

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT LEE REEVES,

APPELLANT

APPELLATE CASE NO 2016-002316

RECORD ON APPEAL

SUSAN B. HACKETT
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 Deputy Attorney General
Attorney General Office
P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 THE STATE OF SOUTH CAROLINA

2 In General Sessions Court

3 County of Aiken

4

5 The State of South Carolina,) Transcript of Record
Plaintiffs) 2015-GS-02-01111

6) 2015-GS-02-02375

7 vs.

8

9 Robert Lee Reeves,) November 15, 2016
Defendant) Aiken, S.C.

10

11

12 Before the Honorable R. Lawton McIntosh, Judge.

13

14

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

16 Ms. Ashley Hammond,
Assistant Solicitor for the State

17

18 Mr. Sam S. Grimes,
Assistant Solicitor for the State

19 Mr. Michael D. Routzong,
Attorney for Defendant

20

21 Mr. Charles D. Hayes,
Attorney for Defendant

22

23

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I-N-D-E-X

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1 THE COURT: Ladies and gentlemen, we are
2 about to go to begin the jury selection on the first
3 case. We have several questions that we will need
4 to go over with you more in a particularized through
5 the particular case. If I would, would the State
6 call its case, please, name.

7 MS. HAMMOND: Thank, Your Honor. The
8 first case is State of South Carolina versus
9 Robert Lee Reeves. Charged in indictment
10 2016-GS-02-2375, with the criminal sexual conduct
11 with a minor second degree.

12 THE COURT: Would you pass that indictment
13 forward, please, ma'am. Ladies and gentlemen, as
14 you've heard, we're about to begin jury selection in
15 the case of the State of South Carolina versus
16 Robert Lee Reeves. Excuse me. And we have several
17 questions relating to that. The first question is
18 this. Has anyone ever been related by blood or
19 marriage to either Robert Reeves, R-E-E-V-E-S, or
20 **Complainant** If so would please stand.

21 (Whereupon, no response.)

22 THE COURT: And, ladies and gentlemen, I
23 neglected to tell you this. At this portion or of
24 this phase of the questioning, if a question
25 pertains to you, you need to stand up where you are,

1 because we will not have the more confidential
2 setting at the end of this part of the questioning.
3 So if a question applies to you, please stand.

4 Next question, has anyone ever had a
5 close personal or social relationship with Robert
6 Reeves or **Complainant** If so, would you please
7 stand.

8 (Whereupon, no response.)

9 THE COURT: Ladies and gentlemen, the
10 following is a list of possible witnesses, who may
11 be called to testify in this case. I am going to
12 read you the entire list, and then I will ask you
13 questions pertaining to them. The possible
14 witnesses are: Robert Reeves, R-E-E-V-E-S,
15 Jasmine Leonard, Keyerra Reeves, Jessica Owens. Did
16 everyone get those? Very good. Has any member of
17 the jury panel every been related by blood or
18 marriage to any of the potential witnesses I just
19 read to you? If so, would you please stand.

20 (Whereupon, no response.)

21 THE COURT: Has any member of the jury
22 panel ever had a close personal or social
23 relationship with any of the potential witnesses
24 I've just given to you? If so, would you please
25 stand.

1 (Whereupon, no response.)

2 THE COURT: Counsel for Mr. Reeves, would
3 you please stand and introduce yourself and your
4 client please.

5 MR. ROUTZONG: Yes, Your Honor. My name
6 is Michael Routzong with the Aiken bar. This is
7 Mr. Reeves. My assistant counsel is David Hayes
8 with the Aiken bar.

9 THE COURT: Would the State introduce
10 themselves, please.

11 MS. HAMMOND: Good morning. My name is
12 Ashley Hammond. I work for the solicitor's office
13 here in Aiken County.

14 MR. GRIMES: Sam Grimes. I also work for
15 with the solicitor's office.

16 THE COURT: Very good. Now is any member
17 of the jury panel ever been represented by any of
18 these attorneys here in the courtroom, or any
19 attorney who is employed by the Aiken County Public
20 Defender's Office, or the Aiken County Solicitor's
21 Office? If so, would you please stand. Yes, sir.
22 I'm sorry, what is your jury number?

23 THE JUROR: Juror No. 1.

24 THE COURT: Mr. Adcock?

25 THE JUROR: Yes.

1 THE COURT: Do you mind telling us who
2 represented you?

3 THE JUROR: I served in this county as a
4 paramedic for 20 years. And I was involved in a few
5 different cases with the solicitor's office.

6 THE COURT: I'm sorry. I've missed part
7 of what you said.

8 THE JUROR: I have a hard time speaking
9 very loudly..

10 THE COURT: Do you mind coming around
11 here, that way I can hear you a little bit easier,
12 sir. And I'm sorry to have you stand out in front
13 of everybody, I apologize. I've just got gray hair
14 and bad ears.

15 THE JUROR: I understand.

16 THE COURT: I've just gray hair and bad
17 ears.

18 THE JUROR: I understand. As a paramedic
19 for 20 years in the county, I have been involved
20 with several cases with---

21 THE COURT: With the solicitor's office.

22 THE JUROR: ---the solicitor's office.

23 THE COURT: Okay. Well let me ask you
24 this. Would your prior experiences as a paramedic
25 with the solicitor's office, or otherwise, or

1 against whoever was the public defender back in that
2 day, cause you to be unable to be fair and impartial
3 to both the State of South Carolina and to the
4 defendant in this matter?

5 THE JUROR: I don't believe I have any
6 bias toward counsel on either side.

7 THE COURT: Well we have to be a little
8 stronger than that, Mr. Adcock. We you have to
9 know. We need to make sure that, you know, this
10 gentleman is on trial for his liberty.

11 THE JUROR: Right.

12 THE COURT: So we need to make sure that
13 whoever we select, can be fair and impartial to both
14 sides, and can listen to the testimony, who can
15 listen to law as I charge it, and who can engage
16 fairly and impartially and come up hopefully with a
17 unanimous decision. Can you do that?

18 THE JUROR: Yes, sir.

19 THE COURT: Any additional voir dire from
20 the defense?

21 MR. ROUTZONG: No, sir.

22 THE COURT: From the State?

23 MS. HAMMOND: No, Your Honor.

24 THE COURT: Mr. Adcock, thank you very
25 much. And Let me say this to the attorneys. If

1 you wish to have the original voir dire, if I
2 question somebody, just let me know. Otherwise,
3 I'm assuming no. Fair enough?

4 MR. ROUTZONG: Yes, sir.

5 THE COURT: Very good. Ladies and
6 gentlemen has any member of the jury panel ever been
7 related by blood or marriage, or have you ever had a
8 close personal or social relationship with any of
9 these attorneys here in the courtroom, any attorney
10 with the public defender's office or the solicitor's
11 office? If so, would you please stand.

12 (Whereupon, no response.)

13 THE COURT: Has any member of the jury
14 panel read, heard or seen anything about the case of
15 the State of South Carolina versus Robert Reeves,
16 prior to coming to court today? If so, would you
17 please stand. It has follow up question. Has any
18 member of the -- yes, sir.

19 THE JUROR: I heard a little bit about it
20 only nurse.

21 THE COURT: Tell me your jury number.

22 THE JUROR: I'm Juror No. 141, I believe.

23 THE COURT: And I know you are a pastor.

24 You are Reverend Pucket?

25 THE JUROR: Yes.

1 MR. ROUTZONG: Your Honor, can I request
2 that any further inquiry, because the answer could
3 be problematic.

4 THE COURT: Come up here?

5 MR. ROUTZONG: Yes, sir.

6 THE COURT: Reverend Pucket, do you mind
7 coming around here? I think that is appropriate.

8 (Whereupon juror, judge and attorneys
9 converse at the bench.)

10 THE COURT: Reverend.

11 THE JUROR: Yes, Reverend is appropriate.

12 THE COURT: Now you heard something about
13 it on the radio.

14 THE JUROR: On television.

15 THE COURT: On television.

16 THE JUROR: I think. I think I remember
17 on television. It was briefly mentioned.

18 THE COURT: Do you remember what you
19 heard?

20 THE JUROR: I thought that it was
21 something to do with having a relationship with a
22 minor.

23 THE COURT: That's the charge in the case.

24 THE JUROR: A romantic relationship with
25 someone that is under age.

1 THE COURT: Now let me ask you a follow up
2 question now. Is the fact that you were exposed,
3 you knew from TV or otherwise, prior to today,
4 prevent you from listening to evidence and listening
5 to the testimony and listen to the law as I give it
6 to you, and be fair and impartial to both sides in
7 this case?

8 THE JUROR: To be honest, Your Honor, I
9 feel somewhat prejudiced towards this case. And
10 it's for a personal reason also.

11 THE COURT: I'm going to excuse you, just
12 because you've got to be fair and impartial. And I
13 understand. I appreciate your honesty.

14 THE JUROR: Can I leave?

15 THE COURT: Yeah, I'm going to let you go.
16 You can call back after 6 o'clock tonight, because
17 we may bring you back for some other case.

18 THE COURT: 141 Reverend Pucket is
19 excused. Ladies and gentlemen, let me apologize.
20 The State appropriately points out to me that I did
21 not call out the witnesses. I went from one list
22 and not both of them. So let me go back and follow
23 up with other potential witnesses who may appear in
24 this case. And let me apologize to you for not
25 doing that ahead of time. Another potential

1 witness would be, Deborah Rogers at the Aiken County
2 Sheriff's Office, Beverly Denny, Asia Denny,
3 Marquette Davis, Joyce Williams, Kurk Owen of the
4 second solicitor's -- excuse me, second circuit
5 solicitor's office. Did everybody get those?

6 Now of these new witnesses, has any member
7 of the jury panel ever been related by the blood or
8 marriage to any of these people that I listed? If
9 so, would you please stand.

10 (Whereupon, no response.)

11 THE COURT: Has any member of the jury
12 panel ever had a close personal or social
13 relationship with any of the additional potential
14 witnesses I read to you? If so would you please
15 stand. Okay, sir. And is that based on the same?

16 THE JUROR: Yes.

17 THE COURT: What is your juror number?

18 THE JUROR: 20.

19 THE COURT: Mr. Adcock. Now would your
20 affiliation with the new potential witnesses prevent
21 you from being fair and impartial to both this
22 defendant and to the State?

23 THE JUROR: No, sir.

24 THE COURT: Thank you very much. Anyone
25 else?

1 (Whereupon, no response.)

2 THE COURT: Ladies and gentlemen, has any
3 member of the jury panel formed or expressed an
4 opinion about this case or any issue involved in
5 this case, which is the State of South Carolina
6 versus Robert Lee Reeves, charged with criminal
7 sexual conduct with a minor second degree? If so,
8 would you please stand.

9 (Whereupon, no response.)

10 THE COURT: Is there any member of the
11 jury panel that is aware of any bias or prejudice
12 that they might harbor either to the State of South
13 Carolina, this defendant, or the State's attorneys
14 or the defendant's attorneys? If so, would you
15 please stand.

16 (Whereupon, no response.)

17 THE COURT: Is there any member of the
18 jury panel who is a member of the grand jury which
19 issued the indictment in this case? If so, would
20 you please stand.

21 (Whereupon, no response.)

22 THE COURT: Ladies and gentlemen, is there
23 any member of jury panel who is a member of a
24 contributor to any group which has its primary
25 concern, the promotion of law enforcement or

1 victim's rights? And some examples, but not
2 certainly not an exhausted list of these type of
3 groups, would be MADD, SADD or CAVE. And if you are
4 member of or a contributor to any group which has
5 it's primary concern for the promotion of law
6 enforcement or victim's rights, would you please
7 stand?

8 (Whereupon, no response.)

9 THE COURT: Is there any member of the
10 jury panel who knows of any reason whatsoever, why
11 he or she should not be selected to serve in the
12 trial of this matter, with particular emphasis being
13 laid upon your ability to be fair and impartial to
14 both the State of South Carolina and to Mr. Reeves.
15 If anybody knows of any reason why they should not
16 serve, would you please stand?

17 THE COURT: Yes, ma'am. What is your jury
18 number?

19 THE JUROR: 132.

20 THE COURT: 132.

21 THE JUROR: Yes.

22 THE COURT: And you are Ms. Padgett?

23 THE JUROR: Yes, sir.

24 THE COURT: Ms. Padgett, why should you
25 not serve?

1 THE JUROR: Based on the charge, Your
2 Honor, I have to---

3 MR. ROUTZONG: Perhaps it would be
4 something again better discussed on the side bar.

5 THE COURT: Just come here for a second.
6 Ms. Padgett, would you just stay here, please. Go
7 ahead.

8 THE JUROR: I want to be fair, but I went
9 through this with my children. The same thing.

10 THE COURT: That's fair. I am going to
11 excuse you for the trial of this case. If you will
12 call back tonight. Ms. Padgett, do you have the
13 number call back after 6 o'clock?

14 THE JUROR: Yes, sir.

15 THE COURT: Ladies and gentlemen, has any
16 member of the jury panel or any member of their
17 immediate family been a victim of criminal sexual
18 conduct. If so, would you please stand?

19 No. 1, Mr. Adcock.

20 THE JUROR: Yes, sir.

21 THE COURT: Was it a member of your
22 family?

23 THE JUROR: My daughter.

24 THE COURT: Your daughter?

25 THE JUROR: Yes.

1 THE COURT: And the fact that this trial
2 involves a charge, and right now it's charge, it's
3 an allegation of criminal sexual conduct with a
4 minor second degree. Would the fact that your
5 daughter having experience along those lines,
6 prevent you from listening to the testimony, from
7 listening to the evidence, and applying the law as I
8 give it, and being fair and impartial to both the
9 State and to this defendant?

10 THE JUROR: It very well may be an issue.

11 THE COURT: I am going to excuse you from
12 this trial. You will need to, you are free to go,
13 Mr. Adcock. Call back after 6'o'clock, because we
14 have other trials okay.

15 THE JUROR: Yes, sir.

16 THE COURT: Ma'am, what is your juror
17 number?

18 THE JUROR: 86.

19 THE COURT: You're Ms. Hill?

20 THE JUROR: Yes, sir.

21 THE COURT: And I know this is in open
22 court. Do you mind giving us the information, or
23 you would rather do it on the side bar?

24 THE JUROR: I'd rather do it on the side
25 bar.

1 THE COURT: Ms. Hill 86. Do you know the
2 victim?

3 THE JUROR: Yes.

4 THE COURT: You want to be excused?

5 THE JUROR: Uh-huh. (Affirmative.)

6 THE COURT: If you will call back after
7 6 o'clock. I'm sorry to bring you up here. Ladies
8 and gentlemen, has any member of the jury panel or
9 any member of their immediate family been the victim
10 of a violent crime? If so, would you please stand?

11 THE JUROR: Can you repeat that?

12 MS. HAMMOND: She asked if you would
13 repeat it.

14 THE COURT: Has any member of the jury
15 panel or any member of your immediate family been
16 the victim of a violent crime? And if so, would you
17 please stand? Sir, what is your jury number?

18 THE JUROR: 166.

19 THE COURT: 156?

20 THE JUROR: 166, Bill Solesby.

21 THE COURT: Solesby. Was it you or a
22 member of your family?

23 THE JUROR: A member of my family.

24 Family.

25 THE COURT: And I am not going to ask you

1 to spell out the particulars. But would that
2 experience with a member of your family, cause you
3 to be unable to be fair and impartial to the State
4 or the defendant in this case?

5 THE JUROR: Yes.

6 THE COURT: It would?

7 THE JUROR: Yes.

8 THE COURT: Can you sit in any criminal
9 trial?

10 THE JUROR: Yes.

11 THE COURT: But you feel if it's a violent
12 crime, you cannot?

13 THE JUROR: Correct.

14 THE COURT: I'm going to excuse you for
15 this trial. Call back after 6, because we might
16 have some other work for you. Thank you for coming.
17 Yes, ma'am, what is your jury number?

18 THE JUROR: 18.

19 THE COURT: You are Ms. Bolen.

20 THE JUROR: Yes, sir.

21 THE COURT: Again, I'm not going to ask
22 any particulars, but it was you or a member of your
23 family?

24 THE JUROR: It was me.

25 THE COURT: You?

1 THE JUROR: Yes, sir.

2 THE COURT: Now would that experience that
3 you went through prevent you from giving the State a
4 fair trial and an impartial trial, and this
5 defendant a fair and impartial trial?

6 THE JUROR: No, sir.

7 THE COURT: Thank you so much. Anyone
8 else? Other than as requested, any additional voir
9 dire from the State?

10 MS. HAMMOND: Not from the State, Your
11 Honor.

12 THE COURT: Other than as requested, any
13 additional voir dire from the defense?

14 MR. ROUTZONG: No, sir.

15 THE COURT: Ladies and gentlemen, what we
16 are going to do, back before I had gray hair, when
17 we picked a jury, we had somebody who could not
18 read, would come in the courtroom and reach into a
19 cylinder, and would draw out the names of 20 people.
20 And then we'd have the three extra ones or six extra
21 ones, so we'd have alternates. Those names would be
22 called out. And the person would come out and stand
23 in between the State and the defense tables. And
24 the decision would be made whether or not they would
25 be selected. With the advent of technology, the

1 same thing is going to happen. However, a computer
2 will list out a group of names. The lawyers won't
3 have those names in advance, only the court and the
4 court staff will have those.

5 However, if you're name is called, if you
6 would come around and stand in front of Ms. Giver,
7 who is a great clerk of court here. Face the State
8 and face the defense. And they will make a
9 determination as to whether or not you will be
10 selected or not selected. If your name is called
11 and you have personal belongings with you such as a
12 pocket book or something along those lines, please
13 bring them with you. Because if you are selected,
14 then you are going to be sat in the jury box and
15 then will go forward from there.

16 THE CLERK: Two alternates?

17 THE COURT: We are going to have two
18 alternates.

19 THE CLERK: 58 Dianne Dingess, (f-w)
20 accepted. Juror No. 144 Victor Radcliff (m-w)
21 accepted. No. 143 Carolyn Rachels (f-w) accepted.
22 Juror 52 Gladys Daniels (f-b) accepted. Juror No.
23 14 Sara Bellomy (f-w) accepted. Juror No. 107
24 Steven Lucas (m-w) accepted. Juror No. 71 Kerri
25 Goldstein (f-w) accepted. 191 Beatrice Williams.

1 (f-b) accepted. Juror No. 63 Stefanie Eaves (f-w)
2 accepted. Juror No. 22 Jeffrey Brazier (m-w)
3 defense strict. Juror 18 Jessica Bolin (f-w) state
4 struck. Juror 130 Marisa Odom (f-b) accepted.
5 Juror 135 Priscilla Patterson (f-b) accepted. Juror
6 183 Victor Waling (m-w) accepted. Juror 168 Billy
7 Stephens (m-w) accepted.

8 THE COURT: Two alternates.

9 THE CLERK: Juror 31 Kenneth Corley (m-b)
10 defense struck. Juror No. 56 Joseph Deas (m-w)
11 accepted. Alternate No. 2, Juror No. 6 Patricia
12 Armstrong (f-b) accepted.

13 THE COURT: Ladies and gentlemen, those of
14 you who were selected to serve in the trial of this
15 matter, I am going to ask first that you go back to
16 the jury room in just a moment, and select someone
17 who you want to be your foreperson. Once you have
18 made that selection, you will write the person's
19 name down and their jury number on a piece of paper.
20 Now let me tell this, the first 12 is what will call
21 our primary juror. Our last two are our alternate
22 votes. But they may not serve as the foreperson,
23 because as we go through the trial, then you will be
24 relieved before the deliberations begin. But once
25 you select the foreperson, a foreperson is someone

1 who is going to be basically head up the
2 deliberations at the end of the case. And also
3 someone who is responsible for communicating with
4 the court if you ever think there is a need to be.
5 But once you select a foreperson, whoever your
6 representative is going to be, you write your name
7 down and your jury number, then turn around and poll
8 your fellow jurors. And determine who if anyone
9 would like a pad and pencil to take notes with
10 during the trial in this matter.

11 Once you get that down, if you would write
12 that number down on the note below your name. Knock
13 on the door, and our bailiff will bring you back in
14 the courtroom and we'll give you further
15 instructions. Just to let you know, we'll excuse
16 you after that happens, and then we will bring you
17 back after lunch for opening statements. But if you
18 would go back with the bailiff now, please.

19 (Whereupon, the following takes place
20 outside the presence of the jury.)

21 THE COURT: Let me see the attorneys up
22 here right quick, please. Let me go over something
23 with counsel right quick. I assume since I haven't
24 heard anything, there is no objections to the manner
25 of jury selection at this juncture. Is that

1 correct?

2 MS. HAMMOND: No, sir.

3 MR. ROUTZONG: No, sir.

4 THE COURT: Thank you, I'm sorry I didn't
5 ask. What is your pleasure, come back at one?

6 MS. HAMMOND: That's fine with us.

7 THE COURT: You all tell me. It's your
8 case, it's your trial.

9 MR. GRIMES: We don't have to leave the
10 courthouse so...

11 MS. HAMMOND: We're not going anywhere, so
12 we'll be here.

13 MR. GRIMES: Just give them enough time to
14 eat.

15 THE COURT: What do you guys want to do?

16 MR. ROUTZONG: 1:30 okay, Your Honor?

17 THE COURT: 1:30 will be fine.

18 MR. GRIMES: Your Honor, just one
19 additional matter. And I don't think we have any
20 pretrial issues. We've discussed several issues,
21 and I don't think we have any pretrial issues to
22 take up. This is not Mr. Routzong's first CSC. We
23 would just ask anything that's going to be
24 approached under this CSC rape shield statute, that
25 we proffer any type of relationship that the victim

1 may have had with anybody other than the defendant,
2 outside of the jury's presence, o determine the
3 admissibility before is addressed to the jury.

4 THE COURT: Absolutely. You don't
5 question that at all, do you?

6 MR. ROUTZONG: No, sir.

7 MR. GRIMES: And I didn't think he was)
8 going to. I just wanted to make that.

9 THE COURT: Sure. Let me ask you, is
10 there any way that you all premark any exhibits or
11 is that?

12 MS. HAMMOND: Already done.

13 THE COURT: Done.

14 MR. ROUTZONG: Done.

15 THE COURT: Do you want go ahead, and are
16 you agreeing that they're admissible? Not that you
17 agree to the exhibits, or on both sides?

18 MR. ROUTZONG: I agree that that's
19 admissible. I don't think I've shown her anything
20 that---

21 THE COURT: Sir?

22 MR. ROUTZONG: I have agreed to their one
23 exhibit. I don't think I've shown her the one I
24 made -- that I have marked. I don't know that I
25 will ever admit it. We're asking it to be admitted.

1 THE COURT: In other words, you agree that
2 it is admissible.

3 MR. ROUTZONG: I have not asked her this.
4 I don't know the answer to her, but I think it's
5 admissible.

6 MS. HAMMOND: I think he's agreeing to our
7 exhibit.

8 MR. ROUTZONG: Yes, sir. On that one.

9 MR. HAMMOND: We haven't seen his yet.

10 THE COURT: I mean, I am not going to make
11 you do it. I mean, if you can, if you can't, you
12 can't. How many exhibits do you have?

13 MS. HAMMOND: One.

14 MR. ROUTZONG: One.

15 THE COURT: So State's Exhibit No. 1 is
16 admitted without objection, is that correct?

17 MR. ROUTZONG: That's correct, Your Honor.

18 (Photo marked State's Exhibit No. 1 into
19 evidence.)

20 THE COURT: So you can use it in opening
21 statement if you want to. You can publish to the
22 jury on request. And it's admitted without
23 foundation.

24 MS. HAMMOND: Thank you, Your Honor.

25 THE COURT: Have you got it? No. 143 will

1 be our foreperson.

2 THE BAILIFF: Are you ready, Your Honor?

3 THE COURT: Yes, sir.

4 (Whereupon, the following takes place
5 within the presence of the jury.)

6 THE COURT: Juror No. 143, raise your
7 hand. Ma'am, we'll come back to you. You don't
8 need to do it now. But do you see this gentleman
9 right here on the front row right here in the tan
10 shirt, if you would take that seat each time we come
11 in and out of the courtroom, it helps us keep up
12 with administrative matters. Are you our two
13 alternates on the back row. If you all, and I think
14 you've been told too already. But if you would take
15 those seats each time you come in and out of the
16 courtroom. The same thing, it helps us out. The
17 rest of you can sit wherever you like when you come
18 back in.

19 Now, I don't remember, Margaret, is the
20 number on there for pad and pencil? I didn't look
21 at the sheet.

22 THE BAILIFF: I'll get them all one.

23 THE COURT: Everybody wants one. We've
24 got that taken care of, very good. Ladies and
25 gentlemen, in just a minute, I'm going to excuse you

1 for lunch. I'm going to ask that you be back in
2 your jury room at 1:25, and we intend to start at
3 1:30 with opening statements. And I need to give
4 you some instructions right now that would be
5 applicable from this point forward until you're
6 discharged from the trial of this case. The first
7 of those rules is No. 1, you may not begin your
8 deliberations until the end of this case, and I give
9 you clear, explicit instructions that you are to
10 begin your deliberations.

11 Now that would include you speaking
12 amongst yourselves about the course and events and
13 things that happen during the trial at any point.
14 If we go have a break and you say, oh, did you hear
15 about that testimony and did you see this, that
16 would be considered deliberations. Do not do that.
17 Also, I am married, I have a little girl. If I was
18 on a jury, I know if I got home in the evening,
19 they'd be questioning me about what was happening.
20 You are not allowed to speak with anybody else, not
21 yourselves or anyone else about this case. And
22 that's face to face, be it e-mail, be it tweeter, or
23 any mode of communication you can think of until
24 after you've excused. And the reason being, we want
25 you to hear all the testimony. We want you to hear

1 all of the evidence that's presented and also the
2 law that applies to this case before you begin your
3 deliberations. Therefore, you don't have outside
4 influences on what your verdict is going to be, and
5 you don't come to a premature conclusion about what
6 the facts in this case are.

7 With that being said, also, I don't know
8 if this will be an issue or not, but if any is any
9 medica about this case, whether the TV, radio, print
10 or otherwise, any form or fashion of media or news
11 about this case, you may not and you shall not
12 listen to it, read it, or hear it until after the
13 case is over. For the same reasons, we don't want
14 to have any outside influences or something that
15 would cause you to come to a premature conclusion
16 about this case.

17 Finally, all trial judge have been
18 instructed to tell each jury whether it's civil or
19 criminal, that they may not engage in what's called
20 in independent jury research at any point until the
21 case is over with. What independent jury research
22 is, is that through some form of research you look
23 up something about a party, an attorney, a court
24 official, myself, during the course of this case.
25 Also any issue that your may hear about during the

1 course of this trial you may not look up. Or any
2 issue that you think may be helpful you may look up.
3 It's not fair to the parties. You don't know what
4 that influence may be. They can't question you
5 about it. After the case is over with, and you've
6 been excused, you can look up to your heart's
7 desire. But until that's done, do not look up
8 anything about this case, or about any issue in this
9 case, or any party involved in these proceedings.

10 With that being said, I going to excuse
11 you for lunch, and ask you to be back at 1:25, and
12 we'll begin with opening statements and the charge
13 at that point. Thank you very much.

14 (Whereupon, jury is dismissed for lunch at
15 11:58 a.m.)

16 THE COURT: Any additions or exceptions
17 from the State?

18 MS. HAMMOND: No, Your Honor.

19 THE COURT: From the defense?

20 MR. ROUTZONG: No, sir.

21 THE COURT: So we're good to go until
22 1:30. We'll see you all at 1:30.)

23 (Whereupon, court breaks for lunch.)

24 THE COURT: Is the State ready to go?

25 MS. HAMMOND: Yes, Your Honor.

1 THE COURT: Defense ready?

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: You may bring the jury in.

4 (Whereupon, the following takes place
5 within the presence of the jury.)

6 THE COURT: Would you swear the jury,
7 please, ma'am?

8 (Whereupon, the jury is sworn.)

9 THE COURT: Madam Forelady, and Ladies and
10 gentlemen of the jury, before we get started, let me
11 make sure that everyone has pad and pencil or pen.
12 Let me tell you a little bit about those. When you
13 go and we take a break, leave your pads here in the
14 courtroom. In the evenings, leave them in the jury
15 room, don't take home with you. They will be safe
16 guarded and you can use them throughout the course
17 of this trial.

18 Now Ladies and gentlemen, we are about to
19 begin the trial of the case of the State the South
20 Carolina versus Robert Lee Reeves. He's been
21 charged with criminal sexual conduct with a minor in
22 the second degree. I don't know if any you have
23 ever been involved in a trial before. I would
24 expect however that each and everyone of you has
25 watched on TV or in the movies, something that

1 purports to be a trial. Let me quickly dispel you
2 what you're about to see is going to be totally
3 different than what it's like at the movies and in
4 the TV. It's certainly not entertainment. But
5 trials are a fundamental part of our democracy. It
6 has been said that trials are a search for the truth
7 to make sure justice is done between all parties.

8 Now these attorneys you have in the
9 courtroom and who have spoken to you already today,
10 when they are sworn in as with all attorneys, they
11 took an oath that they will zealously represent
12 their client's interest in court. We expect no less
13 in this trial. With that being said, they're also
14 officers of this court. So you can expect them to
15 be professional, competent and ethical in their
16 dealings with witnesses, with each other, and with
17 me throughout the course of this trial.

18 Likewise, you have just taken an oath from
19 my clerk where you have represented and through this
20 process, represented that you can be fair and
21 impartial to both sides. That means that the
22 parties in this court have a right to expect that
23 you will be impartial, and that you will be fair,
24 and that you follow the instructions that are given
25 to you by myself throughout the course of this case.

1 Now what I'm telling to you now is basically an
2 introduction or a road map of what you can
3 reasonably expect. It's not a charge on the law.
4 That will be given to you at the end of the case
5 before your instruction to begin your deliberations.

6 Now it's basically letting you know what
7 you can expect. Each of you have asked for notes or
8 pads to take notes with. Some people don't let
9 jurors take notes. I think it's a good idea.
10 However, let me caution each of you. You are, and I
11 tell you more about that in a minute, finders of
12 fact. And one of the things that you will do as a
13 finder of fact is determine how much and which part
14 of any witness' testimony you wish to believe, and
15 any part of a witness' testimony you wish not to
16 believe. Now you have a right to believe all or
17 none of any part thereof. But in making that
18 determination, you need to watch how they react to
19 questions and how their demeanor while they're on
20 the stand. Because there may be something very
21 subtle that gives you an indication based on your
22 common experience and good sound judgment as to
23 whether or not they're telling you the truth. And
24 if you're so engaged in taking your notes, you may
25 miss it. So I caution you about that.

1 Also, Madam Forelady, just because
2 something may appear in a juror's notes doesn't
3 mean that it trumps somebody else's memory on that
4 issue. Some people are better notetakers than
5 others. So at the end of the day if a juror says,
6 no, I have it in my notes and somebody says, well I
7 remember it differently, that's why they're called
8 deliberations. You'll just have to hash it out,
9 okay.

10 Now in this case, as I told you, the
11 defendant has been charged with a criminal sexual
12 conduct with a minor second degree. This paper that
13 I have in my hand is called an indictment. Let me
14 tell you that the fact that this defendant has been
15 arrested, charged and indicted is not evidence of
16 his guilt. It does not raise a presumption of his
17 guilt nor an inference of his guilt. In fact, he
18 says I'm not guilty of this charge. Therefore, the
19 State of South Carolina has the burden of proving
20 him guilty by proving beyond a reasonable doubt.
21 And they will have to prove every element of that
22 charge, as I give it to you in the case, by that
23 same standard, by proof beyond a reasonable doubt.
24 But let me give you a brief definition of what
25 reasonable doubt is so you can have it in your minds

1 throughout this case. A reasonable doubt is the
2 kind of doubt that would cause a reasonable person
3 to hesitate to act in an important matter in their
4 own affairs. And as I told you, the State has the
5 burden of proving the defendant guilty beyond a
6 reasonable doubt. If any of you have ever been
7 involved in a civil case, the burden of proof in
8 those cases is called a preponderance of the
9 evidence or the greater weight. And we give an
10 example of those cases of the scales of justice
11 being titled every so slightly in those cases,
12 that's the preponderance of the evidence. The
13 standard in criminal cases is much higher or much
14 stronger. Proof beyond a reasonable doubt is proof
15 that leaves you firmly convinced that the defendant
16 is guilty of the crime for which he is charged.

17 Now that being said, Ladies and Gentlemen,
18 there are very few things in this world that we know
19 with absolute certainty. And in criminal cases, the
20 law does not require the State to overcome every
21 possible doubt that that may exist in the case. If
22 at the end of this case based on your consideration
23 of all the evidence, you are firmly convinced that
24 the defendant is guilty of the crime for which he
25 has been charged, then it would your duty to find

1 him guilty. On the other hand, if you think there's
2 a real possibility that the defendant is not guilty,
3 you will have to give the benefit of the doubt and
4 find him not guilty. I'll give you more on that at
5 the end of this case.

6 Now as I mentioned to you, your purpose
7 as jurors are to find facts. You are in the
8 vernacular of lawyers in court, the sole judges of
9 the facts. Nobody can invade your fact finding
10 province. I can't. These lawyers can't. Nobody
11 has a right to. Therefore, If I say or do anything
12 throughout the course of this trial which indicates
13 to you which facts you are supposed to find, in
14 other words, Ladies and gentlemen, what your verdict
15 is supposed. I'm going to instruct to disregard it.
16 Our state constitution does not allow any trial
17 judge to make a comment on the facts or have an
18 opinion on the facts.

19 So if you see, if you think you see me
20 doing something to indicate what verdict you are
21 supposed to reach, you may not consider that,
22 because I'm not. But by you determine what the
23 facts are and what your verdict will be based on the
24 testimony that you hear in this courtroom from this
25 witness stand, from witnesses who were sworn in and

1 who are examined and cross examined. You are not to
2 be -- you may not influenced by anything you see
3 outside of the courtroom. And, Ladies and
4 gentlemen, at the end of this case, it will be up to
5 you to determine which inferences you will apply to
6 the facts as you hear them in this case, as you feel
7 and that are appropriate.

8 Now the law that makes you the sole judges
9 of the facts, makes me the sole judge of the law.
10 That means that you must accept it as I give it to
11 you. You may not be concerned with what you would
12 like it to be, or what you think it should be, but
13 what it is. I can assure you that there are people
14 from Columbia that will correct me if I make an
15 error on the law. On the other hand, an error of
16 fact is very rarely correctable on appeal. So you
17 will need to pay close attention throughout this
18 trial. I don't believe it's going to be very long.
19 Remember do not engage in deliberations or look up
20 anything about this case. As I told you before, I
21 am not going to go back over that again. But in
22 every trial there are five phases in civil or
23 criminal. They'll be an opening statement by the
24 State to South Carolina. The defendant may but is
25 not required to make an opening statement because

1 the burden is on the State.

2 After opening statements, there will be
3 the presentation of the evidence. There will be
4 closing arguments by attorneys. I will charge you
5 on the law and then you will begin your
6 deliberations. I give you those five phases so you
7 typically know where you are. Now in just a minute,
8 the State is required to give an opening statement.
9 What the State tells or and if the defendant decides
10 they want to give an opening statement, what they
11 tell you is not evidence. They are not sworn, and
12 they're not put on this witness stand and subjected
13 to cross examination. It's helpful to help you
14 understand what the case is about. However at the
15 end of this case, I will remind you that if your
16 memory of what the facts are differs from either
17 what the State or the defense tells you in this
18 case, then your memory will control.

19 Ladies and gentlemen, in every single case
20 that I've ever been involved with as a judge or as
21 an attorney, there were objections. A lawyer has an
22 ethical duty to object any time he or she feels like
23 there is improper evidence being introduced during a
24 trial. It may be that you feel like you're cattle
25 being herded in and out of the courtroom throughout

1 these proceedings, I don't know, we'll find out.
2 However, let me tell you this. You may not and
3 shall not consider the fact of an objection being
4 made in your deliberations, Madam Forelady. It's
5 just the way the process is followed. And to the
6 extent I let you stay in here when I make a ruling
7 on that, you may not discuss that either. I'll
8 remind you of that at the end of the day.

9 With that being said, this is not an
10 endurance contest. If I ever call you back before
11 your jury is ready to come, let me know. If anybody
12 blocks your eyesight so you can't see a witness and
13 can't see evidence being presented, or you can't
14 hear, raise your hand and we'll correct it. And if
15 you need to take a break before trial before I am
16 breaking, just make a note and we'll, you know,
17 catch my eye, and we'll stop and we'll take a break
18 to your satisfaction.

19 If you need anything, the bailiffs will
20 take good care of you. Let him know, otherwise, I
21 am going to send you back to your jury room. But
22 don't even take your seats, because more than
23 likely, you'll turn around and we'll have opening
24 statements. You can go back to the jury room now.
25 Leave your notebooks here in the courtroom now

1 please.

2 (Whereupon, the following takes place
3 outside the presence of the jury.)

4 THE COURT: Any additions or exceptions
5 from the State?

6 MS. HAMMOND: No, Your Honor.

7 THE COURT: From the defense?

8 MR. ROUTZONG: No, sir.

9 THE COURT: Do you want one more minute
10 before you do your openings or are you ready to go?

11 MS. HAMMOND: Your Honor, the only thing,
12 and I apologize, I neglected to mention this
13 earlier. But we would ask that all witnesses be
14 sequestered in this case.

15 THE COURT: I'll grant that. Any
16 witnesses here? From both sides. Are you ready to
17 bring your first witness in now? Oh, you've got
18 your opening statements to do first.

19 MS. HAMMOND: Yes, sir.

20 THE COURT: Are you ready?

21 MS. HAMMOND: Yes, sir.

22 THE COURT: Are you ready?

23 MR. ROUTZONG: Yes, sir.

24 THE COURT: Do you intend to make an
25 opening statement?

1 MR. ROUTZONG: I'm sorry?

2 THE COURT: Are you going to make an
3 opening statement?

4 MR. ROUTZONG: Yes, sir.

5 THE COURT: I figured you would. You can
6 bring the jury.

7 THE COURT: Is the State ready to proceed?

8 MS. HAMMOND: Yes, Your Honor.

9 THE COURT: Go right ahead.

10 MS. HAMMOND: Thank you. Good afternoon.

11 Daddies have a special bound with their daughters.

12 We've all heard the phrase, "Daddy's Girl." Well

13 when **Complainant** had her father come back in her

14 live in March of 2012, right around her 15th

15 birthday, that's exactly what she expected. She was

16 getting to know her father, the defendant, seated

17 right there. He took her shopping, took her to play

18 basketball. All the things that she expected a

19 father to do. Now as you can see to spend time with

20 her father that year, and move into the summer of

21 2012. In addition to the movies and basketball, he

22 started taking her to his house here in Aiken

23 County. And you'll hear that that's where his

24 relationship with **Complainant** changed. Because that's

25 when the defendant started having sex with his

1 biological daughter.

2 Now you're going to hear from the
3 witnesses in this case. You're going to hear from
4 eye witnesses, from investigators, from people
5 involved in what was going on that summer. You're
6 going to hear how this ultimately came to a head,
7 and how **Complainant** finally told what was going on, and
8 why she told when she did. Now as the judge told
9 you, he's going to instruct you on the law at the
10 end of this case. But as we go through this trial,
11 I want you to be thinking about a few things. We
12 have a job of proving this case. We have a job of
13 proving that the defendant committed the crime of
14 criminal sexual conduct, or CSC, with a minor in the
15 second degree.

16 And there is a couple of things that I
17 want you to be listening for as you listen to the
18 testimony that you hear today. One, is that a
19 sexual battery took place. And again, the Judge is
20 going to go over this in a lot more detail later.
21 But a sexual battery is any penetration of an
22 opening in the body. In this case we'll be talking
23 about sexual intercourse. Also that the victim
24 **Complainant** was between the ages of 14 and 16 when this
25 happened. And lastly, the defendant was in a

1 position of authority; such as, a parent, to make
2 this happen. This is not going to be long trial.
3 But at the end of this trial after you've heard from
4 all the witnesses, I am going to come back before
5 and talk to you about each of these things. We're
6 going to check off those elements of criminal sexual
7 conduct with a minor in the second degree. And at
8 that time, I am going to ask each of you to come
9 back with the only verdict that that testimony leads
10 you to. And that's a verdict of guilty. Thank
11 you.

12 THE COURT: Does the defense wish to make
13 an opening statement?

14 MR. ROUTZONG: Yes, sir. Ms. Hammond,
15 Mr. Grimes. Good afternoon everyone, my name is
16 Michael Routzong from the public defender's office.
17 I just want to briefly go over a couple of things
18 from the defense. Actually it's from our judicial
19 system, the court system. As you sit here right
20 now, every one of you has taken an oath, to
21 carefully listen to the evidence and only make a
22 decision based on the evidence. As you sit here
23 right now, Mr. Reeves is presumed innocent. He must
24 be presumed innocent by each and every one of you.
25 That's an important concept in our judicial system.

1 But what that does mean?

2 It basically means that when the State's
3 alleges that something happened, you have to presume
4 that it didn't happen. That's your starting point.
5 And that's the aspect and that's the standpoint you
6 have to have until the evidence that's presented to
7 you, moves you off of that at the end of your
8 deliberations, whenever you all start voting and
9 deciding whether there's guilt or innocence. That
10 means the State has their case wrong. That means
11 that some of victims -- I'm sorry, some of the
12 accusers, the witnesses, are not being truthful,
13 that's your standpoint. Because if they're wrong
14 and they're saying something happened, you have to
15 be convinced otherwise, beyond a reasonable doubt.

16 So you have to assume that they're
17 mistaken, some of the witnesses. In the case, and
18 that the State's case is incorrect. It's wrong.
19 And that some of witnesses are bring untruthful.
20 And that's you're starting point.

21 His Honor said something that's very
22 interesting in terms of you know people start to
23 think about the law, and they want to kind of fill
24 in the gaps a little bit. When it comes to the
25 evidence, it's a mighty temptation to try to make up

1 what might happened or try to fill in the gaps of
2 evidence, but that is not really why you are here.
3 The State is obligated to present evidence, and I
4 may be presenting evidence, and certainly cross
5 examination of any witnesses I do as evidence. But
6 you're not allowed to fill in any gaps. Your
7 decision has to be based just on what you hear. You
8 can't go back there and say well, this could have
9 happened like this, and this makes sense. That's
10 not why you're here, and you can't do that. So
11 those are some of your obligations as a juror.

12 The facts of this case, Ms. Hammond made
13 reference, you will hear witnesses testifying. Some
14 of them will be investigators. Some of them will be
15 people that are accusing the alleged victim. Some
16 people kind of collateral law, that may or may not
17 have something relevant to say. Here's what the
18 kind of road map I want you to understand from my
19 point of view, from the defendant's point of view
20 and what I believe is actually the case.

21 When it comes right down to it, there is
22 only two people. No matter what any of these people
23 say, the evidence was two people. At the most,
24 maybe three that were present whenever these events
25 were alleged to have taken place. Everything else

1 is kind of, I would argue collateral. Those other
2 people didn't see anything. They weren't there.
3 There may be as many as three, maybe two. Some of
4 that will be one of things you will have to decide
5 based on their credibility. I appreciate your
6 listening to me. Please pay attention to the
7 evidence. The things that I'm going to be trying to
8 do will be to try to explain a little bit about the
9 young lady who is accusing Mr. Reeves, his daughter.
10 The atmosphere where she living. Things involving
11 her mom. Think about that when you're thinking
12 about these cases and the evidence. And do the best
13 you can. We can only ask you to do the best you
14 can, and listen to all evidence, and then give us a
15 verdict. Thank you so much for listening.

16 THE COURT: Call your first witness,
17 please.

18 MS. HAMMOND: Thank you, Your Honor. The
19 State calls **Complainant**
20 **Complainant** being first duly sworn,
21 testified as follows:

22 THE CLERK: State your full name for the
23 court and spell your last.

24 A. My name **Complainant**. Last name is
25 **Complainant**

Complainant Direct by Hammond

1 Direct Examination by Ms. Hammond:

2 Q. **Complainant** tell me something, when is your
3 birthday?

4 A. [REDACTED] [REDACTED].

5 Q. And where are you living right now?

6 A. Evans, Georgia.

7 Q. Did you grow up in Evans?

8 A. No, I grew up Augusta, Georgia.

9 Q. And when you were growing up, who did you
10 live with?

11 A. My mother and my two sisters.

12 Q. And of your two sisters, are you the
13 oldest?

14 A. No, I was a middle child.

15 Q. Okay. And growing up, did your dad live
16 with you?

17 A. No.

18 Q. Did you see your dad growing up?

19 A. No.

20 Q. Tell me this, what was, generally what was
21 life like growing up in the house with your mom and
22 sisters?

23 A. It was okay. I mean, really me and my
24 mother, we don't get along like that, you know. So
25 we would kind of always me and her always argue.

Complainant Direct by Hammond

1 And I kind of got along with my sister sometimes,
2 you know, but me and mother butt heads. We don't
3 get along at all.

4 Q. Now at some point when you were growing
5 up, did you dad come back in your life?

6 A. Yes.

7 Q. And I forgot to ask you, what's your dad's
8 name?

9 A. Robert Reeves.

10 Q. Do you remember when he came back into
11 your life?

12 A. Yes, I was 14 going on 15. About a week
13 before my 15th birthday.

14 Q. And tell me how you came back to seeing
15 your dad.

16 A. He ended up going to my mother's job,
17 which is at Wal-Mart. He ended up seeing her. And
18 then he gave his phone number to my mother, and she
19 gave it to us. And we called him. Then he came
20 the next day after seeing my mother, to our house.

21 MS. HAMMOND: And I'm going to stop you
22 for just two seconds. Your Honor, may we inquire as
23 to whether the jury can hear?

24 THE COURT: Can the jury hear the witness?
25 Again let me remind you, if you cannot hear this

Complainant Direct by Hammond

1 witness or any other witness, just to make sure, you
2 let us know. You may proceed.

3 Q. Now, **Complainant** before you saw your dad
4 right around your 15th birthday, do you remember the
5 last time you saw him before then?

6 A. No.

7 Q. Okay. And what did you think when your
8 dad came to see you?

9 A. I was excited because, you know, me and my
10 mother, like I said, we never got along. So it was
11 kind of like, you know, maybe I'll have this one
12 parent I can along with and could talk to, and, you
13 know, kind of vibe with, that would kind of
14 understand me better.

15 Q. And when your dad started coming around,
16 where would he come to see you?

17 A. He would to our house, you know, and he
18 would come visit us. You know sometimes he'd call,
19 and he'd just come over.

20 Q. And you're saying, you say we, was -- is
21 your dad Asia's dad?

22 A. Yes.

23 Q. And I apologize, who's Asia?

24 A. Asia is my oldest sister. She's 22.

25 Q. And you said you had -- you're the middle

Complainant Direct by Hammond

1 child. So you have a younger sister?

2 A. Yeah, McKenzie, she just turned 15.

3 Q. And is your dad McKenzie's dad?

4 A. No.

5 Q. So when he would come to see you all, who
6 would he come to see?

7 A. He would come to see both us, but Asia
8 really didn't get along with him, so she didn't
9 really come out too much.

10 Q. So when your dad would come to see you,
11 what would you all do?

12 A. We would go out, you know, to the mall,
13 and, you know, hang out. And then we'd go like to
14 the basketball court and things like that. And then
15 sometimes, he'd just, you know, he would just come
16 by my house and we walk around the neighborhood,
17 and, you know, sit outside.

18 Q. Did he ever take you anywhere other than
19 the mall or basketball?

20 A. Yeah, he took me his house, or a house.

21 Q. Do you know where that house was?

22 A. Yeah, it's over there in South Carolina.

23 Q. Give me question just a second, okay.

24 **Complainant** I'm showing you what's been marked as
25 State's Exhibit No. 1. Do you recognize that?

Complainant Direct by Hammond

1 A. Yes.

2 Q. What is that?

3 A. That is the house he took me to.

4 Q. And does that house look the same as when
5 you saw it? Have there been any changes to it?

6 A. No, it just looks worse.

7 Q. So that's the same house?

8 A. Yes.

9 MS. HAMMOND: Your Honor, at this time we
10 move State's Exhibit No. 1 into evidence.

11 MR. ROUTZONG: Without objection, Your
12 Honor.

13 THE COURT: Admitted.

14 (Photo of home marked State's Exhibit No.
15 1 into evidence.)

16 Q. **Complainant** when he would take you to this
17 house, would any -- who would be at the house?

18 A. Uh, it was just mostly me and him. And
19 sometimes his other baby's mother, Joyce, would come
20 by.

21 Q. And do know who's house it was?

22 A. No.

23 Q. What would you all do at the house?

24 A. We wouldn't really be there for long.

25 Like we'd go and he'd change his clothes and then we

Complainant Direct by Hammond

1 would go right back out. And if we were over there,
2 we like watched movies. Just chill.

3 Q. Okay, and can you tell me, looking at this
4 picture, there's two doors on the front of that
5 house. Can you explain those doors for me?

6 A. The one on the left, the white door, was
7 the door he went in, which I believe lead to a
8 bedroom. And then the black door on the right, was
9 the living room door.

10 Q. And when you would go to that house, which
11 door would you go in?

12 A. The one on the right, the living room.
13 The left was his room.

14 Q. Did you ever go in the left door?

15 A. No.

16 Q. Why?

17 A. He just never let us, or he never let me
18 go through that way.

19 Q. Tell me, **Complainant** did anything out of the
20 ordinary ever happen at this house?

21 A. Yes.

22 Q. Can you tell me about, well tell me when
23 we're talking something out ordinary, what does that
24 mean?

25 A. Well something what you wouldn't expect

Complainant Direct by Hammond

1 out of a father/daughter relationship.

2 Q. So you can you tell me about the first
3 time something happened like that?

4 A. Yes. I know we were out. He came and
5 picked me up from my home one time, because we went
6 to go visit one of his cousins that lives in
7 downtown in Augusta. And we were over there for
8 like maybe an hour or two or so.

9 Q. I'm sorry, but I'm going to stop you a
10 little bit. Can you talk just a bit louder for me.

11 A. I'm sorry.

12 Q. You said you all were going to see a
13 cousin.

14 A. I guess one of his relatives or a
15 grandfather or an uncle something like that. I
16 don't remember. But yeah, he lives in downtown
17 Augusta, and we over there for like, visiting for
18 like an hour or so. Maybe an hour and a half. And
19 then we left from there and we came back to his
20 house.

21 Q. And when you say we, who is we?

22 A. Oh, me and my father.

23 Q. And what did you all do when you all got
24 back to his house?

25 A. Well at first, you know, I was in the

Complainant Direct by Hammond

1 living room and I was watching TV, sitting on the
2 couch or whatever. And he went into the other room,
3 and went and changed his clothes. You know, like
4 relaxation clothes, you know, tee-shirt, shorts,
5 stuff like that. And you know we sat on -- both of
6 us were sitting on the couch watching a movie, or TV
7 or whatever. And from then, you know, that went on
8 maybe a good hour or so. You know, we were just
9 sitting there watching TV. And then...

10 Q. Yeah, you've been talking a lot. I'll ask
11 you another question.

12 A. I'm sorry.

13 Q. No, it's okay. You said you all were
14 sitting on the couch watching TV. Did you think
15 anything of that?

16 A. No, uh-huh. (Negative.)

17 Q. Did something happen while the two of you
18 on the couch that made you think differently?

19 A. No, we were just watching a movie.

20 Q. As you all were watching the movie, what
21 did he do?

22 A. After he changed his clothes, he came and
23 sat down, you know, on the other side of the couch.
24 I was only one in the other end. And then, you
25 know, he kind of like moved closer to where I was.

Complainant Direct by Hammond

1 I didn't think anything of it. Then you know he was
2 a little closer, a little bit closer to me. You
3 know, I'm still looking at the TV, because there was
4 dance show on or whatever. And then, you know,---

5 Q. It's okay.

6 A. And then he put his arm around me.

7 Q. And what did you do when he put his arm
8 around you?

9 A. I didn't really -- I didn't do anything.
10 I kind of just kind of just moved to the side. But
11 I didn't really think anything of it. You know, it
12 was like you know when you kind of, like you know
13 like when you're sitting in a regular chair and
14 you're kind of this type thing. And you throw your
15 arm over couch like that. You know I didn't think
16 anything of it at the time.

17 Q. What did he do after he put his arm around
18 you?

19 A. He kind of like leaned in closer to where
20 I was. And then you know I had my -- I was sitting
21 like you know, kind of regular pose or whatever.
22 And then he like put his hands on my legs. He was
23 like rubbing my legs. So I crossed my legs like
24 this. And he was still rubbing on my legs. And,
25 you know, I didn't say anything. I didn't know what

Complainant Direct by Hammond

1 to say. I didn't say anything. So kind of like
2 just, he was like still like rubbing on my legs.
3 And I was you know kind of weird, you know, I didn't
4 think anything about. I mean I did think something
5 of it, but I didn't say anything. Because you know
6 what am I going to say, you know. Then he like
7 moved my leg back to like this type of position, you
8 know.

9 Q. Did do you remember what you were wearing
10 that day?

11 A. Yeah, I had some black shorts. And
12 basically I wore what I wear as pants. I wore some
13 black shorts and you know a gray tee shirt. And I
14 had some black and white shoes on.

15 Q. After he was rubbing on your leg, what did
16 he do next?

17 A. He kind of leaned in. Can we take a
18 break?

19 MS. HAMMOND: She's asked, Your Honor,
20 she's asked if we could take a break. Can we just
21 take a second to sit?

22 THE COURT: No, let's go ahead. Madam
23 Forelady, lets' take about a 5 or 10 minute break.

24 (Whereupon, the following takes place
25 outside the presence of the jury.)

Complainant Direct by Hammond

1 THE COURT: Ms. Denny, they can take you
2 out and help you get some water or something, and
3 you can relax for a second. But they may not talk
4 to you about any testimony. And you may not talk
5 to them or anyone about your testimony. So let's
6 take a few minutes. And would you send word back,
7 when she's got---

8 MS. HAMMOND: We're just going to sit
9 right here, Your Honor, if that's okay. We've got
10 some water.

11 THE COURT: Sure.

12 (Whereupon, court takes a short break.)

13 MS. HAMMOND: Thank you, Your Honor.

14 THE COURT: You may bring the jury back
15 in.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 Direct Examination continues by Ms.
19 Hammond:

20 Q. You were saying you went to some of your
21 dad's family members house in Augusta.

22 A. Yes.

23 Q. When you were coming back from there, did
24 you and your dad talk about anything?

25 A. The conversation was more or less about

Complainant Direct by Hammond.

1 the family and who they were. Because I didn't know
2 who they were. You know I really didn't know much
3 of my family on his side at all, besides a few
4 brothers and sisters that I met on facebook. Those
5 names and he's telling you about who they were. And
6 you know who they were to him, and who they were to
7 me. And then the conversation kind of shifted. So
8 it sort of, I'd say kind of a relationship type
9 conversation, you know. Because at the time I had a
10 boyfriend. And, you know, I was basically telling
11 him things I was going through with my boyfriend,
12 you know. And he was kind of giving me sort of
13 advice like what to do as far as my boyfriend, you
14 know, about breaking up with him. If he's not really
15 a -- if he's not you know a good boyfriend or
16 whatever, he was telling me, you know, you should
17 break up with him. You deserve better and all that
18 stuff like that. And then, you know, then the topic
19 of sex came up, you know. And it was basically you
20 know, am I sexually active, which I wasn't at the
21 time. I was only 15. You know, and---

22 Q. Let me stop you right there. You said you
23 were only 15. When was this?

24 A. What do you mean?

25 Q. When you were riding with your dad. Was

Complainant Direct by Hammond

1 it during the school? During the summer?

2 A. Oh, no, it was over the summertime.

3 Q. So it was over the summer after you turned
4 15?

5 A. Yeah, during my, I was going from 9th
6 grade to 10th grade.

7 Q. Do you remember what your dad was driving?

8 A. Yeah, it was white Taurus that he has.

9 Q. And when you all were riding did -- was
10 anyone else with you all?

11 A. No.

12 Q. Okay. And where did you all ultimately
13 go when you all were riding?

14 A. We ended at the house that you see in the
15 picture.

16 Q. Do you know where that house is?

17 A. I don't the exact direction, but I know
18 it's over here in South Carolina.

19 Q. Is it here in Aiken County?

20 A. I am not sure.

21 Q. And when you all got to house, how did you
22 get in the house?

23 A. He unlocked the door. He went around in
24 the door that's in the bedroom. When he went
25 through that door, I went on the porch. And he came

Complainant Direct by Hammond

1 around to the living room area and unlocked the door
2 for me.

3 Q. And can you tell me, what are the locks
4 like on the doors?

5 A. I'm not sure about the one that leads to
6 the bedroom. I'm not sure, because I locked it from
7 the other one. But the one leads to the living
8 room, it has a padlock on it. That's the one you
9 open with a key.

10 Q. So you had to have a key to open the
11 padlock?

12 A. Yes.

13 Q. Did you have a key?

14 A. No.

15 Q. Who had a key to that lock?

16 A. My father.

17 Q. And when you went back to the house that
18 night, was anybody at the house?

19 A. No.

20 Q. So was it just you and him?

21 A. Yes.

22 Q. And when you went in the house, did he
23 lock the door back?

24 A. Yes.

25 Q. Do you know what he did with the key?

Complainant Direct by Hammond

1 A. No.

2 Q. And you were telling us once you all went
3 back to the house that you all started watching TV?

4 A. Yes.

5 Q. And you said that he changed clothes. Did
6 you change clothes?

7 A. No, I didn't bring any clothes, I just
8 had came from my mother's house, so I didn't bring
9 any clothes.

10 Q. Now, **Complainant** when all were watching TV,
11 did he say anything to you?

12 A. Ultimately, no. No. It was just kind of
13 you know just watching TV. We didn't really say
14 anything to each other at the time.

15 Q. When he put his arm around you, did he say
16 anything?

17 A. No.

18 Q. **Complainant** when he put his hand on your leg,
19 did he say anything?

20 A. No.

21 Q. **Complainant** can you tell me what happened
22 after he put his hand of your leg?

23 A. After that he kind of like leaned in
24 closer to where I was you know, and tried to kiss me
25 on my neck. But, you know, I kind of like inched

Complainant Direct by Hammond

1 forward. I inched away from him like, because there
2 really wasn't that space I could go. I was already
3 at the end of the couch. So it was like he come on
4 me. He leaned in that's about it, you know. And
5 then from there, he kind of like of shifted his
6 weight as to where, I was still sitting like this,
7 but he kind of like turned as to where he could
8 like, I can't really describe it. It was kind of
9 physically do it, but it was like he had shifted
10 this way. He turned this way like you know.

11 Q. So was he facing you on the couch?

12 A. Yeah, basically at that time. At that
13 point, yeah. I was still like facing forward, you
14 know, in the direction of the television. And he
15 was facing like the side of me, I guess.

16 Q. And after he turned to the face the side
17 of you, what did he do next?

18 A. By then he kind of like got on top of me,
19 and put his weight on me, you know. And then, you
20 know, kind of like grabbed my legs. Because I
21 sitting like this. He had grabbed my legs and put
22 them on the couch. And then you know, he got on top
23 of me.

24 Q. And when he picked up your legs and put
25 them on the couch, at that point were you sitting on

Complainant Direct by Hammond

1 the couch, or how were you on the couch?

2 A. Kind of like in a laying down position.

3 Q. And you said that at that point he got on
4 top of you?

5 A. Yeah.

6 Q. What did he do once he got on top of you?

7 A. By then he started like pulling down my
8 shorts and my underwear. And, you know, like he's
9 heavier than me. You know, because he's really
10 muscular and stuff like that. So it was like, he
11 had his weight all on me, so I really couldn't
12 really move. So it was like he was pulling down my
13 shorts and then my underwear at the same time,
14 things like that, while still on top of me.

15 Q. And you may have answered this, and I
16 can't remember. Do you remember what he was
17 wearing?

18 A. Kind of his usual attire like a tee-shirt
19 and basketball shorts.

20 Q. And when he got on top of you, were his
21 clothes on?

22 A. Yeah.

23 Q. And after he pulled down your shorts and
24 underwear, what did he do?

25 A. He---

Complainant Direct by Hammond

1 Q. Did he touch any part of your body?

2 A. More so his hand was on my waist.

3 Q. Did he touch any other part of your body
4 with a different part of his body?

5 A. Yes.

6 Q. Can you tell me what part of his body
7 touched your body?

8 A. His penis.

9 Q. And what did he do with his penis?

10 A. He put it in my vagina.

11 Q. And that happened on the couch?

12 A. Yes.

13 Q. How long did that happen?

14 A. I really couldn't -- I don't even know
15 what the time was. I would guess it was about 5
16 o'clock. So I want to say, what it felt like to me
17 was an hour and a half.

18 Q. And when that was happening, did he say
19 anything to you when that was happening?

20 A. No.

21 Q. Did he do anything else to you when that
22 was happening?

23 A. No.

24 Q. And what happened to make that stop?

25 A. I think he heard something outside. I

Complainant Direct by Hammond

1 didn't hear anything at all. But I think he heard
2 something outside. So he got up and like looked out
3 the window, and was like checking to see if someone
4 had pulled up or something.

5 Q. When he was looking out the window, what
6 did you do?

7 A. Actually I was still like sitting there,
8 trying to you know register what just happened.
9 Then he left from out looking you know and went to
10 the other room. Then he like -- I don't know what
11 he did in there. But like by then I had got up and
12 I starting putting my clothes on and fixing my
13 clothes. And I was sitting there on the couch. And
14 he came back out, you know, and had a demeanor you
15 know, like nothing happened.

16 Q. Did he say anything to you about what
17 happened?

18 A. No.

19 Q. Did you stay there at the house after
20 that?

21 A. No, I went home.

22 Q. You went home to your mom's house?

23 A. Yeah, I went to my mother's house.

24 Q. What you said that happened that day, is
25 that the only time that that happened?

Complainant Direct by Hammond

1 A. No.

2 Q. Did it happen one other time, or more than
3 one time?

4 A. More than one time.

5 Q. And when this would happen---

6 MR. ROUTZONG: Your Honor, I'm sorry, Can
7 we approach just a second?

8 THE COURT: Certainly.

9 MS. ROUTZONG: I apologize Ms. Hammond.

10 Q. **Complainant** what I am going to do right now,
11 this is a microphone that's taped down so that we
12 can hear everything. And hopefully I won't get in
13 trouble, but I'm going to untape it. And what I
14 want you to do is hold it in your hand and talk into
15 it, so that we can hear you loud and clear, okay.

16 A. Okay.

17 THE COURT: Let's do this. Madam
18 Forelady, let us make a few equipment adjustments.
19 I think it will help out. Let's go back to the jury
20 room for a few minutes. Leave your notes with you
21 here. And we'll bring you back in just a moment.

22 (Whereupon, the following takes place
23 outside the presence of the jury.)

24 THE COURT: You may bring the jury.

25 (Whereupon, the following takes place

Complainant Direct by Hammond

1 within the presence of the jury.)

2 THE COURT: Madam Forelady, and, Ladies
3 and gentlemen of the jury again, let me remind you,
4 if you cannot hear the testimony, please indicate.
5 We are cutting off the HVAC system. It might take a
6 minute or two. Hopefully that will help, and we'll
7 try to make some other adjustments to. Go ahead.

8 MS. HAMMOND: Do you want me to begin?

9 THE COURT: Yes, ma'am.

10 Q. And, **Complainant** when you talk, if you can
11 you try to talk kind of in to that microphone and
12 talk big and loud for me.

13 A. Okay.

14 Q. When we take a break you said that what
15 happened with your dad, happened more than one
16 time?

17 A. Yes.

18 Q. And when it happened, did it always
19 happen in the same place?

20 A. Yes.

21 Q. Did it always happen at his house?

22 A. Yes.

23 Q. This house?

24 A. Yes.

25 Q. And when it would happen, what would the

Complainant Direct by Hammond

1 doors be like?

2 A. They would be shut and locked.

3 Q. And did you have a key to open those
4 doors?

5 A. No.

6 Q. Did it ever happen not in that house?

7 A. No.

8 Q. And when it happened, did he always put
9 his penis in your vagina, or did he ever do anything
10 different?

11 A. No.

12 Q. And tell me this, after it happened the
13 first time, did you tell anybody?

14 A. No.

15 Q. And why didn't you tell anybody? Speak a
16 little louder.

17 A. Well because one, I was afraid. Then I
18 was embarrassed by the situation. And then because
19 you know I felt like, you know, if I said something
20 nobody would believe me anyways. You know, they
21 would probably take his word over mine.

22 Q. After it happened the first time, did
23 your dad come back and get you from your mom's
24 house?

25 A. Yes.

Complainant [REDACTED] Direct by Hammond

1 Q. And this is a weird question, but why did
2 you go back with him?

3 A. Well because essentially the only reason I
4 did go back, because everything at home, my home,
5 well my mother's home, was going horrible. You
6 know, me and her would constantly argue. Constantly
7 fighting. Like me and her don't get along for
8 anything in this world. We could not see eye to eye
9 at all. You know, and then at times, my sisters, we
10 didn't get along at all. We just, it was just like,
11 they were taking my mother's side. Or it was just
12 going -- it was like everybody in the house was
13 going against me. Constantly attacking me, 24/7.
14 Like it was always something. Like were always, me
15 and my sisters would always getting into physical
16 fights and arguments. And my mother would always
17 take their side. She always put the blame on me. I
18 don't know, it was, honestly to tell you something
19 about my mother.

20 Q. Let me stop you. Let's focus back on what
21 we're talking about here.

22 A. I'm sorry.

23 Q. That's okay. When you were not getting
24 along with your mom, and you would go back with your
25 dad, did you think this was going to happen again?

Complainant Direct by Hammond

1 A. No.

2 Q. Do you remember the last time something
3 happened with your dad?

4 A. Yeah. I remember the day me, him and his
5 friend Joyce, we all went to downtown Augusta,
6 because they were having an event called First
7 Friday. So you know he came and picked up from my
8 mother's house, and we went down there. And were
9 down there for like two or three hours. So and you
10 know he was on his way to drive me back home to my
11 mother's house, you know, and then I had got into my
12 mother's house. And me and my older sister, Asia,
13 we ended up getting into a fight, because, I don't
14 know why it was something petty. But we ended into
15 a fight which lead into a physical altercation.
16 Like this was going on for a good hour. Me and her
17 were good fighting each other, boxing and everything
18 you know. And I got upset. Like I was really,
19 really upset with her. You know, I just could not
20 be in same space with her.

21 So I had to call my father up. And I was
22 like, could you please come pick me up, because if I
23 stay here, you know, it's not going to be a good
24 situation. And my mother wasn't home at the time.
25 And my youngest sister wasn't home at the time. So

Complainant [REDACTED] Direct by Hammond

1 the only person I looked to call was like my father,
2 and said you know, could you come pick me from my
3 mother's house.

4 Q. Did he come pick you up?

5 A. Yeah, he did like 30 minutes or so.

6 Q. And was this still during the summer of
7 2012?

8 A. Yes.

9 Q. And where did he take you when he came and
10 picked you up?

11 A. He picked me up and took me to their
12 house. And, you know, he said I could spend the
13 night, chill out and cool down from, you know, being
14 in the house with my family and my sisters and all
15 that. I took some clothes, because I had dance
16 practice in the morning. So I took, you know, some
17 clothes over there.

18 Q. So he offered for you to spend the night?

19 A. Yes.

20 Q. And when you all got back to the house,
21 was anybody else at the house?

22 A. Not when we first got there, but later on,
23 Joyce came.

24 Q. And what happened when Joyce came back to
25 the house?

Complainant Direct by Hammond

1 A. We were all sitting on the couch watching
2 a movie.

3 Q. Do you remember what movie?

4 A. Yeah, we were watching Dracula. The
5 black and white version. It was an old time
6 version.

7 Q. And while you all were watching Dracula,
8 did anything -- let me ask this. Did Joyce stay at
9 the house the whole time that night?

10 A. No. He asked her could leave to go get a
11 newspaper.

12 Q. And did she leave to go get the newspaper?

13 A. Yeah. Well she hesitated at first,
14 because you know she was asking, you know, why
15 didn't you ask me to get newspaper while we were out
16 earlier.

17 MR. ROUTZONG: Objection, Your Honor.

18 That's hearsay.

19 THE COURT: Sustained. Rephrase, please,
20 ma'am.

21 Q. Did Joyce want to go get the newspaper?

22 A. No.

23 Q. Did she go get the newspaper?

24 A. Yes, she left.

25 Q. Did anything happen while she was gone to

Complainant Direct by Hammond

1 get the newspaper?

2 A. No, not at the time. No, we continue
3 watching TV.

4 Q. And did Joyce came back to the house?

5 A. Yeah. I think the store was up the road.
6 It take her like 5 minutes.

7 Q. And ultimately, did you spend the night at
8 the house that night?

9 A. Yeah.

10 Q. Where did you sleep?

11 A. I slept on the couch.

12 Q. Where did your dad sleep?

13 A. He slept in the room in the bed with
14 Joyce.

15 Q. Did anything happen while you were
16 sleeping?

17 A. Yeah. I remember I was -- after we
18 watching the movie, all of us was sitting on the
19 couch. Joyce she got sleepy, and she went in to the
20 other room to go to sleep. And then later on he
21 went in there with her. And you know, I ended up
22 falling asleep, because I was still up trying to
23 watch movies. And then I ended up falling asleep,
24 you know, and then I woke up. And he, I guess, he
25 at some point came out of the room, and he was on

Complainant Direct by Hammond

1 top of me. You know, and I was still asleep, but I
2 woke up out of sleep to him literally on top of me.
3 You know, I didn't really know what was going on,
4 because I was half asleep and trying to figure out
5 what is going on at the same time.

6 Q. And when you woke up, and he was on top of
7 you, how were your clothes?

8 A. He was pulling down my shorts that I had
9 on and my underwear. And I was laying on my
10 stomach.

11 Q. And what happened after he pulled down
12 your shorts and underwear?

13 A. He inserted his penis inside of my vagina.

14 Q. Do you know how long that lasted that
15 time?

16 A. I want to say maybe at least 30 minutes.
17 Because I know Joyce come out of the other room, and
18 she had woke up. And she walked into the room and
19 she seen him. And then she, like she did a double
20 take. She looked and then looked again, but she
21 didn't say anything. She walked into the kitchen.
22 And she stood in the kitchen for like 20 minutes.
23 She didn't say anything. She went and she just
24 stood for 20 minutes. By then he had got off of me.
25 And he went into kitchen, and I guess, to talk to

Complainant Direct by Hammond

1 Joyce or whatever, and tell her, you know, he went
2 and told he told her that we were wrestling.

3 Q. That's what he--

4 MR.ROUTZONG: Objection, Your Honor.

5 MS. HAMMOND: It's a statement by a party
6 opponent against his interest.

7 Q. So he says that you all were wrestling?

8 A. Yeah.

9 Q. And what were you doing while this was
10 going on?

11 A. I just got up. And, you know, I was
12 pulling up my clothes. And those two were arguing
13 really bad arguing. And, you know, they took the
14 argument from the kitchen into the other room where
15 they were sleeping or whatever.

16 Q. And did Joyce stay at the house after
17 that?

18 A. No, she -- like they were arguing for
19 good few minutes or whatever. And then, you know,
20 she decided she was going to leave or whatever. And
21 then, you know, he ran outside after her while she
22 was heading to her car.

23 Q. And after they went outside, did Joyce
24 stay at the house or did she leave?

25 A. No, she eventually left.

Complainant Direct by Hammond

1 Q. And what did your dad do?

2 A. He came back in the house, but he went
3 into the bedroom where they were, and started
4 yelling and throwing things.

5 Q. And did you stay the rest of the night at
6 the house?

7 A. Yeah, I mean, I feel asleep. Like I was
8 listening to them arguing, and then like I stayed up
9 like an hour or so, you know, with the him yelling
10 and arguing -- I mean yelling and throwing things,
11 and all that. But then I ended up falling asleep.

12 Q. And then the next day, did you stay at the
13 house, or did you leave?

14 A. No, I went home.

15 Q. And how did you get home?

16 A. He took me home.

17 Q. Did he say anything to you on the ride
18 home?

19 A. No.

20 Q. After he took you home, did he come back
21 to your house?

22 A. No.

23 Q. Did Joyce come to your house?

24 A. Yes.

25 Q. What did Joyce do when she came to your

Complainant Direct by Hammond

1 house?

2 A. When she came it was like, it was around
3 nighttime. And she came and she knocked on my door.
4 And my older sister Asia answered the door. And she
5 had went, and Joyce was asking to speak to my
6 mother. So my mother came to the door, and her and
7 Joyce went outside. And they were standing by her
8 car having a conversation. I don't know what they
9 were talking about.

10 Q. When Joyce came to your house, did she
11 come with anybody?

12 A. No, she came by herself.

13 Q. And after she talked to your mom, did your
14 mom make you do anything?

15 A. Yeah, she made -- she had, I guess she had
16 called me.

17 Q. And let me stop you, you can't say what
18 your mama said. But what did you have to do after
19 Joyce talked to your mom?

20 A. She made me come outside, and she told to
21 me to go apologize to Joyce for being disrespectful
22 to her.

23 MR. ROUTZONG: Objection, Your Honor.

24 MS. HAMMOND: It's not for the truth of
25 the matter. It's to explain what she did.

Complainant Direct by Hammond

1 THE COURT: Quite frankly, I didn't hear
2 what she said. What -- state the nature of the
3 objection.

4 MR. ROUTZONG: She was repeating what her
5 mother said, Your Honor.

6 THE COURT: Just rephrase your question.
7 I'm sorry.

8 Q. Without you telling me what your mom told
9 you to do, what did you have to do?

10 A. Oh, apologize for being disrespectful.

11 Q. And after that happened, did you ever go
12 to this house again?

13 A. No.

14 Q. Did you see your dad again after that?

15 A. No.

16 Q. After all this happened, did you end up
17 going to live with somebody else for a little while?

18 A. Yes, in November of 2013, I went to go
19 live with a friend of the family, Marquette Davis.

20 Q. And while you were living with Marquette
21 did you tell her what had happened?

22 A. Yes.

23 Q. And when you told Marquette what had
24 happened, what ended up happening?

25 A. She ended up calling my mother, and she

Complainant Direct by Hammond

1 was explaining to my mother what happened. And she
2 asked my mother, you know, did you know this.

3 MS. HAMMOND: You can't, you're not
4 allowed to say what other people say.

5 A. Oh, I'm sorry.

6 Q. But tell me this, after you told
7 Marquette, did you have to talk to the police about
8 what happened?

9 A. Yeah, later on. I had to go to a facility
10 and I had to talk to somebody and explain to them
11 what happened. And they made me draw pictures and
12 everything. But Marquette talked to the police for
13 me.

14 MS. HAMMOND: Will you give me just a
15 second, I will be right back. I beg the court's
16 indulgence.

17 Q. I've got just a couple more questions for
18 you, all right. Before you stopped seeing your dad,
19 how often you see him that summer?

20 A. Almost, I want to say almost every
21 weekend.

22 Q. How often did you talk to him that summer?

23 A. I would say maybe three or four times out
24 of a week I would call him.

25 Q. And after Joyce came to your house and

Complainant Direct by Hammond

1 talked to your mom, did you talk to your dad again?

2 A. No.

3 Q. Did you tell your mom what was going on?

4 A. No.

5 Q. Why didn't you tell your mom?

6 A. One, because I didn't -- me and my mother
7 we don't have a relationship as to where I could
8 talk to her about anything, you know, so I just kept
9 in it. One, because I was afraid. And then I was
10 embarrassed about the situation, and we just
11 couldn't get along. So I didn't feel comfortable
12 telling her anything.

13 Q. **Complainant** you told me what your dad's name
14 was. Do you see your dad in the courtroom today?

15 A. Yes.

16 Q. Can you tell me what he's wearing?

17 A. A gray suit.

18 MS. HAMMOND: Your Honor, let the record
19 reflect that the witness has identified the
20 defendant.

21 THE COURT: The record so reflects.

22 MS. HAMMOND: **Complainant** I don't have any
23 more questions for you. Mr. Routzong is going to
24 ask some questions of you okay.

25 A. Okay.

Complainant - Cross by Routzong

1 Cross Examination by Mr. Routzong:

2 Q. Good afternoon. How old are you now?

3 A. I am 19.

4 Q. It's your testimony that Joyce was present
5 during one of these incidents?

6 A. Yes, sir.

7 Q. And she saw the whole thing.

8 A. Well she didn't see the whole thing. She
9 just walked in. Like she was asleep, and then she
10 walked in the room and seen, you know, a part of it.

11 Q. She saw your dad on top of you.

12 A. Yes, sir.

13 Q. Do you admit or do you deny that you told
14 Marquette that you actually told your mom this
15 happened?

16 A. I deny. I never told my mother.

17 Q. You never told your mom.

18 A. No, I never told my mother.

19 Q. Let's talk about your relationship with
20 your mom a little bit. First of all, let me ask, do
21 you admit or do you deny that sometime in 2013,
22 probably about June, you gave your dad a handwritten
23 letter complaining to him about your mom?

24 A. I admit.

25 MS. HAMMOND: Your Honor, I am going to

Complainant - Cross by Routzong

1 object. And we might need to take a side bar for
2 this?

3 THE COURT: Just one second. Madam
4 Forelady, would you take the jury to the jury room
5 please.

6 (Whereupon, the following takes place
7 outside the presence of the jury.)

8 THE COURT: State your objection, please,
9 ma'am.

10 MS. HAMMOND: Your Honor, first of all, if
11 he's going to talk to her about the content of a
12 letter that she wrote, that's hearsay on its face.
13 If he's planning on trying to enter this letter---

14 THE COURT: If it's a letter that she
15 wrote and she identifies it as such.

16 MS. HAMMOND: Well I don't know. We
17 haven't heard any of that. He's asking her---

18 THE COURT: Well the question was, in
19 2013, did you give the defendant a letter, a
20 handwritten letter that you wrote.

21 MS. HAMMOND: And then he started saying,
22 complaining about and going into the contents of the
23 letter. We haven't seen that letter or its
24 contents. You know, if that's something that he
25 wants to lay the foundation for to try to admit that

1 into evidence, that's one thing. But going into the
2 contents of the letter itself, is hearsay.

3 THE COURT: What's your response?

4 MR. ROUTZONG: Your Honor, I don't think
5 I have to -- I don't think I have to give the letter
6 to the State beforehand. And anyway, I think I can
7 I ask to her to admit or deny.

8 THE COURT: You don't have it to give it
9 to her ahead of time unless you want to use it in
10 your case in your chief under Rule 5 or whatever.

11 MS. HAMMOND: And I'm asking that he give
12 it to us ahead. But if he's going to ask the
13 witness about the contents of that letter, that is
14 hearsay. And if he's going to try to admit that
15 letter into evidence, he has to lay the proper
16 foundation for it first.

17 THE COURT: I want to hear what your
18 response is to the hearsay. I think if she
19 acknowledges it's her letter, then that's
20 authenticated and that's all the foundation you need
21 as far as authentication. It doesn't mean that it's
22 not hearsay.

23 MR. ROUTZONG: The reason I'm am going
24 into this, Your Honor, and I'm kind of going---

25 THE COURT: What is your response to the

1 argument that the letter in and itself constitutes
2 hearsay?

3 MR. ROUTZONG: It's something that she
4 says she wrote, and it has a direct bearing on this
5 case. It actually I think goes to the overall issue
6 of the environment that she was living in. And by
7 the way, she said, I believe her testimony, she
8 hadn't seen her dad since---

9 THE COURT: That would be Joyce.

10 MR. ROUTZONG: And she has already
11 contradicted that. That's one. And now this kind
12 of gives us a flavor, this letter, the contents of
13 it. Her own writing. And I'm just going to ask her
14 if she'll admit or deny it. And then I can show the
15 writing to her, her own writing to refresh her
16 memory if necessary. But it's not hearsay.

17 MS. HAMMOND: It is exactly hearsay. It's
18 an out of court statement by someone who's not a
19 party to the case.

20 THE COURT: It's clearly an out of court
21 statement. Now is it being offered to prove the
22 truth of the matter being asserted is the question.
23 And I'm trying to get Mr. Routzong to address that.

24 MS. HAMMOND: The problem is---

25 THE COURT: At this point, I don't know if

1 it does or not.

2 MS. HAMMOND: Well we don't know if it's
3 for the truth of the matter asserted, because we
4 don't the matter that is asserted by the letter. He
5 hasn't shown her the letter to authenticate it.

6 THE COURT: I am going to hold off ruling
7 on the objection. I'm going to let you try to go a
8 little further with it. But I will tell you that if
9 it is hearsay, I am going to tell the jury that I'm
10 disregarding, I'm striking that from evidence. And
11 it's not coming in, and they are to disregard it.
12 You know that goes.

13 MR. ROUTZONG: Yes, sir.

14 MS. HAMMOND: Your Honor, can he can
15 proffer what he's trying to get out of the letter?
16 Or what content---

17 THE COURT: I'm going to let him do his---

18 MS. HAMMOND: ---he's trying to get out?

19 THE COURT: ---case just like he let you
20 do your case, okay.

21 MS. HAMMOND: Yes, sir.

22 THE COURT: Bring the jury in.

23 (Whereupon, the following takes place
24 within the presence of the jury.)

25 THE COURT: Okay, sir, you may proceed.

1 MR. ROUTZONG: Thank you, Your Honor.

2 Cross Examination by Mr. Routzong:

3 Q. Where we left off is, you told you me that
4 you admitted in June of 2013, or sometime about a
5 year later in 2013, after these events were alleged
6 to have happened, that you give a handwritten note
7 to your dad. Do you degree that you did that?

8 A. Yes.

9 Q. Do you admit or deny that the thing that
10 you were upset with, the thing that you wrote in
11 this letter, was that and you said for example,
12 twice you said, you would get my hair done----

13 MS. HAMMOND: Objection. He's directly
14 going into the content of the letter and that's
15 hearsay.

16 THE COURT: Overruled at that point. Go
17 ahead.

18 MR. ROUTZONG: Your Honor.

19 THE COURT: Just one second, I'm going do
20 this. Madam Forelady, this my fault in making you
21 go out. I want to hear something outside your
22 presence, I need you to go the jury room.

23 (Whereupon, outside of the presence of the
24 jury.)

25 THE COURT: Mr. Routzong.

1 MR. ROUTZONG: Yes, sir.

2 THE COURT: If you want the resolution
3 to -- you tell me exactly why you this is not
4 hearsay. I don't want you to tell me what you're
5 doing with it. I understand why I think what you're
6 doing. I want you to tell me why it's not hearsay.

7 MR. ROUTZONG: Hearsay is a statement
8 other than the one made by---

9 THE COURT: I don't want the definition of
10 hearsay. I need you to tell me why it is not
11 hearsay.

12 MR. ROUTZONG: She's a declarant, and I'm
13 merely asking her about the things that she wrote in
14 her letter.

15 THE COURT: What does that have any
16 relevance or bearing in this suit?

17 MR. ROUTZONG: Judge, it has bearing and
18 relevance, because the question in a criminal sexual
19 conduct cases, the unstated question is always, why
20 would she lie. And this letter reflects that---

21 THE COURT: Give me the letter. I don't
22 want to hear all that. You're not answering my
23 question for the fourth time. Let me see it.

24 MR. ROUTZONG: I'm going to give you---

25 THE COURT: Give me the letter right now.

1 MR. ROUTZONG: ---the copy and the letter,
2 Your Honor. Because the letter itself is somewhat
3 difficult to read.

4 MS. HAMMOND: And, Your Honor, we would
5 request under Rule 6. Yes, sir.

6 THE COURT: First of all.

7 MR. ROUTZONG: Yes, sir.

8 THE COURT: If you want this to come in an
9 as exception to the hearsay rule, correct?

10 MR. ROUTZONG: I don't---

11 THE COURT: Or is it not hearsay? I just
12 want you not to tell me -- I want you just to tell
13 me where it's admissible, okay. And you're not
14 doing it, you're just avoiding it. So tell me why
15 it's admissible and is it hearsay.

16 MR. ROUTZONG: I apologize if I appear to
17 be avoiding it. I really am trying. But I do not
18 believe this is a -- it is an out of court
19 statement. It's not hearsay. It's made by her
20 under the rules.

21 THE COURT: Well let me say this.
22 Statements which are not hearsay under 801(d), has
23 to do with a prior statement by the witness that is
24 inconsistent with the testimony. There are some
25 things in there that I do find that are inconsistent

1 and therefore, you can question her about it; such
2 as, when she last had contact with her father.
3 This is contradictory to her testimony. Now the
4 concern that I have is that other statements don't
5 necessarily seem to fall under the exception -- the
6 hearsay rule. Or you don't think they're hearsay at
7 all.

8 MR. ROUTZONG: I do not believe they are
9 hearsay. And may I respond to your question about
10 relevance, Your Honor?

11 THE COURT: About what?

12 MR. ROUTZONG: You asked why it is
13 relevant earlier.

14 THE COURT: Please.

15 MR. ROUTZONG: It's relevant, Your Honor,
16 because as I was trying to communicate to the court,
17 this young lady, if she's not telling the truth,
18 there has to be some reason. And what I'm trying to
19 do, although I don't have to, is establish the
20 environment that she was apparently, she was of the
21 opinion she was living at, at home. There are some
22 very uncharitable things that she says about her mom
23 and her dad. And I believe she testified that there
24 were things her father did that you wouldn't expect
25 a father to do to her. I think, Your Honor, in this

1 letter that she's admitted that she wrote, there are
2 things in there that give the -- that would gave the
3 jury a good sense of how she felt about being at
4 home and her mom. She started to a minute ago, and
5 the State kind of her back a little bit I think.
6 You know, if that's her case, I mean, I am not
7 complaining about that. But I just think---

8 THE COURT: Well you're still not
9 necessarily and I know I am too sometimes, and I'm
10 slow, because I'm from Anderson. But I am not sure
11 the environment with her mother, she's testified to
12 that, and her sister. So what relevance does it
13 have as it whether or not your client committed, you
14 know, this act on her? It's not necessarily putting
15 two and two together. And you're not saying it, so
16 tell me.

17 MR. ROUTZONG: The answer to that
18 question, Your Honor, if she wants to get out of the
19 house so bad, and you recall that she testified that
20 she was living at some point and time with a person
21 that actually turns out to be a dance instructor,
22 Marquette.

23 THE COURT: Are you saying it goes to
24 motive in this case?

25 MR. ROUTZONG: Exactly. That's the

1 reason. I'm trying to -- actually trying to say, I
2 have to give a reason why.

3 THE COURT: I think it does too. I'll
4 hear you on this. But I'm going to let you proffer
5 it, and then I'm going to hear your argument. I do
6 think it goes to the evidence. And I think it is
7 admissible. I don't think since the State has
8 already brought it out, that this relationship was
9 bad from the home front, that under a 403 analysis,
10 that that prejudice doesn't outweigh the benefit to
11 it. So go ahead and proffer what you're going to
12 do, and then I'm going to hear the State's argument.
13 Be ready to argue. Okay.

14 In Camera by Mr. Routzong:

15 Q. Do you admit or deny, that you wrote, I'm
16 going to begin with how you make promises you don't
17 keep. This is a letter to your dad.

18 THE COURT: You've got to let her
19 authenticate it, if you're going to question her
20 about the letter. Ask her whether or not she wrote
21 this letter for me, please. Just ask her now.

22 Q. Did you write that letter?

23 A. Yes.

24 THE COURT: Now take it back and you can
25 ask her a question about it. I just wanted it

1 authenticated by her---

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: ---as being her letter, okay.

4 MR. ROUTZONG: Yes, sir.

5 Q. Did you write, first off, I am going to
6 begin with how you make promises you don't keep.

7 A. Yes.

8 Q. For example, twice you said you would get
9 my hair done. You didn't, causing me to get fucked
10 over by that, it's spelled retarded, but I think you
11 mean retarded. You'll correct me if I am wrong.
12 That retarded, ignorant bitch you call my mother.

13 A. Yes, I said that.

14 Q. Yeah, right. Now she thinks I owe her the
15 damn world because she paid for it to get done.

16 A. Yeah.

17 Q. Continuing, then you said I could move in
18 with you. That was back in June. We're in
19 September. May I stop right here and ask a
20 question, or would you like me to just keep reading?

21 THE COURT: Well I mean, I tell you what,
22 I'm not, I mean I know you think I am, but you have
23 these rules of evidence that you just need to apply.

24 MR. ROUTZONG: Yes, sir.

25 THE COURT: And I wish you would look at

1 them, especially Rule 613.. It has to do with prior
2 inconsistent statements. I haven't heard any
3 foundation on the questions yet, other than
4 authentication, but that's fine. Then in order to
5 question, are you trying to admit this into
6 evidence?

7 MR. ROUTZONG: No, sir. I would like her
8 to just testify to it, to tell us whether she admits
9 or denies it.

10 MS. HAMMOND: And, Your Honor, she
11 admitted that she wrote this letter. If he wants to
12 ask her about the relationship with her mother or
13 ask if she was mad because she was supposed to get
14 her hair done, he can ask her those things without
15 using the exact language from this hearsay document.
16 He's just trying to use this letter to disparage her
17 with the language she used in it. She hasn't said
18 anything said inconsistent with what's in that
19 letter yet. If he wants to impeach her with it,
20 he's got to do that properly. And that involves her
21 denying her making this statement, which she hasn't
22 done.

23 THE COURT: I do agree now. To the extent
24 that she, it's inconsistent with her statement about
25 not seeing, having contact with the father, after

1 Joyce came by to see her mother, then you can ask
2 her about that. I was under the impression you
3 wanted to introduce this into evidence. But it's
4 not proper to read the letter and say did you say
5 that. It's just not the proper way, because you
6 are basically bypassing the rule. Unless you give
7 them the foundation that's required by 615, the date
8 and time and place, and they have a right to refute
9 it. If they don't refute it, then it doesn't come
10 in. I think the State is right on that. So as a
11 general matter, I think you have a right to say, you
12 know, did you write your dad a letter saying X-Y-Z.

13 MR. ROUTZONG: Uh-huh. (Affirmative.)

14 THE COURT: And have a right to refute it.
15 To sit there and read the letter in front of the
16 jury is not appropriate. First of all, you are
17 publishing to the jury first hand. And number two,
18 it's not coming under this rule unless those things
19 are done and she admits it. It doesn't come in any
20 way. Is that, am I reading the rule wrong?

21 MS. HAMMOND: Your Honor, that's our
22 interpretation of the rules, that if she admits to
23 making the prior statement, he can't use any
24 extrinsic evidence or admit extrinsic evidence of
25 that statement. She has to deny making that

1 statement.

2 THE COURT: Do you all disagree? I mean
3 look at 613. I know I've kind of blindsided with
4 that. But look at it.

5 MS. HAMMOND: She's already testified to
6 the rocky relationship with her mother. She's not
7 denying that at all. Reading from the letter would
8 just be, as you said, publishing a document that
9 hasn't been entered into evidence yet.

10 MR. ROUTZONG: May I respond?

11 THE COURT: Yes, sir. That's why I'm
12 asking.

13 MR. ROUTZONG: This was only for purposes
14 of this proffer. This is -- I just -- I know you've
15 already read it. But to familiarize the State with
16 kind of where I'm going. And I know they have a
17 copy of the content of the letter.

18 THE COURT: The purpose of a proffer is to
19 make me obey, aid me to rule as to whether or not
20 you can go and put it in front of the jury. Thus
21 far, the answer is no.

22 MR. ROUTZONG: Yes, sir.

23 THE COURT: Now I'm glad to hear from you
24 as to, and you have a right to question her about
25 it. You can authenticate it. You have a right to

1 question her about communicating with dad post
2 Joyce. Because that's inconsistent with her
3 testimony. Now, as far as the other elements of
4 613, you've got to broach those before you start
5 trying to ask her about it. That would be 613(b).

6 MR. ROUTZONG: I may be a little dense,
7 Your Honor, but I don't think this is a prior
8 inconsistent statement. What I am really doing,
9 Your Honor, is I'm cross examining her about the
10 events or the milieu that she enduring in her own
11 home. I have a letter that she admits that she
12 wrote, and I'm asking, I intend to ask if I'm
13 allowed, do you admit or deny these kind of
14 statements that you made. To give the jury a flavor
15 of what she was, how she was living and her opinion
16 of her home. I could---

17 THE COURT: I was telling her to sit down.

18 MR. ROUTZONG: I don't think -- I think I
19 have a right on behalf of the defendant to make this
20 case very specifically with this language. She
21 objected that---

22 THE COURT: Okay, I'm listening to you.
23 But I want you to tell under what rule you have a
24 right. So far the only you've argued to me and
25 you're back arguing it again; is that, I want to

1 bring up this home life situation that she had. And
2 I don't agree with you, that you get to go to and
3 publish a letter that talks about her home life in
4 the graphic terms it does. If it's limited to that,
5 then I am not going to let it in. If there is some
6 basis for it to come in, you need to educate me on
7 it, and let me look at it.

8 MR. ROUTZONG: The answer to that
9 question, Judge, is I have a right to ask her
10 relevant questions that she can affirm or deny.
11 That's not in dispute, I don't think. I have here a
12 writing that I don't have to admit into evidence if
13 I choose not to, but I can ask her do you----

14 THE COURT: Let me tell you something. If
15 you think you're going to sit there and read that
16 letter, that you have a right to, you are wrong.
17 And if you going to inform me to rule or contend,
18 then that's fine. Let me look at. Thus far, you
19 don't publish anything to a jury unless it's in
20 evidence. And that's exactly what you're doing. I
21 was looking at under 613, as being a prior
22 inconsistent statement or something else. And
23 that's all I'm asking you, to educate me and inform
24 where I can see look at it and say, maybe you are
25 right. But it's not by publishing the letter before

1 it gets in. That's not going happen.

2 MR. ROUTZONG: Let's suppose, Your Honor,
3 and I know you're not here to offer an opinion, but
4 the way I think I can do it, and then the way I
5 think can do it is, I can ask her did she -- here's
6 what I'll do. I think you've probably already ruled
7 on this, and your mind is made up.

8 THE COURT: No, my mind is not up. But
9 you certainly haven't made it up yet either, and not
10 helping you making it up either. So that's what I'm
11 asking you to do. I'm trying to give you an
12 opportunity---

13 MR. ROUTZONG: Yes, sir.

14 THE COURT: ---according to the rule, I
15 don't mind correcting it. And If I'm wrong, then
16 I'm wrong. And I'll make sure that I try to adjust
17 my thoughts or thoughts about it, and be consistent
18 with what the rules of evidence are.

19 MR. ROUTZONG: Yes, sir. I would start
20 out by saying that I have the right to have relevant
21 statements affirmed or denied. Some of those
22 statements come directly from this letter that she
23 admits that she wrote. Now it's not fully
24 authenticated, and I apologize for that. I thought,
25 I kind of thought what you wanted me to do was just

1 go ahead and get these questions in to her, and see
2 what her response would be, and then you can make a
3 ruling. I can fully authenticate it. And I think
4 she is ready, willing and able to do that. I don't
5 think it's hearsay. I think I can ask her
6 questions.

7 I don't have to quote the letter, but if I
8 don't quote the letter, Your Honor, the problem is,
9 the jury loses the flavor of the anger and vitriol
10 that she feels towards her own mother.

11 THE COURT: Let me, under 401 relevant
12 evidence, relevant evidence is defined as evidence
13 having any dependency to make the existence of any
14 fact that is a consequence to the determination of
15 the action more probably or less probably than it
16 would be without the evidence. So thus far what
17 I've asked you for the purpose of your questions
18 about letter appear to demonstrate what her home
19 life is. Right?

20 MR. ROUTZONG: That's correct.

21 THE COURT: What relevance does her home
22 life have to any issue of fact as a consequence of
23 this case.

24 MR. ROUTZONG: It helps to answer why she
25 would lie about her dad to get out of the house,

1 because she actually tells another person, I don't
2 know if you've heard that. I can't remember if you
3 heard that evidence or not. Another witness that
4 the State was talking about, that she told her mom.
5 And that lady, Marquette Davis, she wrote it in her
6 statement that she told her mom that these events
7 happened. There's inconsistencies all over the
8 place in everybody's statement. But the answer to
9 your question is, I have to answer for the jury the
10 question of why she would do anything to get out of
11 that house. That's what makes it relevant. Or else
12 we're just left with the simple proposition that
13 these events happened.

14 THE COURT: Hang on for a second. I think
15 this is part of problem that you're talking about.
16 I'm going to ask you to go with the bailiff, and
17 take her down to my chambers. And don't talk to her
18 or anybody about this case. We will bring your
19 right back. Any objection to me sending her out?

20 MS. HAMMOND: No, Your Honor.

21 (Whereupon, the following takes place
22 outside of the victim's presence.)

23 THE COURT: It seems to me that one of
24 your hesitations in asking the question is, do you
25 want tip her off the case you can do it. But okay

1 she wants to do anything to get out of the house.

2 Is that the limitation of why you're going to bring
3 up the contents of that letter?

4 MR. ROUTZONG: Yes, sir. It gives -- it
5 would give the jury a flavor of her mental or
6 emotional state at the time these events happened.
7 If she gave this letter in approximately a year
8 after, that tells the jury something. The one thing
9 it tells her that she's inconsistent in what she's
10 testifying to. It tells the jury that hey, I'm
11 trying to get in contact with this man who I'm
12 saying did very vile things to me a year before. It
13 tells the jury, my home life is very bad. And I
14 would argue to the jury if I'm allowed to go into
15 this area with her that, here's your reason. She's
16 runs off. And her mother actually called, I believe
17 the evidence will show, calls Marquette Davis at one
18 or two in the morning and says, hey, come and get
19 this child. She's being, misbehaving.

20 And so Marquette will testify no doubt,
21 that she sent some people to go pick her up. This
22 is at one or two in the morning. And Marquette is
23 the person that she knows. And apparently is a
24 person that is some comfort to this young lady other
25 than her mom. And at so at some point and time

1 after that, she begins to live with Marquette Davis.
2 That's my understanding of reading this letter. The
3 real question is why would she do this. Anything to
4 get out of the house.

5 She doesn't have a good relationship with
6 him. I think we will be able to establish that.
7 Even in the letter as Your Honor wrote it, it kind
8 of begins to go down that path. You know of,
9 nobody's got my back. Not you, not my mom. She
10 even testified, everybody in the house is against
11 her. That's what she testified to.

12 MS. HAMMOND: May I?

13 THE COURT: Yes, ma'am. I'm sorry. You
14 guys, I'm sorry, I'm just having -- I'm not buying
15 the way you are selling it right now, but go ahead.

16 MS. HAMMOND: Well, Your Honor, there's a
17 reason why there's an exact rule of evidence as to
18 the admissibility of things like this letter. If he
19 wants to get into whether or not her home life is
20 good or bad, he can absolutely do that without that
21 letter. The only reason in this room that he wants
22 to use that exact letter is because he wants to make
23 her look bad because of that language. He wants to
24 make her look bad, using bad language, and he wants
25 to trash her on the stand. That's the only reason

1 he wants to use the contents of that letter. He
2 asked her if she wrote the letter. She admitted it.
3 He can ask her about how bad her home life was and
4 how bad she got along with her mom. He can
5 absolutely ask her that. He can ask her about
6 whether or not her daddy paid for her to get her
7 hair done. But the only reason he wants to say that
8 she was using the F word and B word is make her look
9 bad in front of the jury. And that's the entire
10 reason that we have rules like 403. That's the
11 entire reason that we have rules like hearsay. He
12 has no right to affirm or deny hearsay. That's why
13 the hearsay rule exists. She admitted to writing
14 that letter. It's not a prior inconsistent
15 statement. She said she never saw her dad again.
16 She said she never talked to him again.

17 Now we can quibble over whether or not
18 that includes writing a letter, but she admitted to
19 writing the letter.

20 THE COURT: Well I would say it is
21 inconsistent with the extent it involves
22 communication with her dad.

23 MS. HAMMOND: And that's fine. And she
24 admitted to writing the letter. That's not a
25 problem. But getting into the contents of an out of

1 court statement by anybody, it doesn't matter
2 whether it's hear or anybody else. It's still
3 hearsay. And the only reason why he wants to do
4 that is to make little girl look bad in front of the
5 jury. Because he can get all of those points that
6 he wants to make about her home life and trying to
7 get into with her dad, without using the language
8 from that statement.

9 THE COURT: A quick response, and then I
10 am going to rule.

11 MR. ROUTZONG: The language of that
12 statement, Your Honor, is exactly the point. That
13 demonstrates the level of anguish. I would not have
14 dreamed about saying that about my parents, in
15 reference to my parents, and I am 56 years old. To
16 this day wouldn't dream of that. That's the level
17 of vitriol she feels.

18 THE COURT: For the purposes proffered by
19 the defense in the matter, I am denying you the
20 right to read the letter to her, and question her
21 over the letter. I am going to make it a court
22 exhibit, and and let somebody review my rule if
23 necessary. However, I am going to allow you to
24 question her regarding communications with her
25 biological father, the defendant, that's

1 inconsistent too with her testimony from the stand;
2 which is, after Joyce communicated with her mother,
3 she never saw her dad again. Or if my notes are
4 correct.

5 And I'm going to allow you to question her
6 about writing in that letter communications she had
7 where she indicates she does have a bad home life.
8 And that she indicated her anger with defendant.
9 Other than that, you're not going to read the
10 letter. And I note your objection for the record.
11 And if I'm wrong, I'm wrong. Are you ready to go?

12 MR. ROUTZONG: No, sir. I have another
13 question. Just to preserve the record, ought we not
14 to finish proffer?

15 THE COURT: Sir?

16 MR. ROUTZONG: Are we not to finish the
17 proffer?

18 THE COURT: I've given you plenty of time
19 to make you're proffer, and you haven't done it.
20 And, no, sir, you are going any more with it. And
21 the basis that you're arguing for it to come is
22 relevant to this case, and it doesn't come in. For
23 the basis that you are, you know, if you want to
24 give it two seconds, we can take a quick break, and
25 I'll let you come up with something else. But the

1 basis you've alleged so far, it's not admissible,
2 except the limited basis that I told you.

3 MR. ROUTZONG: No, sir. I am not asking.
4 And you've already ruled, and I respect that. That
5 issue is over for me right now. But I'm just asking
6 in terms of preserving the record for appeal if
7 necessary. Perhaps I should go ahead and finish
8 asking the questions as I would have liked to have
9 asked them. Then the---

10 THE COURT: I am making the letter an
11 exhibit. She acknowledged she wrote the letter.
12 The letter speaks for itself. What else do you want
13 to put up as far as proffer?

14 MR. ROUTZONG: The questions and her
15 responses, Your Honor. That would be the thing that
16 would be lacking for the record above.

17 THE COURT: I'm going to give you a
18 weight, but if you start going down the road, I'm
19 going to stop you. Because the letter I think
20 speaks for itself. And the appellate court can
21 review it and see if I'm wrong. What?

22 MS. HAMMOND: If it's just for a matter of
23 preserving the record, we would just ask that that
24 be done at the conclusion of her testimony, so that
25 it doesn't color any future testimony that she gives

1 in front of the jury.

2 THE COURT: Bring her in.

3 (Whereupon, the victim comes back into the
4 courtroom.)

5 MR. ROUTZONG: Your Honor, before we do
6 that, may I ask one more question?

7 THE COURT: Yes. You guys should be more
8 prepared if you want exhibits into evidence to use
9 in a critical part of your case. At this point we
10 have done thus far. What?

11 MR. ROUTZONG: She -- I would be able to
12 authenticate this, right? And at that point---

13 THE COURT: It's been authenticated.

14 MR. ROUTZONG: And I can ask her if I've
15 been -- if I've altered it or changed it in any way.
16 And at that point once I've be able to do that, then
17 if I'm not allowed to do that, then I, if I'm not
18 allowed to ask her questions according to your
19 ruling, then I would probably ask to have it
20 admitted as a piece of evidence that she can -- that
21 she did contact her dad with this writing.

22 THE COURT: It won't come in for that
23 purpose. She can acknowledge it. And if you want
24 to finish your proffer, I've told you basically I am
25 going to let in so far.

1 MR. ROUTZONG: Yes, sir.

2 THE COURT: If you haven't convinced me
3 otherwise then I'm going to stick to that ruling
4 unless you convince me otherwise. But you wanted to
5 finish your proffer, so do it.

6 (Letter marked Court's Exhibit No. 2 for
7 Id.)

8 MR. ROUTZONG: Yes, sir.

9 Cross Examination by Mr. Routzong:

10 Q. Have you had a chance to look at this
11 letter? I haven't altered it or changed it in any
12 way. I'm sorry other than, I put a little blue
13 sticker right there that says Defendant's Exhibit
14 No. 1. Other than that, I haven't altered it or
15 changed it any way. This is the same letter you
16 gave to your dad a year after these events allegedly
17 were supposed to happen.

18 A. The paper doesn't show it---

19 THE COURT: Would you speak up, please,
20 ma'am?

21 A. I'm sorry. The paper doesn't show a date.
22 So I really couldn't tell you if it was a year after
23 these events, because the paper does not show a
24 date.

25 Q. And it's your testimony right now that you

1 don't recall when you gave this letter to your dad.

2 A. Yes, sir.

3 Q. Do you admit or deny that you called your
4 mom a retarded, ignorant bitch?

5 A. Oh, I don't deny that.

6 Q. You don't deny that?

7 A. No.

8 Q. Do you admit or deny that you wrote, your
9 mom owes you, thinks that she owes you the world?

10 A. That she owes me the world, or that I owe
11 her?

12 Q. That you owe her the world.

13 A. Oh, I admit that.

14 Q. Do you admit or deny that in this letter,
15 you asked your dad if you could move in, or you said
16 that your dad told you that you could move in, in
17 June or September?

18 A. I admit that.

19 Q. And that's what you wanted.

20 A. Yes.

21 Q. Do you admit or deny that you wrote in
22 this letter that the reason that you stayed mad all
23 the time, and the reason that you have a fuck you
24 all attitude towards them, is for the reasons that
25 were written above in this letter?

1 A. I deny that.

2 Q. Do you admit or deny that you felt and
3 this is reflected in this letter, that your dad was
4 basically fucking you over for not letting you move
5 in with him.

6 A. I admit that.

7 Q. Do you admit or deny that when you wrote
8 this letter, and it's reflected in this letter, that
9 you felt like you were by yourself and that nobody
10 had your back?

11 A. That is true. I admit that.

12 MR. ROUTZONG: Your Honor, that's probably
13 the extent of what would I would probably ask her
14 about this letter.

15 THE COURT: Ms. Denny, did I understand
16 you to testify that you are not sure of the date
17 that you sent that letter?

18 A. That is true.

19 THE COURT: Ma'am?

20 A. This is true.

21 THE COURT: Was it after you stopped
22 seeing your father?

23 A. No. I remember it was before. I know
24 for a fact it was before. Because I remember at the
25 time, I was going through with it my mother, and

1 that's the time when he came in. Even when I young
2 and things like that, and things were horrible with
3 my mother. So, you know, he offered and said, well
4 you can come stay with me. But every time he would
5 say like, he would say, I'll come get you so you can
6 come move your stuff in my house, he would never do
7 it. You know, and I'm sitting there stuck with my
8 mother and my sister.

9 THE COURT: Hang on, I just wanted to kind
10 of get the dates. It is not admissible. I am going
11 to make it a court exhibit. You've made your
12 proffer. I am going to let you cross examine her
13 about the existence of the letter. She can explain.
14 You can't recite the---

15 MR. ROUTZONG: Yes, sir.

16 THE COURT: ---contents. But the fact
17 that she mad at her dad, and mad at her mom. Those
18 things, okay. Do you understand what I'm saying?

19 MR. ROUTZONG: Yes, sir.

20 THE COURT: Do you need to take a break?

21 MR. ROUTZONG: No, sir.

22 THE COURT: Are you okay?

23 MR. ROUTZONG: Yes, sir.

24 THE COURT: I note your objection for the
25 record. Are you ready?

1 MR. ROUTZONG: Yes, sir.

2 THE COURT: Anything from you before we
3 get started?

4 MS. HAMMOND: No, Your Honor.

5 THE COURT: You may bring the jury.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: You may proceed.

9 Cross Examination by Mr. Routzong:

10 Q. Are you still living with Marquette?

11 A. No, sir. I am living with my mother.

12 Q. When you were living with Marquette you
13 were in dance troop of some kind?

14 A. Yes, sir. She owned a dance group called
15 Royalty to Loyalty. So I was a dancer. She was
16 like our manager.

17 Q. Were you happy there?

18 A. Yes.

19 Q. You'd say you were much happier there than
20 you were at home.

21 A. Yes, sir.

22 Q. And the reason that you were unhappy at
23 home is your mom and you were constantly fighting,
24 and everybody was against you---

25 A. Yes, sir.

Complainant - Cross by Routzong

1 Q. ---pretty much.

2 A. Yes, sir.

3 Q. Do you admit or deny that you told Joyce
4 that something had happened?

5 MS. HAMMOND: Objection. I'm sorry.

6 THE COURT: I have to hear it before I can
7 rule.

8 MS. HAMMOND: Yes, sir.

9 THE COURT: Go ahead.

10 A. I deny it.

11 THE COURT: I'm sorry, what was your
12 question?

13 MR. ROUTZONG: I asked her if she admitted
14 or denied telling Joyce that something had happened.

15 A. No, I did.

16 THE COURT: I'll overrule your objection.
17 Go ahead.

18 Q. Do you admit or deny telling Joyce that
19 you and he were just wrestling?

20 A. I deny it.

21 Q. Do you admit or deny that you told
22 Marquette that Joyce saw all these events?

23 A. I deny it. I didn't -- well can I explain
24 myself?

25 THE COURT: What did you say?

Complainant - Cross by Routzong

1 A. Because I was going to say that I didn't
2 tell Marquette that Joyce seen all of it, she seen
3 one event.

4 Q. She saw one event. You're certain about
5 that.

6 A. Yes, sir.

7 Q. On one of these events, you told law
8 enforcement that things were broken. I think a
9 table was broken by Mr. Reeves.

10 A. I don't remember that.

11 Q. Do remember telling them that you thought
12 that Mr. Reeves broke a television? This would have
13 been on the night when Joyce and him, according to
14 you, got in a little bit of a fight.

15 A. Well, the way it says, I'm not sure if he
16 broke it or not. All I know he was throwing things
17 in the other room. But as far as like, the living
18 room area where I was, he wasn't there. He wasn't
19 in there with me when he was throwing things and he
20 was yelling.

21 Q. I have copy of a statement that you wrote.
22 Would you like take a look at it and refresh your
23 memory?

24 A. Yes, sir.

25 Q. Is that in fact a statement that you

Complainant - Cross by Routzong

1 wrote? Or is your memory refreshed a little bit?

2 A. Yes.

3 Q. Do you remember telling law enforcement in
4 this statement that you believe he broke a
5 television?

6 A. Yes, sir.

7 MR. ROUTZONG: I don't have any other
8 questions, Your Honor.

9 THE COURT: Redirect?

10 MS. HAMMOND: No, Your Honor. May the
11 witness be released from her subpoena?

12 THE COURT: Any objection?

13 MR. ROUTZONG: No, sir.

14 THE COURT: Call your next witness,
15 please, ma'am.

16 MR. GRIMES: The State calls Marquette
17 Davis.

18 Marquette Davis, being first duly sworn,
19 testified as follows:

20 THE CLERK: Please have a seat over here
21 in our witness box. State your full name for the
22 court, and spell your last.

23 A. My name is Marquette Davis. D-A-V-I-S.

24 Direct Examination by Mr. Grimes:

25 Q. Good afternoon, Ms. Davis.

Marquette Davis-Direct by Grimes

1 A. Hi.

2 Q. You go by Marquette. That's not exactly
3 the way your name looks, right?

4 A. It's pronounced Marquette. But everybody
5 says Marquette.

6 Q. Well if we hear it differently over the
7 next day or so, we will just understand that.

8 A. Right, I just answer.

9 Q. Tell me, how do you know, **Complainant**

10 A. **Complainant** mom and my mom used to be best
11 friends when I was a little girl. So I've known her
12 for awhile.

13 Q. You've known her family.

14 A. Yeah, her mom pretty much and the girls.

15 Q. Since she was young?

16 A. Uh-huh. (Affirmative.)

17 Q. And at some point you managed or organized
18 a dance group, is that correct?

19 A. Right.

20 Q. And was **Complainant** in that group?

21 A. Yes.

22 Q. About how old was she?

23 A. She was around 16 at that time. She had
24 just turned 16.

25 Q. And how were things going at **Complainant**

Marquette Davis-Direct by Grimes

1 home?

2 A. She wasn't happy.

3 Q. She wasn't happy?

4 A. Uh-uh. (Negative.) No.

5 Q. Is that putting it mildly?

6 A. Yeah. Yes, she wasn't happy.

7 Q. Was she getting along with her mom?

8 A. No.

9 Q. Was she getting along with her sisters?

10 A. Somewhat.

11 Q. Sometimes.

12 A. I mean, you know, typically sisters, they
13 are going to bump heads here and there. But it
14 wasn't nothing like, you know, want to be around
15 sisters.

16 Q. Well did she come to live with you at some
17 point?

18 A. Yes.

19 Q. And how old was she when that happened?

20 A. 16.

21 Q. And why did she come to live with you?

22 A. Her and her mom wasn't getting along at
23 all.

24 Q. To the point that she needed to stay at
25 your house?

Marquette Davis-Direct by Grimes

1 A. Uh-huh. (Affirmative.)

2 Q. Was it the Georgia Department of Family
3 and Children involved?

4 A. Yes.

5 Q. And were you in communication with them?

6 A. Yes, I was.

7 Q. And what type of -- well I guess probably
8 the easiest way to describe it is, were you doing
9 things like taking **Complainant** to the doctor?

10 A. Yes.

11 Q. Were you involved with her school, as far
12 as---

13 A. Yes.

14 Q. ---as her school work went?

15 A. Very much.

16 Q. Were you giving her discipline when she
17 needed it?

18 A. Yeah.

19 Q. So is that the general type of
20 relationship that you had while she was living with
21 you at your house?

22 A. Yeah, it was more of a mother/sister to
23 her.

24 Q. You weren't her mom.

25 A. Yes, I'm not her mom.

Marquette Davis-Direct by Grimes

1 Q. Did you feel like you needed to help in
2 that way at that time?

3 A. Yes, I did.

4 Q. And was she 16 the whole time that she
5 lived with you?

6 A. Yes.

7 Q. At some point while she lived with you,
8 did she disclose that a sexual assault had occurred
9 on her?

10 A. Yes, she did.

11 Q. And you can't say who was involved, but
12 where did she say that happened?

13 A. In Aiken.

14 Q. And did he ever talk to you specifically
15 about where?

16 A. Yes. I don't know a articular address by
17 heart. But, yes, I even know what it looks like.
18 So, yeah.

19 Q. And did she say when it happened?

20 MR. ROUTZONG: Your Honor, these are all
21 hearsay questions. I don't know she can testify
22 today about what somebody else says. I don't know
23 what exceptions.

24 MR. GRIMES: Your Honor, they are
25 admissible under 801(d). And we can provide the

Marquette Davis-Direct by Grimes

1 rule. Specifically 801 (d)1 D.

2 THE COURT: Did you say E?

3 MR. GRIMES: D. Well it's the little (d)
4 then the 1 then the big D.

5 THE COURT: I sustain that objection.

6 Q. After you discussed this with **Complainant** did
7 you follow up with law enforcement?

8 A. Yes, I did.

9 Q. Did you make a report to law enforcement?

10 A. Yes, I did.

11 Q. And did law enforcement begin
12 investigating?

13 A. Yes.

14 Q. And did you take **Complainant** to an interview
15 for that investigation?

16 A. Yes, I did.

17 Q. Do you remember where that was?

18 A. It was at the police station here in
19 Aiken. And also the child advocacy.

20 Q. The child advocacy center?

21 A. Uh-huh. (Affirmative.)

22 Q. And did you take her for a medical exam?

23 A. I did.

24 MR. GRIMES: Please answer any questions
25 Mr. Routzong has for you.

Marquette Davis-Cross by Routzong

1 THE COURT: Cross examination.

2 Cross Examination by Mr. Routzong:

3 Q. Sometime in June of 2013, you got a phone
4 call sometime afternoon 1 or 2 in the morning from
5 Complainant mom.

6 A. Correct.

7 Q. And as a result of that phone call, you
8 sent a couple of people to go get her, and they
9 brought her back to where you are at.

10 A. Correct.

11 Q. Do you remember asking Complainant mom if
12 she threw a chair at Complainant

13 A. Yes.

14 Q. Do you remember asking her if she had been
15 yelling and hitting on Complainant

16 A. Yes.

17 Q. Did you enjoy having Complainant at your
18 house?

19 A. Yeah. Yes, I did.

20 Q. Did you enjoy having Complainant at your
21 house?

22 A. Yes, I did.

23 Q. What, I'm curious about the dance group.
24 Can you explain to us a little bit about that?

25 A. Well basically I like to get kids involved

Marquette Davis-Cross by Routzong

1 in a lot of things. Dancing. They like to sing
2 rap, as long as it's positive, I'm okay with it.
3 Specifically, everyone loved to dance. So I had
4 carport. And I had probably like 25 kids from the
5 age of maybe 24 all the way down to like 5. And we
6 did different things. Like Plantation Blood,
7 invited us to do a remake of Thriller by Michael
8 Jackson. So we did that. And we would go there
9 every Friday and perform. We did things at the Y.
10 But it was mainly Hip Hop dance. But in the midst
11 they did, you know, little steps of ballet. And,
12 you know, different things. I've been doing it for
13 awhile. I don't do it anymore, but I did it for
14 awhile.

15 Q. You considered this to be a very positive
16 and---

17 A. Uh-huh. (Affirmative.) It was.

18 Q. ---and wholesome atmosphere.

19 A. Yeah, it was. Everybody was family.

20 Q. I just have one other question. Complainant
21 told you that she told her mom that these events
22 happened. This alleged rape happened.

23 MR. GRIMES: Objection hearsay.

24 THE COURT: I sustain that objection.

25 MR. ROUTZONG: May I respond before?

Marquette Davis-Cross by Routzong

1 THE COURT: Yes, just one second. Madam
2 forelady, I need you to go to your jury room please.
3 Let us know if that heat is not better back there.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: I think you're right. I think
7 that they brought up the issue. It's consistent
8 with the prior testimony, right?

9 MR. ROUTZONG: That's correct, Your Honor.
10 Rule 613.

11 THE COURT: Thank you. I overrule the
12 objection.

13 MR. GRIMES: Yes, Your Honor.

14 THE BAILIFF: Bring them?

15 THE COURT: Yes.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 THE COURT: Okay.

19 Cross Examination by Mr. Routzong:

20 Q. My last question was **Complainant** told you
21 that she told her mom about these -- this alleged
22 incident between her and Mr. Reeves.

23 A. Correct.

24 MR. ROUTZONG: I don't have any other
25 questions, Your Honor.

Marquette Davis-Cross by Routzong

1 THE COURT: Redirect?

2 MR. GRIMES: None, Your Honor.

3 THE COURT: May this witness be excused?

4 MR. GRIMES: Yes, Your Honor. I believe
5 they have her subpoenaed as well.

6 MR. ROUTZONG: We can't release her quite
7 yet, Your Honor.

8 THE COURT: You are still subject to the
9 subpoena.

10 A. Okay.

11 THE COURT: Thank you, ma'am. Call you
12 next witness, please, ma'am.

13 MS. HAMMOND: The State calls Debbie
14 Rodgers.

15 Investigator Debbie Rodgers, being first
16 duly sworn, testified as follows.

17 THE CLERK: When you get to the witness
18 box, state your full name for the court and spell
19 your last.

20 A. My name is Debbie Rodgers. R-O-D-G-E-R-S.

21 DIRECT EXAMINATION by Ms. Hammond:

22 Q. Good afternoon, Investigator Rogers. Can
23 you tell the jury what you do for a living?

24 A. I'm an investigator with Aiken County
25 Sheriff's Office.

Investigator Debbie Rodgers-Direct by Hammond

1 Q. And how long have you been doing?

2 A. I've been in investigations since about
3 2007.

4 Q. And how long have you been with the
5 sheriff's office?

6 A. Since 96.

7 Q. Since when?

8 A. 1996.

9 Q. And as an investigator, what do you do
10 every day?

11 A. The particular division that I work right
12 now, I deal with any crimes committed against or by
13 children. And I also deal with any crimes or cases
14 involving multiple adults.

15 Q. Now, Investigator Rodgers, did you have a
16 chance to get involved in this case?

17 A. Yes, ma'am.

18 Q. How did you first get involved in this
19 case?

20 A. This particular case was assigned to me to
21 be investigated. It was a sexual assault case where
22 **Complainant** alleged sexual assault allegations by
23 her father, Robert Lee Reeves, during the summer or
24 the year of 2012.

25 Q. And when you first got this report,

Investigator Debbie Rodgers-Direct by Hammond

1 what's the first thing you do when you get any
2 report?

3 A. The first thing that we do is try to make
4 contact with person who made the report. And if
5 it's a child then we would speak to a parent or a
6 guardian.

7 Q. And did you make contact with the person
8 that made the report in this case?

9 A. Yes. In this particular case, it was
10 Marquette Davis.

11 Q. And are familiar with who Marquette Davis
12 was in regards to this case?

13 A. She was referred to me as herself, as her
14 God sister. And that the mother, and that the
15 mother and that Complainant mother had given
16 permission for Complainant to stay with her.

17 Q. And when you spoke with Marquette Davis
18 was Complainant living with her?

19 A. Yes, she was.

20 Q. Did you speak to Complainant at that time?

21 A. No, ma'am.

22 Q. What did you do with Complainant

23 A. Any time that a child has been a traumatic
24 situation, we refer them to the child advocacy
25 center for an interview. For a forensic interview.

Investigator Debbie Rodgers-Direct by Hammond

1 Q. And did she go to that interview?

2 A. She did.

3 Q. Did you observe that interview?

4 A. I did.

5 Q. After talking with Marquette and observing
6 the interview with **Complainant** did you speak with any
7 of **Complainant** family with regards to this case?

8 A. Yes, ma'am.

9 Q. And who in her family did you speak to?

10 A. Beverly Denny, her mother. Her sister,
11 Asia. And I believe that was it in her family.

12 Q. Were you aware, or to your knowledge was
13 there any child protective services involved with
14 **Complainant** mother at this time?

15 A. Yes, there was. Oh, and I'm sorry, just
16 to follow up. There was another family member I
17 spoke with. And that was her sister, Sharesse
18 Denny.

19 Q. Did you speak with, well excuse me. You
20 just said that you spoke with **Complainant** mother.
21 When you spoke with her, did you get any type of
22 statement from her?

23 A. I did.

24 Q. Did you collect statements from the other
25 members of her family?

Investigator Debbie Rodgers-Direct by Hammond

1 A. Yes. Everyone except for Sharesse the
2 older sister, who resided in Atlanta.

3 Q. To your knowledge, was Sharesse in the
4 home for any of the alleged incidents in this case?

5 A. No, ma'am.

6 Q. Did you speak with anybody outside the
7 family in this case?

8 A. Yes, ma'am. I spoke with Joyce Williams.
9 And I also spoke with two other ladies by the name
10 of, I'm sorry, I have to look them up. Diana Davis
11 and Shanese Dillard. I also spoke with them.

12 Q. And those two ladies, were they in the
13 home when any of these events happened?

14 A. No.

15 Q. Who is Joyce Williams?

16 A. Joyce Williams is the person who was in
17 the home with Mr. Reeves. I believe it was his
18 girlfriend.

19 Q. And tell me, as a result from speaking
20 with all these people, were you able to develop a
21 potential suspect in this case?

22 A. Yes.

23 Q. And who is that?

24 A. Mr. Reeves. Robert Reeves.

25 Q. Do you know his date of birth?

Investigator Debbie Rodgers-Direct by Hammond

1 A. 1967. I can look on my report for the
2 exact birthday. [REDACTED] [REDACTED].

3 Q. And what is his relationship to Complainant
4 [REDACTED]?

5 A. He was her biological father.

6 Q. Were you able to ascertain an incident
7 location in this case?

8 A. [REDACTED].

9 Q. And did you go to [REDACTED]?

10 A. Yes, ma'am.

11 Q. I am showing you what's been entered into
12 evidence as State's Exhibit 1, do you recognize
13 that?

14 A. Yes, ma'am. That's the house at [REDACTED]
15 [REDACTED] at Beech Island.

16 Q. Did you take that photograph?

17 A. I did.

18 MS. HAMMOND: Your Honor, at this time, I
19 would ask to publish this to the jury.

20 THE COURT: Yes, ma'am.

21 Q. Give me just a second investigator.

22 Investigator Rodgers, after you spoke with all of
23 the individuals involved in this case, well tell me
24 this, first of all. You said that you received a
25 report about a sexual assault that happened in 2012.

Investigator Debbie Rodgers-Cross by Routzong

1 When did you first get a report to start
2 investigating this case?

3 A. It was in November of 2013.

4 Q. And after you went and spoke with all of
5 the individuals, the potential witnesses in this
6 case, what did you ultimately decide to do?

7 A. I ultimately obtained a warrant against
8 Mr. Reeves for criminal sexual conduct with a minor
9 second degree.

10 MS. HAMMOND: Thank you. Please answer
11 any questions Mr. Routzong has for you.

12 THE COURT: Cross examination.

13 Cross Examination by Mr. Routzong:

14 Q. All the things that you know about this
15 case comes about as a result of talking to people.
16 Some of them were there, and some of them weren't.
17 Is that correct?

18 A. Yes, sir.

19 Q. You didn't witness anything, and there is
20 no other physical evidence. Just this case, your
21 case, arises out of the things that folks have told
22 you.

23 A. Yes, sir.

24 MR. ROUTZONG: No more questions, Your
25 Honor.

Investigator Debbie Rodgers-Cross by Routzong

1 THE COURT: Redirect?

2 MS. HAMMOND: No, Your Honor.

3 THE COURT: May this witness be excused,
4 or is she here for the trial?

5 MS. HAMMOND: I imagine she will be here,
6 but we don't have any further need to hold her to
7 her subpoena.

8 THE COURT: Ladies and gentlemen, if you
9 don't mind would you step into the jury room. We
10 are going to take the afternoon break. And then we
11 are going to run just for your edification until 5
12 or shortly thereafter. Let's take our afternoon
13 break.

14 (Whereupon, the court takes a short
15 break.)

16 (Whereupon, the following takes place
17 outside the the presence of the jury.)

18 THE COURT: Who is your next witness for
19 today?

20 MS. HAMMOND: We are not going to call
21 another witness.

22 THE COURT: You're done with your trial?

23 MS. HAMMOND: Yes, sir.

24 THE COURT: Well do you want me to go
25 ahead then and do motions and let the jury come back

1 in the morning?

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: That will work.

4 MS. HAMMOND: Do we need to rest in front
5 of the jury?

6 THE COURT: Yes. Bring the jury.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Would you call your next
10 witness, please, ma'am.

11 MS. HAMMOND: Your Honor, at this time,
12 the State rests.

13 THE COURT: Madam Forelady, the State has
14 presented its case in chief. And so they have
15 rested as the term has been used. I have some
16 administrative matters that will probably take the
17 better part of the afternoon. I am going to go
18 ahead and excuse you for the evening. Any reason
19 why any member of the jury can't be here and ready
20 to go at say 9:25 in morning? Is that okay? If you
21 would, I am going to ask you to take your note pads
22 back to the jury room, and leave them in the jury
23 room. And you are excused for the rest of the
24 afternoon. Remember, do not speak with anyone about
25 the case, including yourselves, read, hear or listen

1 to anything about the case, please.

2 (Whereupon, Jury is dismissed at

3 4:13 p.m.)

4 (Whereupon, the following takes place

5 outside the presence of the jury.)

6 THE COURT: Any motions, Mr. Routzong?

7 MR. ROUTZONG: Your Honor, at this time,

8 the defense moves for a directed verdict, viewing

9 the evidence in the light most favorable to the

10 State. We do not believe that the State has

11 provided enough evidence to put this issue to the

12 jury.

13 THE COURT: That motion is denied.

14 Now, let me, Mr. Reeves, I'll go ahead going gave

15 your client, Mr. Routzong, his 5th amendment rights.

16 Is that okay with you?

17 MR. ROUTZONG: Yes, sir.

18 (Whereupon, the defendant is sworn.)

19 THE COURT: Go ahead. You can have a

20 seat. Anyway, Mr. Reeves, at this point and time,

21 I need to explain certain of your rights, and I am

22 certain that your attorneys have already done so. I

23 just need to go over them with you on the record.

24 If you don't understand anything I say, make sure

25 you let me know, or let your attorneys know, so they

1 can ask me to repeat and clarify okay, sir.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now we've reached the stage in
4 the trial, the State says they've rested. So at
5 this point, you have a right to put up a defense in
6 this case, which would include you testifying if you
7 so desire. Before you make this call, I want you
8 make decision overnight. Let me tell me you what
9 the 5th Amendment to the United States Constitution
10 says, okay. In pertinent part it says this: No
11 person shall be compelled in any criminal case to be
12 a witness against himself. Okay, sir. What that
13 means is, Mr. Reeves, that you cannot be required to
14 testify. That's a right that you have to make the
15 decision on. Your lawyers can't make you testify.
16 I can't make you testify, neither can the State.
17 But you do have a right to testify as well.

18 In order to make this decision, you are
19 going to have to do some sole searching with the
20 help of your fine attorneys in making the decision
21 as to whether or not you wish to exercise your
22 rights under the 5th Amendment or whether or not you
23 want to testify. But ultimately the decision is
24 yours and yours alone. Do understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now if you decide that you do
2 wish to testify and if you have a prior criminal
3 record that meets the rules of evidence for
4 admissibility, and I find that the prior convictions
5 are more probative than prejudicial to you, then the
6 State would be allowed to cross examine you about
7 your prior record. I don't know if you have one or
8 not. Okay. But the obvious reason to be able to do
9 that would be to impeach your credibility. If you
10 decide you want to testify, you will be subject to
11 the same rules as other witnesses. Your lawyer
12 would give you direct examination. The State would
13 be able to cross examine you. Okay, sir.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, on the other hand if you
16 decide I do not want to testify, in my charge on the
17 law to the jury, I will specifically tell them that
18 they may not and shall not consider your failure to
19 testify whatsoever, because that's your right under
20 the 5th Amendment to the United States Constitution.
21 And the burden remains on the State to prove your
22 guilt at all times, by proof beyond a reasonable
23 doubt. Have you understood everything I have told
24 you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is here anything that I told
2 you, that you do not understand?

3 THE DEFENDANT: No, sir.

4 THE COURT: Now again when you consult
5 with your lawyers, family, friends, or somebody who
6 is reasonably available to you, but ultimately just
7 understand the decision as to whether you want to
8 testify, is yours and yours alone. Okay, sir.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: I'll ask you about that in the
11 morning.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you intend to present any
14 other witnesses tomorrow?

15 MR. ROUTZONG: There's a strong likelihood
16 we'll call at least one witness. At least one,
17 probably, Your Honor.

18 THE COURT: Any other matters from the
19 defense before we break?

20 MR. ROUTZONG: No, sir.

21 THE COURT: From the State?

22 MS. HAMMOND: No, Your Honor.

23 THE COURT: I'll tell you what, it will
24 probably be a good idea. Let us go ahead and print
25 you out the copies of the proposed charge on the

1 substantive law. You have been with me on cases
2 before, I know it's been a while. The basic
3 structure of my charge is that I go, I put in three
4 parts. The first part is, the rules that define and
5 control the juror duties. Then I go to the
6 substantive law that applies. Then I go to
7 consideration for their deliberations. Have any you
8 all ever tried a case with Judge Huell in
9 Greenville?

10 MS. HAMMOND: Yes, sir.

11 THE COURT: I plagiarized the heck out of
12 his charge. So if anybody wants to look at it, or
13 if you want to put the whole charge on the record, I
14 will. It will probably be easier for me to just
15 look at my charge book and see if we have any
16 concerns about it. But basically just an overview
17 of my charge is that, and I tell the jury that they
18 have to, you know, find the facts that they heard
19 based on the testimony and evidence from the witness
20 stand. Any exhibits admitted into evidence. And
21 that they apply the law as I give it to them. And
22 they're to be influenced by any likes or dislikes or
23 personal sympathy for one side or the other. They
24 may have. They have no one to punish, and no one
25 to reward. And I'll remind them that's when they

1 took their oath, that's what they agreed to do. And
2 they have to follow all my instructions. I remind
3 them also that if I said anything during the course
4 of this trial to indicate somehow how they are to
5 find the facts from the verdict. They are disregard
6 it. Then they have to evaluate and weigh the
7 evidence themselves. And with that, when we say I
8 am going to give you a set of scales, but the truth
9 of the matter is a level process and entirely level.
10 And when you go through, use your good common and
11 good judgment in weighing evidence. I tell them
12 what is and what is not evidence.

13 In this case, there are stipulations
14 evidentiary wise. So it's just be the testimony and
15 the exhibits. And I tell them it's not your
16 arguments, your questions, objections. There hasn't
17 been anything stricken from the record. So I
18 wouldn't be able -- or there would be anything that
19 they haven't heard when the court was not in
20 session. I give them the definition of direct and
21 circumstantial evidence. And I use the
22 State vs. Clarence Logan case, will be
23 circumstantial evidence charge. I go through the
24 factors they are to consider. The credibility of
25 witnesses. We have no expert testimony in this

1 case.

2 I remind them again that the indictment is
3 not evidence of guilt, arrest of charge or not
4 presumption or innocence of guilt. And I charge it
5 on the presumption of innocence. And what is
6 reasonable doubt. Intent would be part of those
7 matters. And depending on what he does or whether
8 or not the defendant testifies. And that would be
9 the first the part of the law. Are you going to ask
10 for a lesser included?

11 MR. ROUTZONG: I will not be asking, Your
12 Honor.

13 THE COURT: We haven't found one at all.
14 I haven't done this second case yet. But I don't
15 think there is a lesser included. So she will give
16 you that charge to take home. Then I go over some
17 points about their deliberations. And they don't
18 have to be in a hurry, listen to everybody's points
19 of view, et cetera, et cetera. But they are not
20 partisans or advocates for one side of the other,
21 but they're judges of the facts. And they need to
22 talk to or listen to the views and the view points
23 of everyone, and ask them if they will let everybody
24 will explain why they have these viewpoints and walk
25 through everything. And then ultimately reach a

1 decision in this case.

2 I tell them that they're not to be afraid
3 to change their opinion as to the weight of the
4 evidence if in the deliberations convince them that
5 is the right thing to do. On the other hand, don't
6 change your firmly held belief as to what the facts
7 are in this case just to appease your fellow jurors.
8 Then I tell the forelady. I go over the verdict
9 form with her. That's about it. I anticipate the
10 jury charge will probably take 25, 30 minutes. If
11 anybody wants to look at it, it's here in my book.

12 Are you going to have any -- is the State,
13 do you think the State is going to have any request
14 to charge, or do you anything for me to consider
15 now?

16 MS. HAMMOND: I don't believe we'll have
17 anything. I'd be shocked if that changes before
18 tomorrow.

19 THE COURT: Do you have any now you want
20 to consider?

21 MR. ROUTZONG: No, sir.

22 THE COURT: If not, if you want me to
23 consider something, bring it in the morning, and
24 give it to my clerk and we'll go over it.

25 MR. ROUTZONG: Yes, sir.

1 THE COURT: Anything else before we break
2 for the afternoon from the defense?

3 MR. ROUTZONG: No, sir.

4 THE COURT: From the State?

5 MS. HAMMOND: No, Your Honor.

6 THE COURT: We'll see you in the morning.

7 ----End of Requested Transcript of Record----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in General Sessions Court on November 15, 2016, in Aiken County, Aiken, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

1-27-17

DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/21

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF AIKEN) 2015-GS-02-01111; 02375
)
)
)
STATE OF SOUTH CAROLINA)
 PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
ROBERT LEE REEVES)
 DEFENDANT)

November 16, 2016
Aiken, South Carolina

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, Judge; and a
jury.

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

ASHLEY HAMMACK, ESQ.
SAM GRIMES, ESQ.
Attorneys for the State

MICHAEL ROUTZONG, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

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There were no exhibits.

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1 November 16, 2016

2 THE COURT: Mr. Routzong, have you had a chance
3 to go over with your client whether or not he wishes
4 to testify?

5 MR. ROUTZONG: Yes, sir. He's not going to
6 testify.

7 THE COURT: He is not going to testify?

8 MR. ROUTZONG: That's correct.

9 THE COURT: Do you intend to call any witnesses
10 today?

11 MR. ROUTZONG: One witness.

12 THE COURT: One witness, okay. You ready to
13 proceed?

14 MR. ROUTZONG: Yes, sir.

15 THE COURT: State ready to proceed?

16 MS. HAMMACK: Yes, sir, Your Honor.

17 THE COURT: Very good, bring the jury in, please
18 sir.

19 Just to make injury, Mr. Reeves, you do not wish
20 to testify in this case?

21 MR. REEVES: Yes, sir.

22 THE COURT: And you're exercising your rights
23 under the Fifth Amendment, is that correct?

24 MR. REEVES: Yes, sir.

25 THE COURT: And you're making this choice freely

1 and voluntarily?

2 MR. REEVES: Yes, sir.

3 THE COURT: Anybody force, threaten, promised
4 you anything to get you not to testify?

5 MR. REEVES: No, sir.

6 THE COURT: All right. You have any questions
7 of the Court before we proceed?

8 MR. REEVES: No, sir.

9 THE COURT: Thank you, sir.

10 (WHEREUPON, the jury came into open court at
11 approximately 9:45 a.m.)

12 THE COURT: Good morning, ladies and gentlemen,
13 let met ask you before we get started, let me ask you
14 if any member of the jury has read, heard or seen
15 anything about the case during the break? If so,
16 would you raise you right hand. So no one has.
17 Anyone spoken with anybody during the case or about
18 the case?

19 Let the record reflect that everyone responded
20 to both questions in the negative. Thank you very
21 much.

22 Get your order in okay?

23 MR. FOREMAN: Yes, sir.

24 THE COURT: Defense ready to proceed?

25 MR. ROUTZONG: Yes, sir.

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 THE COURT: State ready to proceed?

2 MS. HAMMACK: Yes, sir, Your Honor.

3 THE COURT: All right, would you call your next
4 witness, first witness, please, sir.

5 MR. ROUTZONG: Yes, sir, we call Joyce Williams.

6 THE CLERK: Place your left hand on the Bible,
7 raise your right hand.

8 JOYCE WILLIAMS, after being duly
9 sworn, testified as follows:

10 THE CLERK: Have a seat and state your full name
11 for the record. Could you spell your last, please.

12 THE WITNESS: Joyce Ann Williams,
13 W-I-L-L-I-A-M-S.

14 DIRECT EXAMINATION

15 BY MR. ROUTZONG:

16 Q Good morning, Ms. Williams, how are you?

17 A Good morning, okay.

18 Q I know your a little soft spoken so speak up so
19 everyone in the courtroom can hear you, okay?

20 A Okay.

21 Q Ms. Williams, where do you live??

22 A Aiken, South Carolina.

23 Q Ms. Williams how long have you been in Aiken?

24 A All my life.

25 Q Where do you live at now?

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

- 1 A [REDACTED].
- 2 Q Where do you work at?
- 3 A Sprint Foods.
- 4 Q Where's that at?
- 5 A It's like a minute away from where I live at.
- 6 It's on Ferry Road in Beech Island.
- 7 Q Yes, ma'am. How many children you got?
- 8 A We have two.
- 9 Q Whose we?
- 10 A Robert and I.
- 11 Q Who lives with you now?
- 12 A It's just me and Robert.
- 13 Q Okay. Ms. Williams, do you recall -- let me ask
- 14 you this, do you know **Complainant**?
- 15 A Yes, sir.
- 16 Q How long have you known her?
- 17 A I've known her for a couple of years.
- 18 Q What's your relationship with her?
- 19 A We really don't have a relationship.
- 20 Q Okay. Do you remember a time when **Complainant** came
- 21 to live at your house or stayed overnight at your house?
- 22 A Yes, sir.
- 23 Q What house was that?
- 24 A That was at [REDACTED].
- 25 Q Let's talk about that house a little bit. Can

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 you describe it for us?

2 A It's small one bedroom house. It's only four
3 rooms. A living room, the bedroom, a kitchen and a bath.

4 Q Does the bedroom have a door on it?

5 A No, sir, it doesn't.

6 Q How would you describe the inside of the house?
7 Were the walls thin or?

8 A The walls are thin.

9 Q If -- if anything is going on in the house
10 anywhere would you be able to hear it?

11 A Yes, sir.

12 Q From anywhere in the house?

13 A Yes, sir.

14 Q And your testimony is that you recall there were
15 times when **Complainant** came to stay at your house?

16 A Yes, sir.

17 Q That particular house?

18 A Yes, sir.

19 Q How many times would you say she came to your
20 house?

21 A Three, maybe, at the most.

22 Q Three at that time most. Do you recall anyone
23 of those times in particular?

24 A Yes, sir.

25 Q Why do you recall that?

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 A Because that was a date night day that Robert
2 and I had planned for me and him.

3 Q What do you mean date night?

4 A We had made arrangements for him and I to just
5 get together because I was working, I was scheduled -- we
6 work the same hours so by the time we get off we're tired.
7 So, we set aside a day that we had off to have a date.

8 Q Why was **Complainant** with you?

9 A Well he -- on our way to our date he said he had
10 to go check on her. And we went by and when he came back
11 to the she was with him.

12 Q How did you feel about that?

13 A I was upset?

14 Q Why were your upset?

15 A Because I had planned -- our plans were for him
16 and I to spend some couple time together, alone time. So,
17 I was looking forward to that.

18 Q Well, after y'all picked up **Complainant** where did
19 you guys go?

20 A I think with ended up going to the dollar movie.

21 Q Do you remember what movie it was?

22 A No, sir, I don't.

23 Q After you left the movie where did you go?

24 A We went home.

25 Q What did you do when you got home?

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 A Well went in the house, we was all in the living
2 loom. He and her was talking about school, her mother and
3 other little things.

4 Q What did you do?

5 A I was standing just in the doorway as they was
6 talking.

7 Q Then what happened?

8 A As they started talking, I left out the living
9 room and went into the bedroom.

10 Q How long were you in the bedroom?

11 A Not that long, I was in there watching TV.

12 Q Did there come a time when you left the bedroom?

13 A Yes, sir, I left the bedroom and went into the
14 kitchen.

15 Q What did you do in the kitchen?

16 A Washed a couple of dishes.

17 Q How long were you in there?

18 A Probably like 10 minutes, it wasn't that much in
19 the sink.

20 Q When you left the bedroom and then walked to the
21 kitchen, did you look in any other room?

22 A Well, I had to go through the living room to get
23 to the kitchen.

24 Q Who was in the living room?

25 A Robert and **Complainant** was in the living room.

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 Q What were they doing?

2 A Nothing. He was sitting on the arm of the couch
3 and she was standing up like kind of sideways, adjacent to
4 him.

5 Q After you finished in the kitchen, washing
6 dishes, what happened then?

7 A I went back into the bedroom and Robert came in
8 the bedroom.

9 Q What, if anything, happened then?

10 A Excuse me?

11 Q What, if anything, happened then when Robert
12 came into the bedroom, what happened?

13 A Me and him proceeded to have words and then we
14 walked outside.

15 Q When you said have words, what do you mean?

16 A We was arguing?

17 Q What were you arguing about?

18 A We was arguing about our date. I was still
19 upset because we didn't have a date, really. We had more
20 of a family date which is, you know, we had that before
21 but I was looking forward to him and I just having a one
22 on one date.

23 Q When you guys went outside, were you soft spoken
24 or were you yelling at one another; how did that go?

25 A I was doing most of the yelling.

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 Q What were you saying?

2 A I was yelling because I was fussing about we not
3 having a date. And he made promises to me for us to have
4 a date. And I was upset with him.

5 Q About how long were you outside again?

6 A Probably like 30 minutes.

7 Q Were you arguing that whole time?

8 A We was arguing, then we stopped. Then he would
9 talk, say what he had to say. Then I would listen him.
10 And then we went back in the house.

11 Q When you came back in the house, what did you
12 do?

13 A I laid across the bed and was watching TV.

14 Q Where's that bed at? Where's the bed at?

15 A Where it's at in the room?

16 Q Yes, ma'am. Well, in the house.

17 A Oh, it's like up against the wall. As soon as
18 you walk into the door, because it's two doors on the
19 house. One door goes to the living room, one goes to
20 bedroom. And when you walk in the bed was like sitting
21 like this way.

22 Q Is the bedroom and the living room different
23 rooms?

24 A Yes, sir.

25 Q Where did Robert go?

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 A He was on the couch in the bedroom.

2 Q The couch was in the bedroom?

3 A Yes, we have a couch -- we have a small, little
4 loveseat in our bedroom.

5 Q Ms. Williams, do you know why we're here?

6 A Yes, sir.

7 Q This entire time that day, did you ever see

8 **Complainant** without her clothes on without Robert on top of
9 her?

10 A No, sir, I never seen her without clothes on.
11 And I never seen Robert on top of her.

12 Q Did you ever see him appear to be sexually
13 aroused around his daughter on that day?

14 A No, sir.

15 Q Did you see anything that seemed inappropriate?

16 A No, sir.

17 Q Ms. Williams, I'm going to ask a very personal
18 question but I feel like it's important. Have you ever
19 been a victim of criminal sexual conduct?

20 A Yes, sir. I'm sorry, yes, sir.

21 Q Do you remember when that happened?

22 MS. HAMMACK: Your Honor, I'm going to object,
23 that's irrelevant to this case.

24 THE COURT: Just one second.

25 Would you go back to your jury room, ladies and

JOYCE WILLIAMS-DIRECT BY MR. ROUTZONG

1 gentlemen.

2 (WHEREUPON, the jury left open court at
3 approximately 9:55 a.m.)

4 THE COURT: All right, go ahead, please.

5 MS. HAMMACK: Your Honor, any testimony about
6 this witnesses prior sexual history has zero
7 probative value in this case. It doesn't go to prove
8 anything as it relates to the facts and the elements
9 in this case. And the prejudice judicial value in
10 trying to garner sympathy for this witness is
11 immense. It's not just a matter of significantly
12 outweighing probative value, there's zero probative
13 value this testimony.

14 THE COURT: What's the probative value?

15 MR. ROUTZONG: Probative value, Your Honor, is
16 twofold. One, I will argue to the jury, if this is
17 admitted, that a person who has been a victim of
18 criminal sexual conduct is particularly sensitive to
19 that issue. If they see it happening to somebody
20 else, they're going to say it. They're going to tell
21 somebody. And she didn't.

22 And the other reason, Judge, is she will testify
23 that she remembers what day it happened on. You'll
24 notice on the Indictment, Your Honor, it says, June,
25 July, August. We don't even know what month it

1 happened on. This very profound event, that the
2 accuser in this case says happened and we're stuck
3 with a three month interval. She can tell us exactly
4 the dates. That's the probative value.

5 THE COURT: I think it would go to the bias of
6 this witness to fabricate or not fabricate her
7 testimony. But how far into it are you -- the jury's
8 already heard that she's been a victim, they can't
9 undo that. And maybe a question towards remembering
10 the date, but I don't know to go into any details. I
11 mean, that's far field from what you need to be
12 doing.

13 MR. ROUTZONG: I would inquire of Your Honor, am
14 I allowed to ask her what day it happened on?

15 THE COURT: Sure. And after that --

16 MR. ROUTZONG: And that would be the extent of
17 it. I don't want to put her through it. I don't
18 think anything else is particularly useful.

19 THE COURT: All right, I'll let you just do
20 that.

21 I'll let you note your objection for the record.

22 MS. HAMMACK: Thank you, Your Honor.

23 THE COURT: You ready to proceed?

24 MR. ROUTZONG: Yes, sir.

25 THE COURT: You ready?

1 MS. HAMMACK: Yes, sir.

2 THE COURT: Okay, bring the jury.

3 (WHEREUPON, the jury came into open court at
4 approximately 9:57 a.m.)

5 THE COURT: Yes, sir.

6 MR. ROUTZONG: Thank you, Your Honor.

7 BY MR. ROUTZONG:

8 Q Ms. Williams, you testified that you're a victim
9 of criminal sexual conduct?

10 A Yes, sir.

11 Q What date did that happen on?

12 A March 12th, 1985.

13 Q I ask you again, Ms. Williams, in your presence,
14 did you ever see anything inappropriate, in your opinion,
15 occur between Robert and Complainant

16 A No, sir.

17 MR. ROUTZONG: I don't have anything else, Your
18 Honor.

19 THE COURT: Cross-examination.

20 MS. HAMMACK: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. HAMMACK:

23 Q Hey, Ms. Joyce.

24 A Hey.

25 Q Are you okay? Do you need a second?

JOYCE WILLIAMS-CROSS BY MS. HAMMACK

1 A (The witness nods.)

2 Q I'm going to stand over here when I talk to you,
3 because just like Mr. Routzong said, you are a little
4 quiet, and I want to make sure that everybody can hear
5 you. So, I'm standing over here so you can talk loud to
6 me, okay?

7 A Yes, ma'am.

8 Q Now, Ms. Joyce, you said that you're with the
9 Defendant?

10 A Yes, ma'am.

11 Q And you call him Bobby, right?

12 A Yes, ma'am.

13 Q And you've been with him pretty much since high
14 school, haven't you?

15 A Yes, ma'am.

16 Q You've been with the defendant probably, I
17 guess, more of your live than you haven't been with him;
18 right?

19 A Yes, ma'am.

20 Q You said that y'all got two children together?

21 A We have two, we lost one.

22 Q That's right, but y'all got two grown children?

23 A Yes, ma'am.

24 Q And y'all were living at [REDACTED]
25 together?

JOYCE WILLIAMS-CROSS BY MS. HAMMACK.

1 A Yes, ma'am.

2 Q And that's over near Beech Island, right?

3 A Yes, ma'am.

4 Q Over near Kimberly-Clark?

5 A Yes, ma'am.

6 Q All right. And the Forrest Drive house, that's
7 your house, right?

8 A Yes, it's my mom's house.

9 Q It's a family house?

10 A Yes, ma'am.

11 Q And you have plans of fixing that house up and
12 keeping it in the family, didn't you?

13 A Yes, ma'am.

14 Q And you said that y'all don't live there now but
15 y'all are still together?

16 A Yes, ma'am.

17 Q And after all this that happened you're still
18 with the Defendant?

19 A Yes, ma'am.

20 MS. HAMMACK: Thank you, I don't have any
21 further questions for you.

22 THE COURT: Redirect?

23 MR. ROUTZONG: No, Your Honor.

24 THE COURT: May this witness be excused?

25 MR. ROUTZONG: Yes, sir.

JOYCE WILLIAMS-CROSS BY MS. HAMMACK

1 MS. HAMMACK: Yes, sir.

2 THE COURT: Thank you, ma'am, you can step down.

3 Call your next witness, please, sir.

4 MR. ROUTZONG: Defense rests, Your Honor.

5 THE COURT: Okay.

6 Does the State intent to have any reply?

7 MS. HAMMACK: No, Your Honor.

8 THE COURT: All right, Madam Forelady, ladies
9 and gentlemen of the jury, the defense has advised
10 that it rests, which means they presented their
11 defense. I have a few administrative matters to take
12 care of. I'm going to send you back to your jury
13 room. And when we bring you back, we'll begin with
14 closing statements in this case, okay. So, we'll
15 take a few minutes. If you go back to your jury room
16 now, please.

17 (WHEREUPON, the jury left open court at
18 approximately 10:00.)

19 THE COURT: Any motions?

20 MR. ROUTZONG: Yes, sir. To renew our directed
21 verdict motion based on our prior objections.

22 THE COURT: Any additional grounds?

23 MR. ROUTZONG: No, sir.

24 THE COURT: All right, thank you, that will be
25 denied.

1 Have you guys had a chance to look at the
2 proposed charge?

3 MS. HAMMACK: Yes, sir.

4 THE COURT: Any objections from the State?

5 MS. HAMMACK: No, sir.

6 MR. ROUTZONG: No, sir.

7 THE COURT: Everybody okay? Anybody have any
8 proposed charges that you want me to look at?

9 MS. HAMMACK: Not from the State.

10 MR. ROUTZONG: No, sir.

11 THE COURT: And you've seen the revised verdict
12 form, any problems with that?

13 THE LAW CLERK: I had to get it reprinted. I
14 had to get it reprinted again.

15 THE COURT: Okay, y'all bear with me for a
16 second.

17 MR. GRIMES: Sir, we were hoping to see part of
18 the transcript from yesterday.

19 THE COURT: Why don't you take the opportunity
20 to do that. Do you have--

21 April, the Court Reporter from yesterday,
22 Margaret left at CD, do you have it?

23 THE COURT REPORTER: She has a CD but Judge, I
24 don't know -- there's nothing to indicate -- for
25 instance, I have log sheet which indicates which

1 witness and the counter number that it would start
2 on, or whatever you may have, I don't have any of
3 that. So, I have no idea what is on this CD?

4 THE LAW CLERK: It's audio. It's not the
5 transcript --

6 MR. GRIMES: I think we'll be able to find what
7 we're looking for pretty quickly.

8 THE COURT: Do you have any problem with him
9 doing that?

10 MR. ROUTZONG: No, sir, I'll be glad to listen
11 to it him with him.

12 THE COURT: Okay, why don't you take that down
13 there. Will you need a few minutes to get your head
14 together for your closings?

15 MS. HAMMACK: I think once we get the verdict
16 form and that figured out, we should be ready. I
17 think we only need a few minutes.

18 (WHEREUPON, a short break was taken.)

19 THE COURT: Okay. You get what you need?

20 MR. GRIMES: Your Honor, we do have a little
21 issue to bring up at this point. Yesterday when
22 **Complainant** was testifying in regards to the letter and I
23 realized the letter itself and really most of the
24 contents of the letter didn't come into evidence. We
25 had proffer after the letter was kind of introduced.

1 And there was some testimony in that proffer that, I
2 guess, essentially raised some concerns about the
3 evidence that was admitted prior to the proffer
4 being -- essentially Mr. Routzong asked Complainant in
5 regards to the letter, did she give -- I believe just
6 from memory, Did you give this handwritten letter to
7 the Defendant sometime -- and he had a date range,
8 basically in 2013. I guess it would be sometime
9 around June.

10 She admitted, we made an objection, we went into
11 a proffer. During that proffer, she clarified that
12 response to the extent that at some point she said
13 she didn't remember exactly when she did the letter.
14 And I think also during that proffer she said she
15 gave him that letter prior to the event that happened
16 when Joyce walked in on them.

17 THE COURT: I do know that she did have
18 contradictory testimony on those lines.

19 MR. GRIMES: Correct. The jury didn't get the
20 benefit of hearing any of that information as far as
21 her specifically contradicting the date that the
22 letter was delivered to the defendant. Which the
23 evidence on the record as far as the letter, I surely
24 wouldn't want to emphasize anymore. But, I guess, in
25 regards to closing arguments, the defense argument

1 that there is some sort of uncontradicted testimony
2 that she gave this letter to her father after
3 June 2013 is I don't think appropriate based on the
4 sworn testimony that's been presented to the court.

5 THE COURT: Okay.

6 What's your position on that, Mr. Routzong?

7 MR. ROUTZONG: There's a couple of things, Your
8 Honor. When I asked her about that letter, in my
9 opinion, she was visibly shocked. And her response,
10 I believe, goes along the lines of excited utterance.
11 Now, if we allow her to correct that testimony after
12 she had time to reflect, she certainly had time to
13 realize where I was going with the question. She has
14 time to, in her mind, say, well, that's inconsistent
15 with my prior testimony. And, Your Honor, they had
16 an opportunity to redirect and they didn't avail
17 themselves to it.

18 THE COURT: You disagree with that?

19 MR. ROUTZONG: That's not the Defendant's fault.

20 THE COURT: I think the argument, as I
21 understand that's being argued to me, is that during
22 closing arguments you're saying it would be improper
23 that letter to argue that the letter was given after
24 the fact or on June of 2013 and she later clarified
25 it was before. I quiet frankly think that's a matter

1 of argument. It's in the record both ways.

2 MR. GRIMES: Well, Judge, the problem is that
3 it's not on the record in front of the jury both
4 ways. She clearly contradicted her -- she, in fact,
5 she corrected it on her on without any assistance
6 from anybody. She corrected her testimony in regards
7 to when that letter--

8 THE COURT: I understand that. And the problem
9 I'm having with that, though, you're right it was
10 during the proffer, but you could have clarified that
11 yourself on the record and you chose not to.

12 MR. GRIMES: Yes, sir.

13 THE COURT: So I mean, I think it would be
14 improper for me to prohibit Mr. Routzong from arguing
15 that letter was given after June 2013 and that's what
16 she testified to. It's like any other inconsistent
17 testimony, you have a record, you argue which one is
18 your best. Do you disagree? Obviously you do.

19 MR. GRIMES: Well, I think it's a, disingenuous
20 argument for the defense to tell this jury something
21 that is clearly, at least, not contradicted. And. .
22 .

23 THE COURT: Well, quite frankly, I don't
24 necessarily disagree with Mr. Routzong's
25 interpretation of that I thought this witness

1 probably had a little time to think about it, correct
2 it, whatever the testimony was. But, you know, I
3 don't think The State is prohibited -- you can't
4 supplement the record at this juncture, though. I'm
5 certain --

6 MR. GRIMES: We're not asking -- we're not
7 asking to, Judge.

8 THE COURT: I'm going to let him but I'll note
9 your objection for the record. Nonetheless, it's in
10 the record, it's just inconsistent testimony, even
11 though the jury doesn't know that happened.

12 All right, State goes -- you going to open up on
13 the law?

14 MS. HAMMACK: No, Your Honor, we're going to
15 waive opening on the law.

16 THE COURT: You're going to waive opening on the
17 law.

18 So, Mr. Routzong, you go first, the state goes
19 last.

20 MR. ROUTZONG: Yes, sir.

21 THE COURT: Okay, is everybody ready? Need a
22 minute?

23 MR. ROUTZONG: No, sir.

24 THE COURT: Okay, bring the jury, please.
25

1 (WHEREUPON, the jury came into open court at
2 approximately 10:26 a.m.)

3 THE COURT: All right, ladies and gentlemen of
4 the jury, as I told you at the beginning of the
5 trial, we have five phases in every case. We're now
6 entered into the third phase, which will be closing
7 arguments. The defense will go first, the State will
8 argue last.

9 Mr. Routzong, you ready to proceed?

10 MR. ROUTZONG: Yes, sir.

11 CLOSING STATEMENT

12 Ms. Hammack.

13 Mr. Grimes.

14 Good morning, ladies and gentlemen, if I can get
15 to what we talked about in the very beginning about
16 where you have to be in terms of how you view this
17 case right now. If you presume him to be innocent,
18 which you must do as you're sitting there right now
19 until you finish your deliberations, then your
20 standpoint has to be The State got their case wrong.
21 And when she said that she was molested by her dad,
22 she's not telling the truth.

23 Your consideration only has to be on the
24 evidence that you heard up here. You have to
25 consider the credibility of each witness. But when

1 you really come down to it, it is really exactly as I
2 said in the beginning. Really it comes down to three
3 people. Because at any time in this case, only three
4 people were allegedly present when the alleged
5 incident happened. Joyce Williams, who you just
6 heard from, Robert Reeves and **Complainant** the accuser in
7 this case.

8 Let's talk about what nobody's arguing about.
9 Because I think it will help us kind of peel back the
10 layers of this. What nobody is arguing about, when
11 all the evidence seems to indicate, is **Complainant** has a
12 horrible relationship with her mom. I think she
13 testified that she just can't get along with her mom,
14 that's just not going to happen. There's testimony
15 that one or two in the morning, Marquette got a phone
16 call. And as a result of that phone call, she sent
17 somebody to go pick this young girl up. And after
18 that she was living with Marquette. Not in dispute.

19 I think anybody who watches Marquette or is
20 around Marquette, and you had a chance to see her,
21 you would say she's a pretty positive person, a
22 wholesome person, a positive influence. That's what
23 I take from my conversation and her testimony.
24 Compare that with where she came from, anybody would
25 do anything to get out of that situation. And it's

1 interesting that the person that she is supposed to
2 have disclosed this to, is her. Need to think about
3 that for a minute. The person I really want to be
4 with, I'm going to give them a very good reason why
5 you should keep me. Don't send me back home and I
6 don't want to be with my dad, I want to be with you.

7 It's not in dispute that there came a time when
8 all three of these people were in Joyce's house
9 together. Joyce testified to it and Complainant
10 testified to it. Not in dispute. They went to a
11 movie, Joyce goes in and washes the dishes, there was
12 corroborating testimony there. Talking about that
13 one single night. When she says Joyce walked in and
14 saw them unclothed, having sex. What's not in
15 dispute there, Joyce goes to the kitchen, they're all
16 there together. They went to a movie. Complainant said
17 they were fighting afterwards. Joyce told you why.
18 It is her night with her man. And from her point of
19 view, irritatingly enough, Complainant is there. She
20 didn't get a chance to have that night out and they
21 went outside. She testified that for 30 minutes they
22 were out there arguing. We don't know if Complainant
23 could hear. But Joyce testified that the walls are
24 awful thin.

25 Other things that are not in dispute, going back

1 to the environment at her mom's house, she said she
2 got in a fist fight with her sisters. I think she
3 said it lasted for an hour. This is a bad place.
4 This is not where she wants to be. The other thing,
5 the last thing I would argue that's probably not in
6 dispute, is that what we know about this case,
7 Investigator Rodgers told you, what we know about
8 this case, basically, is what Complainant says. And now
9 what Joyce says. Those were the only two people that
10 were actually present that testified.

11 Let's talk about what's contradictory. You know
12 these vile, horrible events, these very profound
13 events, allegedly happened and that young lady sat up
14 there and testified that in June of 2013, which would
15 be approximately a year after these events allegedly
16 happened, and this is not contradicted, she passes a
17 note to her dad. She makes contact with her dad.
18 Does that make sense to you? After those events.

19 The other things that are contradicting --
20 contradicted in the testimony is Complainant made a very
21 definite -- gave you a very definite story, a very
22 definite statement about how this happened. And said
23 that Joyce walked in on her. Let's think about that
24 for just a minute. She testified that she's a victim
25 of criminal sexual conduct. She broke out into

1 tears. This is her man. She was mad that night just
2 that **Complainant** was there because she wanted this night
3 out. And she gets up here and she says none of that
4 happened. And the interesting part about that is the
5 only time when there's another witness, other than
6 Mr. Reeves and **Complainant** that witness says it didn't
7 happen. And that goes to the credibility of **Complainant**
8 Because there's no other witness. Other than her.

9 And she initially said, No contact. But then
10 she said, I did have contact. She testified, she
11 told you, I didn't have any contact. Oh,
12 Mr. Routzong has a note. Well, I did have contact.
13 This is what I'm talking about with credibility.
14 That's why I'm saying when you see these
15 contradictions, and there's no other evidence,
16 remember Investigator Rodgers said, No physical
17 evidence, no DNA, no torn clothes, just the
18 witnesses. And the only other witness, other than
19 **Complainant** says it didn't happen. I didn't see any of
20 that.

21 And I kind of look at this as, you know, there
22 are things that are not in dispute, there are things
23 that have been contradicted in the testimony that
24 only you can sort out. You have to determine who you
25 believe, who not to believe. And then there are

1 things that are just strange in this case. You know
2 when you get that indictment, it's going to say
3 somewhere where between June and August of 2012 this
4 happened. Imagine the most profound thing anybody
5 can imagine, your father, your biological father,
6 raping you and you can't tell anybody the date.

7 Did you notice I asked Ms. Williams, What day
8 did it happen on? And she told me. This isn't --
9 this isn't a small little child like six years old
10 where time kind of gets folded into other stuff. And
11 the only way you would know -- sometimes if it's a
12 small child they'll say, well it happened during
13 Fourth of July, there were fireworks. That's
14 sometimes as close as you can get. Or it happened at
15 around Thanksgiving or Christmas. This is a 15 year
16 old. And this very vile, horrible event happened and
17 she can't even tell us what month it is, let alone
18 the date? Does that seem credible to anybody?

19 And just going back, I don't want to forget this
20 part of it. I wrote it down, I had to take a look at
21 it. I just want to say, it's just strange to me.
22 That the person who did these horrible things to you,
23 is a person a year later, you want to seek out and
24 contact. That just seems strange to me. When you've
25 got the only witness other than **Complainant** saying it

1 doesn't happen -- it didn't happen. When you have a
2 young lady whose environment and her relationships
3 with her father and mother, particularly with her
4 mother, are so volatile and the one person that you
5 have a good life, a wholesome life with, what would
6 you do? Would you say that? Maybe you don't think
7 Marquette would say anything. Then maybe after it
8 did get reported, now you can't back off of it. I
9 don't know the answer to these things. I don't think
10 any of us, we can't get into her mind.

11 So, we're stuck with just the evidence. And the
12 evidence is strangeness, contradiction. And that
13 leads to a conclusion that I hope you'll find, that's
14 not guilty. Because the evidence has been presented
15 up here cannot force you -- you know, sometimes I
16 look at it kind of like, you know, soldier, you're on
17 top to the hill. And you got to hold onto this hill
18 of presumption of innocence. And the enemy, I'm not
19 trying to say The State's the enemy but now the
20 people are trying to take the hill away from you and
21 you don't give it up, they're not going to force you
22 off that hill without overwhelming force. Without
23 enough force to cause you to change your mind about
24 that. That hasn't been presented to you. Too much
25 contradiction, too much strangeness.

1 I'm asking each of you to consider all of this.
2 If you form an opinion and you know it's right, you
3 don't have to change it. You can come back and say
4 they just didn't prove their case. And that's what
5 you ought to do. I appreciate all of you for
6 listening and your attentiveness during this trial.
7 And on behalf of Mr. Reeves I want to say thank you.

8 THE COURT: State ready?

9 CLOSING STATEMENT

10 MS. HAMMACK: Yes, sir, Your Honor, thank you.

11 When Complainant had a father come into her life,
12 right around her 15th birthday 2012, as she told you,
13 she was excited. She thought she was finally getting
14 a real parent. You've heard all about her home life
15 over the last two days. And like Mr. Routzong said,
16 nobody is arguing about that. It was a terrible home
17 life. And it's one that's probably hard to imagine a
18 mother acting like she did with her daughter. It
19 went beyond a typical mother teenager squabble.
20 Child protective services was involved. There was
21 testimony about her mother throwing furniture at her,
22 hitting her. So, when her dad came into her life,
23 she thought she was going to have a real parent. He
24 has something else in mind.

25 You heard how he gained Complainant trust by

1 taking her to the movies, taking her to the mall,
2 playing basketball with her. One of the things she
3 loved. But then, as we move into the summer of 2012,
4 that changed. He quit taking her to the movies and
5 the mall where other people are around. To the
6 basketball court where there's other people seeing
7 what's going on. He started taking her to a house at
8 past Kimberly-Clark, down a dirt road. Where there's
9 padlocks on the doors. With the key that only he
10 had. He got **Complainant** in that house, away from
11 witnesses and away from help. And that's when that
12 daddy daughter relationship changed. Because that's
13 when he started having sexual intercourse with his 15
14 year old daughter.

15 Now, this continued on throughout the summer.
16 It wasn't just a one time event that you mark in your
17 mind forever. It happened over and over and over.
18 Until finally, he got caught. Because the last time
19 this happened, he couldn't wait for Joyce to leave to
20 go to work so there would be no witnesses. He tried
21 to get rid of her. He asked her to go get a
22 newspaper. But she wasn't gone long enough. So, he
23 wait until Joyce was asleep and he was going to get
24 his. Except he got caught. Joyce walked in and
25 caught him. She didn't call the police. She's not

1 going to call the police on the father of her
2 children, the man she's with. But she made sure it
3 was going to end a different way. She went to
4 **Complainant** mom's and she put a stop to it. And she
5 made sure that he never got a chance to be around
6 **Complainant** again.

7 What better target than a girl who has no one to
8 talk to. Who has nobody supporting her. She told
9 you that she didn't feel like she could tell anybody.
10 That she was embarrassed. Absolutely she's
11 embarrassed. That she was scared. And she told you
12 that when Joyce came over and talked to her mom, her
13 mom made her apologize to Joyce. What kind of
14 environment is that for a child who wants to be able
15 to go to their parent and seek help? And her parent
16 makes her apologize.

17 But luckily for **Complainant** she finally got that
18 parent figure. She went to live with Marquette. And
19 for the first time in her life, **Complainant** had somebody
20 that acted like a mother. That took her to the
21 doctor, paid attention to her school work. For the
22 first time in her life she had somebody that listened
23 to her. When she did, she told Marquette what her
24 father did to her over and over in the summer of
25 2012. And like any parent should, Marquette called

1 the police and we're here today.

2 Now, Mr. Routzong talked a lot about credibility
3 of the witnesses and the Judge is going to talk to
4 you about that as well. So, let's talk a little bit
5 more about credibility of witnesses. First, he
6 wanted to talk about the indictments and you will
7 see. And you're right, it does say from June through
8 August. Why does it say that? Because **Complainant** told
9 you this happened in the summer of 2012. She told
10 you the first time it happened, she was out of
11 school, summer had started. And she went to go visit
12 some family that she'd never met before because it
13 was on her daddy's side. She told you the last time
14 it happened was after a first Friday that over in
15 Augusta. And she told you it happened over and over
16 in between.

17 The defense wants to make a big deal about the
18 fact that she didn't say it happened on July 12th or
19 June 23rd. But when something happens not once, but
20 twice, three times, four times, five times, it's kind
21 of hard to remember all those dates. But for
22 **Complainant** she could remember going to visit cousins
23 she never met before. She could remember first
24 Friday. She can remember what color those shorts
25 were that he pulled off of her legs. That's why

1 those dates are there. Because this isn't a one time
2 event. This happened over and over that summer.

3 Now, he also wanted to talk about this letter
4 that she may or may not have sent. When it was sent.
5 Because she said that she never talked to her dad
6 again and she never saw her dad again after that.
7 And she's right. She didn't see him again. Joyce
8 said that. She didn't talk to him again. She may
9 have written him a letter. And that letter could
10 have been closure. It doesn't matter. But what
11 matters are the credibility of the witnesses. And
12 why you should believe certain witnesses and not
13 other witnesses.

14 So, let's talk about **Complainant** credibility.
15 Mr. Routzong wants you to believe that she would say
16 anything, quote -- I'm sorry, anybody would do
17 anything to get out of this situation. He wants you
18 to believe that **Complainant** made this up so that she
19 could get out of her terrible living situation with
20 her mom. There's just one problem with that idea.
21 When **Complainant** told what was happening, she was already
22 out of that living situation. She didn't have to say
23 anything to get away from her mom. She was already
24 gone. By the time she said something, she was living
25 with Marquette. She told you she was happy with

1 Marquette.

2 For the first time she was in a stable, loving
3 relationship. Had a good home life. Why would she
4 say anything to mess that up? If she was going to
5 lie to get out of this terrible living situation, she
6 would have said something back when she was living
7 with mom. But she didn't. By the time she had
8 somebody she was comfortable enough to tell, mom was
9 gone, dad was gone, she had nothing to gain by making
10 up a lie then.

11 Now, he wants to talk about the fact that she
12 was maybe saying this so she could stay with
13 Marquette. There was no danger of her not staying
14 with Marquette. There was no testimony that she was
15 about to leave. And there was no testimony -- the
16 only testimony we have is when he asked Marquette,
17 Were happy with **Complainant** in your house?

18 And she said, Yes.

19 There was no need to mess up that situation by
20 lying and making up this story because she was
21 already out of that situation. And members of the
22 jury, if you're going to make up a lie to benefit
23 yourself, when you're sitting in this chair and you
24 crying. And you have to turn like this away from all
25 the people watching you talk about that worst thing

1 that's ever happened to you and you literally hunch
2 over because of how terrible it is to talk about, if
3 that's a lie, it would have been a whole lot easier
4 for **Complainant** to tell you that story. You watched her
5 testify. You watched her. **Complainant** has no reason to
6 lie to anyone. She had nothing to gain.

7 Well, let's talk about who does have something
8 to gain. Let's talk about Joyce. Credibility of
9 witnesses. Joyce sat up here and she told you that
10 she's been with the defendant since high school.
11 She's known him almost her whole life. She's been
12 dating him longer than she hasn't been dating him.
13 She's got two children with the man. She brought him
14 into her family home. The home that she was going to
15 fix up and let carry down through her family. They
16 lived there together. They've got two grown
17 children. Why in the world would she come in here
18 and admit to y'all that she saw him having sex with
19 his daughter? That's her motive to lie. She doesn't
20 want to get the man of her life in trouble. Of
21 course, she's not going to come up here and tell you
22 which she saw.

23 But actions speak louder than words. Because
24 Joyce's response, when she saw what was going on that
25 night in the house, her response tells you exactly

1 what she saw. She was alone in the bedroom, he
2 wasn't in that bed with her. He was where he wasn't
3 supposed to be. She came out of the bedroom, into
4 the living room and she saw the Defendant with his
5 little girl on that couch. If she didn't see
6 anything, why didn't she just go back to bed? But
7 she didn't. Because she upset. She knew exactly
8 what he had seen. So, she went in the kitchen trying
9 to figure out what she's going to do about what she
10 just saw.

11 And so, she gets in an argument with the
12 Defendant. They argue in the kitchen, they argue in
13 the bedroom, she goes outside, they're arguing
14 outside. And she gets in her car and she leave her
15 house because she's so upset about what she's seen.
16 And then, she goes to **Complainant** house and talks to
17 **Complainant** mother and makes sure that **Complainant** can
18 never come back in that house again. And she did
19 that not because she saw the Defendant sitting on the
20 arm of the couch and **Complainant** sitting -- or standing
21 up. She didn't do that because **Complainant** messed up one
22 date night. Joyce acted the way she did because she
23 saw the Defendant on top of his daughter on a couch
24 in their house.

25 Lastly, the Defendant's actions tell you exactly

1 what happened that night. The last time that this
2 happened. Before he got caught doing what he was
3 doing, he was Mr. dad. He had come back into his
4 daughter's life. Talking to her about school, about
5 boys, taking her to play basketball, going to the
6 movies. **Complainant** told you that that summer, she saw
7 him every weekend. She talked to him three to four
8 times a week. But after he got caught, he dropped
9 his daughter like a bad habit. She told you that
10 after Joyce confronted her mother, he didn't come
11 back and pick her up again. He didn't talk to her on
12 the phone again. Because he knew that he had been
13 caught. **Complainant** hadn't even said anything yet. This
14 wasn't even out in the open yet. But he knew what
15 was going on. He was scared because he had been
16 caught. And he was hoping that this would just go
17 away, nobody did anything. But it didn't go away. I
18 didn't go away from **Complainant** and when she finally got
19 to somebody that listened to her. She told what her
20 father had been doing. The police were called and
21 now you're here.

22 I told you at the beginning of the trial that
23 we'd check off the elements of criminal sexual
24 conduct with a minor in the second degree. And I
25 told you a few things to look for. And I want to go

1 back over those with you now. First thing, the first
2 element about criminal sexual conduct with a minor,
3 second degree, is sexual battery. And the Judge is
4 going to explain all of this to you in just a minute.
5 But a sexual battery is penetration, even just a
6 little bit, of any opening in the body. Complainant told
7 you that at that house on [REDACTED], not once,
8 not twice but over and over and over and over that
9 summer of 2012, her father put his penis in her
10 vagina and had sex with her. That's a sexual
11 battery.

12 Second, that the victim, Complainant was between
13 the ages of 14 and 16. She told you when her dad
14 first came into her life it was right around her
15 birthday, her 15th birthday in March of 2012. She
16 told you that the first time he had sex with her was
17 in the summer of 2012 while she was 15. And the last
18 time he had sex with her was during that same summer
19 when she was 15 years old. There's your age range.

20 And lastly, that when a sexual battery happened
21 to Complainant that the Defendant was in a position of
22 familiar, custodial or official authority to make her
23 do this. Those are a lot of big lawyer words but all
24 that means is that he was her daddy. He had
25 positional authority over her as her father and her

1 parent. And he did this to her.

2 Members of the jury, Mr. Routzong talked to you
3 a lot about having your mind made up and changing
4 your mind. But at the end of day, all you have to do
5 is be firmly convinced that that man right there had
6 sex with his little girl. Find him guilty.

7 THE COURT: All right, Madam Forelady, ladies
8 and gentlemen of the jury, my charge will be
9 somewhere in the neighborhood of 20, 25 minutes. If
10 the jury would like to take a break, I'm going to
11 leave that in your discretion. You can take one now
12 or we can go through the charge.

13 Would you check with the jury, Madam Forelady,
14 see what the jury would like the do, please, ma'am.

15 MADAM FORELADY: We got a couple that need a
16 break.

17 THE COURT: Okay, let's take about a 10 minute
18 break.

19 (WHEREUPON, the jury left open court at
20 approximately 11:00 a.m.)

21 THE COURT: We'll be in recess for about 10
22 minutes.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: Y'all ready?

25 MS. HAMMACK: I just thought about something.

1 And I think you always do it if I remember correctly,
2 but I didn't hear it when we were going over it the
3 other day. You're going to tell them that the
4 verdict has to be unanimous, right?

5 THE COURT: Oh, yeah.

6 MS. HAMMACK: Okay, sorry.

7 THE COURT: That's okay. I don't mind you
8 critiquing me. I had somebody the other day tell me
9 that I was a legal owl. I was kind of peacocking up
10 and said, Yeah, the more brighter I shine on the
11 subject, the blinder you get. So, it's okay.

12 Bring the jury in, please.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:13 a.m.)

15 THE COURT: All right, Madam Forelady, ladies
16 and gentlemen of the jury, it is now my duty as the
17 trial judge to charge you on the law. Let me tell
18 you in advance that some of it will be read to you
19 because they're very important issues of law. And
20 I'm scared that if I try to go over it without
21 reading it, I may misstate it. So, let me apologize
22 to you advance for having to read to you. And I'll
23 try to minimize it as much as I can.

24 But, now that you've heard the evidence in this
25 case, you've heard the opening statements, the

1 closing statements from the attorneys, the law
2 requires that I charge you on the law. In my charge
3 will be in three different sections. The first part
4 will be the general rules that define and control
5 your duty as jurors. Then charge you on the
6 substantive law that you must apply in this case.
7 Then I'll give you some rules for your deliberations.
8 Then, Madam Forelady I'll go over the verdict form
9 with you. We'll take a break and make sure that I
10 haven't misstated something, then you will receive
11 word to begin your deliberations. So you know where
12 you are.

13 Now, as I told you at the beginning of this
14 case, you are the judges of the facts. And it's your
15 duty the find the facts from the evidence that you
16 heard in this case. To those facts you must apply
17 the law as I give it to you and you must follow the
18 law and you shall follow the law as I give it to you.
19 You may not and must not be concerned with what you
20 think it should be or what you would like it to be
21 but only I what it is. Also, you must not be
22 influenced by any personal likes or dislikes,
23 opinions prejudice or undue sympathy that you may
24 have for one side or the other in this case. You
25 have no one to reward and no one to punish. What

1 that simply means is this. That you must decide this
2 case based on the testimony and evidence you heard
3 here in the courtroom, the exhibits that have been
4 admitted in the evident in accordance to the law as I
5 give it to you now. And in following these
6 instructions, it's important that you follow all of
7 them because they're all equally important, you can't
8 pick out any aspects of my charge that you typically
9 like and apply those and disregard those that you may
10 not like so much.

11 Also, I remind you, ladies and gentlemen, that
12 if I've done anything throughout the course of this
13 trial that seems to indicate to you how you are to
14 find facts, I'm going to ask you and charge you that
15 you are to disregard that. You and you alone are the
16 judges of the facts. And what I mean by that is you
17 and you alone will determine what your verdict will
18 be. And you will decide what those facts are by
19 evaluating and weighing the evidence that you heard
20 during this trail. At the beginning of the trial I
21 gave you an example of a set of scales, there's no
22 way that we can give you a set of scales to weigh the
23 evidence. It is entirely a mental process. And you
24 will evaluate and weigh the evidence using your good
25 common sense and sound judgment that you brought to

1 bear with you when you were sworn in as jurors.

2 So, what is the evidence that you will decide?

3 This is the evidence in this case. It is the sworn

4 testimony of witnesses, whether it's on direct

5 examination, cross-examination or redirect

6 examination. Regardless of who called the witness.

7 Also, any exhibits that have been received into is

8 evidence is evidence. That is the only true evidence

9 that you may consider as such in this case. So, that

10 leads me to the discussion of what is not evidence?

11 Number one, the arguments and the statements by the

12 lawyers is not evidence. They're not witnesses.

13 They've not been sworn, they've not been placed on

14 the witness stand and put under cross-examination.

15 That's not to minimize the importance of what they

16 told you because it's a helpful guide to help you

17 understand what their contentions are in this case.

18 But it is not evidence. So, if what either or both

19 of any of these lawyers told you during this trial in

20 opening or closing or some other time differs from

21 your collective memory as to a particular fact or

22 issue, your will control.

23 And, Madam Forelady, I remind you about notes.

24 Some people are better note takers than others. If

25 there's a difference between what's in somebody's

1 notes or somebody's memory, you will just have to
2 hash that out because that's why they call them
3 deliberations.

4 Also, questions and objections by lawyers is not
5 evidence. As I told you in every trial I've ever
6 been in, there's objections. Lawyers have an ethical
7 obligation to object any time he or she thinks that
8 in rules of evidence are being violated. You shall
9 not and must not be influenced by the fact that
10 objection was made or to the extent I let you stay
11 and hear the ruling on that objection. Also, ladies
12 and gentlemen, anything that you might have seen when
13 court was not in session is not evidence.

14 So, that leads me to the two types of evidence
15 that we do recognize in South Carolina. They're two
16 types evidence which are generally presented during a
17 trial. The first one is direct evidence and the
18 other one is circumstantial evidence. Direct
19 evidence is evidence that directly proves the
20 existence of a fact and does not require deduction.
21 Circumstantial evidence is a proof of a chain of
22 facts and circumstances indicating the existence of a
23 fact.

24 Let me give you some examples. If the issue in
25 a case is whether or not I ran a stop sign. And my

1 law clerk testified that I did, that would directly
2 establish that fact. That's direct evidence. On the
3 other hand, circumstantial evidence is a little more
4 tricky but it's this. If each you were to go to bed
5 at night and have a fresh sheet of snow in your front
6 yard. If you were to wake up in the morning and see
7 tracks through that snow, you can generally infer
8 that someone or some thing walked through the yard
9 during the night, although you did not see it. The
10 law makes no distinction between the value and weight
11 of direct evidence or circumstantial evidence.

12 And I further charge you, that crimes may be
13 proven by circumstantial evidence and the law makes
14 no distinction between the weight or value to be
15 given to either direct or circumstantial evidence.
16 However, to the extent The State relies on
17 circumstantial evidence, all of the circumstances
18 must be consistent with each other and when taken
19 together, point conclusively to the guilt of the
20 accused beyond a reasonable doubt. If these
21 circumstances merely portray the Defendant's behavior
22 as suspicions, the proof has failed. The State has
23 the burden of proving the Defendant guilty beyond a
24 reasonable doubt. And this burden rests with the
25 State regardless of whether The State relies on

1 direct evidence, circumstantial evidence or a
2 combination of the two.

3 And as I told you at the beginning of the trial,
4 ladies and gentlemen, you have to decide which
5 testimony you wish to believe and which testimony you
6 wish not to believe. In the vernacular of lawyers
7 and law, we call this determining the credibility of
8 the witnesses. You have a right to disbelieve all or
9 part of any witnesses testimony. You have a right to
10 believe all of any witnesses testimony. In making
11 this determination as to the credibility of the
12 witnesses, you may take into account a number of
13 factors. Which will would include but not be limited
14 to number one, was the witness able to see, or hear,
15 or know the things about which the witness testified?
16 How well was the witness able to recall and describe
17 the subject matter of their testimony system? What
18 was the witness' manner while they're testifying? In
19 other words, what was their demeanor while they were
20 on the stand? Is there some reason that a witness
21 would want to give testimony that would help or hurt
22 one side or the other? Did the witness have a
23 interest in this outcome of the case or any bias or
24 prejudice concerning any party or matter involving
25 this case?

1 You may also ask yourself how reasonable the
2 witness' testimony was considered in light of all the
3 testimony in the case. And also, whether the
4 witness' testimony was contradicted by what that
5 witness had said or done at another time or by the
6 testimony of other witnesses or other evidence in the
7 case.,

8 Now, Madam Forelady, ladies and gentlemen, those
9 are just some of the factors that you may consider in
10 deciding which testimony to believe and which not to
11 believe. And, of course, when you were sworn in as
12 jurors, you don't check your common sense at the door
13 and you shouldn't now. You should use these things
14 in your day-to-day lives that you find indicative of
15 truthfulness and indicative of lack of truthfulness
16 in deciding which testimony to believe and which
17 testimony you do not wish to believe. But in
18 deciding this issue of credibility or believability,
19 you may belief as much or as little of each witnesses
20 that you think is proper. You may believe one
21 witness over several witnesses, several witnesses
22 over one or any combination that you can come up
23 with. It is up to you to determine which testimony
24 you wish to believe. You're sole objective is to try
25 to find the truth from the testimony and evidence

1 presented in this matter. One thing you may not do
2 is determine this issue of believability by adding up
3 the number of witnesses who appear on behalf of one
4 side or the other in this case. Because it does not
5 matter to you where the truth comes from. Whether
6 it's a witness for the state or whether it's a
7 witness for the defense.

8 Now, ladies and gentlemen, I will remind you
9 that this indictment, the fact that this Defendant
10 was indicted, arrested and charged, it is not
11 evidence of his guilt. It does not raise a
12 presumption or inference of his guilt. This is
13 simply the charging mechanism by which the State of
14 South Carolina brings a defendant, such as this one,
15 before a jury like yourselves for a trial and a
16 determination of guilt in accordance -- in fact,
17 ladies and gentlemen, the indictment will not be sent
18 back to the jury, okay.

19 Now, do you need more water or are you, okay?

20 MADAM FORELADY: I've got water, thank you.

21 THE COURT: Okay.

22 Ladies and gentlemen, in this case, the
23 Defendant has pled not guilty to the indictment. And
24 therefore, that puts the burden on the State of South
25 Carolina to prove him guilty. A person charged with

1 committing a crime or offense in South Carolina is
2 never, never required to prove himself innocent. And
3 I'll charge you that it is an important rule of law
4 that the Defendant in a criminal trial, no matter
5 what the seriousness of the charge may be, will
6 always be presumed to be innocent of the crime for
7 which he has been indicted unless guilt has been
8 proven by evidence satisfying you, the jury, of
9 guilty beyond a reasonable doubt.

10 Now, this presumption of innocence does not end
11 when you begin your deliberations but it accompanies
12 the Defendant throughout the trial until you reach a
13 verdict of guilt based on the evidence satisfying you
14 of guilt beyond a reasonable doubt. The presumption
15 of innocence is said to be like a robe of
16 righteousness placed about the shoulders of the
17 Defendant where it remains until it has been stripped
18 from the Defendant by evidence satisfying you that he
19 is guilty beyond a reasonable doubt. I'll further
20 tell you that presumption of innocence is not a mere
21 legal theory, it's not just a legal phrase, it is a
22 substantial right to which every Defendant is
23 entitled to unless you, the jury, are satisfied from
24 the evidence of guilt beyond a reasonable doubt.

25 So, that leaves me to what is a reasonable

1 doubt? This is the definition. A reasonable doubt
2 is the kind of doubt that would cause a reasonable,
3 sincere, honest and conscientious person to hesitate
4 to act in an important matter in their own affairs.
5 Prove beyond a reasonable doubt is prove that leaves
6 you firmly convinced of the defendant's guilt. That
7 being said, ladies and gentlemen, there are very few
8 things in this world that we know with absolute
9 certainty. And in criminal cases the law does not
10 require proof that overcomes every possible doubt.
11 If based on your consideration of the evidence your
12 firmly convinced that the Defendant is guilty of
13 crimes for which he has been charged, you must find
14 him guilty. On the other hand, if you think there's
15 a real possibility that the Defendant is not guilty,
16 you must give the Defendant the benefit of the doubt
17 and find him not guilty. A reasonable doubt may rise
18 from the evidence or from a lack of evidence.

19 I further instruct you that the defendant is
20 entitled to every reasonable doubt that may arise in
21 the case. What that simply means is this. That if
22 upon any issue of fact essential to a conviction, a
23 verdict of guilt of the defense for which he has been
24 charged, if you have any reasonable doubt as to how
25 that issue should be resolved, it is your duty to

1 resolve that doubt in favor of the Defendant.

2 Now, in criminal cases, in order to establish
3 criminal liability, criminal intent is required. For
4 example, the minimum state required to be proven by
5 The State for a particular crime might be purpose,
6 intent, knowledge, recklessness o criminal
7 negligence. Criminal intent must be proven by the
8 state beyond a reasonable doubt. Criminal intent is
9 always a matter that must be determined by the jury
10 from the circumstances surrounding the situation.
11 There's no way to prove intent to a mathematical
12 certainty. There's no way other than science to
13 dissect a person's brain to determine what the person
14 had in mind. So, the law says that criminal intent
15 may be inferred from the circumstances shown to have
16 existed. And this is how you make a determination of
17 whether or not the element requiring intent was
18 present. It is not necessary to establish intent by
19 direct and positive evidence. But intent may be
20 established by inference in the same way as any other
21 fact by taking into consideration the acts of the
22 parties and all of facts and circumstances of the
23 case.

24 Criminal intent is a mental statement, it is a
25 conscious wrongdoing. Now, it is up to you to

1 determine what the Defendant intended to do based on
2 the circumstances shown to have existed during this
3 case. Criminal intent can arise from a action or
4 failure to act. It may arise from negligence,
5 recklessness or an indifference to duty or to the
6 consequences that is considered by the law to be the
7 equivalent of criminal intent.

8 Now, ladies and gentlemen, finally, I instruct
9 you and I emphasize this, that the fact that the
10 Defendant did not testify may not and shall not be
11 considered by you in any fashion during your
12 deliberations.

13 Madam Forelady, if a juror tries to bring up
14 that issue it's up to you to stop that. It is the
15 burden of The State to prove his guilt. And each
16 person has a right to testify or not to testify.

17 Now, those are the general rules that we have
18 for you to follow as jurors. That leave me next to
19 the law of criminal sexual conduct with a minor in
20 the second degree. It's relatively short. But pay
21 close attention, please, ma'am and please sirs. In
22 this case the Defendant is charged with second degree
23 criminal sexual conduct with a minor, 14 to 16 years
24 of age. The State must prove beyond a reasonable
25 doubt that the Defendant engaged in a sexual battery

1 with the victim who at the time was at least 14 years
2 of age but less than 16 years of age. A sexual
3 battery is sexual intercourse, cunnilingus, fellatio,
4 anal intercourse or any intrusion, however slight, of
5 any part of a persons body or of any object into the
6 genital or anal openings of another persons body
7 expect when the intrusion is accomplished for
8 medically recognized treatment or diagnostic
9 purposes. The State must then prove beyond a
10 reasonable doubt that the Defendant engaged in sexual
11 battery with the victim and that the victim was at
12 least 14 years of age but was less than 16 years of
13 age. And the Defendant was in a position of familiar
14 custodial or official authority to coerce the victim
15 to submit or that the Defendant is older than the
16 victim.

17 Now, ladies and gentlemen, that is the law of
18 criminal sexual conduct with a minor in the second
19 degree. So, that leads me to my final points and
20 those are considerations for your deliberations. If
21 you recall, when we went through jury qualification,
22 each of you represented to the attorneys for The
23 State and attorneys for the Defense that you could be
24 fair, you could be impartial and you could listen to
25 the testimony and evidence and apply the law as I

1 give it to you. You don't become jurors or you're
2 not selected to be jurors to be partisans or
3 advocates for one side or the other. You're simply
4 judges of the facts. And your goal is to try to find
5 the truth in the testimony presented during this
6 trial and the evidence presented in accordance to the
7 law.

8 But let me give you a definition of
9 deliberation. It is the careful consideration,
10 weighing up with a view to a decision. Now,
11 regardless what you may think about our judicial
12 system, I will submit to you that the genius of the
13 system is that it allows 12 good men and women such
14 as yourselves who come from different backgrounds who
15 have different life experiences and perspectives, to
16 listen to testimony, to consider the evidence, to
17 apply the law that's given to them and to ultimately
18 reach a verdict.

19 Now, when you go back and you are able to and
20 instructed to begin your deliberations, you are to go
21 through all the evidence carefully and courteously
22 and discuss it in a calm and courteous manner.
23 Remember, your sole interest is to try to find the
24 truth from the evidence you heard in this courtroom.
25 I will ask you but also charge you that you are to

1 listen to the views of your fellow jurors, consider
2 other peoples points and their's points of view.
3 Walk through and discuss all the evidence. Remember,
4 if you're doing something deliberately, you should
5 not be in a big hurry. This is a very important case
6 to both sides. And I'll tell you that this is their
7 only day in court. Neither side has a right to come
8 back for a second bite at the apple.

9 Now, in order for your verdict to stand it must
10 be unanimous. In other words, all 12 must agree on
11 the verdict. With in being said, each of you must
12 decide this case for yourself. But you should do so
13 only after you have impartially considered all the
14 evidence, you discussed it fully with your fellow
15 jurors and listened to their views and points of
16 view. Do not be afraid to change your opinion as to
17 the weight of the evidence if your discussion with
18 your fellow jurors pursued you that is the right
19 thing to do. On the other hand, do not come to a
20 decision simply because your fellow jurors want you
21 to. It is important for your verdict to stand, for
22 your verdict to be unanimous, that you must make your
23 own decision before you make your vote with your
24 fellow jurors.

25 Now, Madam Forelady, if at any time the jury has

1 any questions or you need anything, if you would
2 write the question or what you need on a piece of
3 paper, sign your name, knock on the door, our bailiff
4 will bring it here, we will receive it in the
5 courtroom and act accordingly, okay. Now, in just a
6 moment, after I confer with the attorneys, the
7 exhibit or exhibits and the verdict form will be sent
8 back with instructions to begin your deliberations.

9 This verdict form, we have to put it in some
10 order. The order in which your options will appear
11 is of no consequence but it as follows. Once the
12 jury has unanimously decided one way or the other,
13 you will fill out the appropriate box. The first
14 option, as to the charge of criminal sexual conduct
15 with a minor in the second degree, we, the jury,
16 unanimously find the Defendant not guilty. If that
17 is your unanimous verdict you will check that, you
18 will sign the verdict form, fold it over and we'll
19 receive it back here in the courtroom. On the other
20 hand, the second option is as to charge of criminal
21 sexual conduct with a minor in the second degree, we,
22 the jury, unanimously find the Defendant guilty.
23 Again, if that is your option you will simply check
24 that option, then sign it, then fold it over as I
25 asked you to, okay? If you have any questions, we

1 can answer those too as well, just file out the form.

2 I'm going to ask you go back to your jury room
3 now. I need to confer with these attorneys to see if
4 misspoke as to the proposition of law or I forgot to
5 give you one and I need to in just a minute. If we
6 don't bring you back you will be instructed to begin
7 your deliberations.

8 (WHEREUPON, the jury left open court at
9 approximately 11:36.)

10 THE COURT: Any anything further from the State?

11 MS. HAMMACK: No, Your Honor.

12 THE COURT: From the Defense?

13 MR. ROUTZONG: I'm not sure the Court instructed
14 them to all be present when they deliberate. Did
15 you?

16 THE COURT: No, I didn't but I'll be glad to.

17 MR. ROUTZONG: Yes, sir.

18 THE COURT: Okay. Would you ask them to bring
19 them back?

20 Any other suggestions or exceptions?

21 MR. ROUTZONG: No, sir.

22 THE COURT: Okay, thank you.

23 MR. ROUTZONG: Your Honor, I just, believe it or
24 not, it's actual come up in our circuit before, but
25 just remember to take the alternates out before they

1 deliberate.

2 THE COURT: I'm--

3 MR. ROUTZONG: We've been down that reed before.

4 THE COURT: I had a med mall case, and oh my
5 goodness, I went downstairs and all of a sudden I
6 realized I hadn't excused the alternates. But they
7 were taken out.

8 (WHEREUPON, the jury came into open court at
9 approximately 11:37 a.m.)

10 THE COURT: Okay, all right ladies and gentlemen
11 of the jury, the attorneys rightfully pointed out
12 that I neglected to tell you one thing that's
13 important about your deliberations, the 12 -- I'm
14 going to excuse the two alternates in just a minute,
15 don't go in until I talk to you. But when you are
16 deliberating, all 12 of you must be together during
17 the deliberations. So, if somebody needs to take a
18 break for personal reasons and leaves the jury room,
19 you'll have to cease your deliberations. When they
20 bring in your food, you can sit around and deliberate
21 until your heart's content, but you must not do so in
22 front of the bailiffs and you must not do so out of
23 the presence of any juror, okay.

24 Our two alternates, when we bring the verdict
25 form and the evidence in there, I'm going to ask that

1 you return to the courtroom with us, okay. Now, any
2 additions or exceptions from the State?

3 MS. HAMMACK: No, Your Honor.

4 THE COURT: From the Defense?

5 MR. ROUTZONG: None, sir.

6 THE COURT: Okay. You just stay there, the rest
7 of the jury go on back to the jury room. We're going
8 to send the verdict form back to you and exhibits.
9 And as soon as you get that the bailiffs will tell
10 you you can begin your deliberations, okay.

11 (WHEREUPON, the jury left open court at
12 approximately 11:40 a.m.)

13 THE COURT: All right, let me say something to
14 the attorneys, I'm really saying it to your clients,
15 but I want to praise the attorneys from their
16 preparation. You all did a fine job in the trial,
17 that's a hard thing, there's lots of emotion a lot of
18 times, but you were very fair and all of you did a
19 very professional job. I want to thank you all for
20 that. That being said, if you start to leave, go
21 somewhere, will you give the clerk your phone so we
22 can get so you back over here if we need to, don't go
23 to terribly far. Did y'all check the evidence? Then
24 make sure -- is it only that one exhibit?

25 MS. HAMMACK: Should be, yes, sir.

1 MR. ROUTZONG: Yes, sir.

2 THE COURT: Okay. Here's the verdict form. And
3 once you give that to them, tell them to start.

4 (WHEREUPON, deliberations began a approximately
5 11:42 a.m)

6 (WHEREUPON, court was in recess awaiting a
7 verdict)

8 THE COURT: All right, we have a verdict.
9 Everyone ready to receive the verdict?

10 MS. HAMMACK: Yes, sir.

11 MR. ROUTZONG: Yes, sir.

12 THE COURT: Very good, bring the jury in.

13 (WHEREUPON, the jury came into open court at
14 approximately 2:03 p.m.)

15 THE COURT: Madam Forelady, my understanding is
16 that y'all have reached a unanimous verdict, is that
17 correct?

18 MADAM FORELADY: We have.

19 THE COURT: Would pass the verdict form to the
20 bailiff, please, ma'am.

21 Yes, ma'am, if you would publish the verdict.

22 VERDICT

23 THE CLERK: Your Honor, we have The State vs.
24 Robert Lee Reeves Indictment NO. 2016-GS-02-02375,
25 charged with criminal sexual conduct with a minor,

1 second degree. As to the charge of criminal sexual
2 conduct with a minor in the second degree, Indictment
3 No. 2016-GS-02-2375, we, the jury, unanimously find
4 the Defendant guilty. Dated November 16, 2016,
5 signed by Foreperson Caroline Rachels.

6 THE COURT: All right, ladies and gentlemen, if
7 that was your verdict in the jury room and if that is
8 your verdict now, would you raise your right hand.

9 Let the record reflect that all 12 responded in
10 the affirmative.

11 All right, would you prepare me the necessary
12 sentencing sheets?

13 MS. HAMMACK: Yes, sir.

14 THE COURT: All right, ladies and gentlemen, the
15 Court is never concerned with what your verdict is
16 but that you followed the process and that you
17 followed the trial. I've watched each of you
18 throughout the course of this trial, you did just
19 that. So, we thank you for your service. Not for
20 your verdict but for your service. The better news
21 is you're done for the week. You're excused from any
22 other trials. All the cases have been resolved. And
23 better news than that, you can't be forced to come
24 back for a period of three years. If anybody needs a
25 statement for their employer, Madam Clerk, will y'all

1 provide that, will you mail it?

2 THE CLERK: Yes, sir.

3 THE COURT: We have it here?

4 THE CLERK: They're out with the jury clerk, I
5 will get them.

6 THE COURT: Okay, if anybody needs one, if you
7 receive one, if you'll go to your jury room, I just
8 want to come in ask you a question or two then excuse
9 you or you can come back and watch sentencing, okay.

10 (WHEREUPON, the jury left open court at
11 approximately 2:06 p.m.)

12 THE COURT: Mr. Routzong, would you rather have
13 time to file post-trial motions?

14 MR. ROUTZONG: I don't think so, Your Honor. I
15 think everything is on the record that needs to be on
16 the record. That I'm aware of. Well, that's true I
17 haven't thought about that. Your Honor, I think I
18 would like to have some more time.

19 THE COURT: How about 10 days?

20 MR. ROUTZONG: That would be good.

21 THE COURT: All right. If you would just email
22 those to me and my law clerk as well as the state and
23 we'll take care of those.

24 MR. ROUTZONG: Yes, sir.

25 THE COURT: Thank you.

1 If you'll stand at ease for just a few minutes,
2 we'll be right back.

3 (WHEREUPON, a short break was taken.)

4 SENTENCING

5 THE COURT: Mr. Routzong, would you and your
6 client come around, please, sir.

7 Does this gentleman have a criminal record?

8 MS. HAMMACK: He does, Your Honor.

9 THE COURT: Go over that with me, please. Does
10 your victim wish to address the Court?

11 MS. HAMMACK: I don't believe she does, Your
12 Honor. I believe Marquette Davis would like to. I
13 know she does not meet under the victim bill of
14 rights but if Your Honor would hear from her, I
15 believe she does.

16 THE COURT: All right, come around, Ms. Davis.

17 MS. HAMMACK: Tell her your name.

18 MS. DAVIS: Marquette Davis. M-A-R-Q-U-E-T-T-E,
19 last name Davis. I feel like no one won in this
20 case. It's unfortunate, you know. I never pointed
21 fingers for anything. I just mainly was trying to be
22 there for **Complainant** There was a lot of things that
23 she did not know and it came from both parents. I'm
24 a single parent of an 11 year old and it's hard. And
25 a child always needs both parents. Regardless of

1 what goes on, a child needs both parents. And not
2 only in this instance she needed her mom but she also
3 needed you. So, it's more so no one really won..
4 Because nobody's going to be happy. She's probably
5 relieved that someone believes her but she still
6 lost. Because she still went through what she went
7 through. I had to endure everything she went
8 through. I had to pet her up when she cried. You
9 know, I had to, you know, basically keep her going.
10 I had to keep her going for school. I had noticed
11 her -- she's a straight A student. I noticed it was
12 dropping to B's. I'm the type that a B is still good
13 but if I know you can make a A, I'm going to keep you
14 going. And so, I talked to her teachers, daily. I
15 talked to the administrators daily. And I talked to
16 them and said, Hey, if at any time she falls, you
17 know, let her step out of class and talk to you. And
18 she got to the point where she really didn't want to
19 talk to nobody but me. You know, she has other
20 siblings but she couldn't talk to them. Nobody
21 wanted to believe her, nobody wanted to listen. It
22 wasn't that I believed her but in a situation like
23 this, I had no choice but to report something. If I
24 didn't and if something went on or if it didn't go
25 on, nobody wouldn't have known but her. So, I just

1 want to say I apologize that we even had to be here
2 today. We shouldn't have. But at the same time, I
3 apologize that Complainant had to go through what she
4 went through.

5 THE COURT: All right.

6 Ms. Ashley, would you give me Mr. Reeves record,
7 please, ma'am.

8 MS. HAMMACK: Yes, sir. He was convicted of
9 carrying a deadly weapon in 1987 in Georgia. Theft
10 by taking in 1988 out of Georgia. Family violence
11 battery from 1996 in Georgia. And then driving under
12 suspension from 2003 in Georgia.

13 THE COURT: All right, Mr. Routzong, be glad to
14 hear from you and/or your client.

15 MR. ROUTZONG: Thank you, Your Honor. At times
16 like this I really don't know, sometimes I'm at a
17 lost for words. I think you've heard all the facts
18 in this case. And we presented the evidence. I can
19 say he's 49 years old. He has a lot of kids, they're
20 all grown for the most part. Well, they're all
21 grown.

22 Judge, I just, at this time, I would ask you to
23 be as merciful and take into consideration he's 49
24 years old, he's looking at 20 years. That's going to
25 be a substantial portion of the rest of his life.

1 And I ask you to take that into consideration.

2 THE COURT: Have you explained to Mr. Reeves
3 that he has 10 days in which to appeal this verdict
4 after you post-trial motion are disposed of?

5 MR. ROUTZONG: No, sir, I've never explained
6 that to him but I can.

7 THE COURT: Well, I'll make sure we have that on
8 the record.

9 Mr. Reeves, your attorney is going to file
10 post-trial motions, I've given him 10 days. After
11 those motion are disposed of, you have 10 days to
12 appeal the jury's verdict, so understand that.

13 MR. REEVES: Yes, sir.

14 THE COURT: Anything you want to add,
15 Mr. Reeves?

16 MR. REEVES: Just throw myself at the mercy of
17 the Court.

18 THE COURT: I'm sorry?

19 MR. REEVES: Just throw myself at the mercy of
20 the Court.

21 THE COURT: Let me just say this. I think I
22 heard it in closing arguments. I just can't imagine
23 anything more heinous than having a father having
24 sexual relations with his own natural child. Or any
25 child, particularly, his own child. That being said,

1 I'm going to sentence you to 20 years. Good luck to
2 you.

3 MR. ROUTZONG: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 (WHEREUPON, the proceedings were concluded.)

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1 CERTIFICATE OF REPORTER

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3

4 STATE OF SOUTH CAROLINA)

5 COUNTY OF GREENVILLE)

6

7

8 I, APRIL P. HERRON, Official Court Reporter for

9 the Thirteenth Judicial Circuit of the State of South

10 Carolina, do hereby certify that the foregoing is a true,

11 accurate and complete Transcript of Record of the

12 proceedings had and evidence introduced in the trial of

13 the captioned case, relative to appeal, in the Court of

14 General Sessions for Aiken County, South Carolina, on the

15 16th day of November, 2016.

16 I do further certify that I am neither of kin,

17 counsel nor interest to any party hereto.

18

19

20 February 12, 2017

21

22 

23

24 APRIL P. HERRON, Court Reporter

25

Cause I've realized It's only
myself and nobody to
have my back. I understand
you were treated like I was
when you were young so that's
why we gotta have each others
back. I mean I respect you
as my dad but also my Father.
Also when I saying something
about myself stop telling me I'm
wrong. For example when you say
I don't possess the ability
of control and aggressiveness
you're wrong and you don't know.
I mean if you don't want to the whole
father thing just let me know cause
this is how it feels sometimes.

You told me
to be honest

[Signature]

First off I'm gonna begin with
 how you make promises you don't
 keep. For example twice you said
 you would get my hair done. Oh
 you didn't. Causing me to get fucked
 over by that retarded, ignorant
 bitch you call my mother, yeah
 right. Now she thinks I owe her
 the damn world cause she paid
 for it to get done. Then you
 said I could move in with you that
 was back in June, were in September.
 Not being selfish but I've been
 putting up with them too long that's
 why I stay mad and all I
 have is a Fuck yall attitude
 towards them. And I know you
 be tired too but you can tell
 me that instead of saying
 you gon come and don't.
 Cause your basically fucking me
 over like my mom does. I
 know you got feeling too but
 don't take nothing out on me →

WITNESSES

Aiken County Sheriff

Debbie Rodgers

Law Enforcement Case #:

ARREST WARRANT NUMBER

16-DI02-0062

FILED November 10, 2016

L. J. Hester
U.C.C.P. & G.S.



W. L. Williams
Deputy Clerk

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: November 10, 2016

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury
Date: 11-16-16

DOCKET NO. 2016GS0202375

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2016

THE STATE
vs.

ROBERT LEE REEVES

CDR #: 0397

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR SECOND DEGREE

§ 16-03-0655(B)(2)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR SECOND DEGREE

§ 16-03-0655(B)(2)

At a Court of General Sessions, convened on November 14, 2016, the Grand Jurors of Aiken County present upon their oath:

That **ROBERT LEE REEVES** did in Aiken County on or between June 1, 2012, and August 31, 2012, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery upon Complainant [REDACTED], a minor who was fifteen (15) years of age at the time of the incident, and the Defendant was in a familial, custodial, or official authority to coerce the victim to submit. All in violation of §16-3-655 of the Code of Laws of South Carolina (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
 STATE VS.
Robert Lee Reeves

INDICTMENT/CASE#: 2016GS0202375A/W#: 16-DI02-0062Date of Offense: 6/1/2016S.C. Code §: 16-03-0655(B)(2)CDR Code #: 0397

AKA: _____

Race: Black Sex: M Age: 49

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: SC02191535*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 - victim under 16 yrs 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 ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Ashley Agnew 80176 Defendant Attorney for Defendant 71561 SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling ☐§ 14-1-206 (Assessments 107.5 %) \$ _____ Random Drug/Alcohol testing ☐§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: Must register as Sex Offender

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk April SandersCourt Reporter: April Hession

SCCA/217 (07/2016)

Presiding Judge PJ MJudge Code: 2155Sentence Date: 11-16-16

RECEIVED
217

JUL 26 2017

SC Court of Appeals

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."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of July, 2017.