cases. At this
10 point we're gonna take another brief recess. I
11 apologize for that, but we must get our ducks in a
12 row for lack of a better term, to get the jury
13 instruction to make sure the parties review those
14 before they're presented to you and allow the
15 parties to prepare for closing arguments and we'll
16 take a brief recess to allow them to do that. We'll
17 be right back with you. Again, do not discuss the
18 case or law with anyone or discuss the case as you
19 have not been instructed with the law or heard the
20 closing arguments.

21 (WHEREUPON, the jury was removed from the
22 courtroom at 10:50 a.m.)

23 THE COURT: If counsel wants to come back
24 to chambers and review the verdict form and the
25 proposed jury instruction real quick. Y'all give us

1 about five minutes we'll get all those documents
2 ready for your review.

3 MR. MEADORS: Do you want us to come back?

4 THE COURT: Sure, if you'd come back in
5 chambers and look at everything before we present it
6 just to make sure we're all on the same page. So
7 we'll be at ease about five minutes and then you can
8 come on back in chambers and then we'll have
9 everything ready for you.

10 MR. MEADORS: Thank you.

11 (WHEREUPON, a recess was taken from the
12 proceedings.)

13 THE COURT: Solicitor, is it your intent
14 to open on the law and then do your final argument
15 afterwards, or are you just going to do everything
16 at the end?

17 MR. MEADORS: I think I have to go all the
18 way, Your Honor.

19 THE COURT: Pardon me?

20 MR. MEADORS: I just plan on doing it all
21 at the same time.

22 THE COURT: Okay, I just wanted to make
23 sure so I can instruct, let the jury know which way
24 to proceed.

25 MR. MEADORS: Judge, can I have one other

1 pre-ruling perhaps?

2 THE COURT: Sure.

3 MR. MEADORS: No disrespect to Mr. Keffer,
4 I was trying a case with him a few years ago. We
5 brought out some third party guilt that, just issues
6 that had never come up in the trial at all, were
7 references. So that -- I know, I don't think he'll
8 do that, but I just for the record, I don't know how
9 he could, I would just object to anything outside of
10 evidence being brought in closing or a reasonable
11 inference from it.

12 THE COURT: Mr. Keffer?

13 MR. KEFFER: I agree.

14 THE COURT: Okay. The only other thing
15 for the record is we have discussed in chambers that
16 there is a typographical error on the indictment.
17 That was the indictment number 2015-GS-43-0333 with
18 the term nonconsensual. Both parties agree that
19 that should not be on the indictment and the
20 defendant does not an objection to that being
21 amended by the Court.

22 MR. KEFFER: No, Your Honor.

23 MR. MEADORS: Thank you.

24 THE COURT: And the Court will white that
25 out on the indictment and put my initials on it, and

1 that's my understanding that both parties are on
2 board with that. Is that correct?

3 MR. MEADORS: Yes, ma'am, Your Honor.

4 MR. KEFFER: That's correct.

5 MR. MEADORS: Thank you.

6 THE COURT: Do y'all care to look at the
7 jury instructions? Are you okay with what we
8 discussed?

9 MR. MEADORS: That's fine.

10 MR. KEFFER: Okay.

11 THE COURT: I did include prior
12 inconsistent statements just because that was argued
13 so I did include that instruction in there as well.
14 Anything further?

15 MR. MEADORS: And the corroboration, I
16 know it's the same, but is, just a moment -- I don't
17 want to misquote you.

18 THE COURT: It's basically the one
19 sentence of the testimony of the victim may not be
20 corroborated in prosecution's criminal sexual
21 conduct. The only other change I made to the
22 typical jury instructions on the consent portion of
23 it, the typical instruction deals with sexual
24 intercourse. I just changed intercourse to battery.

25 MR. MEADORS: Thank you.

1 THE COURT: Anything further from anyone?

2 MR. KEFFER: Nothing from defendant.

3 MR. MEADORS: No, ma'am.

4 THE COURT: All right, let's have our jury
5 please.

6 (Whereupon, the jury was returned to the courtroom
7 at 11:30 a.m.)

8 THE COURT: Welcome back, ladies and
9 gentlemen of the jury, we're are now ready to
10 proceed with the closing arguments of this case.

11 Counsel, you may proceed.

12 MR. MEADORS: May it please the Court.

13 THE COURT: Yes, sir.

14 MR. MEADORS: Mr. Keffer, Mr. Foreman,
15 ladies and gentlemen, good morning. Thank you all
16 for being here. Thank you for your attention. I'm
17 not a jury watcher. As I glanced over there I have
18 seen that y'all are paying attention and you're
19 listening. That's all we can ask in life but it's
20 what we expect and what y'all have done here and we
21 thank you for that, for listening and watching and
22 paying attention. Being a juror is not an easy job,
23 but it's what this whole system is about. It's
24 about time, it's about time, it's about time.

25 You know, I want to start off, there's no

1 question this was a grandfather/granddaughter
2 relationship. It's the only one she's known. He's
3 been married to her grandmama for 16 years. She's
4 17. That is her grandfather. That's who she's
5 known. He may have been referred to as step this,
6 step that, but Robert Wazney is her grandfather.
7 And what is that relationship, grandfather,
8 grandmama? It's a relationship where you teach
9 respect. You teach how to treat other people, how
10 to do others like you want done to you. That's what
11 grandmamas and granddaddies do. They teach you
12 about life. Maybe even give you a little piece of
13 money when you stop by on the way to the beach. It
14 may be one, no, the other one did it. Love stopping
15 my grandmama's and granddaddy's getting a little
16 piece of money from you. But it's a treasured
17 relationship, a teaching, a guiding relationship.
18 It may have been like that until, until middle
19 school, 'cause it was under Mr. Keffer's cross which
20 he asked him, you called him Waz? Well, I used to
21 call him grandpa Waz. Do you remember that? I used
22 to call him grandpa Waz and under cross she said
23 that changed in middle school. It changed from
24 grandpa Waz to Waz. Why did it change? He made it
25 change. He changed that beautiful -- I can't wait

1 till I'm a granddad. I've got four kids, can't wait
2 to be a granddad. He changed that beautiful
3 relationship that should have been teaching and
4 nurturing. From grandpa Waz to Waz. Why'd he do
5 that? Well — and this isn't easy to ask. She was
6 a young girl. She didn't have any friends, no
7 disrespect. She was depressed, going through what
8 maybe young girls go through, and grandpa Waz became
9 friend Waz and took advantage of that relationship.
10 That's what this case is about. He took advantage
11 of it and went from grandpa, not all the way to
12 lover at first 'cause it's a process, he went to
13 friend. I'll be your friend, you can talk to me,
14 we'll email each other, we'll talk with each other
15 hour at the time, we'll start emailing each other.
16 And I'm gonna go through these. And that friendship
17 developed into what? Just Waz, a boyfriend,
18 grandpa, friend, boyfriend Waz. She said back in
19 the summer the keyboard, before her seventh grade
20 year, they were in there with a keyboard I think a
21 cousin had brought. I hope I'm not talking too fast
22 for the court reporter. And she said, yeah, you
23 know, I was a little interested, I didn't really
24 think he'd do anything. Is that not real credible
25 testimony? And he put his hand over her vagina

1 area. She didn't want that, didn't think he'd do
2 that. And then what happened? Is this real?
3 Kissed her. How'd he kiss you? With his tongue,
4 French kissed. Did you like that? I didn't like
5 that. But that's where it started, in the summer.

6 So what, what was his plan? What was his
7 plan? Granddaddy, friend, boyfriend. He told her
8 he wanted to take it all the way to marriage,
9 marriage. He told her when she turned 18, we're
10 gonna get married, sent her a picture of rings,
11 wedding rings. Grandpa Waz sent her a picture of
12 wedding rings. That's what he wanted. That's what
13 he did, was supposed to be that beautiful
14 relationship of nurturing, loving, teaching respect,
15 how to treat other people, into his wife.

16 And what y'all are here about today is how
17 did he do that, how did he take advantage of her?
18 All these indictments, it's criminal sexual conduct
19 with a minor second degree, there's no issue that
20 it's consent. Some of you will say, well, did she
21 consent to this, did she not? The indictment
22 alleges that he's either older in one of them or in
23 a position of familial, custodial, or custodial or
24 in a position of authority over her like a
25 granddaddy. Consent is not an issue. I submit she

1 felt like she had to do it. She was brought up, he
2 nurtured her, took advantage of her. He was a
3 position of authority over her, no position to be
4 in, but he took advantage of that. But if somebody
5 back there say, well, you think she want to do it or
6 not? I submit she didn't, didn't have any choice,
7 but it doesn't matter. The law says she can't
8 consent. That's why this CSC second is the law.
9 You're in this position of authority you can't take
10 advantage of a child 11 to 14 or 14 to 16. You
11 can't. And that's exactly what he did and
12 manipulated it and took advantage of it.

13 I don't -- it's almost, it's almost
14 childlike like on his part. He went back and
15 started taking her, got jealous. You remember this
16 testimony? Got jealous when she was -- whatever you
17 do on this computer; it's obvious I'm not a computer
18 person. He got jealous when she was pen palling
19 with somebody from Japan. Let me see what they are.
20 Said he was jealous of her doing it. She put on top
21 of that -- this is State's Number 16 -- happy now?
22 Showing him ain't anything going on here, I'm just
23 trying to make, I'm trying to make another friend.
24 Maybe she tries to -- wants to get out there and
25 have friends. He don't want her to have anymore

1 friends. You see this? She's trying to have a
2 normal child life, maybe just going out, reaching
3 out talking to somebody else her own age. Don't be
4 doing that. Happy now, I'm just talking to him. He
5 doesn't want her to have a childhood. He took her
6 childhood. That's what this case is about.

7 Teach respect, teach respect granddaddy,
8 say yes, sir, say no, sir, you know what's the right
9 thing to do. That's what granddaddys do, grandmamas
10 do. That's what we do; that's what you do. Do
11 granddad's send a teen site, Robertwazney to
12 summersunshine, she says, from his to hers,
13 January 13th, 2011, right in a timeframe, sexual and
14 reproductive health, contraception, sexual
15 orientation, sexual secretion, genital wonderings,
16 orgasm. Orgasms granddaddy? Tools and toys. He
17 changed this relationship.

18 You remember, "Only once in your life I
19 truly believe you find someone who can completely
20 turn your world around." He sent that to her. And
21 then in June of 2011 he said he was angry about
22 something, she sent it back to him. It's like
23 they're in a relationship. She's become his
24 girlfriend. She's become his lover. This isn't at
25 all easy to bring out but it's there.

1 Now the judge is going to tell you that a
2 victim of a sexual assault, her testimony, that
3 person's testimony need not be corroborated. You
4 can have a victim of a sexual assault testify. If
5 y'all believe her testimony that's all you need to
6 meet beyond a reasonable doubt. If you find it
7 truthful, believable, that's all you need. Doesn't
8 that make sense? 'Cause, folks that assault people
9 are gonna take advantage of people because of their
10 age, because of their relationship over that person.
11 They're not gonna go it out in public. They're not
12 gonna potentially have evidence or do it where
13 people can see it. No, they're gonna go in cars
14 with tinted windows and they're gonna hide, and
15 they're not gonna have any witnesses out there.
16 That's why the law says that all you need is a
17 victim. We could have rested after she testified, I
18 submit. And we believe you will, based on her
19 testimony, you'll find beyond a reasonable doubt.
20 And if you find her credible the law says you can,
21 and we submit you can 'cause that's what they do.
22 They try to assault people where nobody else can
23 come in or the State doesn't have evidence. But
24 guess what, we've got corroboration.

25 May 9th, 2011, we're not grandpa Waz

1 anymore; I think we're boyfriend Waz. I'd like to
2 see you in this position and do something to you in
3 this position. He sent this to her. He liked the
4 shirt I wore; I sent him a picture of the shirt.
5 Somebody back there will say, well, she sent them to
6 him, maybe she liked doing it. He had made herself
7 her only friend. That was her friend; she wanted to
8 please him. It kind of explains December 6th when
9 she first talked and I'll get to that, I promise
10 you. She was his friend. She did want to please
11 him. Got tired of it, grew up. He got angry toward
12 the end.

13 Documentation, corroboration of her
14 testimony. "How do you know if you're loved by
15 someone." This ain't right. This is what
16 somebody -- not what granddaddy sends -- this is what
17 a lover sends, somebody that cares. Y'all are gonna
18 have this back there, read it. That's State's 3.
19 I'm not gonna be as long -- the older I get, I guess
20 a few exceptions in life, I believe brevity is the
21 key to life. I used to talk a long time. 2010,
22 2011, '13, '14, it starts recording the
23 manipulation, the dominance, the changing in
24 relationship started, we submit, based on the
25 evidence, the summer before seventh grade year. You

1 remember the testimony she says, they start going
2 around in the car, middle school. And she tells you
3 about digital penetration prior to her 14th birthday
4 at McDonalds, McDonalds, 13, digital penetration.
5 That's a sexual pattern. Those are charges.
6 Sticking your finger in someone else's vagina is a
7 sexual battery. And in this case, because of her
8 age, one of the indictments alleges 11 to 13, that
9 would suffice if you find that credible or
10 believable. And then he's older than her, there's
11 no question about that. We've got his date of birth
12 '71, I think it was, you heard the officer testify
13 to. And then it starts, picking up from school.
14 You saw her. You listened to her. You watched her
15 reactions. I submit you felt her. You saw her
16 body. You saw her reaction. That's credible
17 testimony. That's believable testimony. And she
18 said she next touched his penis. I don't like
19 talking about all this, but we have to talk about it
20 for the record. And she started touching his penis
21 and it got worse in the car during her seventh grade
22 year, the digital. And then she remembers her
23 birthday, July 21st, 2001, where she what-- he
24 wanted to have oral sex and she gave him oral sex
25 and he ejaculated. Did she like that? No. Did the

1 semen, did you taste something? Yeah. Did it taste
2 good? No. You think that's easy to testify about?
3 But she came in here and she told you — that's
4 another example of sexual battery on or about
5 July 21st, 2001. She said 20, 21st, she's not sure.
6 The law doesn't require exact certainty there. If
7 you're believable, if you're credible, it's another
8 example of sexual battery on or about July 20th,
9 21st, 2001. Sexual battery. Even though he puts
10 his fingers in her mouth, that is a sexual battery,
11 fellatio. She's 14, 16, he's older than she is;
12 that is a sexual battery. He can't do that. He
13 can't ask her to do that. That is against the law.
14 And he took advantage of the relationship to get her
15 to do that. That's what this case is all about.
16 And you know she got a friend maybe doing some of
17 that. There was nobody else. Why? 'Cause he
18 wouldn't let there be anybody else. Cut the Wifi
19 off for a while at night, went to check off his
20 [sic] pen pals. And it progresses into the eighth
21 grade year, 2011/2012, turning 14. She says
22 something happened on or about her 14th birthday, I
23 think the 69 position, she describes it. You saw
24 her describe it. I submit you felt that testimony.
25 Never done that before. That's a sexual battery.

1 Him giving oral sex to her is a sexual battery. The
2 judge will charge you that. Putting your mouth down
3 on her is a sexual battery. Him putting his penis
4 in her mouth is a sexual battery.

5 The only other thing you got to find was
6 the age, 14, less than 16. It happened in Sumter
7 County. I may have messed up a few of the counties,
8 but it happened in Sumter County. It happened at
9 Alice Drive when he was in the car. It happened at
10 Spring Valley, Sumter High School, they're all going
11 over there, but this happened at Sumter High School.
12 Y'all know what I'm talking about. In the parking
13 lot, picked her up after school. That worked out;
14 didn't it? He sure gets off in the afternoon every
15 day. You heard Travis say that.

16 Jurisdiction, sexual batteries, each one
17 of those proven. She's giving him oral sex is a
18 sexual battery. It progresses. Now how -- think
19 about the time she's spending with him. You heard
20 Travis Porter say, you heard her testify to it,
21 they're spending times in that computer room. She
22 says on the first time on her birthday when she
23 turned 14 he gave nana something to drink; she was
24 out. And that's when the first incident happened
25 there on Hideaway in Sumter County, Hideaway. And

1 then she talks about Battery Plus. And one
2 indictment mentions Battery Plus. Monday afternoon,
3 nobody else was there. You heard testimony the
4 place was closed sometime. What happens at Battery
5 Plus she says, he tried to put it in her anus, raw I
6 think was her testimony. She didn't like that; that
7 didn't work. Said she had to give him oral sex
8 because of that. And then this stick, said he made
9 her put this stick on it and do something on it
10 while she gave him orals. She said this stick was
11 from Battery Plus. Let me give you an example of
12 what's not reasonable doubt. I forgot to ask
13 Battery Plus if this came from there. That isn't
14 reasonable doubt this happened; I just forgot. This
15 came from Battery Plus. You can decide on her
16 testimony alone. The fact we didn't ask Battery
17 Plus, was this there, had it been there? She said
18 this came from Battery Plus. That's not an example
19 of reasonable doubt. You don't come in looking for
20 reasonable doubt. You don't come in looking to
21 convict; you decide what the truth is. She said
22 that happened sometime prior to her eighth grade
23 year I think her testimony was. Y'all remember what
24 the testimony was.

25 We're going into the ninth grade year.

1 Now the relationship is developing, the
2 relationship's developing. May 28th, 2012, May
3 28th, 2012, she'd still be 14 'cause her birthday
4 she'd be 15. They say a picture speaks a thousand
5 words. Y'all heard that? A picture speaks a
6 thousand words. This picture right here says one
7 word, guilty. She said -- we don't have to have
8 corroboration; the law says that. She said, he'd
9 get me to suck his finger to get him excited before
10 we did something, and then sometimes he'd do it
11 afterwards. And even when we hadn't done something
12 sometimes he'd get me to suck his finger. Minor
13 Waz, he took that picture, sent it to his email.
14 That ain't a granddaddy/granddaughter relationship.
15 That's good corroborating evidence. His hands, her
16 hand making a heart. His hand and her hand making a
17 heart. He wanted to get married. He treasured her
18 and loved her, not as a granddaughter, and he took
19 advantage of her life. Listen to this please, he
20 took advantage of her life and he took advantage of
21 her body; and the law says you cannot do that,
22 granddaddy.

23 She's growing and changing. She's getting
24 into the tenth grade. I submit to you I think she's
25 getting tired of it. She said he's getting angry.

1 Why didn't you tell? Why didn't you tell, Minor
2 Well, we're at Dillon Park and that came up for the
3 first time. Something I'm gonna get to in a minute.
4 You don't tell everything all at one time. She
5 never gave any inconsistent statements. Don't let
6 him get up here and say that. First time she got up
7 she just didn't tell; she froze. I wanted to -- I'm
8 gonna talk about that in a minute. She never gave a
9 statement that was a lie. She told -- didn't tell
10 here, I froze, told some more here and told. That's
11 what happens. Open up. Has never told a lie.
12 Don't let him say that.

13 Why didn't you tell them this? Well, one
14 time I know riding by Dillon Park -- and she's
15 already said about the threat, but not the Dillon
16 Park where she was. She would have opened up. He
17 said, if you ever tell, if you ever tell I'm gonna
18 kill you, I'm gonna kill you, Minor I'm gonna kill
19 the man at Battery Plus. You think he's talking
20 about Travis? I'm gonna kill you and Travis. And
21 then I'm gonna kill myself. And you wonder why she
22 didn't tell? And I don't think that's just it. I
23 think she was scared. I think she cared about him.
24 I think that's what so -- that's why he took
25 advantage of this. He made her care. He made

1 himself her only friend. Look at the picture where
2 they're looking at Call and Duty back there. In and
3 of itself not much, but when you combine everything
4 else they're back in that computer room, he's
5 playing computer games with her, talking on the
6 phones all the time, he's become her — he's made
7 her his, owning her, controlling her. That's what
8 this case is about.

9 She freezes December 6th. December -- any
10 wonder she froze? She sees Kami Wilds downright.
11 Y'all saw Kami up there. What do little girls do?
12 I got three girls and a boy. What do little girls
13 do? Is it hard to tell your mama something that's
14 happened to you? Is it hard to tell your mama?
15 What do little girls do? They write stuff down. Do
16 they write it down? I can't tell momma. I'm -- I
17 don't want to upset her. I want to protect her.
18 And she said one time I was in protect mode. I
19 think she wanted to protect Waz. That's what makes
20 it so credible. And Kami said she talks, they talk
21 for a while. Obviously she felt comfortable with
22 Kami. Kami says she watches her go to her drawer
23 and bring this, and she said she prepared it a
24 couple of weeks before. She said, you be the one
25 that gets this out. You can give this note to

1 whoever needs it for the case. I got it, I got it.
2 At the forensic question thing I kind of froze up, I
3 was ready to answer the questions and to get it over
4 with but I just froze. I didn't lie but I didn't
5 tell the full truth. I'm writing this in note
6 'cause I'm scared to do it in person, I'm scared to
7 do it in person. I'm what? I'm ashamed.

8 You ain't got nothing to be ashamed about,
9 girl.

10 He made her feel ashamed. I'm shy. I'm
11 embarrassed. For the full truth if she got a little
12 arrow. And she starts telling there were attempts
13 starting two to three years ago. Does credibility
14 sometime knock you down? Read this. But because I
15 was curious I didn't mind. That's real. But he
16 can't take advantage of that, y'all, he can't. And
17 she didn't want all this after that. He took
18 advantage of that curiosity. Did you see that? Not
19 out -- he took advantage of that, of her loneliness,
20 of her depression. He has succeeded in touching me
21 a few times and almost went in. I have seen him
22 pull it out but was too shy to look at first, but
23 only a few times. Showed me a vibrator, I don't
24 know if it was remote control. I didn't really use
25 it because I was uncomfortable. And on the side of

1 it is, is this what young women, little girls do
2 after school for about two years, but only a few
3 times. She didn't tell it all here. You remember
4 answering, he said why -- he asked her why did you,
5 Mr. Keffer asked, why didn't you write it all down?
6 Are you kidding me? People sit there and do
7 everything down in little notes. You're just trying
8 to let your momma know something is happening. She
9 put down over two years. Her answer was I didn't
10 have enough paper. That's the dadgummed truth. All
11 this happened in the car, truck, once a night when
12 everybody was asleep. You know how many people will
13 pop your butt, or every now and then you do that to
14 my vaginal area. Listen to this: P.S., I don't
15 think I need counseling 'cause I know what's right
16 and what's wrong; but if I have to, it's okay. Mom,
17 on the back, I hope this doesn't ruin your life.
18 She didn't want to tell her. But here's the truth,
19 please don't bring it up -- listen to this. You
20 talk about credible, ladies, gentlemen. She don't
21 want to hurt mama, she don't want to hurt Will, she
22 don't want it coming out. It's about time. I hope
23 this doesn't ruin your night but here's the truth.
24 Please don't bring it up or make a big deal out of
25 it and don't stress, it's okay." You tell me this

1 ain't real? "Text me when you read this, love you.
2 I'm safe and that's all that matters. Give this to
3 the lawyer if you want, I got it." And then when
4 Kami asked her why, why you didn't tell, she writes
5 it out in her own handwriting, told me he'd kill me,
6 boss, if he was ever sent to jail. Kill me, boss,
7 if he was ever sent to jail, Batteries Plus.

8 And what does he do toward the end? Takes
9 the Wifi away, I said that. But then coming to
10 school he starts revving the engine, blowing the
11 horn to try to embarrass her, trying to embarrass
12 her. She may be ready to have this over with.
13 Trying to embarrass her in front of her friends.
14 Please go back and look at these. After she writes
15 that note saying, I froze, I want to tell you, she
16 talks to Erin Boland. The law doesn't allow that
17 statement to come in, but she gave a five page
18 statement writing what happened. Took her time,
19 wrote it, and tells us what happened. And we went
20 back over it. She told about the keyboard? Yes.
21 Did you tell about your birthday? Yes. Did you
22 tell about Battery Plus? Yes. Did you tell about
23 oral sex in the car? Yes. And she told them. And
24 she's never told a statement of any, said no, that
25 didn't happen, this happened. She kept saying this

1 happened. Did this happen? Yes. And isn't that
2 natural? You start to open up, you feel
3 comfortable, mama knows now; but that was on
4 January 9th. She talks January 6th to Kami Wright;
5 January 9th gives a statement to Erin Boland.

6 A couple of other things and I'm gonna sit
7 down. I got an A in writing, an A in grammar, you'd
8 never know this. But look at right here. Keyboard,
9 first incident oral sex. Then she talks about 69 on
10 or about her birthday, July of 2012. Progressing
11 into the car. The indictment has time periods. I
12 need to go over that with you. On or about
13 July 21st, 2011, the defendant committed sexual
14 battery upon a minor, Minor who was at least 14
15 but less than 16, date of birth July 21st, 1997,
16 fellatio on the defendant; that's oral sex. His
17 date of birth is and he's in a
18 position of familial, custodial, or official
19 authority to coerce her or is older than her, on or
20 about July 21st, 2011.

21 She's already told you about a digital
22 too. And that's the oral here on this date. We
23 submit it's credible, it's believable, if you find
24 that. Even if some of you think she consented, it's
25 not a consent case. She can't consent. He took

1 advantage of that. And I submit it wasn't consent,
2 which he can't.

3 September 1st, 2011 and June 1st, 2012,
4 defendant committed a sexual battery, victim was at
5 least 14, less than 16. Defendant performed oral
6 sex on the victim, had him put a plumber stick in
7 her, that stick. He was born on July 21st, in
8 position of custodial, familial, or is older than
9 the victim. Two more counts, criminal sexual
10 conduct with a minor, September 1st, 2009, to
11 July 20th, 2012, the car. We don't have to prove
12 all of them. You don't have to believe all of them.
13 I submit there's no reason not to. All of those
14 incidents are sexual battery. July 20th, 2012,
15 December 13th, December 1st, 2013. You can consider
16 up to her birthday before she turned 16. Sexual
17 batteries in the car, in Alice Drive, in Sumter High
18 School, at Hideaway. I'm really about through.

19 Beyond a reasonable doubt. We submit that
20 there's no doubt. We only have to prove beyond a
21 reasonable doubt. Her testimony alone is enough the
22 law will tell you. We've got corroboration from
23 these emails of the improper relationship he took
24 advantage of her. What about remote control
25 vibrator? She got up and told you about that, and

1 that happened at Batteries Plus. And I submit you
2 can't make this up. Travis Porter looks at his desk
3 and finds a remote and then finds something like an
4 egg, takes a piece of paper out and mashes it.
5 That's the egg that she described he had her put in
6 her; she didn't like it. She didn't like it.
7 That's corroborating. You don't have to have it.
8 If you don't find that's credible, corroborating --
9 they find it in his desk. It's not there when he
10 left. Save 50, but it's there. That's
11 corroborating evidence that you don't even need, but
12 you got it, along with these emails, along with some
13 finger in the mouth.

14 "Only you can see who I am. Only you can
15 see who I am. Only you can love me the way I want
16 to be loved. I love you more than you can imagine.
17 It is more than I have ever loved before. As long
18 as we are together there will never be a dark or
19 lonely night. No matter how far away you are from
20 me, the brightest, most warming light I can see and
21 feel in my heart. You mean everything to me." He
22 took everything from her literally, figuratively,
23 physically. "If it means I have nothing and you
24 have nothing, that will have the way it has to be.
25 Your smile warns my soul and gives me direction.

1 One day it will happen. One day it will happen.
2 All of our dreams will come true. My life I
3 dedicate to your happiness. One day my love, one
4 day my love, one day". From Robert Wazney to Minor

5 That describes this relationship he
6 changed.

7 Two more quick things. I love the part of
8 the law that's called presumption of innocence. I
9 love it. The law says that if you're charged with a
10 crime you're presumed innocent. It's like a cloak
11 or a robe or blanket around you. And it says you're
12 presumed innocent and you stay presumed innocent all
13 the way through a trial, from charge through a
14 trial, till you go back in the jury room; and it
15 stays on you unless and until the jury finds you
16 guilty beyond a reasonable doubt. And as you start
17 evaluating Minor testimony and start listening
18 and looking through these and considering the
19 evidence of the vibrator, because all you can
20 consider is what came from this stand; that's it.
21 And you're watching her and remembering feeling her
22 testimony, you will start, we submit, taking that
23 robe off. You're gonna take it off, and you're
24 gonna find him guilty of what he's charged with.
25 Just don't throw it away. Don't take that blanket

1 please, ma'am, don't throw it away. I want y'all to
2 symbolically bring it back in here. Symbolically
3 bring it back in here with you and take it over to
4 her, and with your guilty verdicts you give that
5 back to her and make it be her childhood and protect
6 her 'cause, ladies and gentlemen, she's the innocent
7 one. She's the innocent one. Bring that back to
8 her when you start ripping it off him, we submit,
9 with this evidence.

10 Finally, you may have seen the lady
11 sometime that's got a, a cup of justice. Well,
12 she's got two cups she holds. Literally she's
13 holding. And the State's burden to prove the
14 defendant guilty beyond a reasonable doubt, and it's
15 a cup of justice. Every defendant has to face them.
16 And you provide that cup. And it's time for him to
17 take his sip of the cup of justice; it's his time.
18 And we submit to you that sip, that justice in this
19 case that screams out, is that Robert Wazney took
20 advantage of a little girl he should have raised and
21 taught and directed. And he molested and
22 manipulated and wanted to own, and we're not gonna
23 let that happen. We respectfully ask you to return
24 a verdict of guilty. Thank you.

25 THE COURT: Mr. Keffer.

1 MR. KEFFER: Thank you, Your Honor.
2 Ladies and gentlemen of the jury, when we started
3 this case I told you that you were going to hear
4 some most disturbing things you probably ever heard
5 in your life, and you have. You've had to sit here
6 all week and listen to these things. And when I
7 introduced the case and I opened up this case with
8 my opening statement, I told you this was not a
9 typical granddaughter/grandfather relationship. I
10 came out and I told you you're gonna hear things
11 that are going to bother you; it should bother you.
12 But you also heard a lot of things from the victim
13 in this case. When you think about the people who
14 testified in this case, you think about the victim,
15 think about the law enforcement officer at the end
16 who testified for about ten minutes, there wasn't a
17 whole lot there. About Ms. Kami Wilds, it was just
18 for a few minutes as well and the coworker, not a
19 whole lot there. It was basically the victim,
20 basically Ms. Minor statements. And she's up
21 there and she said some horrendous things.

22 Now it's not my job to go around and
23 attack victims in cases like this. I have children
24 myself. I've got eight children. I got three dogs.
25 I've got kids that are in class with her. My job is

1 not to attack Ms. Hornak. My job is, however, to
2 represent my client and my job is to point out to
3 you, the jury, finders of facts in this case some
4 things that I find a little telling in this case.
5 What I mean is, Ms. Minor testified right up there
6 about how angry she was, how angry he had made her.
7 And this is the State's case, that relationship fell
8 apart. And if we listen further to the State's case
9 that was more like a boyfriend/girlfriend
10 relationship. And she testified that she was angry,
11 she was mad, and that she broke it off essentially.
12 But the first opportunity she has, the very first
13 opportunity she has to clear things up to say
14 anything she doesn't, doesn't say anything. She
15 gets driven to Florence and asked specifically
16 about, doesn't say a word. The State may be right,
17 maybe you don't have to say everything but you can
18 say something. I mean, something; she said nothing.

19 And then we have that letter that she
20 wrote that she purportedly wrote to her mother,
21 didn't quite give to her mother, gave it to Ms. Kami
22 Wilds, but even that letter doesn't say a whole lot.
23 You remember her testimony when asked? Her
24 testimony was that he had molested her almost every
25 day from the seventh grade, eighth grade, ninth

1 grade, and tenth grade every day. Go back to the
2 handwritten note to mom, two or three times and
3 there wasn't penetration. This week it was every
4 day. Every day? Where's the truth? It's
5 convenient for the State to go back hear the shotgun
6 and blowup five years and throw it all out, it must
7 be every day, yet find something there, evidence
8 there. But you can't, and it should bother you.
9 Because it's either all or nothing. Either it
10 didn't happen or it happened every day and that's
11 what she said. That's the part that's not credible.
12 It's just simply not credible at all. If it was
13 that way she'd have said it all the way through, and
14 she didn't. She didn't even mention it the first
15 time, barely mentioned it the second time. Low and
16 behold, by the time she gets to law enforcement
17 pretty much her entire testimony is on there. But
18 then there's more things that are on there to come
19 out, these emails come out here. And it's not easy
20 is look at these emails, but are we going to convict
21 a man based on emails? Was there communications?
22 Yes. I told you there was communications in my
23 opening statement. I told you this would bother you
24 because it wouldn't seem natural. We're gonna
25 convict a man based on emails? Are we gonna convict

1 a man based on evidence? 'Cause at the end of the
2 day the only evidence is the victim herself, and
3 that's it. That's it.

4 And her story changes; it gets better.
5 Keeps getting better for the State. I don't know
6 what -- you know, we don't know what it's going to
7 be next time, but we know it was every day based on
8 what she said this week. Every single day. Y'all
9 know where Sumter High is. Two thousand kids at
10 Sumter High. According to her he forced her to give
11 him a blowjob every day while picking her up. Have
12 you ever been to Sumter High? I have. There's two
13 thousand students and everybody around, and she will
14 have you believe that every single day that
15 happened, same thing at Alice Drive. And nobody
16 says anything, nobody. Nothing is there. She
17 doesn't go to mom in seventh grade, eighth grade,
18 ninth grade, tenth grade. And when she does have an
19 opportunity she doesn't say anything. Then a month
20 later it comes out and here we are.

21 So you can't believe a little bit of the
22 victim. You either got to believe all of it, all of
23 her testimony, or you can't find any of it credible.
24 I'm not here to pick at the victim here in this
25 case. I'm gonna have grandchildren too hopefully

1 and this is hard. But on the other end, where is
2 the truth in this case. Was it this week? Was it
3 2013? Was it December? Was it January? Why does
4 it keep shifting? And that's the hardest thing that
5 you guys have to do when you go back there and look
6 at all this stuff. You have to look at this stuff,
7 look at her testimony because that's all there is,
8 and that's it. Kami Wilds come in and said that she
9 had written a note and talked to her. There's a
10 blank piece of paper in there. She writes down that
11 he threatened her and she faxed it to law
12 enforcement, faxed it to law enforcement. And she
13 gets up here and the story even gets more
14 sensualized. Why does it keep changing? I'm not
15 asking for perfection; we're not asking. But why
16 does it keep getting worse? You have to answer
17 that. Because it doesn't just get worse, I mean, it
18 gets really bad. You're talking about sexual
19 battery every day for a period of four plus years.
20 Every day. And that's not believable. I submit to
21 you if you find that not believable, then you should
22 find my client not guilty.

23 Now usually during the course of a case,
24 like counsel, I try not to look over to the jury too
25 much, but I did peek over this week. Nobody was

1 falling asleep which was good; sometimes that
2 happens. And you paid attention and you listened.
3 And I told you earlier you were going to hear some
4 very disturbing things and you did. And now you
5 have to go back there after the judge gives
6 instructions on the law, you have to go back and
7 decide the facts of this case. Think about how the
8 testimony and her statements have changed because if
9 that causes you concern, that's not beyond a
10 reasonable doubt. Thank you.

11 THE COURT: Ladies and gentlemen of the
12 jury, it's now time for me to instruct you on the
13 law of this case. The indictments in this case
14 allege several different offenses against the
15 defendant. The charges are in indictment number
16 one: Criminal sexual conduct with a minor victim 14
17 to 16 years of age, second degree. Indictment
18 number two, criminal sexual conduct with a minor
19 victim 14 to 16 years of age second degree. And
20 indictment number three, which contains two counts.
21 Count one states, is a count for criminal sexual
22 conduct with a minor victim, 11 to 14 years of age
23 second degree. And count two is criminal sexual
24 conduct with a minor victim 14 to 16 years of age
25 second degree. Each indictment charges a separate

1 and distinct offense. You must decide each
2 indictment separately on the evidence and the law
3 applicable to it uninfluenced by your decision as to
4 any other indictment. The defendant may be
5 convicted or acquitted on any or all of the offenses
6 charged. You will be asked to write a separate
7 verdict of guilty or not guilty on each of the
8 indictments.

9 The defendant has pled not guilty to these
10 indictments and that plea puts the burden of proof
11 on the State to prove the defendant guilty. A
12 person charged with committing a criminal offense in
13 South Carolina is never required to prove himself
14 innocent. I charge you that it is an important rule
15 of the law that the defendant in a criminal trial,
16 no matter what the seriousness of the charge may be,
17 will always be presumed innocent of the crime for
18 which the indictment was issued unless guilt has
19 been proven by evidence satisfying you of that guilt
20 beyond a reasonable doubt. This presumption of
21 innocence does not end when you begin your
22 deliberations, but it accompanies the defendant
23 throughout the trial until you reach a verdict of
24 guilt based on evidence satisfying you of that guilt
25 beyond a reasonable doubt.

1 The presumption of innocence is like a
2 robe of righteousness placed about the shoulders of
3 the defendant which remains with the defendant until
4 it has been stripped from the defendant by the
5 evidence satisfying you of the defendant's guilt
6 beyond a reasonable doubt. The presumption of
7 innocence is not a mere legal theory; it's not just
8 a legal phrase. It is a substantial right to which
9 every defendant is entitled to unless you, the jury,
10 are satisfied from the evidence of the defendant's
11 guilt beyond a reasonable doubt.

12 What is a reasonable doubt in the law? A
13 reasonable doubt is a kind of doubt that would cause
14 a reasonable person to hesitate to act. The State
15 has a burden of proving the defendant guilty beyond
16 a reasonable doubt. Some of you may have served as
17 jurors in civil cases where you were told it is only
18 necessary to prove that a fact is more likely true
19 than not true, such as by the greater weight or
20 preponderance of the evidence. In criminal cases
21 the State's proof must be more powerful than that
22 and must be beyond a reasonable doubt.

23 Proof beyond a reasonable doubt is proof
24 that leaves you firmly convinced of the defendant's
25 guilt. There are very few things in this world that

1 we know with absolute certainty, and in criminal
2 cases the law does not require proof that overcomes
3 every possible doubt. If based on your
4 consideration of the evidence you are firmly
5 convinced that the defendant is guilty of the crimes
6 charged, you must find the defendant guilty. If on
7 the other hand you think there's a real possibility
8 the defendant is not guilty, you must give the
9 defendant the benefit of the doubt and find him not
10 guilty.

11 I remind you that during this trial you
12 and I have certain duties to perform. As the trial
13 judge it's my responsibility to preside over the
14 trial of this case and I also have a duty to rule on
15 the admissibility of the evidence offered during
16 this trial. You're to consider only the competent
17 evidence before you. If there was any testimony
18 ordered stricken from the record in this case during
19 this trial, you must disregard that testimony. You
20 are to consider only the testimony which has
21 presented from the witness stand, any exhibits which
22 have been made part of the record in this case, and
23 any stipulations of counsel.

24 I have the additional duty to charge you
25 the law applicable to this case. As the presiding

1 judge I am the sole judge of the law in this case,
2 and it's your duty as jurors to accept and apply the
3 law as I now state it to you. If you already have
4 an idea as to what the law is or what the law ought
5 to be and it does not agree with what I now tell you
6 the law is, you must abandon this idea because you
7 are sworn to accept the law and apply the law
8 exactly as I state it to you.

9 In every case tried in this court before a
10 jury the jury becomes the sole and exclusive judges
11 of the facts in this case. A trial judge cannot
12 intimate, state, or comment on, or make any
13 statement to a trial jury about the facts in a case.
14 Since you, the jury, are the sole judges of the
15 facts in this case, you're not to infer anything I
16 have said during the progress of this trial in
17 ruling upon the admissibility of evidence or
18 otherwise, or anything that I say now during the
19 course of this instruction to you that I have any
20 opinion about the facts in this case. The law does
21 not allow me to have an opinion about the facts in
22 this case. The matter is solely for you, the jury,
23 to determine. As jurors it is your duty to
24 determine the effect, value, weight, and truth of
25 the evidence presented during this trial.

1 There are two types of evidence which are
2 generally presented during a trial, direct evidence
3 and circumstantial evidence. Direct evidence is the
4 testimony of a person who claims to have actual
5 knowledge of a fact, such as an eyewitness.
6 Circumstantial evidence is proof of a chain of facts
7 and circumstances indicating the existence of a
8 fact. The law makes absolutely no distinction
9 between the weight or value to be given to either
10 direct or circumstantial evidence; nor is there
11 greater degree of certainty required of
12 circumstantial evidence than of direct evidence.
13 You should weigh all of the evidence in this case.
14 If after weighing all the evidence if you're not
15 firmly convinced of the guilt of the defendant
16 beyond a reasonable doubt you must find the
17 defendant not guilty.

18 Necessarily, you must determine the
19 credibility of witnesses who have testified in this
20 case. Credibility simply means believability. It
21 becomes your duty as jurors to analyze and to
22 evaluate the evidence and determine which evidence
23 convinces you of its truth. In determining the
24 believability of witnesses who have testified in
25 this case, you may believe one witness over several

1 witnesses or several witnesses over one witness.
2 You may believe a part of the testimony of a witness
3 and reject the remaining part of the testimony of
4 that same witness. You may believe the testimony of
5 a witness in its entirety or reject the testimony of
6 a witness in its entirety. You may consider whether
7 the witness has any, exhibited to you any interest,
8 bias, prejudice, or other motive in this case. You
9 may also consider the appearance and the manner a
10 witness, of a witness, while on the witness stand.

11 I instruct you and emphasize that the fact
12 that the defendant did not testify is not a factor
13 to be considered by you in any way in your
14 deliberation and your consideration on the question
15 of the guilt or innocence of the defendant. It must
16 not be considered by you in any manner whatsoever.
17 A defendant has a constitutional right to remain
18 silent and the assertion of this right must not be
19 considered by you in your deliberations. I repeat,
20 under your oath, that you are to draw no conclusion
21 whatsoever from the fact that the defendant in this
22 case did not testify. The fact that the defendant
23 did not testify should not even be discussed in the
24 jury room. The burden of proof as I have stated to
25 you is on the State. The defendant is not required

1 to prove his innocence. The burden of proof remains
2 on the State to prove guilt beyond a reasonable
3 doubt.

4 In order to establish criminal liability
5 criminal intent is required. For example, the
6 mental state required to be proven by the State for
7 a particular crime must be purpose, intent,
8 knowledge, recklessness, or criminal negligence.
9 Criminal intent must be proven by the State beyond a
10 reasonable doubt. Criminal intent is always a
11 matter that must be determined by the jury from the
12 circumstances surrounding the situation. There's no
13 way to prove intent to mathematical certainty.
14 There's no way medical science can dissect a
15 person's brain and determine what the person had in
16 mind so the law says a criminal intent may be
17 inferred from the circumstances shown to have
18 existed. This is how you make a determination as to
19 whether or not the element requiring intent is
20 present. It is not necessary to establish intent by
21 direct and positive evidence, but intent may be
22 established by inference in the same way as any
23 other fact by taking into conversation the acts of
24 the parties and all of the facts and circumstances
25 of the case.

1 Criminal intent is a mental state, a
2 conscious wrongdoing. It is up to you to determine
3 what the defendant intended to do based upon the
4 circumstances shown to have existed. Criminal
5 intent can arise from action or failure to act. It
6 may arise from the negligence, recklessness, or
7 indifference to duties or consequences that is
8 considered by the law to be the equivalent of
9 criminal intent.

10 There has been evidence presented that
11 witnesses have made prior statements which are not
12 consistent with the witness' present testimony. You
13 may use this evidence to decide whether to believe
14 the witness. You may also use evidence of the
15 earlier contradictory statements to determine the
16 truth of those statements. It is up to you to
17 decide whether to believe the earlier statements or
18 the testimony which was given at trial. If a
19 witness is shown to have knowingly testified
20 untruthfully concerning any matter, you may consider
21 this in determining whether you trust a witness'
22 testimony as to other matters. You may reject all
23 of the testimony of that witness or give all or part
24 of the testimony the weight that you think it
25 deserves.

1 The testimony of a victim need not be
2 corroborated in prosecutions for criminal sexual
3 conduct. The defendant is charged with four counts
4 of second degree criminal sexual conduct. When two
5 or more acts of criminal sexual conduct occur at or
6 about the same time, each act is a separate crime,
7 rather than one continuing crime. The defendant is
8 charged with second degree criminal sexual conduct
9 with a minor, victim being 11 and 14 years of age.
10 The State must prove beyond a reasonable doubt that
11 the defendant engaged in a sexual battery with the
12 victim. A sexual battery is sexual intercourse,
13 cunnilingus, fellatio, anal intercourse, or any
14 intrusion, however slight, of any part of a person's
15 body or of any object into the genital or anal
16 openings of another person's body, except when
17 intrusion is accomplished for medically recognized
18 treatment or diagnostic purposes. The State must
19 then prove beyond a reasonable doubt that the victim
20 was at least 11 years old but not more than 14 years
21 old at the time of the sexual battery. Consent,
22 willingness, indifference, or ignorance on the part
23 of the minor, if any, as to what was taking place
24 does not in any way effect the charge of criminal
25 sexual conduct with a minor because an unmarried

1 woman under the age of 14 cannot legally consent to
2 sexual battery.

3 The defendant is charged with second
4 degree criminal sexual conduct with a minor with the
5 victim being between 14 and 16 years of age. The
6 State must prove beyond a reasonable doubt that the
7 defendant engaged in a sexual battery with the
8 victim. A sexual battery is sexual intercourse,
9 cunnilingus, fellatio, anal intercourse, or any
10 intrusion, however slight, on any part of a person's
11 body or of any object into the genital or anal
12 openings of another person's body, except when the
13 intrusion is accomplished for medically recognized
14 treatment or diagnostic purposes. The State must
15 then prove beyond a reasonable doubt that the victim
16 was less than 16 years old, but at least 14 years
17 old and that the defendant was either in a position
18 of familial, custodial, or official authority to
19 coerce the victim to submit or that the defendant
20 was older than the victim.

21 Consent, willingness, indifference or
22 ignorance on the part of a minor, if any, as to what
23 was taking place does not in any way effect the
24 charge of criminal sexual conduct with a minor
25 because an unmarried woman under the age of 14

1 cannot legally consent, consent to sexual battery.

2 There are several possible verdicts which
3 you may find in this case and there's no
4 significance into which I state these first. Mr.
5 Foreman, you will have the actual indictments back
6 in the jury room along with the jury verdict form.
7 The verdict form is pretty self-explanatory. It
8 states that on each of the indictments: We, the
9 jury, unanimously find the defendant -- then you
10 circle one, either not guilty or guilty. And it
11 goes on each of the three indictments. On the last
12 indictments there are two counts on that last
13 indictment which you must consider each separately.
14 And on the last count you will see, on the last
15 indictment it has indictment number in each of the
16 counts.

17 Once you reach a unanimous verdict and you
18 circle each one, then, Mr. Foreman, and sign the
19 verdict form as well as the front of each
20 indictment. On the back of the indictments it has
21 the allegations for which each indictment was
22 issued. On the front of the indictment in this
23 portion right here, Mr. Foreman, if you would sign
24 what the verdict was and then date it after you
25 reach a verdict.

1 Ladies and gentlemen, again, the jury
2 verdict must be unanimous. I'm gonna ask you to
3 return to your jury room and one last time, don't
4 begin deliberations until you actually receive the
5 indictments, the verdict form, and all the evidence
6 from the bailiff. At that point then you may begin
7 your deliberations. When you finish your
8 deliberations if you would please knock on the door;
9 we will then receive your verdict. We've also
10 ordered lunch for you so you can eat lunch while you
11 deliberate.

12 (WHEREUPON, the jury was removed from the
13 courtroom at 12:30 p.m.)

14 THE COURT: Any objections or exceptions
15 to the jury charge from State or Defense?

16 MR. MEADORS: No, ma'am.

17 MR. KEFFER: No, ma'am.

18 THE COURT: All right.

19 MR. MEADORS: One more, can I look at
20 those one more time?

21 THE COURT: Sure. If y'all would gather
22 up all the exhibits to make sure we have everything.
23 I'm going to release the alternates. Counsel...
24 (Attorneys approached the Bench for an on-the-record
25 discussion.)

1 THE COURT: Just for the record I whited
2 out on the indictment by consent of both parties. I
3 put on indictment 2015-GS-43-0333 I whited out
4 nonconsensual, and that's also the same for
5 indictment 2015-GS-43-0334 by consent of both
6 parties.

7 (Jury began their deliberations at 12:35 p.m. and
8 court was in recess.)

9 THE COURT: It's my understanding that the
10 jury has reached a verdict. Obviously with cases
11 like this sometimes the response can be an emotional
12 one, but I would like to warn everybody not to have
13 any outbreaks or anything of that nature after the
14 verdict is read. If you don't think you can control
15 your emotions I'll ask you to please go ahead and
16 step out now. Everybody ready for a verdict?

17 MR. MEADORS: Yes, ma'am.

18 MR. KEFFER: Yes, ma'am, Your Honor.

19 THE COURT: Please have our jury in.

20 (WHEREUPON, the jury was returned to the
21 courtroom and the following
22 proceedings commenced in open court.)

23 THE COURT: Mr. Foreman, has the jury
24 reached a verdict?

25 THE FOREMAN: Yes, Your Honor.

1 THE COURT: Would you please hand it to
2 the bailiff.

3 (Verdict form was tendered to the Court.)

4 THE COURT: Everything appears in order.
5 Mr. Clerk, would you like to publish the
6 verdict please.

7 THE CLERK: State of South Carolina, the
8 county of Sumter, in the Court of General Sessions,
9 the State versus Robert Wazney, indictment number
10 2015-GS-43-0333: We, the jury, unanimously find the
11 defendant guilty. Indictment number
12 2015-GS-43-0334: We, the jury, unanimously find the
13 defendant guilty. Indictment number 2014-GS-0317,
14 count one: We, the jury, unanimously find the
15 defendant guilty. Indictment number 2014-GS-0317,
16 count two: We, the jury, unanimously find the
17 defendant guilty. Signed Robert -- is that your
18 last name?

19 THE FOREMAN: Bridges.

20 THE CLERK: Signed April 15th, 2015.
21 Ladies and gentlemen of the jury, if this is your
22 verdict so say you all by raising your right hand.

23 (All jurors complied by raising their right hand.)

24 THE COURT: Let the record reflect that
25 the jury has been polled, and they have each raised

1 their right hand that this is their verdict. Ladies
2 and gentlemen of the jury, thank you for your
3 service. I'm going to release you to your jury room
4 for one last time, and I'll be in there in just one
5 moment for early release.

6 (WHEREUPON, the jury was removed from the
7 courtroom at 2:03 p.m.)

8 THE COURT: Solicitor, if you would
9 prepare the sentencing sheet I'll release the jury
10 and then we'll go come back and do sentencing.

11 (WHEREUPON, a recess was taken from the
12 proceedings.)

13 MR. MEADORS: We do have the sentencing
14 sheet. I believe they are correct. I had our
15 deputy Solicitor check them several times.

16 THE COURT: Thank you. Before we proceed
17 to sentencing the defendant is there anything that
18 the victims or the victim's family would like to
19 state?

20 MR. MEADORS: Yes, Your Honor.

21 THE FATHER: May it please the Court.

22 MR. MEADORS: Your Honor, this is Ritchie
23 Hornak, the father of Minor

24 MR. HORNAK: Hello, Your Honor. I just
25 want to say thank you, thank you to the jurors.

1 There are those depraved members of society that do
2 lurk around. No matter how long you've known people
3 they're always surprised at the level of depravity
4 they allow in their lives. It's gotten pretty
5 depraved and been manipulated as a game for a very
6 long time obviously, I just want to say thank you
7 for everyone listening to my daughter and the
8 nightmare she was living right up underneath all of
9 our noses. Thank you for it.

10 THE COURT: Thank you.

11 MR. MEADORS: Ms. Sharon Wazney wants to
12 go next, grandmother of Minor and wife of, former
13 wife of the defendant.

14 SHARON WAZNEY: Sharon Wazney. I just
15 want to thank the jury and everyone who's been
16 involved in this. It's torn my family apart, but
17 we've been strong, we worked through it. I just
18 want to thank you and we're closer now than we've
19 ever been. Thank you.

20 THE COURT: Thank you, ma'am.

21 MR. MEADORS: Your Honor, Angela Puente,
22 mother of Minor would like to address Your Honor.

23 MOTHER OF VICTIM: Thank you, Your Honor,
24 and to the jurors. My daughter is like the best
25 daughter in the whole world. There's just so much I

1 can't say, I'll be here all day and tomorrow.
2 Throughout all this she's become my best friend.
3 She helps me take care of her sister and she still
4 manages to be okay for everyone. She helps me. I
5 have a -- she keeps pushing me to be better. I have
6 a sickness she helps me with that I will say and
7 without her I don't think I could do that. I just
8 love her so much. And thank you.

9 THE COURT: Thank you, ma'am.

10 MR. MEADORS: Judge, in closing, if I
11 might briefly be allowed to say I want to thank
12 Mr. Miller, Ms. Harrison, Mr. Mims, and Mr. Boland
13 and law enforcement as I always do. Thank you for
14 their help in this case. I do want to respectfully
15 and gratefully thank the jury for their verdict.
16 Thank you.

17 Obviously we had contained this to just
18 for explanation purposes to one charge. Obviously
19 Mr. Wazney was already in jail when, just for
20 explanation purposes, on charges for her sister
21 Sister and it was after that that I think she
22 began and was able to tell the whole story because
23 in her mind he wasn't a threat to her anymore
24 because he was in jail during that time. And the
25 device that was found by Mr. Porter, I want to thank

1 him too, was actually December 19th when he told,
2 not when he found it, but when he told law
3 enforcement about it. I just thought that was --
4 obviously we couldn't bring that up before the jury
5 because he was already in jail but that kind of
6 corroborated her before she even told the story. It
7 was just incredible progress and -- but anyway, I
8 give, thank all of you in the gallery. I've been
9 doing this about 30 years. I generally find that
10 most people come together as a family and rise to
11 occasions to this family what they did. We've been
12 working with it for a good time, and I am -- Minor
13 went through hell, truly went through hell, and her
14 childhood was robbed; but she's now producing and
15 showed us the other night ROTC, an introduction to
16 ROTC, and she produced it, recorded it, it's really
17 amazing. And she's in honors and she's doing great
18 and gonna have a great life ahead of her. Thank
19 you, Your Honor.

20 THE COURT: Thank you. Does the Defense
21 care to present any mitigation?

22 MR. KEFFER: No, Your Honor. Your Honor,
23 Mr. Wazney is 43 years old, has no prior record and
24 I do believe he wishes to address the Court and
25 possibly the victims in this case.

1 THE COURT: You can address the Court.

2 THE DEFENDANT: I've never been in trouble
3 with the law before, never seen how any of this
4 worked. I've learned a lot. I feel that a lot of
5 this story has not been told, and I believe a lot of
6 what has happened to my behalf is unfair. There's a
7 much larger story behind everything that's happened
8 here. The only thing that the jury has seen was
9 just a piece of what has happened.

10 On top of learning that my attorney
11 actually knew the victim since middle school and his
12 children are, his kid goes to band practice with
13 her, I don't know if that has actually inflicted
14 part of the defense, conflict of interest. It's
15 just a lot, a lot for me. I mean, something like
16 that could be very detrimental. I think he did a
17 great job. At the same time I often wonder if there
18 was something different that could have been done
19 overall. I'm sorry that the family has done what
20 they've done and how everything has fallen in place.
21 It's just -- that's all I got.

22 THE COURT: All right, sir, thank you.

23 Let me start by saying this, to Minor
24 the victim, Minor I want to tell you that you
25 showed incredible strength in this courtroom stand

1 up to this abuse and to get in front of all these
2 people and these strangers and tell such difficult
3 story. That had to take a lot of strength on your
4 part, and you did an excellent job. And I think to
5 show that you are currently in honors program and
6 ROTC and you want to serve this country, shows what
7 an excellent young lady that you are, and that you
8 have the strength to overcome what happened to you.
9 And I can't give you back what he took from you, but
10 you can take that strength with you in the future
11 and do great things, and I hope you do that. You're
12 not gonna have to worry about him again.

13 Mr. Wazney, in regards how this may have
14 been unfair to you, I find it rather interesting
15 that you tried to diminish the relationship of
16 grandparent to step-grandparent; but just being a
17 decent human being, you don't take advantage of
18 children like that. To continually rape a child,
19 you just don't do that. There's no place in society
20 for something like that. You attorney did do an
21 excellent job; and the fact that his daughter may go
22 to school with the victim really is neither here nor
23 there because in a small town that happens. And you
24 have children that may attend school together, but
25 that does not create a conflict. I'm certain that

1 if Mr. Keffer ever had a conflict of interest with
2 you, with -- or with the victim, he would have
3 disclosed that and as an officer of the court I'm
4 certain he would have done that and I don't find
5 that limited contact is a conflict of interest. He
6 did do an excellent job in representing you. But
7 what you took from that child is beyond, beyond bad.
8 You know, a little girl should be concerned about
9 sleepovers and dance parties, things of that nature,
10 maybe her first kiss with the boy from the baseball
11 team on a middle school team, not her grandfather.
12 And she can't get that back, but she can certainly
13 rest assured that she's got the strength that she's
14 no longer a victim, she's a survivor. She's got
15 that as a step up.

16 On indictment 2015-GS-43-0334 you're hereby
17 committed to the State Department of Corrections for
18 a period of 20 years. On indictment
19 2014-GS-43-0317, likewise, you're hereby committed
20 to the State Department of Corrections for a period
21 of 20 years. On indictment 2014-GS-43-0317,
22 likewise committed to the State Department of
23 Corrections for a period of 20 years.
24 2015-GS-43-0333, you're likewise committed to the
25 State Department of Corrections for a period of 20

1 years. These are all consecutive.

2

3 * * * END OF REQUESTED TRANSCRIPT OF RECORD *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 6th day of August, 2015.

S/Frances B. Ray

FRANCES B. RAY, RPR

WITNESSES

E. Boland
Sumter County Sheriff

DOCKET NO. 2014-GS-43-0317

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

APRIL TERM 2014

THE STATE

vs.

ROBERT WILLIAM WAZNEY

ARREST WARRANT NUMBER

2014A4310100048 2014A4310100052

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A MINOR,
SECOND DEGREE (2 COUNTS)**

ACTION OF GRAND JURY

True Bill

Michael T. Cudde
Foreperson of Grand Jury
Date: *4-10-14*

VERDICT

GUILTY

GUILTY

Ronald E. K.
Foreperson of Petit Jury
Date: *APRIL 15, 2015*

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND
 DEGREE (2 COUNTS)

At a Court of General Sessions, convened on April 10, 2014 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE - CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Robert William Wazney did in Sumter County, South Carolina, between the dates of September 1, 2009 and July 20, 2012, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who is fourteen (14) years of age or less but who is at least eleven (11) years of age, to wit: the defendant, being over eighteen years in age, his date of birth being , did commit a sexual battery on Minor whose date of birth is , in violation of §16-3-655(B) [formerly Section 16-3-655(2)], S. C. Code of Laws, 1976, as amended.

COUNT ONE - CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That Robert William Wazney did in Sumter County, South Carolina, between the dates of July 20, 2012 and December 1, 2013, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery in which the victim was at least fourteen (14) years of age, but less than sixteen (16) years of age; and the defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim, to wit: the defendant, being over eighteen years in age and the victims step-grandfather, his date of birth being did commit a sexual battery on Minor whose date of birth is , in violation of §16-3-655(B) [formerly Section 16-3-655(2)], 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.

Solicitor

Ernest A. Finney III

262
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.
Robert William Wazney
AKA:
Race: White Sex: M Age: 43
DOB: SS#
Address:
City, State, Zip: Sumter, SC 29154
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

1062
INDICTMENT/CASE#: 2014-GS-43-0317
A/W#: 2014A4310100048
Date of Offense: 8/15/2011
S.C. Code § : 16-03-0655(B)(1)
CDR Code #: 0396

SENTENCE SHEET

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

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) ☐ §17-25-45

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: John P. Meadors 10429 SC Bar# Defendant John P. Meadors 67910 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2014-GS-43-0317; 2015-GS-43-0333; 2015-GS-43-0534
☒ 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 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$

Clerk of Court/ Deputy Clerk James C. Campbell
Court Reporter: Frances Baker Ray
SCCA/217 (03/2011)

_____ 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: sex offender registry

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

Presiding Judge Maite Murphy
Judge Code: 2166
Sentence Date: 4/15/15

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

263

COUNTY OF
STATE

Sumter

VS.

Robert William Wazney

AKA:

Race: White Sex: M Age: 43

DOB:

City, State, Zip: Sumter, SC 29154

DL#: 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 16 years of age - Second degree

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397

☐ 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:

Meadors, John P

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☒ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-65-43-0333; 2015-65-43-0334; 2014-65-43-0317☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2014-GS-43-0317

A/W#: 2014A4310100052

Date of Offense: 9/1/2012

S.C. Code § : 16-03-0655(B)(2)

SENTENCE SHEET

Presiding Judge

Judge Code:

Sentence Date:

Walter King
2166
9/15/15

WITNESSES

E. Boland Sumter
County Sheriff

ARREST WARRANT NUMBER

2014A4310100047

ACTION OF GRAND JURY

True Bill

Cl. Hoff
Foreperson of Grand Jury

Date: 3-12-15

VERDICT GUILTY

64 *Ronald E. K...*
Foreperson of Petit Jury
Date: APRIL 15, 2015

DOCKET NO. 2015-GS-43-0333

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

March TERM 2015

THE STATE

VS.

ROBERT WILLIAM WAZNEY

Indictment for

Sex / Criminal sexual conduct with minor,
or Attempt - victim 11 to 14 yrs of age
inclusive - Second

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF SUMTER)

Sex / Criminal sexual conduct with minor, or
 Attempt - victim 11 to 14 yrs of age inclusive -
 Second

At a Court of General Sessions, convened on March 12, 2015 the Grand Jurors of
 SUMTER County present upon their oath:

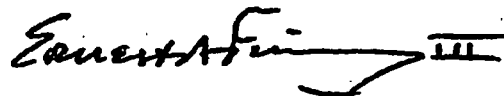
COUNT ONE

That in Sumter County, South Carolina, July 21, 2011, the defendant, Robert William Wazney,
 did commit ~~sexual~~ sexual battery upon a minor who was at least fourteen (14) years of
 age but who was less than sixteen (16) years of age, to wit: minor^{Minor} date of birth

, preformed fellatio upon the defendant, whose date of birth is , and the
 defendant is in a position of familial, custodial, or official authority to coerce the victim to
 submit or is older than the victim, in violation of Section 16-3-655(2), South Carolina Code of
 Laws, 1976, as amended.

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

Solicitor



266

COUNTY OF
STATE

Sumter

VS.

Robert William Wazney

AKA:

Race: White Sex: Age: 43

DOB: SS#:

Address:

City, State, Zip: Sumter, SC 29154

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397

☐ 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

John P. Meador
Meadors, John P

10429
SC Bar#

Defendant

[Signature]
Attorney for Defendant

6790
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-65-43-0339; 2014-65-43-0317; 2014-65-43-03

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

James C. Campbell
Francis Bakis-Ray

INDICTMENT/CASE#: 2015-GS-43-0333

A/W#: 2014A4310100047

Date of Offense: 7/21/2011

S.C. Code § : 16-03-0655(B)(1)

CDR Code #: 0396

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Set offender registry

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

Presiding Judge

Judge Code:

Sentence Date:

Marki Murphy
2166
4/15/15

WITNESSES

E. Boland
Sheriff

Sumter County

ARREST WARRANT NUMBER

2014A4310100050

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

Date:

3-12-15

VERDICT

GUILTY

[Signature]
Foreperson of Petit Jury

Date:

APRIL 15, 2015

DOCKET NO. 2015-GS-43-0334

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

March

TERM

2015

THE STATE

vs.

ROBERT WILLIAM WAZNEY

Indictment for

Sex / Criminal sexual conduct with minor,
or Attempt - victim 11 to 14 yrs of age
inclusive - Second

[Signature]
Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF SUMTER)

Sex / Criminal sexual conduct with minor, or
Attempt - victim 11 to 14 yrs of age inclusive -
Second

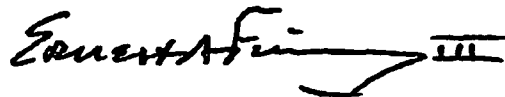
At a Court of General Sessions, convened on March 12, 2015 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE

That between September 1, 2011 and June 1, 2012 in Sumter County, South Carolina, the defendant, Robert William Wazney, did commit a ~~sexual~~ sexual battery upon a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, to wit: the defendant preformed oral sex on the victim, had the victim preform oral sex on him and the defendant did put the wood handle of a plumber's stick in the victims vagina, said victim Minor date of birth , and the defendant's date of birth being , and the defendant is in a position of familial, custodial, or official authority to coerce the victim submit or is older than the victim, in violation of Section 16-3-655(B)(2), South Carolina Code of Laws, 1976, as amended.

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

Solicitor



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

269

COUNTY OF
STATE

Sumter

VS.

Robert William Wazney

INDICTMENT/CASE#: 2015-GS-43-0334

A/W#: 2014A4310100050

Date of Offense: 9/1/2011

S.C. Code § : 16-03-0655(B)(1)

AKA:

Race: White Sex: M Age: 43

DOB:

City, State, Zip: Sumter, SC 29154

DL#: 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 16 years of age - Second degree

SENTENCE SHEET

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397

☐ 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

John P. Meadors, John P

10429 SC Bar#

Defendant

Attorney for Defendant

67910 SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on 2014-65-43-0317; 2014-65-43-0317; 2015-65-43-0333☒ 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	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

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: sex offender registry

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

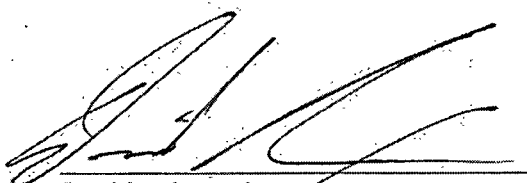
244

4/15/15

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 25, 2016

A handwritten signature in dark ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED 270

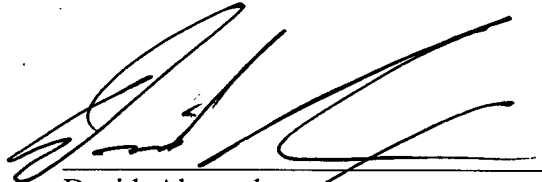
CERTIFICATE OF COUNSEL FOR APPELLANT

MAY 25 2016

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 25, 2016



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT