

VOLUME I OF II

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

The Honorable Robin B. Stillwell, Circuit Court Judge
Appellate Case No: 2014-000693

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S.C. Supreme Court

ANTHONY NEIL BRIGGS,

RESPONDENT-PETITIONER,

v.

STATE OF SOUTH CAROLINA

PETITIONER-RESPONDENT.

APPENDIX

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS
3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Anthony Briggs,) 2009-GS-42-2627; 2010-GS-42-4657
7 Defendant.) August 23 - 26, 2010
8) Spartanburg, South Carolina
9

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE; and a jury
12
13
14

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1 (Proceedings August 23, 2010)

2 THE COURT: All right. This is State vs. Anthony
3 Briggs. Mr. Briggs is represented by Mr. Singleton. Each
4 are present.

5 Ms. Reese and Ms. Jordan are here on behalf of the
6 state.

7 I've got two indictments. 2009-2627 charges the
8 defendant with criminal sexual conduct with a minor first
9 degree; 2010-42-4657 charges the defendant with the
10 commission of a lewd act upon a child.

11 Have both of these been -- well, have either of these
12 not -- were either of these brought not by way of a
13 warrant?

14 MS. REESE: Yes, Your Honor. The lewd act indictment
15 was a direct indictment. He has not been arraigned on that
16 indictment.

17 THE COURT: All right. Mr. Singleton, does your
18 client wish to be arraigned on that indictment or does he
19 waive arraignment?

20 MR. SINGLETON: This is for the lewd act?

21 THE COURT: Yes, sir. Have you got a copy of the
22 indictment?

23 MR. SINGLETON: No -- or she's provided it. I didn't
24 print it out. She gave me a copy of it. I know that
25 they're alleging what happened.

1 THE COURT: Well, have you talked to your client about
2 it?

3 MR. SINGLETON: I haven't had a chance to talk to him
4 yet.

5 (Pause.)

6 MR. SINGLETON: He would like to be arraigned at this
7 time, Your Honor.

8 THE COURT: All right. Indictment 2010-4657 is the
9 State vs. Anthony Briggs.

10 Mr. Briggs, you've been charged by the Spartanburg
11 County Grand Jury in this indictment with the crime of the
12 commission of a lewd act upon a child.

13 And the state alleges that here in Spartanburg County
14 between July the 30th of 2008 and February the 2nd of 2009,
15 that at that time you were over the age of 14 years and
16 that you did wilfully and lewdly commit or attempt to
17 commit a lewd or lascivious act upon or with the body of
18 one VICTIM , a minor under the age of 16 years, and
19 that you committed those acts with the intention of
20 arousing, appealing to or gratifying the lusts, passions or
21 sexual desires of yourself or of the child, and for which
22 you could upon conviction receive a sentence of up to 15
23 years in jail. Do you understand the charge?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand the potential sentence?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Singleton, does your client wish to
3 enter a plea of guilty or not guilty as to that indictment?

4 MR. SINGLETON: Not guilty, Your Honor.

5 THE COURT: Okay. Now, what other matters do we have
6 to address prior to jury selection?

7 MS. REESE: Your Honor, I have given the defense
8 several motions.

9 It's my understanding they are not going to be
10 objections to those motions, but there was a general
11 rape-shield motion, Your Honor, I would just like to put on
12 the record as to the C.S.C. charge.

13 It's my understanding Mr. Singleton has no intention
14 of introducing any evidence about the minor child's prior
15 sexual interactions and that he does not have any evidence
16 regarding anything of that nature.

17 THE COURT: All right. Mr. Singleton.

18 MR. SINGLETON: Your Honor, I am not trying to say
19 that she had any sexual interactions with another person.
20 I'm not trying to say that she had, or we're not alleging
21 she had sex with her -- well, another person. No. I'm
22 trying to allege that, Your Honor.

23 THE COURT: Okay. So you agree with the motion?

24 MR. SINGLETON: Yes, Your Honor.

25 THE COURT: All right. What's your next one?

1 MS. REESE: The next one, Your Honor, was a motion
2 to -- a motion in limine to exclude third-party guilt in
3 reference to any inappropriate -- inappropriate sexual
4 contact between the biological father and the child.

5 Your Honor, in listening to several jail tapes the
6 defendant made some kind of reference to the fact that he
7 thought the child's biological father may have touched her
8 at one time.

9 We're just asking that any information regarding the
10 child's biological father -- again, there's no allegation.
11 The child's never made the allegation. No allegation's
12 ever been investigated. We're just asking that that be
13 excluded from the testimony.

14 MR. SINGLETON: Your Honor, I'm not saying, again, I'm
15 not saying that her, her father sexually abused her in any
16 way. There is a, there was an, allegation in the past that
17 he physically abused her by spanking her, but that was, I
18 subsequently, dismissed my D.S.S.

19 What I am wanting to do, as we talked about, is saying
20 that she could have possibly seen certain pornographic
21 material at her father's house.

22 THE COURT: Okay. But you're not -- you're not
23 intending to elicit any information which tends to
24 establish that some other person is guilty of the crimes
25 that are alleged in these two indictments against your

1 client.

2 MR. SINGLETON: No, Your Honor.

3 THE COURT: Okay. Appears the motion is agreed to.

4 MS. REESE: Additionally, Your Honor, there was some
5 statements on the jail tapes regarding -- the defendant
6 states in these jail tapes that he wanted to make the jury
7 aware that the child's biological father had child porn,
8 possessed child porn.

9 Again, Your Honor, we -- while we understand that the
10 defense has the right to ask the child if she's seen
11 pornography, we are asking that any testimony about whether
12 the biological father possessed porn or child pornography
13 can be excluded unless it can be shown that the child
14 herself saw that.

15 THE COURT: All right. Mr. Singleton.

16 MR. SINGLETON: Well, Your Honor, I -- there is, I
17 believe -- I've been told before, and hopefully testimony
18 will show, that the mother of the victim had seen child
19 pornography on her, I guess, ex-husband or husband's
20 computer at that time.

21 We don't know -- I don't think it's been alleged that
22 the child saw the child pornography. But, again, we are
23 stating that -- that he did possess child pornography and
24 that she possibly could have seen certain body parts
25 through either that or other pornography that he had at his

1 house or, as you said, as I stated earlier, by taking
2 showers with him.

3 THE COURT: Well, taking a shower is one thing. But,
4 now, whether or not the defendant -- excuse me -- whether
5 or not the child's biological father possessed any type of
6 pornography is clearly not relevant unless it can be shown
7 that the child did or had an opportunity to look at it.
8 And, as I understand, this was supposed to be on a
9 computer?

10 MR. SINGLETON: Well, there's also --

11 THE COURT: How old is this child?

12 MS. REESE: Your Honor, at the time at the -- at the
13 time of this incident she was four years old.

14 THE COURT: So not likely to operate a computer.

15 MR. SINGLETON: Well, we're also saying that she could
16 have seen pornography through magazines that he had at his
17 house, but I'm not saying a child pornography magazine.
18 I'm saying, you know, pornographic material that was at his
19 house. And I would just ask her that question, if she has
20 seen it or not.

21 THE COURT: Well, what if she says no? Then you've
22 injected something into the case that's not relevant to
23 anything. And it's prejudicial.

24 MR. SINGLETON: Well, Your Honor, I think it goes
25 to -- because we're alleging that -- my client is alleging

1 that he didn't -- we're -- our defense is he didn't do
2 this.

3 THE COURT: I understand.

4 MR. SINGLETON: And that she drew -- when she was at
5 the Children's Advocacy Center she drew pictures of male
6 body parts or of a male body part. And we're saying the
7 only reason she possibly could have done that is by looking
8 at -- by seeing the pornography at her dad's house.

9 THE COURT: Or had an experience with your client.
10 And that's what's got to be proven here.

11 But what does not have to be proven is the fact that
12 the biological father has something in his home unless you
13 can show it to be relevant. You can't just throw it out
14 there so that the jurors will think, well, could have,
15 might have, so therefore he must have.

16 I mean, if it's relevant to something that's an issue
17 in this case, then it's admissible. If it's not and it's
18 prejudicial, it doesn't come in.

19 MR. SINGLETON: Well, it's --

20 THE COURT: And clearly it's prejudicial in the case.
21 So the issue then becomes whether or not that is her source
22 of any knowledge about genitalia or anything else of a
23 sexual nature.

24 If it's because she observed or saw it, it was shown
25 to her or whatever, then that's admissible. But just the

1 fact that somebody has something in the house doesn't mean
2 that she had an experience with it.

3 MR. SINGLETON: Well, it's our --

4 THE COURT: I mean, you don't get to ask, you know,
5 about her, her parents having sexual relations just
6 because, well, they live in the house with her, so they
7 must be having sex, therefore she must have seen it.

8 MR. SINGLETON: Right. I understand.

9 THE COURT: You don't get -- you can't jump from one
10 thing to another.

11 MR. SINGLETON: We believe that -- I mean, I've been
12 told by the victim's mother that she -- when they came home
13 one day from their father's house they had put pornographic
14 material in their bags, their overnight bags or whatever,
15 and brought it back to the house and that's when her mother
16 saw it.

17 THE COURT: Tell me that again. Say that again.

18 MR. SINGLETON: As I've been told -- and whether she
19 says this on the stand or not -- that the mother of the
20 victim --

21 THE COURT: Told by who?

22 MR. SINGLETON: The mother of the victim.

23 THE COURT: Okay.

24 MR. SINGLETON: That when they came home one time, one
25 weekend after spending a weekend with their father, that

1 the children had brought home pornographic material in the
2 form of magazines --

3 THE COURT: Right.

4 MR. SINGLETON: -- from their father's house and put
5 it in their overnight bags or book bags or whatever.

6 THE COURT: Okay.

7 MR. SINGLETON: And that they saw it then, I mean,
8 that they brought it home from their house.

9 THE COURT: All right. Different issue.

10 MS. REESE: Your Honor, it's my understanding that's
11 not what happened, that the older child, Madison, was the
12 one who had the pornography, not this child, not the
13 4-year-old.

14 And what he's trying to do is piggyback and say, well,
15 because an older child, an 8-year-old, had child porn when
16 she came back from her father's house, therefore the
17 younger child must have seen it, it's never been alleged
18 that VICTIM had any child porn.

19 THE COURT: Okay. Well, it might be that we'll have
20 to develop this testimony outside the presence of the jury,
21 and I'll determine if it ought to come in or not.

22 Sometimes what's said prior to a person taking the
23 stand is different than what happens after they take the
24 stand. So we'll just have to address those issues outside
25 the presence of the jury.

1 MS. REESE: Your Honor, finally, there was a motion by
2 the state to exclude any mention. Again, the defendant on
3 the jail tapes makes a lot of mention of the biological
4 father having sexual relationships with underage girls.

5 It's not alleged that the child was a party to this or
6 saw this or anything of that nature. We're just asking
7 that that, any information about the father's relationship
8 with the girls, be excluded.

9 THE COURT: All right. Mr. Singleton.

10 MR. SINGLETON: Again, Your Honor, we're not alleging
11 that the father had sexual relations with the -- with the
12 victim.

13 THE COURT: Well, are you agreeing to the motion?

14 MR. SINGLETON: Yes, Your Honor.

15 THE COURT: Okay. All right. What's the next thing?

16 MS. REESE: Your Honor, the state would offer evidence
17 regarding the defendant's prior statements.

18 It's my understanding that some of this may end up
19 being agreed to by the defense. But at this time, Your
20 Honor, we would interject some --

21 THE COURT: Okay. The defendant gave a written
22 statement?

23 MS. REESE: Your Honor, the defendant gave an oral
24 statement to Detective Danny Morgan; he gave an oral
25 statement to Detective Nikki Cantrell.

1 He then came back and was allowed to see his mother.
2 Came back and give a written statement to Detective
3 Cantrell. So there are actually three statements, two oral
4 and one written.

5 THE COURT: All right. And you've provided the
6 substance of the oral statements, as well as a copy of the
7 written statement, to Mr. Singleton?

8 MS. REESE: I have, Your Honor. The actual oral
9 statement to Detective Morgan was recorded. It's actually
10 a polygraph. It was record on video. And that has been
11 provided.

12 As Detective Cantrell wrote down what was given to her
13 orally and put in her report, he was made a copy -- a copy
14 of that report. And he does have a copy of the written
15 report of his client or written statement his client gave.

16 THE COURT: All right. Mr. Singleton, I'm told there
17 are two oral statements, two separate officers, and then a
18 written statement also.

19 Do you contest the voluntariness of any or all of
20 those statements?

21 MR. SINGLETON: I've reviewed the, the -- I guess the
22 four -- the videos that she gave me of Detective Morgan and
23 my client speaking to each other.

24 As far as I can recollect, I don't believe he
25 confesses to anything. He makes inuin -- says that he

1 needs to talk to Wendy and tell her what happened. But he
2 never confesses to anything.

3 Detective Cantrell when she interviewed him -- I think
4 there's a point, as we stated earlier, that she was talking
5 to him and that she allowed her -- his parents to meet with
6 him while she was in the room. And they regularly say you
7 need not talk until you get a lawyer.

8 My client tells me after that point that he requested
9 a lawyer. But there's some -- and the questioning still
10 continued after that. But Detective Cantrell according to
11 her statement asked him -- he asked should I have a lawyer.
12 And she says that's up to you. And then he goes ahead and
13 signs the statement.

14 We contend that whatever was said -- whatever she will
15 testify after that point in time not be allowed. The
16 written statement was taken after that, but the written
17 statement doesn't hurt him. So I don't have a problem with
18 the written statement. It's just whatever Detective
19 Cantrell is going to testify.

20 THE COURT: All right. Well, I'm a little bit
21 confused now.

22 The first oral statement was taken by who and when?

23 MS. REESE: Detective Morgan, Your Honor, pursuant to
24 a polygraph.

25 THE COURT: What was the date?

1 MS. REESE: The date was February the 3rd, and that
2 began at 10:00 a.m., did the rights form at 10:00 a.m.
3 There was a polygraph and a long period of time the two
4 talked.

5 The substance of that statement is that the defendant
6 told Detective Morgan that he would have to go talk to
7 Wendy. He -- that was his girlfriend. He would not say
8 that he did it or that he didn't do it.

9 He became very emotional. He told Detective Morgan,
10 you know, I would say I'm not -- I didn't do it, but I, you
11 know -- you know different. He makes several statements to
12 Detective Morgan during that --

13 THE COURT: All right. We'll get into that if we need
14 to.

15 All right. Mr. Singleton, do you understand what
16 statement we are referring to now?

17 MR. SINGLETON: Yeah.

18 THE COURT: Does your client contest the voluntariness
19 of that statement or not?

20 MR. SINGLETON: I don't believe he -- I don't contest
21 the voluntariness of that statement.

22 THE COURT: Well, what about your client? Have you
23 talked to him about it?

24 MR. SINGLETON: No. I will.

25 (Pause.)

1 MR. SINGLETON: Your Honor, let me look at Detective
2 Cantrell's report real quick.

3 THE COURT: Okay. This is the statement given to
4 Morgan.

5 MR. SINGLETON: Yeah. But he's saying something I
6 think may have happened after the facts.

7 THE COURT: Okay. The oral statement, No. 2, was
8 taken by whom and when?

9 MS. REESE: Detective Nikki Cantrell, Your Honor, and
10 that was also on February the 3rd. In that conversation,
11 Your Honor --

12 THE COURT: That was February the 3rd, but it was
13 subsequent to the Morgan statement.

14 MS. REESE: Yes, Your Honor. In that conversation the
15 defendant told Ms. Cantrell that he was sick and needed
16 help, that he would tell her what he did to VICTIM but
17 after -- only he needed to go home and tell his girlfriend
18 first, the mother of the child. And then he would come
19 back and tell her what he had done to VICTIM .

20 THE COURT: Okay.

21 MR. SINGLETON: Your Honor, I don't have a problem
22 with Detective -- the statement he gave to Detective
23 Morgan. I don't have an issue with that.

24 Regarding what she just stated about what my client
25 said about --

1 THE COURT: Don't worry about what was said. Right
2 now I'm just trying to find out if any statement provided
3 was voluntarily made or not.

4 MR. SINGLETON: Well, my client feels that it was not
5 voluntarily made because --

6 THE COURT: Okay. Well, that's fine. We'll have a
7 hearing on that. That's the Cantrell statement, oral
8 statement.

9 MR. SINGLETON: Yeah, the Cantrell statement.

10 THE COURT: All right. Now, the written statement was
11 taken by Morgan also.

12 MS. REESE: No, Your Honor. The written statement was
13 also taken by Detective Cantrell.

14 THE COURT: By Cantrell. Okay. What about that one,
15 Mr. Singleton? What date was that?

16 MS. REESE: That was also on February the 3rd. That
17 was just before he was arrested.

18 MR. SINGLETON: Right before he was put in jail. We
19 need to look at the statement.

20 THE COURT: All right. Is that the statement that you
21 referred to earlier about him requesting a lawyer perhaps
22 or the fact of a lawyer being retained was brought up?

23 MR. SINGLETON: Yeah. He had -- he had asked her the
24 question should I get a lawyer -- or his parents told him
25 he needed not talk any more and wait until he got a lawyer.

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 THE COURT: All right. Well, we'll have a hearing on
2 that too.

3 All right. So the first oral statement given to
4 Detective Morgan on February the 3rd is not contested so
5 far as the voluntariness is concerned, is that correct --

6 MR. SINGLETON: Yes, Your Honor.

7 THE COURT: -- Mr. Singleton? And do you agree with
8 that Mr. Briggs.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. All right. Ms. Reese.

11 MS. REESE: Your Honor, the state would call Detective
12 Cantrell.

13 NIKKI CANTRELL, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MS. REESE

16 Q Please state your name, please.

17 A Nikki Cantrell.

18 Q And, Detective Cantrell, were you, in fact, working on
19 February the 3rd of 2009?

20 A Yes, ma'am.

21 Q At that time did you have occasion to speak with the
22 defendant, Anthony Briggs?

23 A Yes, ma'am.

24 Q And what time did he come to you that day?

25 A He arrived at the sheriff's office around 9:00 a.m.

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 Q And did you speak to him at that time, or did someone
2 else speak to him initially that morning?

3 A Initially Sergeant Danny Morgan spoke with him.

4 Q And was that pursuant to your request for a polygraph?

5 A Yes, ma'am.

6 Q And were you aware that Detective Morgan had read the
7 defendant his rights that morning?

8 A Yes, ma'am.

9 Q And is that recorded on video?

10 A Yes, ma'am.

11 Q And is a copy of that rights form in evidence --

12 A Yes, ma'am.

13 Q -- at the sheriff's office? After you -- after
14 Detective Morgan was finished with him, how did you come
15 into contact with Mr. Briggs?

16 A Detective Morgan contacted me and told me he was
17 finished speaking with Mr. Briggs and that Mr. Briggs was
18 requesting to speak to Wendy.

19 Q And what did you do at that time?

20 A At that time I had Mr. Briggs come into an interview
21 room, and I spoke to Mr. Briggs.

22 Q Okay. And what did he tell you during the time that
23 you spoke with him?

24 A He was -- he had discussed with me the benefits of
25 telling me the truth or not telling me the truth. He

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 had -- was asking about what kind of sentences each case --
2 or what charges would carry. I explained to him just the
3 law and what each charge could possibly carry. I explained
4 to him what the difference was between each charge.

5 I told him that I could not promise him anything, I
6 was not promising him anything. And he said that he wanted
7 to tell me what he did to VICTIM but he wanted to go home
8 that night to speak to Wendy and make arrangements for when
9 he was in jail.

10 Q At that point did you determine whether or not you
11 were going to let him go home?

12 A Yes. I spoke to a supervisor, and we both agreed that
13 it would not be appropriate to allow him to go home at that
14 time.

15 Q And did you inform the defendant of that?

16 A Yes.

17 Q And did you tell him at that time you were placing him
18 under arrest?

19 A I did.

20 Q Did he make any other statement to you at that time?

21 A Yes.

22 Q What did he say?

23 A I asked him if he still wanted to talk to me about
24 what happened with VICTIM He got tears in his eyes, and
25 he said he was sick and he needed help. He said he wanted

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 to tell me but he needed to talk to Wendy and his mother
2 first.

3 Q What did you decide to do at that time?

4 A We brought Wendy upstairs and allowed him to talk to
5 Wendy in Sergeant Morgan's interview room.

6 Q And did he talk to Wendy? How many times was he left
7 alone to talk to Wendy?

8 A We left them alone in the room for a while to talk.
9 And then they wanted to go outside to smoke. So we took
10 them outside to smoke.

11 Then we brought them back inside, and he talked to her
12 alone again in Sergeant Morgan's office.

13 Q Did he say anything to you after he left Wendy about
14 whether or not he had told her what he said he was going
15 tell her?

16 A He told me that he had told her.

17 Q And what did he say her reaction was?

18 A He told me that they would be able to work through it.

19 Q Did you let him speak with anyone else at that time?

20 A Yes. I allowed him to speak with his mother.

21 Q And did he talk to you about whether or not he was
22 going to tell his mother he had hurt VICTIM ?

23 A Yes. He told me he was not going to tell his mother
24 that he had hurt VICTIM because she was a fireball.

25 Q At that point did you allow him to speak to the

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 mother?

2 A Yes, ma'am.

3 Q Can you describe what happened between the time that
4 you were talking to him and the time that he was taken to
5 his mother?

6 A Yes. When I was speaking to him he was very
7 cooperative; he was very calm; he was very quiet. And
8 the -- when he saw his mother he went running towards her,
9 started yelling and screaming, getting belligerent, stating
10 that we'd lied to him all day long, he was told to admit to
11 something for a lighter charge. He said he was completely
12 confused and didn't know what to do.

13 His mom started yelling at him for talking, telling
14 him that he shouldn't be talking to us and that he needed
15 an attorney.

16 Q At that time did you -- what did you do with
17 Mr. Briggs?

18 A I did -- I spoke to Mr. Briggs and his mother. I told
19 him -- he was telling his mother that he didn't do it, he
20 didn't do anything to VICTIM. And I told him, I said, you
21 know, Anthony, you've never told me that, you have not said
22 you did not do anything. And he said, well, maybe I didn't
23 tell you but I told somebody else. He -- and after he got
24 done talking to his mother we took him back upstairs.

25 Q At that time once you took him back upstairs, was

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 there any mention about an attorney at that point?

2 A When we got back upstairs I let him use the restroom
3 first, and then I sat down at my desk with him. And I got
4 out a preinterrogation waiver form at that time.

5 He asked me if he should have an attorney with him. I
6 told him that was his decision to get an attorney. I told
7 him if he wanted an attorney I'd be finished talking to him
8 at that point.

9 (Preinterrogation waiver form marked State's Exhibit
10 No. 1 for Identification.)

11 Q I'm going to show you what's been marked as State's
12 Exhibit 1 for Identification. Do you recognize that?

13 A Yes, ma'am. It's a preinterrogation waiver form that
14 I was just speaking of.

15 Q And did you, in fact, read that to him?

16 A Yes, ma'am.

17 Q And did -- did he decide whether or not he wanted to
18 sign it?

19 A Yes, ma'am.

20 Q And did he, in fact, sign it?

21 A He did.

22 Q During the time that you talked with him, both before
23 and after this, did he appear to be under the influence of
24 any drugs or alcohol?

25 A No, ma'am.

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

- 1 Q Any mental illness?
- 2 A No, ma'am.
- 3 Q Did you make him any promises or threaten him in any
- 4 way?
- 5 A No, ma'am.
- 6 Q Did he seem to understand your questions?
- 7 A Yes, ma'am.
- 8 Q Did you have any concern about whether or not his
- 9 statement was given voluntarily?
- 10 A No, ma'am.
- 11 Q Was he allowed to speak to the people that he asked to
- 12 speak to?
- 13 A Yes, ma'am.
- 14 Q Was he allowed to take restroom breaks?
- 15 A Yes, ma'am.
- 16 Q Smoke breaks?
- 17 A Yes, ma'am. And we also provided him with food.
- 18 (Voluntary statement marked State's Exhibit No. 2 for
- 19 Identification.)
- 20 Q After he signed that waiver form that you have
- 21 there -- and is that his signature?
- 22 A Yes, ma'am.
- 23 Q Did you, in fact, watch him sign it?
- 24 A Yes, ma'am.
- 25 Q And is that your signature?

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

1 A Yes, ma'am.

2 Q I'm going to show you what's marked as State's Exhibit
3 2 for Identification. Can you tell me what that is?

4 A That's a voluntary statement he completed.

5 Q Okay. And at that time did he give you -- did he say
6 to you anything different than what he had said to you
7 before?

8 A Yes. At that point he started repeating what he had
9 told his mother, that he did not do anything to VICTIM .

10 Q Did you allow him to write that down?

11 A Yes, ma'am.

12 Q And is that reflected in State's Exhibit 2 for
13 Identification?

14 A Yes, ma'am.

15 Q After he signed that statement, what then did you do?

16 A At that point I asked him if he would like to speak to
17 Sergeant Morgan, because when he was talking to his mother
18 he was twisting things that he had spoken to Sergeant
19 Morgan about on the video tape. He agreed that he did want
20 to talk to Sergeant Morgan and get those issues cleared up.
21 So I took him back into Sergeant Morgan's interview room so
22 that that interview could also again be video-taped.

23 Q At the time that -- after he was done talking to you
24 and talking to Detective Morgan did you then place him
25 under arrest?

Nikki Cantrell (In-camera)
Direct examination by Ms. Reese

- 1 A I did.
- 2 Q And who took him or actually transported him to the
3 jail?
- 4 A Officer Shaffer transported him to the jail.
- 5 Q Did you actually accompany him or go out, walk out,
6 with him?
- 7 A I did.
- 8 Q And after he had given the statement saying that he
9 didn't do anything, did he make another statement on the
10 way out?
- 11 A Yes, ma'am. He told me that he wanted to speak with
12 me now and that he wanted to tell me the truth.
- 13 Q Did you, in fact, take a statement from him at that
14 point?
- 15 A No, ma'am.
- 16 Q Was he, in fact, transported to the jail?
- 17 A Yes, ma'am.
- 18 Q And did you obtain the warrant for C.S.C. first at
19 that time?
- 20 A Yes, ma'am.
- 21 Q Did you have any contact with him at the jail?
- 22 A Yes, ma'am.
- 23 Q Did you find him or did he find you?
- 24 A He found me.
- 25 Q And what did he say to you at the jail?

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 A He asked me if I would talk to the judge about his
2 bond.

3 Q And what did you tell him?

4 A I told him no.

5 Q Did he make any other statement regarding VICTIM at
6 that time?

7 A He again asked me if it would be too late to talk to
8 me. I told him that it was never too late to tell me the
9 truth but he would need to contact me in the morning if he
10 wanted to talk.

11 Q And what was the reason for making that decision not
12 to take another statement there?

13 A Because when he was speaking to his mother and -- he
14 kept mentioning how tired and exhausted he was and that he
15 was hungry again. So since he had said all of that I felt
16 that there was no need to take a statement from him that
17 night, that we could take a statement from him the next day
18 if he wanted to give a statement.

19 Q And did he ever get back in touch with you?

20 A No, ma'am.

21 Q That's all.

22 THE COURT: Mr. Singleton.

23 CROSS-EXAMINATION

24 BY MR. SINGLETON

25 Q Detective Cantrell, you stated earlier I believe that

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 when she -- after -- let me back up. After Anthony met
2 with Detective Morgan and he started talking to you did you
3 have him -- did you ask him at that point in time if he
4 wanted a lawyer at that time?

5 A No, sir.

6 Q Why did you not ask him at that point since you were
7 talking to him instead of Detective Morgan?

8 A Because he had just been read his rights by Detective
9 Morgan. And he hadn't left the sheriff's office or come
10 back for a second interview. It was just a continuation of
11 Detective Morgan's interview.

12 Q But it was conducted by you and not Detective Morgan.

13 A Correct.

14 Q Okay. How long had you -- how long did you talk to
15 Mr. Briggs that entire day on February 3rd? I know that he
16 got -- got to the police department at 9:00 o'clock that
17 morning. And he got finished with -- with Detective Morgan
18 sometime about four and a half hours later. When did
19 you -- how long did you spend with Mr. Briggs?

20 A I have no idea. I'd have to sit and look at the times
21 of the polygraph interview, because, like I said, he spent
22 a long time with Wendy. He spent quite a while downstairs
23 with his mother and spent a short time with me.

24 Q Well, apparently he --

25 A And I had left to go get him McDonald's as well while

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 he was speaking with Wendy at one point.

2 Q Okay. Apparently, according to his statement, he
3 signed it at 8:00 o'clock that evening.

4 A Yes, sir.

5 Q So that means he had been at your office from 9:00, at
6 least 9:00 o'clock, in the morning until 8:00 with no
7 break, without leaving the sheriff's office, is that
8 correct?

9 A Correct.

10 Q And when you say he took smoke breaks and stuff like
11 that, how long did these smoke breaks last, a couple of
12 minutes or --

13 A Yeah. Five to ten minutes. He smoked as many
14 cigarettes as we wanted to. And when he spent time with
15 Wendy he was out there for quite a while.

16 Q What do you mean? Quite a while, how long was that?

17 A Probably 30 or 45 minutes.

18 Q Okay.

19 A And that was outside. He also spent time in Detective
20 Morgan's interview room with her.

21 Q Okay. You talked about in your statement that you
22 told him what the sentencing was for C.S.C. with a minor
23 first degree and a lewd act. Why did you tell him that?

24 A After he got done with Detective Morgan I -- when I
25 started to interview him I was just explaining to him what

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 some of the benefits would be of confessing, and-but I
2 explained to him that none of that is guaranteed. I told
3 him that we weren't making him any promises but that was
4 just my experiences in those cases.

5 I told, and I also explained to him what would occur
6 if he did not confess. And then he started asking me what
7 he could be charged with. And that's when I told him that
8 the charges he could be looking at would either be lewd act
9 with a minor or C.S.C. with a minor.

10 He asked what the sentences were for each, and I told
11 him. He asked what the difference was between the two, and
12 I explained to him that the main difference was
13 penetration.

14 Q Okay. Did you ask or tell him that information in the
15 hopes that he would write a confession at that point in
16 time?

17 A No. I was just explaining to him what we looked at
18 when we look at these sort of cases.

19 Q Okay. And you say in your statement that he stated he
20 was sick and needed help. Did he ever explain what he
21 meant by that?

22 A No. He did not go into any further detail.

23 Q Do you know what time, I mean, how long this was
24 after -- how many times did y'all feed him while he was at
25 the -- at the sheriff's office?

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 A I believe he had one time. I believe it was probably
2 around 2:00 or 3:00 in the afternoon.

3 Q Did he ever state to you that he was like sick to his
4 stomach?

5 THE COURT: Mr. Singleton, unless you have an
6 impairment you'll have to stand when you ask these
7 questions.

8 Q Did he ever say that he was sick to his stomach or
9 anything like that, had a headache or anything like that
10 and needed to take a break or anything?

11 A No, sir. He was given a bathroom break several times.

12 Q And you say that you asked him if he told Wendy what
13 he did to VICTIM and he said yes. Did he ever elaborate on
14 what he supposedly told VICTIM ?

15 A No.

16 Q I mean told Wendy.

17 A No.

18 Q So you have no idea what he meant by that.

19 A No. He was whispering to her. We were not able to
20 hear.

21 Q And when you allowed him to visit with his mother, he
22 was already under arrest at that point in time?

23 A Yes.

24 Q And after you arrested him, you didn't ask him if he
25 wanted another lawyer after that?

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

- 1 A No, not until we came back upstairs and...
- 2 Q You stated that he asked -- where is your statement --
- 3 that he asked if he needed a lawyer.
- 4 A Yes.
- 5 Q And you said that was up to him.
- 6 A Yes.
- 7 Q Did he say anything -- anything else about taking time
- 8 and talking to his parents and getting a lawyer or anything
- 9 like that?
- 10 A No, sir.
- 11 Q Yet when he wrote his statement, he wrote his
- 12 statement saying that he denied ever doing anything to
- 13 VICTIM .
- 14 A Yes, sir.
- 15 Q . And you stated earlier that he never denied beforehand
- 16 that he didn't do anything to VICTIM . But in y'all's
- 17 statement you state that Anthony -- I'm sorry.
- 18 A Up until the point of him giving that statement,
- 19 speaking to his mother and giving that statement, he had
- 20 never denied doing anything to VICTIM .
- 21 Q He never denied to you or never denied, period?
- 22 A He never denied it to me. In any of the encounters I
- 23 had with him he did not deny anything.
- 24 Q Okay. When you -- at that -- did you observe his
- 25 interview or his tapings with Detective Morgan?

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 A Partially.

2 Q Okay. Did you ever hear him state to Detective Morgan
3 that he didn't do anything to her?

4 A No, sir.

5 Q But you didn't listen to the entire tapes or
6 conversations.

7 A No, sir.

8 Q So it appears that you -- if he was finished with
9 Detective Morgan at 1330, which would be 1:30 in the
10 afternoon, and he signed a statement at 8:00 o'clock, that
11 means he was with you basically for six and a half hours?

12 A Yes, sir.

13 Q Under interrogation?

14 A No. He was not being interrogated for six hours.

15 Q He wasn't being asked questions about what was -- what
16 was going on?

17 A Not for six hours. Like I said, he met with Wendy,
18 his mother. We went and got him food from McDonald's.

19 Q Well, he was never allowed to leave the sheriff's
20 office, correct?

21 A Correct.

22 Q What time did you take him down to -- to the police
23 station?

24 A To the jail?

25 Q Yeah.

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

- 1 A Let me see if I have the booking report.
- 2 (Pause.)
- 3 A I don't have what time exactly we got there, but as
- 4 soon as he was finished -- it should -- we should be able
- 5 to figure it out from his interview with Detective Morgan
- 6 after I was done with him when he went to speak to
- 7 Detective Morgan to clear up some of the things that he
- 8 had -- had confused that Detective Morgan had said. As
- 9 soon as he got done speaking to Detective Morgan and left
- 10 that room he was transported to the detention center.
- 11 Q Now, when you stated that -- when you say he denied
- 12 all of his -- that he never denied to you that he didn't do
- 13 anything to VICTIM , are you just talking about just that
- 14 day, or what about the day before when he --
- 15 A Just that day.
- 16 Q Okay.
- 17 A Just that day. After his interview with Detective
- 18 Morgan he never denied doing anything to VICTIM at that
- 19 point.
- 20 Q Okay. But he did -- he did deny the day before that
- 21 he did anything to VICTIM ?
- 22 A Correct.
- 23 Q But yet you're still ask -- telling him -- he stated
- 24 the day before that he didn't do anything to VICTIM . And
- 25 then on the second day you're saying he never denied it on

Nikki Cantrell (In-camera)
Cross-examination by Mr. Singleton

1 that day.

2 A Correct.

3 Q But yet you kept on talking to him about what would
4 happen if he confessed to doing what VICTIM stated he did,
5 is that correct?

6 A What? Can you redo the question?

7 Q He denied the day before that he didn't do anything to
8 VICTIM. But you -- on the second day you continued to ask
9 him about what would happen if he did confess to doing --
10 if he confessed to what VICTIM said he did.

11 A Yes.

12 Q Even as it actually -- even after he had denied it
13 earlier.

14 A He denied it the day before. And when I spoke to him
15 the second day he never denied it. And I did have a brief
16 discussion with him about what charges could apply to this
17 case.

18 Q And you stated that when he wanted to talk to you at
19 the end he said that -- you said he felt he was exhausted.
20 Did you ever before that time, did you ever feel that he
21 was exhausted or tired or incoherent or anything?

22 A No, sir.

23 Q What made you feel like he was exhausted at that point
24 in time?

25 A At that point, like I said, it started to get later in

Nikki Cantrell (In-camera)
Redirect examination by Ms. Reese

1 the day. And he had said he was tired and that he was
2 hungry. And he had made comments about that, so.

3 MR. SINGLETON: That's all I have, Your Honor.

4 MS. REESE: I just want to be clear.

5 REDIRECT EXAMINATION

6 BY MS. REESE

7 Q He -- you had talked to him briefly the day before,
8 right?

9 A Correct. Very briefly.

10 Q Where was that?

11 A At the sheriff's office.

12 Q And at that point what did he say to you?

13 A At that point he said that he -- I can tell you word
14 for word. At that point we had spent -- the day before we
15 spent a long time with Wendy in getting background
16 information and a lot of information from her.

17 When we brought Anthony up to talk to him he had
18 brought up about a situation with VICTIM's biological
19 father and wanted to talk about that.

20 When he was -- when the exact allegations were read to
21 him he denied the allegations but did confirm that he does
22 sleep on the pull-out bed, on the couch, where the victim
23 stated the incidents took place and that he is alone with
24 VICTIM in the mornings like the victim had disclosed.

25 Q At that point did you ask him to come back the next

Nikki Cantrell (In-camera)
Recross-examination by Mr. Singleton

1 day?

2 A I did.

3 Q And did he, in fact, voluntarily come back the next
4 day?

5 A He did.

6 Q And you said he was fed.

7 A Yes, ma'am.

8 Q Given smoke breaks.

9 A Yes, ma'am.

10 Q Allowed to speak to his girlfriend.

11 A Yes, ma'am.

12 Q Allowed to speak to his mother.

13 A Yes, ma'am.

14 Q He was even allowed to keep his phone --

15 A Yes, ma'am.

16 Q -- during the interrogation. And he made phone calls
17 during the interrogation to these two women, is that right?

18 A Yes, ma'am.

19 Q Nothing further.

20 RECROSS-EXAMINATION

21 BY MR. SINGLETON

22 Q You stated on your -- obviously you said the day
23 before on February the 2nd he didn't -- he denied doing
24 anything to VICTIM . And then on the next day you stated
25 that you're basing your case on what VICTIM stated.

Nikki Cantrell (In-camera)
Recross-examination by Mr. Singleton

- 1 A I didn't -- is there a question?
- 2 Q Yeah. I mean, isn't that correct, you're basing your
- 3 case on what VICTIM stated?
- 4 A When I was interviewing him?
- 5 Q Yeah.
- 6 A Yes, sir.
- 7 Q Why didn't -- if you didn't need his statements or
- 8 anything why didn't you go ahead and arrest him right then
- 9 instead of continuing to question him for hours on hours?
- 10 A Just to continue my investigation to see what he had
- 11 to say, to see what Wendy had to say, and other people in
- 12 the case. We were just continuing our investigation.
- 13 Q But you made at that time -- at that time on the
- 14 second day when you made that statement had you determined
- 15 you were already going to arrest him no matter what he
- 16 said?
- 17 A No. That had not been determined at that point.
- 18 Q When did you determine that you were going to place
- 19 him up under arrest?
- 20 A After I had spoken with him and he had made the
- 21 comment -- he wasn't denying at that point that he had done
- 22 anything to VICTIM , and he had made comments about being
- 23 sick and needing help and that he would tell me what he did
- 24 to VICTIM , indicating that he had done something to VICTIM .
- 25 Q So you eventually based your arrest on what he -- on

Nikki Cantrell (In-camera)
Recross-examination by Mr. Singleton

1 what VICTIM stated to you and the follow-up, the few
2 follow-up, questions you had a couple of hours after that.

3 A Correct.

4 Q Did you ever tell him what VICTIM stated, stated to
5 you? Did you ever tell him what, what those statements
6 were?

7 A Yes. He was told what the original allegations were
8 from the D.S.S. intake sheet.

9 Q Okay.

10 A We read those to him the first day he came to the
11 sheriff's office.

12 Q And those were statements made by VICTIM or statements
13 made by D.S.S. workers?

14 A That was just what was on their intake sheet.

15 Q Okay. So you don't know if those were made by VICTIM
16 or those were made by D.S.S.

17 A Correct. Those were just the allegations.

18 Q So basically you're making your, basing your arrest on
19 allegations made in the D.S.S. report and your
20 conversations with Anthony.

21 A I was -- I had also had a conversation with VICTIM .

22 Q Okay, okay. Did you tell him what those conversations
23 were?

24 A I did not go into detail about the -- her disclosure
25 to us.

Nikki Cantrell (In-camera)
Recross-examination by Mr. Singleton

1 Q Do you not feel that -- I mean, you stated he stated
2 one time during basically an 11-hour time period, is that
3 correct?

4 A Correct.

5 Q I mean, wouldn't most people get -- I mean, when
6 you're at the sheriff's office being interrogated on, on
7 and off, for 11 hours, doesn't that put a lot of stress on
8 people, you would think?

9 A He did not appear stressed at all, no. He was not
10 interrogated for 11 hours. Like I said, he did have
11 several breaks.

12 Q But those several breaks were five minutes at a time,
13 and at the most 30 minutes at a time.

14 A Forty-five minutes.

15 Q Okay. How long did he meet with his mother?

16 A Probably about 20 minutes.

17 Q Were you in the room when he met with them, or did
18 y'all, did you, leave him by himself?

19 A No. I was present when he met with his mother.

20 Q Okay. Did he ever -- did you ever walk outside with
21 Anthony at any point in time on the second day?

22 A Yes.

23 Q Did he ever tell you out there that he wanted a
24 lawyer?

25 A No.

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 MR. SINGLETON: No other questions, Your Honor.

2 THE COURT: Anything else?

3 MS. REESE: Nothing further from the state.

4 THE COURT: All right. Step down.

5 Have you got another witness?

6 MS. REESE: No, Your Honor.

7 THE COURT: All right. Mr. Singleton, do you wish to
8 offer any testimony?

9 MR. SINGLETON: Mr. Briggs.

10 THE COURT: Okay.

11 ANTHONY BRIGGS, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. SINGLETON

14 Q Anthony, do you remember meeting with Detective
15 Cantrell on February the 2nd?

16 A Yes, sir.

17 Q I believe this was the first day. I believe this was
18 a Monday, and this is when they had talked to the children
19 at school. Do you remember how long you met with Detective
20 Cantrell that day?

21 A Probably just, probably 10 or 15 minutes in her
22 office.

23 Q Okay. Did she ever ask you that day if you had done
24 anything to VICTIM ?

25 A Yes, sir.

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

- 1 Q What did you tell her?
- 2 A I denied the allegations.
- 3 Q Okay. Did she ask you to come back later the next day
- 4 for a polygraph exam?
- 5 A Yes, sir.
- 6 Q And did you take that polygraph exam?
- 7 A Yes, sir.
- 8 Q And after that polygraph exam did you then meet with
- 9 Detective Cantrell?
- 10 A Yes, sir.
- 11 Q Do you remember how long you met with Detective
- 12 Cantrell that day, the second day?
- 13 A It was just a brief minute, probably five or 10
- 14 minutes in a different room. It wasn't in the polygraph
- 15 room. It was in a different room. Told her that -- she
- 16 told me that my mother was here and we could go on
- 17 downstairs and meet with her.
- 18 Q Okay. Let me back up. You're -- you came to the
- 19 sheriff's office about 9:00 o'clock or 9:40 according to
- 20 the -- I mean, around 9:00 o'clock on February the 3rd, is
- 21 that correct?
- 22 A Yes, sir.
- 23 Q And what happened when you got to the police station
- 24 at 9:00 o'clock in the morning?
- 25 A We gave the tapes, the audio recordings, that Wendy

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 and myself had, turned those over to the police, to
2 Ms. Cantrell. And I sat out there on a little couch they
3 had out there for probably, I reckon, an hour waiting on
4 Mr. Morgan. Mr. Morgan came and got me around 10:00-10:15,
5 somewhere around there, and conducted a polygraph.

6 Q And how long did you spend with Detective Morgan?

7 A For four or five hours.

8 Q Okay. Did you ever get any breaks while you were
9 talking with Detective Morgan, ever get anything to eat?

10 A I did. They were short breaks -- go downstairs, smoke
11 a cigarette, usually take five minutes and smoke a
12 cigarette.

13 I got a double cheeseburger around 2:00 or 2:30. I
14 eat that in Mr. Morgan's office. There were several times
15 when Mr. Morgan let me smoke a cigarette in his office.

16 Q Okay. After you left Detective Morgan's office did
17 you then start speaking to Detective Cantrell?

18 A Yes, sir.

19 Q How long did you speak with -- apparently you signed
20 the statement at 8:00 o'clock. Do you remember how long --
21 what time you started talking to Detective Cantrell that
22 day?

23 A Probably around 3:00-4:00, my first, my first talk
24 with her.

25 Q Okay. Do you remember before you signed that

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 statement -- did you ever deny doing anything to VICTIM to
2 Detective Cantrell?

3 A Yes, I did. I denied it.

4 Q When she was telling you that she was basing her case
5 on what VICTIM stated, did she ever tell you what VICTIM
6 told her?

7 A No, she never told me what VICTIM had told her, what
8 VICTIM had said. She just said the allegations made.

9 Q Okay. What were those allegations that she made?

10 A That I put my mouth on her when she goes to school and
11 that I take my finger and put inside her.

12 Q Okay.

13 A Lay on the lay-out couch together.

14 Q Okay. Did you then talk to her about -- did you ever
15 talk to her about confessing?

16 A She said if you'll confess to a lighter sentence the
17 judge sometimes in these cases, the judge is lenient, you
18 will be able to get a bond right away tonight, you'll be
19 able to go home, bond out and go home.

20 When she told me -- when I asked her what the charges
21 carry, it scared me, 25 to life. That's a long time. I
22 mean, I was just ready -- I was so scared at that time I
23 was just ready to plead anything just to get it over with.
24 I didn't know. I didn't know anything really. I mean, I
25 was just so scared. I was crying all day.

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 Q Okay. Now, she's -- she's got in here that you stated
2 to her that you wanted to tell her what you did to VICTIM
3 but you wanted to go home to speak with Wendy first. Can
4 you explain that statement?

5 A Yes, sir. I talked to Wendy several times and told
6 them what -- told her what I felt was going on. It was
7 like a good cop-bad cop.

8 They was trying to get me to confess to a lighter
9 sentence, which would be the lewd act. And just all day I
10 felt like they was trying to get me to confess to the lewd
11 act instead of the C.S.C., because there were several times
12 she would tell me, her and Mr. Morgan would tell me, you
13 know, if you plead to this, just write a statement saying
14 you touched her one or two times, touched VICTIM one or two
15 times, that's all you got to do.

16 Mr. Morgan stood there in the polygraph room and said
17 it's going -- we're going to hit you like a train, get on
18 board now. I mean, I was just tore up, scared.

19 Q So are you saying that you told -- you made that
20 statement to VICTIM, I mean, to Detective Cantrell that you
21 wanted to tell her what you did to VICTIM but you were
22 scared?

23 A Yes, sir.

24 Q And you -- but you never -- but you did always deny
25 that you had touched VICTIM, correct?

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 A Yes, sir.

2 Q At that time do you remember if she placed you under
3 arrest or not?

4 A At that time, no, she did not.

5 Q Okay. Do you remember stating to her that you were
6 sick and needed help?

7 A I don't remember that. But, like I said, I was
8 confused with the interrogation all day. I was upset,
9 crying.

10 Q Okay. Do you remember telling or asking Detective
11 Cantrell that you wanted to talk to Wendy again or -- and
12 that you wanted to talk to your mother?

13 A Yes, sir.

14 Q Did you ever -- when you met with Wendy did you ever
15 tell her anything? What did you tell Wendy when you talked
16 to her?

17 A I told them, told Wendy, that they were trying to get
18 me to confess to something I didn't do. And Wendy told me.
19 She said don't confess if you didn't do it.

20 Q Okay. And in Detective Cantrell's statement she said
21 that she asked if -- if you told Wendy what you did, what
22 you did to VICTIM , and you said yes. Is that what you said
23 to her?

24 A I didn't take it like that. I took it as did you tell
25 Wendy and what was you telling her. And I said, yeah, I

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 talked to her. But I never confessed to Wendy.

2 Q Okay. So you never by that statement, by what -- when
3 Detective Cantrell says I asked him if he told Wendy what
4 he did to VICTIM , and you said yes, you never confessed to
5 Wendy what you did -- what they're saying you did to
6 VICTIM .

7 A No, never confessed.

8 Q When you met with your parents what did they talk to
9 you about? Did they tell you not to talk any more and get
10 an attorney?

11 A Yes, sir, told me not to say another word until an
12 attorney was present, told me the same thing Wendy told me,
13 if you didn't do it, don't confess.

14 Q Okay. At any time after that did you request an
15 attorney?

16 A Yes, sir. I requested an attorney in front of my
17 parents.

18 Q Did you request an attorney before that, I mean?

19 A No, sir.

20 Q What about -- you stated that you -- when did you --
21 did you and Detective Cantrell ever go outside and talk,
22 and did you ever ask her if she -- if you can get an
23 attorney when y'all were outside?

24 A When we were meeting with my parents. We met with my
25 parents outside at the sheriff's office.

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 Q At the same time. Do you remember what time of the
2 day that was? Was it nighttime, daytime?

3 A That was I think around 7:00 somewhere, give or take a
4 little bit.

5 Q So was it nighttime after you had been there for about
6 ten hours?

7 A Yes, sir.

8 Q At this point in time how were you feeling? Were you
9 feeling scared, weak? I mean, because you had only eat one
10 time during that time.

11 A Yeah. I mean, I was feeling sick. My stomach was
12 turning, headache, you know, just nervous wreck.

13 Q Do you remember signing a preinterrogation form
14 waiving your right after you met with your parents?

15 A Yes, sir. When I met with my parents they told me not
16 to say anything until I had an attorney. I requested an
17 attorney.

18 Ms. Cantrell then said, well, come on, I've got to
19 take you to jail since you want an attorney, I can't talk
20 to you.

21 She then took me back upstairs and sat me at her desk
22 and pulled out a tape recorder and preinterrogation form.
23 I signed the preinterrogation form and made my statement
24 and asked her do -- don't I need an attorney.

25 Q Okay. What did she say to you when you asked her that

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 question?

2 A That is up to you.

3 Q Okay. The statement that you gave -- or after that
4 moment in time you continually denied doing anything to
5 VICTIM , is that correct?

6 A Yes, sir.

7 Q At this point in time were you still -- I mean, how
8 are you feeling at this point in time, like I think it's an
9 hour later or whatever? Are you still tired and exhausted?

10 A Yes, sir.

11 Q Did you ever -- did you ever ask -- after -- when they
12 were handcuffing you and taking you down to the jail did
13 you ever state to -- or do you remember stating to
14 Detective Cantrell that you wanted to talk and tell her the
15 truth now?

16 A I did. I was on the phone with Wendy through the
17 booking process, and I asked her what did the judge say
18 someone -- something along the lines of that. And she said
19 charged you with C.S.C. first degree. And that really
20 scared me right there, because she told me before that that
21 was 25 to life.

22 And through all of that interrogation all day long,
23 then she tells me that I've been charged with that. I was
24 like, all right, I'm ready to plead now, because I
25 wanted -- I wanted the lesser charge so I could bond out

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 and go home.

2 Q Okay.

3 A Zero to 15 sounds a lot better than 25 to life.

4 That's what I was looking at.

5 Q So what were you wanting to tell her then? You just
6 wanted to tell her something so you could get a lesser
7 sentence and get a bond?

8 A Yeah.

9 Q But you never elaborated on what she meant by wanting
10 to talk to her or tell the truth now?

11 A No, sir.

12 Q Were you allowed to speak to Detective Cantrell at
13 that point in time?

14 A No, sir. She told me that she cannot take a statement
15 from me at that point in time. But they did state earlier,
16 her and Mr. Morgan, that if I just confessed to touching
17 her one or two times, then she would charge me with a lewd
18 act.

19 Q You had been, at this point in time you had been, at
20 the sheriff's office for about 11 hours. Did you -- and
21 the day before you spent a little bit of time at the
22 sheriff's office. Did you get any sleep the night before?

23 A No.

24 Q So you -- were you exhausted when you came to the
25 sheriff's office at 9:00 o'clock in the morning?

Anthony Briggs (In-camera)
Direct examination by Mr. Singleton

1 A Yes, sir. Wendy -- Wendy came over to the house that
2 night, and we sat up all night talking. And it was just --
3 you know, neither one of us got any sleep.

4 Q Okay. So basically from the time you got to the
5 sheriff's office until who knows when you were exhausted,
6 you were already exhausted, when you started talking to
7 Detective Morgan, and then Detective Cantrell later on that
8 day.

9 A Yes, sir. I even brought in a big cup of coffee.

10 Q Okay. How long did that last you?

11 A A couple, about an hour, an hour and a half.

12 Q Okay. Did you ever have any more coffee the rest of
13 that day, anything to keep --

14 A No coffee but a big tea from McDonald's when -- when I
15 eat my cheeseburger.

16 Q Okay. But that's all you had, was a cheeseburger and
17 some tea.

18 A Yes, sir.

19 Q And that was during -- well, basically you had a big
20 cup of coffee, a cheeseburger and a tea for -- during an
21 11-hour period --

22 A Yes, sir.

23 Q -- being at the sheriff's office.

24 A Yes, sir.

25 MR. SINGLETON: That's all the questions, I have, Your

Anthony Briggs (In-camera)
Cross-examination by Ms. Reese

1 Honor.

2 THE COURT: Ms. Reese.

3 CROSS-EXAMINATION

4 BY MS. REESE

5 Q Do you remember telling Detective Morgan that you
6 normally slept between four and six hours at night and that
7 was your normal sleep pattern?

8 A Yes, ma'am.

9 Q Did you tell them you had had normal sleep the night
10 before?

11 A No.

12 Q You didn't tell him --

13 A I -- I don't believe --

14 Q -- you had had --

15 A I don't believe he asked me if I had normal sleep the
16 night before. Are you talking about the night before on
17 the 3rd or the 2nd?

18 Q Do you remember Detective Morgan asking you how much
19 you had slept the night before his interview and you say
20 four hours, about normal for me?

21 A No. I don't remember that.

22 Q And yet this is on video tape, right?

23 A Yes, ma'am.

24 Q Do you remember Detective Morgan telling you that
25 nobody was making you any promises, that he could not

Anthony Briggs (In-camera)
Cross-examination by Ms. Reese

1 guarantee anything, that he did not have any authority to
2 make any deals with you, although you kept wanting to talk
3 about their options?

4 A Yes. No one -- no one made me any deals. They just
5 said if you confess to a lighter sentence, all you got to
6 do is say you touched her one or two times and we'll give
7 you the lewd act.

8 Q And they told you but we can't promise you anything,
9 we're not making any promises, is that right?

10 A Yes, ma'am. But it scared me.

11 Q You were allowed to talk to Wendy.

12 A Yes, ma'am.

13 Q You were allowed to actually physically meet with her
14 twice in an office by yourself.

15 A Yes, ma'am.

16 Q You were allowed to use your phone during the
17 interrogation, and you called her twice.

18 A Yes, ma'am.

19 Q You were allowed to call your mother from the
20 interrogation room.

21 A Yes, ma'am.

22 Q You were allowed to meet with your mother.

23 A Yes, ma'am.

24 Q And you were allowed to take smoke breaks.

25 A Yes, ma'am. And several times I smoked in the office,

Anthony Briggs (In-camera)
Redirect examination by Mr. Singleton

1 in Mr. Morgan's.

2 Q They got your lunch.

3 A Yes, ma'am.

4 Q You were able to go outside and talk to Wendy while
5 the officer was en route to get your lunch. So you had
6 time to sit outside with her and talk.

7 A Yes, ma'am.

8 Q And you -- they actually let you pick where you wanted
9 to eat and what you wanted to eat, is that right?

10 A Yes, ma'am.

11 MS. REESE: Nothing further.

12 A But at that time I only had just a few dollars.

13 Q Did you pay for the food?

14 A No. She, Ms. Cantrell, provided that for me.

15 Q Nothing further.

16 REDIRECT EXAMINATION

17 BY MR. SINGLETON

18 Q When you got to the sheriff's office you stated that
19 you didn't have -- apparently your normal sleep hours is
20 four to six hours, is that correct?

21 A Yes, sir.

22 Q Did you get any sleep the night before, the night
23 before February the 3rd?

24 A No, sir.

25 Q When you -- how did you feel when you arrived at the

Anthony Briggs (In-camera)
Redirect examination by Mr. Singleton

1 police -- at the sheriff's office at 9:00 o'clock in the
2 morning? Were you nervous, scared?

3 A Nervous, scared, tense.

4 Q Okay. Do you believe that you were clearheaded the
5 entire day or --

6 A No, no, sir.

7 Q Why do you say that?

8 A Because of the allegations made the day before. I
9 didn't get no sleep the night before the 3rd. Just
10 confused, angry.

11 I felt like I was going to the sheriff's department to
12 go after Neddie, because the day before Ms. Cantrell said
13 if you'll come up here and take a polygraph test and you'll
14 pass, then we'll go after Neddie. So that was my point in
15 going to the sheriff's department, to pass a polygraph
16 test.

17 Q Okay. Did you -- when you signed the preinterrogation
18 waiver form with Detective Morgan why did you -- why did
19 you sign it then without speaking to a lawyer?

20 A Because I wanted them to go after Neddie. I wanted to
21 pass the polygraph test so that they'll go after Neddie,
22 just like Ms. Cantrell stated the day before.

23 Q Okay. And when did you realize that you thought --
24 when did you first realize that, hey, this is not going the
25 way I thought it was going to go and I need an attorney?

Anthony Briggs (In-camera)
Redirect examination by Mr. Singleton

1 When did you first realize that?

2 A After the polygraph.

3 Q And did you ask for -- when you started -- after that
4 you started talking to Detective Cantrell, is that correct?

5 A Yes, sir.

6 Q And why didn't you ask for an attorney at that point
7 in time? Were you confused then or --

8 A Yes, sir, I was confused. I didn't speak to
9 Ms. Cantrell but just for a second. She asked me if I
10 wanted to go down and speak to my mother.

11 Q Okay.

12 A I mean, it was less than five minutes.

13 Q But according to Ms. Cantrell's statement it appears
14 that she told you about the benefits of confessing and all
15 of that information before you met with your parents. Is
16 that -- is that how it happened?

17 A Yes. That was out in the hallway. That was before we
18 even got into the room, into another interrogation room.

19 Q So that conversation about, you know, what you could
20 plead to, I mean, what the different sentences were, did
21 you want to tell her what you did to VICTIM , because you
22 wanted to go home first because you were sick and needed
23 help -- all of that occurred in the hallway before you went
24 to go -- in the hallway in a short time period before you
25 went to go meet with your parents?

Anthony Briggs (In-camera).
Redirect examination by Mr. Singleton

1 A Yes, sir. And I think a few questions were in the
2 interrogation room. I didn't have time to sit down all the
3 way in the seat before I went to see my mother.

4 Q So when you -- so are you saying that when you left
5 detect -- your meetings with Detective Morgan you went
6 straight to Detective Cantrell and you had no basically
7 breaks or down time or anything like that?

8 A That's correct.

9 Q How were you feeling when you left Detective Morgan's
10 interview room?

11 A Nervous and upset and didn't know what else was going
12 to go on.

13 Q Were you thinking clear at that point in time?

14 A Lord, no. I was really scared.

15 Q And that was the first time that you realize that they
16 may be coming after you instead of going after Neddie?

17 A Yes, sir.

18 Q And after that point in time you had no more food or
19 no more drinks or anything like that, after that point in
20 time, did you?

21 A No, sir.

22 Q When you were meeting with your -- and you stated when
23 you were meeting with your parents that you told her
24 that -- did your parents tell them that they wanted you to
25 have an attorney right then, or did you tell them?

Anthony Briggs (In-camera)
Recross-examination by Ms. Reese

1 A I told Ms. Cantrell that I wanted an attorney after my
2 mother told me not to speak, don't say anything else until
3 you have an attorney present. I told Ms. Cantrell I wanted
4 an attorney present. And she said, okay, since you're
5 requesting an attorney I have to take you to jail.

6 Q Okay.

7 MR. SINGLETON: No other questions, Your Honor.

8 RECROSS-EXAMINATION

9 BY MS. REESE

10 Q I just have one. Is it your testimony that the first
11 time you requested an attorney was when you were meeting
12 with your mother?

13 A Yes, ma'am.

14 Q And that that's when you're testifying that you
15 requested an attorney.

16 A Yes, ma'am.

17 MS. REESE: Your Honor, the state would agree -- we
18 don't believe he requested an attorney. We're not saying
19 that he requested an attorney.

20 We believe there was some discussion about an
21 attorney. But if it will help the state would agree to not
22 introduce the statements that he made after he claims he
23 requested an attorney after he spoke with his mother.

24 THE COURT: All right. Do y'all have any more
25 questions of this witness?

1 MS. REESE: No, Your Honor.

2 THE COURT: All right. Step down.

3 All right. To be clear, let's determine what those
4 statements are.

5 In other words, you're suggesting that you would not
6 introduce anything he told to any investigating officer
7 after he talked to his mother, which I believe was on
8 February the 3rd.

9 MS. REESE: Yes, Your Honor.

10 It's -- per his testimony, now, he just admitted that
11 the stuff about him being sick and needing help, all of
12 that stuff occurred before he talked to his mother.

13 After he talked to his mother he stated that he gave a
14 written statement. And then there was the two
15 conversations going to the jail and at the jail where he
16 stated I want to tell you the truth now.

17 We would agree not to offer the written statement and
18 we would agree not to offer those two conversations that
19 happened on the way to the jail and at the jail if his --
20 it just may make it easier.

21 THE COURT: Okay. Well, I mean, I don't know how easy
22 it's going to make it. I mean, I have to determine whether
23 or not any of the statements are voluntary. But I won't
24 have to determine those if it's not contested. But if
25 they're not going to be introduced it doesn't matter

1 whether they're contested or not. So you're just saying
2 you're not going to introduce them?

3 MS. REESE: Yes, Your Honor.

4 I guess what I don't to do in front of the jury if
5 he's contesting these two statements, I will agree not to
6 offer them. But then I don't want him to jump up and say,
7 oh, the state didn't show you this. I believe they're
8 voluntary.

9 But it appears that the -- that the only dispute here
10 is whether or not the written statements, the two
11 statements down at the jail, were made after he's --
12 testifies he requested an attorney.

13 So we would agree not to introduce them. I just don't
14 want that to be an issue in front of the jury.

15 THE COURT: Well, I mean, I don't know whether it's
16 going to be an issue or not, obviously.

17 But any other testimony or evidence you want to offer,
18 Mr. Singleton?

19 MR. SINGLETON: None, Your Honor.

20 THE COURT: Anything in reply?

21 MS. REESE: No, Your Honor.

22 THE COURT: All right. Based upon the testimony that
23 has been presented I do find that each of the statements
24 made by the defendant were freely and voluntarily made
25 considering the totality of the circumstances relating to

1 the surroundings relating to those statements.

2 He was appropriately advised of his constitutional
3 rights. It does appear that he understood those rights and
4 it does appear -- while I understand there's some contested
5 testimony.

6 I do find that the state has established by the
7 greater weight of the evidence that he was advised of his
8 constitutional rights and that he waived each of those
9 rights in making the statements that have been attributed
10 to him.

11 And therefore to the extent that the statement is
12 relevant to any issue, they are admissible subject to any
13 other objection outside of voluntariness.

14 All right. What other matters do we have to address?

15 MS. REESE: Your Honor, we have the motion for the
16 admission of out-of-court statements of the child, and
17 that's under the hearsay exception.

18 THE COURT: Child's advocacy video-taped statement?

19 MS. REESE: Yes, sir, Your Honor.

20 THE COURT: All right. Mr. Singleton, are you
21 agreeing or disagreeing with that motion?

22 MR. SINGLETON: I think we had agreed to allow the
23 statements in but I think we're -- like we were talking,
24 there's some editing that needs to go on.

25 THE COURT: There is what?

1 MR. SINGLETON: There's some editing that needs to go
2 on with the videos about -- I think she wanted other
3 allegations that were -- that the child said in the con --
4 in the --

5 THE COURT: All right. Well, y'all discuss what's to
6 be in and what's to be out. If y'all can agree to it,
7 that's fine. If you can't, I'll address it.

8 But the substance of the child's testimony that
9 relates to the allegations made against your client, you do
10 not object to that portion of the testimony.

11 MR. SINGLETON: Well, I don't object to that because
12 she's going to be on the stand and I can ask her about
13 this.

14 THE COURT: Okay.

15 MS. REESE: Your Honor, my only question is -- and I
16 guess I'm asking. We still do need to have an in-camera
17 review, have you review that, just to make sure it meets
18 the statutory requirements. Is that correct?

19 THE COURT: Well, I will if y'all need for me to. I
20 thought y'all were in agreement.

21 MS. REESE: I think we are, but it just says that the
22 state -- I'm sorry. I don't think I have a copy right
23 here, but I understand --

24 THE COURT: Well, the statute provides that where the
25 state -- let's see.

1 It says that an out-of-court statement of a child is
2 admissible if it was given in response to questioning
3 conducted during an investigative interview of the child,
4 that an audio or visual recording of that statement is
5 preserved, that the child testifies at the proceeding -- in
6 other words, this trial -- and the Court finds that
7 considering the totality of the circumstances surrounding
8 the making of the statement that it provides particularized
9 guarantees of trustworthiness, and in my determination as
10 to the guarantees of trustworthiness I should consider
11 whether the statement was elicited by leading questions,
12 whether the interviewer was trained in conducting
13 investigative interviews with children, whether the
14 statement represented a detailed account of the offense,
15 and whether the statement has internal coherence.

16 So I'll make that determination. But if it's not
17 contested I'm not sure why I need to be making it, but I
18 will if y'all need for me to.

19 Mr. Singleton, do you and your client agree that the
20 statement was -- was or was not -- elicited by leading
21 questions?

22 MR. SINGLETON: The entire interview?

23 THE COURT: Sure.

24 MR. SINGLETON: Well, I believe there are some parts
25 of the interview that I recollect where she -- she says

1 what is alleged, and the victim just nodded head and
2 agreed. She never actually states what -- what happened.

3 So I will say that's leading. I mean, she sits there
4 and states -- it's alleged that my client did such and
5 such. And she says yes, or she said or I don't remember.

6 I mean, my recollection of the video is she doesn't --
7 there are some times that she doesn't, I mean, she doesn't
8 say what happened. She doesn't come out herself and say
9 this is what happened.

10 THE COURT: Well, in any event, as you well know, the
11 statute provides that such a statement is not admissible
12 unless the requirements of the statute are met.

13 So I'm to make that determination, but I don't have to
14 make it if you and your client don't contest the admission
15 of it.

16 MR. SINGLETON: Well.

17 THE COURT: If you contest the admission of it, then
18 I'll make the determination.

19 MR. SINGLETON: I believe -- I believe we do contest
20 the admission of it. I think there are a few minor things.

21 THE COURT: All right. Then I'll have to review the
22 video and will take whatever additional testimony is going
23 to be necessary, including that of the interviewer and
24 their qualifications to conduct an interview.

25 So we'll have to do that after lunch. Court's in

Jury qualification

1 recess until 2:30.

2 (Whereupon, a recess was taken.)

3 THE COURT: All right. Bring the jury around, please.

4 (The following takes place in the presence of the jury
5 venire.)

6 THE COURT; Good afternoon, ladies and gentlemen of
7 the jury panel.

8 My name is Derham Cole. I'm a resident judge here in
9 Spartanburg County, and that's in the 7th Judicial Circuit.
10 I'm going to be presiding over a term of general sessions
11 court this week, as Judge Hayes I'm guessing told you.

12 General sessions court is the criminal side of the
13 circuit court. The circuit court in South Carolina is the
14 general trial court. It hears both civil and criminal
15 cases. As you are also I think already aware, we have
16 civil court being operated this week, as well as criminal
17 court. Judge Hayes is next door, and I'll be here in this
18 courtroom.

19 But the case we have, the first case we have, for you
20 this afternoon in this courtroom is the State vs. Anthony
21 Briggs. Mr. Briggs has been accused by the prosecutor with
22 having committed the crimes of criminal sexual conduct with
23 a minor in the first degree and the commission of a lewd
24 act upon a child under the age of 18 years.

25 Persons who are accused and charged -- accused of and

1 charged with crimes are brought into this court by way of
2 documents referred to as indictments. And they're simply
3 legal documents. They're like arrest warrants. But
4 they're how a person gets brought into this court.

5 In this case Mr. Briggs has been charged with criminal
6 sexual conduct in the first degree and the commission of a
7 lewd act upon a child.

8 The state alleges that between July the 30th of 2008
9 and February the 2nd of 2009 that Mr. Briggs did commit the
10 crime of criminal sexual conduct with a minor in that he
11 did commit a sexual battery upon a minor victim,
12 specifically VICTIM , who at the time of the sexual
13 battery was under the age of 11 years.

14 He is also charged with commission of a lewd act upon
15 a child, and the state alleging by way of a separate
16 indictment that Mr. Briggs did between June the 30th of
17 2008 and February the 2nd of 2009 commit or attempt to
18 commit a lewd or lascivious act upon or with the body of
19 one VICTIM who was a minor under the age of 18
20 years, and at the time of the event the defendant was 14
21 years or -- was over the age of 14 years.

22 Now, as to those indictments and as to those
23 allegations and as to those charges the defendant has
24 entered a plea of not guilty. A plea of not guilty places
25 upon the state the burden of proving the allegations that

Jury qualification

1 they have set forth in each indictment, the burden of
2 proving each of the essential elements of the crimes that
3 are alleged against the defendant; and therefore the burden
4 is upon the state to establish the defendant's guilt to the
5 satisfaction of 12 jurors beyond a reasonable doubt before
6 any verdict could be returned as to either of the separate
7 charges.

8 So we're going to be selecting 13 of you, 12 primary
9 jurors and one additional juror to serve as an alternate.
10 By way of your participation you're simply going to be
11 called upon throughout the course of the trial to pay
12 careful attention, to listen to all of the testimony,
13 consider all of the evidence, because at the trial's
14 conclusion you'll go back to deliberate. And when you go
15 back to deliberate you'll examine all of the evidence
16 that's been presented during the trial.

17 You will decide the credibility of witness testimony.
18 From the evidence you will determine what you believe to be
19 the true facts as they relate to these particular
20 allegations.

21 Once you decide the facts, you will then apply the law
22 that I will have provided you, and you will determine
23 whether the defendant has been proven guilty of either of
24 these crimes beyond a reasonable doubt. If he has, then
25 your verdict would be guilty as to that charge. And if he

Jury qualification

1 has not, then your verdict would be not guilty as to that
2 particular charge.

3 Now, before we begin with actual jury selection I've
4 got a number of questions that I'm going to ask you. The
5 purpose of the questions is to determine whether or not
6 there is a reason why any one of you jurors should not be
7 selected to participate in the trial of this particular
8 case. In other words, do you have some reason why you
9 could not be fair and impartial if you were called upon to
10 serve as a juror in this case.

11 So as these questions are asked of you should you need
12 to respond, I'll simply ask that you please stand. And
13 I'll address those matters with you.

14 As the questions are asked if the response to the
15 question is not very personal, then you can just respond to
16 it where you are now. And if some response to a question
17 is of some personal nature to you and you prefer not to
18 answer the question from the audience, then you can step
19 down here and I'll discuss it with you privately.

20 But you've got to respond to the questions where they
21 apply to you, because I have to have the information in
22 order to determine whether or not you can be fair and
23 impartial as a juror in the event you were to be selected.

24 Now, the first thing I'm going to do is introduce some
25 people to you. I'll introduce the defendant to you; I'll

Jury qualification

1 introduce the person alleged to be the victim of this event
2 to you; perhaps some of the family members of either or
3 both. I'll also introduce the lawyers to you. And I'll
4 also recite a list of all of the potential witnesses to be
5 called during the trial of the case.

6 Now, obviously the purpose of those introductions and
7 that recitation is to find out if any member of the jury
8 panel knows anybody who's involved in this particular case.
9 And so as these people are introduced or as the witness
10 list is read, if you know these people, you're related to
11 them, you're connected with them, you have a business,
12 social or professional relationship, or you just met them
13 somewhere, I'm going to ask that you please stand so that
14 we can address what that connection is and whether or not
15 it would have any impact upon your decision if you were
16 called upon to serve as a juror in the case.

17 First of all, as I told you, the defendant, that is
18 the person who is accused of each of these crimes, is
19 Anthony Briggs.

20 Mr. Briggs, if you will, please stand and face the
21 jury panel.

22 (Whereupon, the defendant stood.)

23 THE COURT: All right. Be seated.

24 Seated with Mr. Briggs at the defense table is Max
25 Singleton. He represents Mr. Briggs and he will be

Jury qualification

1 assisting him during the course of this trial.

2 (Whereupon, Mr. Singleton stood.)

3 THE COURT: The person who is alleged to have been the
4 victim is VICTIM . And she's not present here in
5 the courtroom. But you'll have to tell me what her
6 mother's name is and where she lives so the jury may get an
7 idea and know who she is.

8 MS. REESE: Your Honor, her mother's name is Wendy
9 Richards. The child is six years old, and she lives in
10 Chesnee. She attends Chesnee Elementary.

11 THE COURT: All right. VICTIM ' mother is
12 Wendy Richards. The child is six years old. They live in
13 the Chesnee community. She attends Chesnee Elementary
14 School.

15 The state is being represented by Susan Reese and
16 Jennifer Jordan. They are both assistant circuit
17 solicitors for the 7th Judicial Circuit.

18 (Whereupon, Ms. Reese and Ms. Jordan stood.)

19 THE COURT: Potential witnesses to be called during
20 the trial include the following: VICTIM who has
21 just been -- you've been told about; Judy Ann Petty; Brandy
22 Nicole Stanley.

23 Now, as I read out these names, if you hear a name
24 that's familiar to you but you're not sure if you know that
25 person or not since they're not here in the courtroom, you

Jury qualification

1 let me know that you know somebody by that name. And we'll
2 try to narrow down the identification to be sure that is or
3 is not that same person that you may know.

4 Michele Arroyo-Staggs who is with the Child's --
5 Children's Advocacy Center; Wiley Garrett who is also with
6 the Children's Advocacy Center; Nancy Henderson who is a
7 physician with Greenville Memorial Hospital System; Danny
8 Morgan who is with the Spartanburg County Sheriff's
9 Department; Angela Cantrell with the Spartanburg County
10 Sheriff's Department; Megan Woody Burrell with the
11 Spartanburg County Sheriff's Department; Dwight Spears;
12 Demetrius Martin; Mike Jones with the Spartanburg County
13 Detention Facility; Crystal Sarr with the solicitor's
14 office; Christie Beall with the solicitor's office; Wendy
15 Richards who's previously been introduced to you. She's
16 not present, but she's the mother of VICTIM , the
17 child in the case.

18 Donna Parker; Madison Richards who is another daughter
19 of Wendy Richards and the sister of VICTIM .

20 MS. REESE: That's correct, Your Honor.

21 THE COURT: Lonnie Miller; Anthony Evans; Lakla
22 Miller; and Neddle Richards.

23 Now, anybody that knows any of those persons who've
24 just been identified, I'm going to ask that you please
25 stand. As you do that let me also include -- Mr. Singleton

Jury qualification

1 is with the Dick James Law Firm.

2 MR. SINGLETON: No. I'm by myself now.

3 THE COURT: Now, okay. Well, he was with Dick James
4 Law Firm. But not now.

5 Okay. The solicitor's office, I need to find out if
6 anybody knows anybody, not just these two ladies who are
7 the prosecutors. But do you know anybody who is employed
8 in the solicitor's office, the 7th Judicial Circuit
9 Solicitor's Office, and whether you know any of the
10 potential witnesses.

11 So if you do, I'll ask that you please stand. And
12 those that are standing, I'll start over here to my right
13 and I'll work to my left. And we'll go from the front row
14 to the back row. If you'll give me your name and your
15 juror number, and then tell me how the question relates to
16 you.

17 JUROR NO. 8: I'm Homer E. Blackwell, No. 8. And I
18 know a Lonnie Miller at Fingerville.

19 THE COURT: All right. Lonnie Miller. That's the
20 potential witness for the defendant.

21 Mr. Singleton, do you know where Lonnie Miller lives?

22 JUROR NO. 8: No, not off hand.

23 THE COURT: Well, I'm asking him. You said he's from
24 Fingerville.

25 JUROR NO. 8: Yeah.

Jury qualification

1 MR. SINGLETON: He lives in Cooley Springs.

2 THE COURT: Cooley Springs?

3 MR. SINGLETON: Yeah.

4 THE COURT: That's close enough.

5 JUROR NO. 8: Yeah.

6 THE COURT: All right. How do you know Mr. Miller?

7 JUROR NO. 8: I used to know his brother. He used to
8 work with S.C.D.O.T. where I worked at -- Ronnie.

9 THE COURT: Okay.

10 JUROR NO. 8: They're twin brothers.

11 THE COURT: All right.

12 JUROR NO. 8: And I know him from that.

13 THE COURT: Okay. Do you believe that that connection
14 that you have would in any way interfere with your ability
15 to be fair and impartial if you were called upon to serve
16 as a juror in this case?

17 JUROR NO. 8: No, sir.

18 THE COURT: All right. Could you put aside any
19 connection you had with Mr. Lonnie Miller and not allow it
20 to influence your decision?

21 JUROR NO. 8: Yes, sir.

22 THE COURT: Or Ronnie Miller either for that matter.

23 JUROR NO. 8: Yes, sir.

24 THE COURT: Okay. Thank you. Be seated.

25 That's Juror No. 8.

Jury qualification

1 Let's go to the front row. Yes, ma'am.

2 JUROR NO. 59: Jean Fox, No. 59. I know the
3 grandparents of the children.

4 THE COURT: You know the grandparents of the Richards?

5 JUROR NO. 59: Yeah.

6 THE COURT: And which grandparents? What are their
7 names?

8 JUROR NO. 59: Suttles. Matthew Suttles.

9 THE COURT: Suttles. Okay. Is that --

10 JUROR NO. 59: They go to church with me.

11 THE COURT: All right. Is that accurate, Ms. Reese?

12 MS. REESE: It is, Your Honor.

13 THE COURT: Okay. Do you think that connection, that
14 relationship, would have any bearing upon your decision in
15 the case?

16 JUROR NO. 59: No, sir.

17 THE COURT: Do you think you'd take a side based upon
18 your connection with the grandparent of the person alleged
19 to be the victim?

20 JUROR NO. 59: That I would?

21 THE COURT: Well, let me ask that again. I might not
22 have been clear on that.

23 What I'm saying is do you think you would have a
24 tendency to side with the state because the person who
25 alleged to be -- who is alleged to be the victim has a

Jury qualification

1 grandparent that you have a connection with.

2 JUROR NO. 59: Do I feel I could personally? Is that
3 what you mean?

4 THE COURT: Yeah. In other words -- yeah, partial, or
5 would it have any impact upon your ability to make a fair
6 decision?

7 JUROR NO. 59: No, sir.

8 THE COURT: It would not. You could put aside that
9 connection or that relationship and not allow it to
10 influence your judgment?

11 JUROR NO. 59: Yes, sir.

12 THE COURT: Okay. Thank you, ma'am. You can be
13 seated.

14 All right. Next row. Yes, sir.

15 JUROR NO. 163: Anthony Suttles, 163. Wendy is my
16 niece.

17 THE COURT: All right. Well, let's just excuse you
18 from service in this case. Okay. But don't leave yet.

19 Next row -- and don't discuss anything that you might
20 know about the case or anything about the family,
21 Mr. Suttles. Okay. Thank you.

22 Yes, ma'am.

23 JUROR NO. 84: I'm Mary Hayne Hipp, No. 84. And I
24 know Lonnie Miller.

25 THE COURT: And how do you know Lonnie Miller?

Jury qualification

1 JUROR NO. 84: My son used to date his daughter.

2 THE COURT: All right. Would it have any bearing upon
3 your decision in this case?

4 JUROR NO. 84: No, sir.

5 THE COURT: Thank you. Be seated.

6 Yes, sir.

7 JUROR NO. 133: Dwight Patterson, 133. I know several
8 members of the solicitor's office.

9 THE COURT: All right. And would any of those
10 connections have any bearing upon your decision?

11 JUROR NO. 133: None whatsoever.

12 THE COURT: Thank you. Be seated.

13 Yes, ma'am.

14 JUROR NO. 15: Beth Brice, No. 15. I believe I know
15 Nancy Henderson if it's the same one. I believe she lives
16 in my neighborhood. You mentioned that she works in
17 Greenville.

18 THE COURT: She's a physician.

19 JUROR NO. 15: Yes, sir.

20 THE COURT: And she works at Greenville Hospital
21 System.

22 JUROR NO. 15: Okay. I believe that's the same one.
23 I know that's somewhat of a common name but...

24 THE COURT: Well, probably not for physicians. Maybe.
25 But, in any event, you're a neighbor of hers or a friend of

Jury qualification

1 hers.

2 JUROR NO. 15: I live in the neighborhood. I would
3 say -- I mean, I know who she is. I know her.

4 THE COURT: Okay. And would that fact have any
5 bearing upon your decision?

6 JUROR NO. 15: No, sir.

7 THE COURT: In other words, would the fact that you
8 have some connection with her when she testified, you'd
9 just accept her testimony without considering other
10 evidence because you happen to know who she is?

11 JUROR NO. 15: That's her. No.

12 THE COURT: So you would not base a decision just on
13 or accept her testimony just because you happen to know who
14 she is.

15 JUROR NO. 15: Right, right.

16 THE COURT: Okay. You can be fair and impartial.

17 JUROR NO. 15: Yes, sir.

18 THE COURT: Thank you. Be seated.

19 Yes, sir.

20 JUROR NO. 171: My name is Richard Vandahm. I'm Juror
21 No. 171. And my wife is a social worker and has worked a
22 good bit with one of the witnesses, Wiley Garrett.

23 THE COURT: All right. And would that have any
24 bearing upon your decision in the case?

25 JUROR NO. 171: I think that I might give maybe some

Jury qualification

1 undue credibility to his testimony.

2 THE COURT: Okay. Then we'll excuse you from service.
3 Okay. But don't leave yet. That's Juror 171. 163 and 171
4 have been excused.

5 Has any member of the jury panel ever been involved in
6 a matter that was being investigated by or participated in
7 by the department of social services? Anyone ever been
8 involved in any sort of a matter in which the department of
9 social services was also involved? If so, please stand.

10 JUROR NO. 133: Your Honor, that's other than as an
11 attorney?

12 THE COURT: Well, no. We'll include that.

13 JUROR NO. 133: Because I have been involved in
14 several cases where the department was involved.

15 THE COURT: All right. And would it have any bearing
16 upon your decision in this case if you were selected?

17 JUROR NO. 133: No.

18 THE COURT: Thank you. Be seated.

19 Any member of the jury panel or any member of your
20 immediate family -- and let me define an immediate family
21 member as a parent, a spouse, a child or a sibling -- a
22 parent, spouse, child or sibling.

23 Have you or any members of your immediate family ever
24 been the victim of or ever been accused of committing or
25 having committed any type of violent crime?

Jury qualification

1 And violent crime, I'm going to include those --
2 murder, manslaughter, armed robbery, burglary, criminal
3 sexual conduct, assault and battery with intent to kill,
4 criminal domestic violence of a high and aggravated nature,
5 or any other similar type of an offense; as well as
6 specifically whether you or an immediate family member has
7 ever been the victim of or accused of criminal sexual
8 conduct or commission of a lewd act upon a child.

9 So, again, the question is have you or a family member
10 ever been the victim of any such offenses or ever been
11 accused of having committed an offense such as that. If
12 so, please stand.

13 All right. I've got three. And I'll start with this
14 gentleman. And, as I say, if you don't want to answer the
15 question where you are, feel free to come down here.
16 Otherwise, you can stand where you are and respond to it.
17 If you will, give me your name and your juror number,
18 please, sir.

19 JUROR NO. 33: Wayne Cossano, No. 33.

20 THE COURT: All right. How does that question relate
21 to you?

22 JUROR NO. 33: My wife was raped, but I don't know any
23 of the specifics.

24 THE COURT: And was that something that occurred in
25 Spartanburg County?

Jury qualification

1 JUROR NO. 33: I believe so, but it was before I knew
2 her when she was younger.

3 THE COURT: Okay. Do you know if someone was charged
4 or found guilty?

5 JUROR NO. 33: No, I don't know that.

6 THE COURT: Solved or not.

7 JUROR NO. 33: No. We don't talk about it.

8 THE COURT: Okay. Well, is there anything about that
9 experience that your wife has had that would affect your
10 judgment in this case, understanding what the case is
11 about?

12 JUROR NO. 33: No, sir. It wouldn't.

13 THE COURT: Okay. Thank you. Be seated.

14 Yes, ma'am.

15 JUROR NO. 108: My name is Cudrey Landrum. I'm 108.
16 And I'd like to talk to you personally, please.

17 THE COURT: Okay. Come down here, please, ma'am.

18 (Bench conference held off the record with Juror No.
19 108 with counsel present.)

20 THE COURT: All right. Juror 108 is excused from
21 service in this case.

22 Back row. Yes, ma'am.

23 JUROR NO. 135: 135.

24 THE COURT: Okay.

25 JUROR NO. 135: Could I come up there, please?

Jury qualification

1 THE COURT: Yes, ma'am.

2 (Bench conference held off the record with Juror No.
3 135 with counsel present.)

4 THE COURT: All right. And the last juror.

5 JUROR NO. 19: Sonya Bryant, No. 19. And I was
6 molested as a child and also had two cases of being a
7 victim of assault and battery with intent to kill since
8 being an adult.

9 THE COURT: All right. And would either or any of
10 those experiences have any bearing upon your decision in
11 this case?

12 JUROR NO. 19: Yes, it would.

13 THE COURT: Okay. We'll excuse you from service.
14 That's Juror No. 19.

15 So Jurors 108 and 19 are excused based upon that
16 question.

17 Anyone else need to respond to that question, you or a
18 family member has been the victim or been accused of the
19 commission of a violent crime or either of the types of
20 crimes that are alleged in this case?

21 (No response.)

22 THE COURT: All right. Next question. Is any member
23 of the jury panel familiar with or been involved with in
24 any way the Children's Advocacy Center -- the Children's
25 Advocacy Center? If so, please stand.

Jury qualification

1 All right. Yes, ma'am.

2 JUROR NO. 164: 164. Our church just sends them
3 supplies.

4 THE COURT: You say your number is 164.

5 JUROR NO. 164: Uh-huh.

6 THE COURT: All right. And would that have any
7 bearing upon your decision in the case?

8 JUROR NO. 164: No, sir.

9 THE COURT: All right. Thank you. Be seated.
10 133, Mr. Patterson.

11 JUROR NO. 133: My daughter is on that board, I
12 believe, and also I've sponsored some fundraisers for them.

13 THE COURT: All right. Would it have any bearing upon
14 your decision?

15 JUROR NO. 164: No.

16 THE COURT: Thank you. Be seated.

17 Has any member of the jury panel ever been involved in
18 a criminal case that was being handled by the 7th Judicial
19 Circuit Solicitor's Office and you were involved in the
20 case either as a purported victim or as a witness, as well
21 as have you ever testified in a criminal case for either
22 the state or the defendant in any type of criminal matter?
23 If so, please stand.

24 (No response.)

25 THE COURT: Has any member -- is any member of the

Jury qualification

1 jury panel a member of or do you contribute time or money
2 to any types of organizations that might be characterized
3 as law enforcement or victims' support types of
4 organizations?

5 And those might include Mothers Against Drunk Drivers,
6 Citizens Against Violent Crime, safe homes, rape crisis,
7 the honorary sheriffs' association, the troopers'
8 association or any other similar type of organization that
9 tends to support law enforcement agencies as well as
10 victims of crime. If so, please stand, if you belong to
11 any or contribute time or money to any.

12 All right. And your name and number please, ma'am.

13 JUROR NO. 11: Geraldine Bradshaw, No. 11.

14 THE COURT: All right. How does that question relate
15 to you?

16 JUROR NO. 11: My son is a state trooper. I support
17 those actively.

18 THE COURT: Okay. Would it have any bearing upon your
19 decision in the case?

20 JUROR NO. 11: Absolutely not.

21 THE COURT: Thank you. Be seated.

22 Juror 135.

23 JUROR NO. 135: Yes, 135. I support the troopers. I
24 support most causes.

25 THE COURT: Support lost causes?

Jury qualification

1 JUROR NO. 135: No. I support most of their causes.

2 THE COURT: Most of the causes. I'd say the troopers
3 association is not a lost cause.

4 All right. Do you think that any of those
5 contributions you made would have any bearing upon your
6 decision in the case?

7 JUROR NO. 135: No, sir.

8 THE COURT: Okay. Thank you. Be seated.
9 Anybody else need to respond to that question?

10 (No response.)

11 THE COURT: Has any member of the jury panel already
12 made up your mind or formed an opinion as to how you think
13 the case ought to be decided based upon what you've heard
14 up to this point or based upon any other consideration?
15 Have you made your mind about the case? If so, please
16 stand.

17 All right. And you were Juror No. --

18 JUROR NO. 129: 129, Toni Pace.

19 THE COURT: 129. All right. And, Ms. Pace, you have
20 some reason why you think you could not be fair and
21 impartial in the case?

22 JUROR NO. 129: There was a member --

23 THE COURT: Well, I'm just asking.

24 JUROR NO. 129: Oh, yes.

25 THE COURT: Just say yes or no.

Jury qualification

1 JUROR NO. 129: Yes, yes.

2 THE COURT: You have a reason why you think you could
3 not be fair and impartial?

4 JUROR NO. 129: Yes, sir. Could not be.

5 THE COURT: Could not be. All right. We'll excuse
6 you from service in the case. Thank you.

7 Anyone else?

8 (No response.)

9 THE COURT: Anyone know of any reason whatsoever why
10 you could not be fair and impartial if called upon to serve
11 as a juror in this particular case? Any reason whatsoever
12 why you could not be fair and impartial? If so, please
13 stand.

14 All right. And your number is what, ma'am?

15 JUROR NO. 180: 180.

16 THE COURT: 180?

17 JUROR NO. 180: Yes.

18 THE COURT: And you have a reason why you think you
19 could not be fair to one side or the other?

20 JUROR NO. 180: I think I might be related -- I'm
21 sorry.

22 THE COURT: Yes or no.

23 JUROR NO. 180: Yes.

24 THE COURT: You have a reason why you think you could
25 not be fair to one side or the other?

Jury qualification

1 JUROR NO. 180: Yes, sir.

2 THE COURT: All right. We'll excused you from service
3 then.

4 That's 180.

5 Anyone else need to respond to that question?

6 (No response.)

7 THE COURT: All right. Any other questions requested
8 by the state?

9 MS. REESE: None from the state, Your Honor.

10 THE COURT: By the defendant?

11 MR. SINGLETON: None, Your Honor.

12 THE COURT: All right. Draw us a jury please, ma'am.

13 Now, I'll tell you that -- y'all were involved in jury
14 selection this morning. That was in front of Judge Hayes.
15 Well, we select juries differently in criminal court than
16 we do in circuit court so I'll tell you about -- I mean, in
17 general sessions court as opposed to common pleas court --
18 criminal as opposed to civil.

19 In the criminal court your names are drawn randomly.
20 You're asked to come forward. You will simply come up
21 through the middle aisle. The bailiff will stand right
22 there and show you where it is.

23 Show them where they've got to stand.

24 I want you to come and stand right there and face your
25 fellow jurors. Each side will have an opportunity to have

Jury qualification

1 you seated for service in the case or have you excused from
2 serving in the case.

3 If either asks that you be excused you can simply go
4 back and have a seat where you are now. If both agree to
5 have you seated for service in the case, then you'll be
6 having a seat in the jury box to your right and to my left.

7 So if you'll simply please come forward as your name
8 is called you'll be instructed if you're to be seated for
9 service or excused from service in the case.

10 THE CLERK: No. 61, William Funderburk.

11 What says the state?

12 MS. REESE: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. SINGLETON: Please present the juror.

15 THE CLERK: No. 67, Lashavetta Grant.

16 What say the state?

17 MS. REESE: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. SINGLETON: Please present the juror.

20 THE CLERK: No. 2, Joanne Atkins.

21 What say the state?

22 MS. REESE: Please present the juror.

23 THE CLERK: What say the defense?

24 MR. SINGLETON: Please present the juror.

25 THE CLERK: No. 64, Dwana Gory.

Jury qualification

1 What say the state?

2 MS. REESE: Please present the juror.

3 THE CLERK: What say the defense?

4 MR. SINGLETON: Please present the juror.

5 THE CLERK: No. 88, Tracey Jackson.

6 What say the state?

7 MS. REESE: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. SINGLETON: Please present the juror.

10 THE CLERK: No. 81, Leslie Heintzberger.

11 What say the state?

12 MS. REESE: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. SINGLETON: Please excuse the juror.

15 THE CLERK: 25, Haskel Carter.

16 What say the state?

17 MS. REESE: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. SINGLETON: Please present the juror.

20 THE CLERK: 136, John Phillips.

21 What say the state?

22 MS. REESE: Please present the juror.

23 THE CLERK: What say the defense?

24 MR. SINGLETON: Please present the juror.

25 THE CLERK: 143, Rita Ryerson.

Jury qualification

1 What say the state?

2 MS. REESE: Please present the juror.

3 THE CLERK: What say the defense?

4 MR. SINGLETON: Please excuse the juror.

5 THE CLERK: 71, Michael Gunter.

6 What say the state?

7 MS. REESE: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. SINGLETON: Please present the juror.

10 THE CLERK: No. 50, Elvira Else.

11 What say the state?

12 MS. REESE: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. SINGLETON: Please present the juror.

15 THE CLERK: 154, Rachel Swain.

16 What say the state?

17 MS. REESE: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. SINGLETON: Please excuse the juror.

20 THE CLERK: 33, Wayne Cossano.

21 What says the state?

22 MS. REESE: Please present the juror.

23 THE CLERK: What say the defense?

24 MR. SINGLETON: Please excuse the juror.

25 THE CLERK: 149, Tina Shaker.

Jury qualification

1 What say the state?

2 MS. REESE: Please excuse the juror from this case.

3 THE CLERK: No. 12, Anthony Brandon.

4 What says the state?

5 MS. REESE: I'm sorry?

6 THE CLERK: No. 12.

7 MS. REESE: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. SINGLETON: Please present the juror.

10 THE CLERK: 31, Matthew Cooke.

11 What say the state?

12 MS. REESE: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. SINGLETON: Please present the juror.

15 THE CLERK: 169, Melinda Utter.

16 What say the state?

17 MS. REESE: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. SINGLETON: Please present the juror.

20 THE CLERK: Twelve, Your Honor.

21 THE COURT: All right. This will be for the

22 alternate.

23 THE CLERK: No. 53, Robert Engley.

24 What say the state?

25 MS. REESE: Please present the juror.

Jury qualification

1 THE CLERK: What say the defense?

2 MR. SINGLETON: Please present the juror.

3 (Whereupon, a jury was impaneled.)

4 THE COURT: All right. Those who have been selected,
5 I'll ask you to please go with the bailiff to a jury room.
6 And I'll bring you back in just a few minutes to continue.

7 (The following takes place outside the presence of the
8 jury.)

9 THE COURT: Are there any matters that need to be
10 addressed regarding jury selection by the state?

11 MS. REESE: None from the state, Your Honor.

12 THE COURT: By the defendant?

13 MR. SINGLETON: None, Your Honor.

14 (Whereupon, the remaining members of the jury venire
15 were excused.)

16 THE COURT: How about bringing that jury back?

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: Ladies and gentlemen, because of the
20 hour -- I don't know if y'all noticed it or not. The clock
21 says 9:30. I don't think it's 9:30. I think it's about
22 5:00 o'clock.

23 But, in any event, because of the time we're not going
24 to begin with the trial of the case today, because whatever
25 we started we'd just have to interrupt. And it really

1 makes more sense to have some continuity in the trial for
2 your benefit, quite frankly.

3 So we're going to begin with the trial in the morning
4 at 9:30. We'll begin at 9:30.

5 Now, I know you don't know anything about this case
6 except what I told you prior to your selection. But,
7 nevertheless, you must follow these instructions, and you
8 have to follow these instructions throughout the course of
9 the trial.

10 Under no circumstances are you ever permitted to talk
11 about the case or anything that's related to the case with
12 any person whatsoever in any fashion whatsoever.

13 Now, when the trial is over after you've reached a
14 decision you can talk about it as much or as little as you
15 want to as many or as few as you'd like. But during the
16 trial of the case you're not even permitted to talk about
17 the case with your fellow jurors. You're only allowed to
18 do that after the trial's conclusion and you've been asked
19 to begin with your deliberations when that time comes.

20 So during the overnight recess no discussions of any
21 kind about the case. Now, I know you're going to go home.
22 You might have a husband, you might have a wife, you might
23 have a child or friend that says, well, I know you've got
24 jury duty, what are you doing, what happened down there,
25 did you get picked or what kind of case is it.

1 You just tell them you can't talk about it. You're
2 not permitted to talk about it in any fashion until it's
3 been decided and you've reached a decision.

4 Also, you might think, well, I don't know anything
5 about the law, you know, I've never been to law school,
6 never had any occasion to be at the courthouse, don't know
7 anything about the law.

8 Don't worry about that. I'm going to provide you with
9 the law. You're not supposed to know what the law is. And
10 therefore under no circumstances are you ever permitted
11 during the trial to conduct any research or do your own
12 investigation into any issue, whether it be legal or
13 factual.

14 You don't do any outside research or investigation,
15 because you have to base your decision in this case upon
16 what you see and hear during the trial. And you're never
17 to allow yourselves to be influenced by any outside or
18 extraneous information about the case or any issue that
19 might relate to it. So no research, no investigation into
20 any issue, legal or factual, through the course of the
21 trial.

22 And I don't know if there'll be anything on
23 television, radio or newspaper about the case. But you
24 also are never permitted to allow yourselves to be exposed
25 to any type of media coverage that might relate to the

1 case.

2 So if you should accidentally be exposed, just turn the
3 television off, turn the radio down, put the paper aside.
4 Don't listen to anything or read anything or watch anything
5 that relates to the case should that occur.

6 And with that do have a good evening, and please
7 report to your jury room that you've just been shown to.
8 Report there not later than 9:30 in the morning.

9 If you're not sure how to get back to that jury room
10 as you're going to leave the courthouse talk to the
11 bailiffs. They'll provide you with those directions.

12 Have a good evening, and we'll see you in the morning
13 at 9:30.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: All right. Now, I guess -- do y'all care
17 to address the issue of the qualification of the Child's
18 Advocacy Center interviewer?

19 Or do you have a challenge to those qualifications,
20 Mr. Singleton?

21 MR. SINGLETON: None, Your Honor, none.

22 THE COURT: You're not going to challenge the
23 qualifications of the interviewer?

24 MR. SINGLETON: Well, my whole -- yes, I challenge the
25 qualifications.

Michele Arroyo-Staggs (In-camera)
Direct examination by Ms. Reese

1 THE COURT: Okay. Who is the interviewer?

2 MS. REESE: Michele Staggs, Your Honor.

3 THE COURT: Okay. Are y'all ready to proceed with
4 that?

5 MS. REESE: Yes, Your Honor.

6 THE COURT: All right.

7 (DVD marked State's Exhibit No. 3 for Identification;
8 DVD marked State's Exhibit No. 4 for Identification.)

9 MICHELE ARROYO-STAGGS, having
10 been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MS. REESE

12 Q Would you state your name, please?

13 A Michele Arroyo-Staggs, M-I-C-H-E-L-E, A-R-R-O-Y-O.

14 THE COURT: Don't get close.

15 THE WITNESS: Back up?

16 THE COURT: No. Just speak up and it'll pick it up.

17 A Michele Arroyo-Staggs.

18 Q Ms. Staggs, where are you currently employed?

19 A I'm employed with Brockton Area Multi Services, Inc.
20 located in Brockton, Massachusetts.

21 Q And what are your duties there at this point?

22 A At this point my duty is a senior intensive care
23 coordinator.

24 Q And what do you do as a senior intensive care
25 coordinator?

Michele Arroyo-Staggs (In-camera)
Direct examination by Ms. Reese

- 1 A I provide direct services as well as supervisory
2 resources for mentally health impaired youth ages three to
3 21 and work specifically with coordination of providers in
4 the area to meet those needs.
- 5 Q Where were you employed in February of 2009?
- 6 A I was employed with the Children's Advocacy Center of
7 Spartanburg.
- 8 Q And what were your duties at the Advocacy Center?
- 9 A Specifically, in this case my duty was a forensic
10 interviewer.
- 11 Q And overall what were your duties at the Advocacy
12 Center?
- 13 A Overall I was also supervisor. I also provided
14 therapy for children as well.
- 15 Q And did that therapy include therapy for children who
16 had been sexually abused?
- 17 A Not only sexually abused but physically abused and
18 victims of child maltreatment as well.
- 19 Q And did your job there also include assessment of
20 child abuse victims to determine whether therapy was
21 needed?
- 22 A That is correct.
- 23 Q Are you -- what is your educational background?
- 24 A I have a Bachelors of Social Work as well as a
25 Master's of Social Work. And I'm a licensed practitioner

Michele Arroyo-Staggs (In-camera)
Direct examination by Ms. Reese

1 both in the State of South Carolina as a licensed master
2 social worker, as well as licensed clinical social worker
3 in the State of Massachusetts.

4 Q Are you trained in the field of forensic interview?

5 A That is correct.

6 Q And can you briefly describe for the Court what your
7 training in forensic interview has been?

8 A Yes, I can.

9 My training began on site through peer reviews and on
10 site clinical building skills, and then formally I got the
11 certification from the National Advocacy Center located in
12 Huntsville, Alabama. And that was a certification process.

13 And then after that I continued my education as a
14 forensic interviewer not only with the English-speaking
15 children, the alleged victims, but also in Spanish
16 speaking.

17 So I was recertified working with the Spanish-speaking
18 alleged victims as well.

19 And from there on a continual basis I do continuing
20 education, specifically around child maltreatment, child
21 abuse and sexual abuse cases.

22 Q As a part of your training and education in forensic
23 interviewing did you have to attend courses in forensic
24 interviewing?

25 A That is correct.

Michele Arroyo-Staggs (In-camera)
Direct examination by Ms. Reese

1 Q Did you have to actually perform forensic interviews
2 and be reviewed?

3 A Yes. And that's on a consistent basis, what we
4 consider our peer reviews, as well as hands-on training
5 where we would have rehearsals in reference to people who
6 review the video tapes as well as being on site also.

7 Q And is that your certification that you've obtained?

8 A That is correct.

9 Q Both in Spanish and English?

10 A That's correct with the National Advocacy Center
11 model.

12 Q How many years of experience do you have conducting
13 forensic interviews?

14 A I began in about 2004 with my training and got my
15 certification in 2005. So since then.

16 Q How many interviews roughly would you say you've
17 conducted?

18 A I would estimate at least 300 or more.

19 Q And while you were at the Children's Advocacy Center,
20 once you were trained and you received this job were your
21 interviews subject to peer review at that point?

22 A That is correct.

23 Q And did you regularly meet with supervisors to
24 determine whether or not you were following the guidelines
25 required?

Michele Arroyo-Staggs (In-camera)
Direct examination by Ms. Reese

1 A Yes, ma'am, both informal and formally.

2 Q Did you, in fact -- have you been previously qualified
3 as an expert in the courts of this state or in the State of
4 Massachusetts?

5 A Yes. I've been qualified as both an expert in the
6 State of South Carolina in both criminal court and family
7 court, as well as in the State of Massachusetts.

8 Q Did you, in fact, conduct a forensic interview of
9 VICTIM ?

10 A I did.

11 Q And were those interviews conducted on February the
12 5th and February the 9th of 2009?

13 A Yes, they were.

14 Q And what was the purpose of that interview?

15 A The purpose of the interview was to have a
16 conversation with VICTIM in a very neutral setting, which
17 included nonsuggestive, nonleading questions, to find out
18 if something happened or didn't happen.

19 Q So was the purpose of this interview investigative or
20 was it for therapy purposes?

21 A Well, in the process of the assessment the whole role
22 is to -- in the investigation process to find out if the
23 child had something to say about something happening or
24 not.

25 Q So you did not provide any therapy for them.

Michele Arroyo-Staggs (In-camera)
Cross-examination by Mr. Singleton

1 A I did not. That was my role.

2 Q Were audio and visual recordings of these interviews
3 made?

4 A Yes, ma'am, they were.

5 Q I'm going to show what's been marked already as
6 State's Exhibits 3 and 4 for Identification. Have you seen
7 those today?

8 A Yes, I have.

9 Q And did you, in fact, review these videos?

10 A Yes, I have.

11 Q And are these complete and accurate depictions of the
12 interview that you conducted with VICTIM ?

13 A They are accurate.

14 Q Do you know how old VICTIM was at the time?

15 A Six if I recall correctly at the time.

16 Q Okay. She -- at any age -- she was under the age of
17 12, is that correct?

18 A That's correct.

19 MS. REESE: Nothing further, Your Honor.

20 THE COURT: Mr. Singleton.

21 CROSS-EXAMINATION

22 BY MR. SINGLETON

23 Q How -- before February of 2009 when you interviewed
24 VICTIM , how many forensic interviews had you done
25 before then?

Michele Arroyo-Staggs (In-camera)
Cross-examination by Mr. Singleton

1 A I would calculate -- I have to give you a rough
2 estimate, but at least 150.

3 Q Okay. So you've done 150 more since then?

4 A Oh, yes.

5 Q Okay. And also you have had extensive training in
6 social work area and forensic training. What does your
7 forensic training entail? What all does that entail?

8 A I had to complete several courses through the National
9 Children's Advocacy Center in Huntsville, Alabama. And on
10 a continuum I would have to prep myself by going to
11 particular workshops. And what I mean by that is staying
12 informed of different research and topics.

13 Q Do you have to take classes each, every year or
14 periodically in order to keep your certification?

15 A That is correct. I do what we call continuing
16 education, courses and workshops.

17 Q Is that every year or every couple of years?

18 A Every year.

19 MR. SINGLETON: No more questions, Your Honor.

20 MS. REESE: That would be all we would have as to her
21 qualifications.

22 THE COURT: All right. Let's me ask you this.

23 The certification is as to being a forensic
24 interviewer?

25 THE WITNESS: That is correct. But I also do

1 continuing education under the social work profession as
2 well, sir.

3 THE COURT: All right. Thank you. You may step down.

4 THE WITNESS: You're welcome. Thank you.

5 MS. REESE: Your Honor, we would also offer the tapes
6 for your review.

7 We believe that these tapes meet the statutory
8 requirement. We believe they show that the tape -- that
9 the questions were nonleading. The interviewer was
10 trained. And the statement, I mean, the tapes will show a
11 detailed account. We also believe that they offer in terms
12 of appearance what the statute requires.

13 The child is planning to testify, Your Honor. And we
14 have the videos that have already been entered.

15 THE COURT: All right. I'll review the videos and
16 then issue an order as to its admissibility pursuant to
17 17-23-175.

18 Any other matters we need to address before we recess?

19 MS. REESE: Nothing further from the state, Your
20 Honor.

21 MR. SINGLETON: Nothing, Your Honor.

22 THE COURT: All right. Court is in recess. If
23 nothing further, court is in recess until 9:30 in the
24 morning.

25 END OF PROCEEDINGS AUGUST 23, 2010

1 (Proceedings August 24, 2010)

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

4 THE COURT: All right. Everyone is now present.

5 I have reviewed State's Exhibits 3 and 4 which are the
6 audio and visual recordings of an interview of VICTIM
7 conducted in February of 2009, that interview
8 having been conducted by Michele Staggs at the Children's
9 Advocacy Center.

10 I do find that the statement was given in response to
11 questioning conducted during an investigative interview. I
12 further find that it was conducted by a qualified forensic
13 interviewer.

14 I find that there was an audio-visual recording made
15 of the statement which has been preserved and which has
16 been provided to the defendant.

17 I am told that the child in this case, VICTIM
18 , will testify during the course of this trial and
19 be subject to cross-examination. And of course the tapes,
20 I mean, the recording will not be admissible unless the
21 child does testify.

22 I further find that the child is under the age of 12
23 years.

24 And based upon the totality of the circumstances
25 surrounding the making of the statement I do find that

1 there is particular guarantees of trustworthiness after
2 considering whether or not the statement was elicited by
3 leading questions, whether or not the interviewer had been
4 trained in conducting investigative interviews of children,
5 and whether or not the statement provided and represented a
6 detailed account of the alleged offense, and whether or not
7 the statement had internal coherence.

8 Based upon those factors I do find that the statement
9 shall be admissible pursuant to Section 17-23-175.

10 All right. Any others matters we need to address
11 before the jury is brought in?

12 MS. REESE: Your Honor, the state is making a motion
13 to sequester the witnesses. We will keep our witnesses
14 upstairs but ready when we get ready to call them. I
15 understand Mr. Singleton will keep his outside.

16 THE COURT: All right. Well, I understand we've got
17 to have a separation, but we can't be waiting, you know,
18 ten minutes for a witness to come down here from upstairs
19 every time a witness is finished testifying.

20 MS. REESE: Yes, sir. We're sending an e-mail now to
21 have them brought down now, so there's two or three persons
22 will be ready.

23 THE COURT: Well, where will they stay since they are
24 sequestered?

25 MS. REESE: Outside, Your Honor.

1 THE COURT: They're going to be outside with the other
2 witnesses?

3 MS. REESE: Well, my understanding Mr. Singleton's
4 witnesses are over here.

5 MR. SINGLETON: They were out in front of Judge Hayes'
6 courtroom. I don't know if they'll stick around or if
7 they'll leave and come back this afternoon.

8 THE COURT: Well, do you have them under subpoena?
9 Because I'm not going to be hunting them later either.

10 MR. SINGLETON: Yeah. I have them under subpoena, but
11 they'll -- I'll tell them to be back at 2:00 o'clock.

12 THE COURT: Okay. All right. Anything else?

13 MS. REESE: Nothing further from the state.

14 THE COURT: All right. Bring the jury in.

15 Ask Mr. Brandon to take the foreperson's seat.

16 (The following takes place in the presence of the
17 jury.)

18 THE COURT: Good morning, ladies and gentlemen.

19 We are ready to begin with the trial of the case for
20 which each of you have been selected.

21 And, Mr. Brandon, I'm going to ask you to serve as the
22 foreperson of the jury. As the foreperson of the jury you
23 have three specific duties that none of the other jurors
24 will have.

25 No. 1, you'll be asked to serve as the spokesperson

1 for the jury. And that just means if something comes up
2 during the course of the trial that needs to be brought to
3 my attention, you or a fellow juror has some difficulty or
4 problem or question, if you'll let the bailiff know, or let
5 me know if you're in the courtroom, I'll address those
6 issues or answer those questions.

7 Secondly, you'll be called upon to preside over jury
8 deliberations when the time comes for those deliberations.
9 And that of course won't be until the end of the trial
10 after all of the evidence has been received and I have
11 instructed you on the law that's applicable in this case.

12 But when the time does come for jury deliberations it
13 is you who will preside over that process in the jury room
14 simply to ensure that those deliberations are carried out
15 in some orderly fashion.

16 And, thirdly, you'll be asked to actually write the
17 verdicts or the decisions of the jury. You'll do that on a
18 form that I'll provide you at the trial's conclusion on
19 which you will indicate the jury's unanimous decision.

20 Now, the foreperson has those specific duties that I
21 have just indicated. That does not however mean that he is
22 any more important than any of you other jurors, because
23 the decision of a jury is the unanimous consensus opinion
24 of all 12. And so each of you will have an equal say and
25 an equal vote in what the ultimate decisions in this case

1 will be.

2 Someone simply has to be delegated those
3 responsibilities that I have just indicated, and I have
4 delegated those to Mr. Brandon in appointing him as the
5 foreperson.

6 But all of you jurors are equally important so far as
7 the ultimate decisions in this case are concerned, because,
8 as I have stated, the verdicts have to be unanimous. All
9 12 of you must be in agreement.

10 Mr. Engley, you've been selected as an alternate
11 juror. And the function of an alternate juror is to take
12 the place of one of the original 12 jurors if during the
13 trial one of these original 12 cannot continue to serve for
14 some reason.

15 And so if one is called away or an emergency prevents
16 them or an illness prevents them from being able to
17 continue, then under those circumstances you would take
18 that person's place. In that event you become the
19 12th juror. And in that event you participate throughout
20 the trial including the jury deliberations at the trial's
21 conclusion.

22 If however when the time does come for jury
23 deliberations, if the original 12 are all able to
24 participate, then your service would end. And you would
25 not participate any further, because the decision of a jury

Jury sworn

1 is that of 12. No more than 12 are permitted to engage in
2 that deliberation process.

3 But it is important that you pay just as careful
4 attention as we ask of all of the jurors in the case
5 because it does occur from time to time for one reason or
6 another one of these original 12 may be unable to continue.
7 And in that event you become the 12th.

8 So we do appreciate your participation as an
9 alternate, just as we appreciate the participation of each
10 of you jurors who have been selected to decide the verdict
11 in this particular case.

12 You may swear the panel.

13 (Whereupon, the jury was duly sworn.)

14 THE COURT: Ladies and gentlemen, as you know, you
15 have been selected to decide the verdicts in the case of
16 the State vs. Anthony Briggs.

17 As you also know, he's been accused by the state of
18 having committed two separate and distinct offenses. And
19 those two separate offenses are set forth in two separate
20 indictments. So when the time comes for you to deliberate
21 you will be considering two separate charges.

22 Your verdicts may be the same as to each of those
23 charges. They may be different. That of course will
24 depend upon your determination of fact based upon your
25 review of the evidence and then your application of the law

1 that I will provide you at the trial's conclusion.

2 But, as you know, Mr. Briggs has been accused by the
3 state in one indictment with criminal sexual conduct with a
4 minor in the first degree.

5 They allege by way of that indictment that on June the
6 30th or between June the 30th of 2008 and February the
7 2nd of 2009 he committed criminal sexual conduct with a
8 minor in that he did commit a sexual battery upon a person
9 under the age of 11 years at the time of the event.

10 He's also charged with commission of a lewd act upon a
11 child, the state alleging that between July the 30th of
12 2008 and February the 2nd of 2009 the defendant was over
13 the age of 14 and that he did wilfully and lewdly commit or
14 attempt to commit a lewd or lascivious act upon or with the
15 body of a child under the age of 16 years.

16 Now, as to those allegations and as to the charges
17 contained in each of those indictments the defendant has
18 entered a plea of not guilty. And as I told you, that plea
19 of not guilty places upon the state the burden of proving
20 the allegations that they have set forth in the
21 indictments, the burden of proving each of the essential
22 elements of the crimes alleged against the defendant; and
23 therefore the burden is upon the state to establish the
24 defendant's guilt to the satisfaction of each of you 12
25 jurors beyond a reasonable doubt before a verdict of guilty

1 could be returned as to either of the charges.

2 The indictments are not evidence of anything. They're
3 not proof of anything. They are simply the means by which
4 any person who is charged with a crime where the
5 jurisdiction lies in this court -- they are brought here by
6 way of these indictments.

7 They are simply the charging papers. They serve no
8 other purpose so far as you jurors are concerned other than
9 they will serve as the verdict forms.

10 It'll be on the back of each of the separate
11 indictments, Mr. Foreman, that you will be asked to
12 indicate the jury's unanimous decision as to that
13 particular charge. But other than serving as the verdict
14 forms the indictments serve no purpose so far as you jurors
15 are concerned.

16 As I told you, the defendant has entered a plea of not
17 guilty to those charges. And every person who is accused
18 of a crime -- and it doesn't matter how serious the offense
19 might be for which that person stands charged -- a person
20 accused of a crime is always presumed innocent of the
21 charge.

22 That presumption of innocence remains with any
23 defendant, as it does with this defendant, from the time
24 that he is placed under arrest and throughout the course of
25 the criminal process and even throughout the course of the

1 actual trial in the case.

2 That presumption of innocence will be with Mr. Briggs
3 even at the time that you go back into your jury room to
4 begin your deliberations at this trial's conclusion. And
5 that presumption of innocence will be with him there, and
6 it'll be with him forever unless you 12 jurors unanimously
7 determine that he's no longer entitled to the presumption
8 of innocence.

9 In other words, after you've carefully considered all
10 the evidence and decided the facts and applied the law, if
11 you 12 jurors unanimously determine that his guilt has been
12 proven as to a particular charge beyond a reasonable doubt,
13 then he would no longer be entitled to the presumption of
14 innocence as it relates to that charge. But it's only if,
15 unless and until you are satisfied of his guilt beyond a
16 reasonable doubt that the presumption of innocence would no
17 longer be applicable.

18 Now, the way the trial will proceed is that in a
19 moment the lawyers are going to address you in what are
20 called opening statements.

21 There are two occasions in the trial of a case where
22 lawyers are permitted to address the jury, and that is at
23 the beginning of the trial before any evidence has been
24 introduced and then again at the conclusion of the trial
25 after all of the evidence has been received.

1 Please keep in mind however that the lawyers'
2 statements are not evidence. You cannot consider the
3 statements given by the lawyers as any evidence upon which
4 you will base your decision.

5 And that's because the lawyers aren't witnesses to
6 anything. They're not going to be testifying from the
7 witness stand. They're not going to be placed under oath.
8 They're not going to be subjected to direct and
9 cross-examination like witnesses will be. And so what the
10 lawyers tell you is not to be considered by you as evidence
11 in the case. But you should listen to what the lawyers
12 have to say because their statements do serve a purpose.

13 The opening statements will serve to provide you with
14 a basic understanding as to what this case is about from
15 both the perspective of the state and of the defendant so
16 that you'll have some context in which to place the
17 evidence that we will be receiving shortly thereafter.

18 The closing statements occur after all of the evidence
19 has been received. And, again, while those statements are
20 not to be considered as evidence, it does afford the
21 lawyers an opportunity to discuss with you the evidence
22 that you have seen and heard during the course of this
23 trial. And through that discussion each will be trying to
24 persuade you or to convince you that that evidence does or
25 does not support a particular decision.

1 It's in between the opening and the closing statements
2 of the lawyers that we actually receive the evidence upon
3 which you will base your decision, that is upon which you
4 will determine the facts.

5 The state has the burden of proof because they brought
6 the charge against the defendant, and therefore they will
7 go forward first in their presentation of evidence.

8 Once they have concluded with that presentation a
9 defendant has the same opportunity to testify and to call
10 witnesses and to present evidence. But a defendant is
11 never under any obligation to testify or to present
12 evidence.

13 The burden is not upon a defendant to prove that he or
14 she is not guilty or to prove that he or she is innocent,
15 because in some cases that might not even be possible.

16 The burden is always upon the state because they have
17 brought the charges against the defendant to satisfy you
18 beyond a reasonable doubt of his guilt, and a defendant is
19 under no obligation to testify or present evidence. But
20 each defendant is afforded an opportunity to testify or
21 present evidence should he or she wish to do so.

22 After all of the evidence has been received and after
23 I have instructed you on the law that's applicable in the
24 case you'll then be asked to go back and begin with your
25 deliberations. And through that process you will carefully

Opening statements

1 examine all of the evidence in the case. You will assess
2 the credibility of each witness and their testimony. You
3 will decide what evidence is the most credible and
4 believable evidence, and that's the evidence you will
5 accept. You will reject any evidence that you find not to
6 be credible or believable.

7 Your sole objective of course is to simply reach the
8 truth in the matter. And by doing that you will fulfilled
9 your obligations as jurors in the case.

10 Now, at the trial's conclusion I'm going to instruct
11 you on the law in detail as it relates to the criminal law
12 generally and as it relates to these specific charges
13 particularly. And then you'll have that law to apply to
14 the facts as you determine them to be after your
15 deliberations at the trial's conclusion.

16 So I do want to thank you in advance for your
17 participation, as well as for your careful attention. I
18 would ask that you please give the lawyers your attention
19 now as they give you their opening statements.

20 Ms. Reese.

21 MS. REESE: May it please the Court.

22 Good morning. My name is Susan Reese, and I am an
23 assistant solicitor in the 7th Circuit. I'm going to tell
24 you a little bit now about some of the facts in the case so
25 you just have a basic understanding as to what we allege.

Opening statements

1 In the fall of 2008, the latter part of 2008, VICTIM
2 was four years old. She lived in a 2-bedroom
3 trailer in Chesnee with her mother, her sister and brother,
4 and the defendant, her mother's boyfriend.

5 VICTIM's mother and biological father had some issues.
6 We're going to tell you that right away. They were usually
7 arguing, usually upset with each other.

8 So in December of 2008 when the biological father
9 brought VICTIM to some neighbors and asked her to listen to
10 what VICTIM was disclosing there was some skepticism, but
11 that soon faded when VICTIM started telling her story.

12 In the mornings VICTIM would get up and she would come
13 into the living room. The defendant slept there on a
14 pull-out couch with his girlfriend.

15 Her mother would go to work, the other siblings to
16 school. And VICTIM went to school around 11:00 or
17 12:00 o'clock in the afternoon. She would stay with the
18 defendant during those mornings. She's going to tell you
19 what happened to her during those mornings.

20 The state must prove that the defendant committed a
21 sexual battery on this child.

22 Now, we have charged the defendant, the state has
23 charged the defendant, with criminal sexual conduct in the
24 first degree. Now, that means that he has to have
25 committed a sexual battery on a child under the age of 11.

Opening statements

1 VICTIM is still under 11.

2 So the question that you have to ask yourself is did
3 the defendant commit a sexual battery on this child. And
4 the judge will tell you that a sexual battery is an
5 intrusion, however slight, into the anal or vaginal
6 openings of a child. Or it can also be oral sex. Either
7 one of those is a sexual battery.

8 The defendant is also charged with performing a lewd
9 act on a minor. And a lewd act is a touching of a child in
10 a lewd or lascivious way to satisfy the lusts of himself or
11 what he perceives the child to have. And this does not
12 require penetration. So those are the two charges, and
13 that's just kind of an overview of what you're looking for.

14 I'm going to warn you that you are going to hear
15 things that you don't want to hear. Nobody wants to hear
16 about a child being hurt. Nobody really wants to, because
17 if you believe it or you don't believe it, it makes us feel
18 a little safer.

19 The first thing I am going to ask you to do is to
20 accept that these things do happen to children and judge
21 this case on its merits.

22 I'm also going to let you know that this case is not
23 going to have forensic evidence. And everybody loves the
24 "CSI." Everybody loves that show. But the truth is that's
25 not real life.

Opening statements

1 In child abuse what you will learn is that children
2 don't disclose quickly, especially with somebody they care
3 about, that they are rarely physical evidence in cases of
4 sexual abuse in children, and that people don't abuse
5 children in front of witnesses.

6 So the evidence you hear is going to be from the
7 stand. You will hear from VICTIM who is now six years old.
8 And I have to tell you I'm nervous about it. This has been
9 a long day for her.

10 Because, you see, when she first disclosed not only
11 did she have to talk about this person hurting her, but her
12 mother chose to support the defendant. She continued to
13 contact him; she continued to be with him. She called her
14 daughter a liar.

15 VICTIM is going to come in here today and she's going
16 to try to tell you what happened to her. I ask you to be
17 patient. It's a lot of people for a six-year-old. You
18 will also hear from people who worked with her and people
19 who investigated this case.

20 I'm going to ask you to do two things. First of all
21 I'm going to ask you to listen closely and just be fair.
22 Be fair to the defendant; be fair to the state. Just be
23 fair.

24 This is an important day for the defendant. This is
25 also an important day for VICTIM .

Opening statements

1 The second thing I'm going to ask you to do is keep
2 your eye on the ball. My dad was a basketball coach. So I
3 grew up in the gym. And I have heard millions of times
4 during my life, Susan, keep your eye on the ball. In
5 everything in life, just keep your eye on the ball.

6 And I'm going to ask you to do this, because criminal
7 cases are about the ball, and it's about all kinds of other
8 stuff. I'm just going to ask you to keep your eye on the
9 ball.

10 And if you do those things, you do those two things, I
11 think you'll be able to return a verdict that speaks the
12 truth.

13 You see, the word verdict means to speak the truth.
14 And I think that if you listen to the evidence and you keep
15 your eye on the ball you'll be able to return a verdict
16 that speaks the truth that this defendant is guilty of
17 criminal sexual conduct in the first degree. Thank you.

18 THE COURT: Mr. Singleton.

19 MR. SINGLETON: May it please the Court.

20 First of all I want to thank you for all of y'all
21 being here today. This has, like Solicitor Reese said,
22 this has been a long road.

23 My client is 26 years old. He's been -- he was
24 arrested for this charge back in February 3rd of 2008. And
25 he's been waiting for this day in court ever since then. A

Opening statements

1 lot has gone on in between that time. But today we're here
2 finally to determine what the facts of the case are.

3 My client did live with the victim, or alleged victim,
4 and her mother and her two other siblings. He had dated
5 the mother for a number of years. He took care of the
6 mother of the children, tried to provide for them as best
7 he could. He loved those children.

8 These allegations -- the testimony and the evidence
9 should prove that these allegations first came about around
10 December the 30th of 2008 by the father first knowing about
11 the allegations.

12 However nothing was said to the police until well over
13 a month later. And the allegations were not made to the
14 victim, I mean, the alleged defendant and the -- his
15 girlfriend until January 26th when the father of the child
16 and the mother of the child were at family court fighting
17 over basically custody. And it had to do with the fact --
18 with child support. And he -- and he basically told the
19 mother that there had been -- that my client had abused his
20 daughter.

21 The testimony will show that right then and there the
22 mother took the daughter to the hospital and had her
23 examined. They could not find any signs of abuse.

24 Then a week later my client was questioned by the
25 police. And then the day after he was then questioned by

Opening statements

1 the police he was arrested.

2 What I'm asking you to do is to look at the facts of
3 the case. Listen to all of the testimony. Once you've
4 heard all of the testimony and looked at all of the
5 evidence, as Solicitor Reese said, be fair and keep your
6 eye on the ball.

7 I want you to look at everything that's said and maybe
8 some things that weren't said. But I want you to pay
9 attention to what the alleged victim says and whether it is
10 backed up by the other testimony and whether it makes sense
11 according to the time line that she says.

12 We contend that it will not match up, that it doesn't
13 make sense, because she's denied it on a couple of
14 occasions. And then she says it on a number of occasions
15 that it did happen. So there are some inconsistencies
16 in -- in various parts of statements that may -- that will
17 hopefully come to light throughout the course of this
18 trial.

19 Like I said, at the end of the testimony I want you to
20 look at all of the evidence and the statements and
21 determine if there's enough evidence to prove that he
22 committed the crime of criminal sexual conduct in the first
23 degree.

24 We believe there's not going to be enough evidence to
25 prove that, because there is no physical evidence. They'll

Opening statements

1 say that it's not uncommon for there not to be any physical
2 evidence, that there's been signs of sexual abuse.

3 That may be the case. But, again, there is no signs
4 of sexual abuse, and we don't feel that she fits the
5 profile of a girl that has been sexually abused.

6 Keep in mind that the father didn't report this. You
7 heard testimony that the father didn't report it for over a
8 month. And he knew that after he was told the child was
9 going to be going back to live with my client, her mother
10 and her other siblings.

11 It'll also come out hopefully in the testimony that
12 when she went -- was taken to Mary Black Hospital they did
13 not find any signs of abuse and they let her leave with my
14 client and her mother.

15 She told her mother on occasion that she had not been
16 sexually abused. And it's true that, as Ms. Reese says,
17 that her mother did not believe her. It's not that she
18 didn't believe her for a day or two. She didn't believe
19 her for over a year.

20 And her grandmother didn't even believe her. Her
21 grandmother also didn't believe her for over a year. They
22 decided to start believing her basically in February of
23 this year, is when they started believing her.

24 The testimony hopefully will come out that the reason
25 she didn't believe her is because she felt that the father

Opening statements

1 of the child was putting all of this in her head and that
2 she was not afraid to say that to anybody that would
3 listen.

4 Not only did she have an exam done at Mary Black
5 Hospital on January the 26th when the mother first heard
6 about the allegations and the victim -- I mean the
7 defendant heard about the allegations.

8 But then she had another exam done by the state's
9 expert, Dr. Henderson, a couple of weeks later. And she
10 could not find any acute signs of abuse. Again, that's
11 physical evidence, and they say that doesn't matter. But
12 to me it matters if this happened supposedly as long as
13 they say it happened. There should be some signs of
14 physical abuse or sexual abuse. But there are none.

15 And then when you've looked at -- heard the victim's
16 testimony, you know, they're going to have the police
17 testify and some medical experts. Just see if it -- if it
18 relates back to what the victim said, if it makes sense, if
19 it fits the time line that she says it does.

20 We contend that it doesn't, because the number of
21 times that she says it happened and when it happened, we
22 contend that it's not possible that it could have happened
23 during that time, because, you know, she continued to live
24 with my client.

25 She never said anything to anybody except until

Opening statements

1 December 30th when her father first found out or she told
2 her father about it.

3 So, again, I just want you to listen to all of the
4 evidence and all of the testimony and, you know, put aside
5 the fact that my client is charged with this crime. He's
6 still innocent until proven guilty. And then just look at
7 the facts and see if it makes sense to you and if there's
8 enough evidence to prove beyond a reasonable doubt that he
9 committed the crime that they're alleging he committed.

10 And I myself and Mr. Briggs thank you for being here.
11 And thank you.

12 THE COURT: Ms. Reese.

13 MS. REESE: Your Honor, the state calls VICTIM
14

15 (Pause for child to be brought into the courtroom.)

16 MS. JORDAN: Judge, may we approach?

17 THE COURT: Yes.

18 (Bench conference held off the record in the presence
19 of the jury but out of the hearing of the jury.)

20 THE COURT: All right. Ladies and gentlemen, we're
21 going to need to take just a few minutes before we start.
22 So I'll ask you to please go to your jury room.

23 Remember the caution I've given earlier. Don't talk
24 about the case. You can't discuss it in any fashion.
25 We'll bring you back shortly.

VICTIM

Direct examination by Ms. Reese

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: We will be at ease for ten minutes.

4 (Whereupon, a recess was taken.)

5 THE COURT: All right. Are we ready for the jury?

6 MS. REESE: Yes, sir, Your Honor.

7 THE COURT: Okay. Bring them in.

8 (The following takes place in the presence of the
9 jury.)

10 VICTIM , having
11 been first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MS. REESE

13 Q Can you say your name for the jury?

14 A VICTIM .

15 Q Okay. Can you talk into this microphone? I bet you
16 can. Can you talk into that microphone? What's your name?

17 A VICTIM .

18 Q Okay. Can you scoot up closer so they can hear you?
19 Do you see this lady? She has to write down what you say,
20 and if she can't hear you, then she can't write anything
21 down.

22 Now, try. What's your name?

23 A VICTIM .

24 Q Very good. What's your last name?

25 A VICTIM .

VICTIM

Direct examination by Ms. Reese

- 1 Q Okay. VICTIM how old are you?
- 2 A Six.
- 3 Q You're six years old. Where do you go to school?
- 4 A Mayo Elementary.
- 5 Q Mayo Elementary. Did you used to go to Chesnee
- 6 Elementary?
- 7 A Yes.
- 8 Q Okay. And who's your favorite teacher, VICTIM? You
- 9 don't know? What's -- can you tell me one of your
- 10 teacher's names?
- 11 A Ms. Allen.
- 12 Q Okay. And do you like Ms. Allen?
- 13 A Uh-huh.
- 14 Q Okay. VICTIM, do you know the difference between
- 15 telling the truth and telling a lie?
- 16 A Yes.
- 17 Q You do? If I told you that I had on a red dress,
- 18 would that be the truth or a lie?
- 19 A Lie.
- 20 Q Okay. And if I told you you had on a purple dress,
- 21 would that be the truth or a lie?
- 22 A Truth.
- 23 Q Okay. VICTIM, what happens if you tell a lie at
- 24 school?
- 25 A You get in trouble.

VICTIM

Direct examination by Ms. Reese

1 Q Okay. What happens if you were to tell a lie to the
2 judge?

3 A You would get in trouble.

4 Q Okay. VICTIM, can you promise to only tell this jury
5 the truth?

6 A Yes.

7 Q Okay. VICTIM, do you remember when you used to live
8 in Chesnee?

9 A Yeah.

10 Q Do you still live in Chesnee?

11 A No.

12 Q You don't. Okay. But you used to live in Chesnee.
13 Do you remember?

14 A Uh-huh.

15 Q And do you remember when you lived with Anthony?

16 A Yes.

17 Q Okay. And who is Anthony to you? Was he your daddy?
18 No? Okay. Now, speak with your words. Okay. Say your
19 words. Okay. Did Anthony live in the house with you?

20 A Yes.

21 Q Okay. And where did Anthony sleep in your house?
22 When Anthony lived with you, where did he sleep?

23 A Uh.

24 Q Okay. Can you say? Okay. Remember to your use
25 words. Okay.

VICTIM

Direct examination by Ms. Reese

1 Let me ask you this. Did you like living with
2 Anthony? You have to say with your words. Did you like
3 living with Anthony?

4 (Pause.)

5 Q Let's ask something else first, VICTIM .

6 When you lived in that house, who lived in that house
7 with you other than Anthony? We've already talked about
8 Anthony. Who else lived there?

9 A My mama and bubba and sissy and me.

10 Q And who?

11 A And me.

12 Q You and your mama and who else?

13 A Bubba and sissy.

14 Q Bubba and sissy. What's your sissy's real name?

15 A Madison.

16 Q Madison. What's your bubby's real name?

17 A Decota.

18 Q Decota. And do they still live with you?

19 A Yes.

20 Q Okay. Now, Sweetheart, when you were living with
21 Anthony did Anthony ever do anything that made you feel
22 bad?

23 (Pause.)

24 Q Sweetie, listen. You have to say with your words.
25 Okay. You have to tell us whatever.

VICTIM

Direct examination by Ms. Reese

1 A Uh.

2 Q Huh? No or yes? I didn't hear that.

3 All right. Sweetie, do you remember telling
4 Ms. Michele? Do you remember going to the Children's
5 Advocacy Center and talking to Ms. Michele? Do you
6 remember telling her what you said happened to you?

7 Okay. Can you tell the jury what happened to you?

8 Okay. Can you say the word?

9 A Yes.

10 Q Okay. Now, Sweetie, did Anthony ever touch you in a
11 place that made you uncomfortable?

12 (Pause.)

13 Q Can you tell the jury where you were touched? You
14 said you could tell them what happened to you. Do you just
15 want to tell them?

16 (Pause.)

17 Q Did Anthony ever touch you with a part of his body?

18 (Pause.)

19 Q Sweetie, you got to answer the question. Okay? I
20 need for you to just answer the question. Okay. And we'll
21 be done in just a minute. Okay? Did Anthony ever touch
22 you with a part of his body?

23 (Pause.)

24 Q Can you say the word?

25 A Yes.

VICTIM

Direct examination by Ms. Reese

1 Q Okay. What part of Anthony's body did he touch you
2 with? I need for you to say the words. Okay. What part
3 of his body did he touch you with?

4 A His private.

5 Q His private. Okay. And what -- was there any other
6 part of his body that he touched you with?

7 (Pause.)

8 Q Say the word, Sweetie.

9 (Pause.)

10 Q When he touched you with his private where did he
11 touch you? What part of your body did he touch?

12 A My private.

13 Q Your private.

14 Okay. Do you remember telling Ms. Staggs about his
15 private touching your private?

16 THE COURT: She has to answer out loud.

17 MS. REESE: I'm sorry.

18 Q Can you answer with your words?

19 A Yes.

20 Q Okay. Did Anthony ever touch you with his mouth?

21 (Pause.)

22 Q Can you say it with words? Say the words, Sweetie.

23 A Yes.

24 Q Okay. And what part of his -- when his mouth touched
25 you, where did his mouth touch?

VICTIM

Direct examination by Ms. Reese

1 A My private.

2 Q Your private. Okay. Did Anthony ever touch you with
3 his hands?

4 A Yes.

5 Q And when he would touch you with his hands, where
6 would he touch you? What part of your body would he touch?

7 (Pause.)

8 Q Can you say whatever -- say whatever it is.

9 A Not sure.

10 Q Not sure. Okay. And so you said his mouth touched
11 your private and his private touched your private. Is that
12 right? And --

13 THE COURT: We didn't get that response.

14 MS. REESE: I'm sorry?

15 THE COURT: We did not get a response.

16 Q Can you say with your words? I just asked you. You
17 told me that he touched his private with your private. Is
18 that right?

19 A Yes.

20 Q Thank you.

21 What room were you in when this happened?

22 A Living room.

23 Q The living room. And where were you in the living
24 room when this happened?

25 A The lay-out couch.

VICTIM

Direct examination by Ms. Reese

1 Q The lay-out couch. VICTIM , when would this happen --
2 where was your mother when this happened?

3 A She was at work.

4 Q Okay. And where was your bubby when this happened?

5 A School.

6 Q And where was your sissy when this happened?

7 A School.

8 Q Did you go to school then, VICTIM ?

9 A Yes. But I think it was later on in the afternoon.

10 Q And in the mornings who would stay with you? In the
11 morning when you were there before you went to school who
12 was with you in the house?

13 A Anthony.

14 THE COURT: The court reporter didn't get the answer.

15 Q Can you say louder who was with you in the house?

16 A Anthony.

17 Q VICTIM , when you tell the stuff about Anthony are you
18 telling the truth?

19 A Yes.

20 Q Thank you, Sweetie.

21 THE COURT: Mr. Singleton.

22 MR. SINGLETON: May it please the Court.

23

24

25

VICTIM

Cross-examination by Mr. Singleton

1 CROSS-EXAMINATION2 BY MR. SINGLETON

3 Q VICTIM , my name is Max. I'm here representing
4 Anthony. I'll try to keep my questions to a minimal.

5 But you told Ms. Reese that this happened. Did what
6 you're saying happened to you by Anthony happen in the
7 mornings?

8 A Yes.

9 Q Do you remember what time your mother would go to
10 work?

11 A No.

12 Q Okay. Did she go to work after your brother and
13 sister went to school, or before?

14 A Not sure.

15 Q Not sure. Do you have any idea how long -- how long
16 you were alone with Anthony during those mornings?

17 A No.

18 Q Okay. Do you know if it was 30 minutes, an hour?

19 A No.

20 Q So it could be five minutes, or you're not sure how
21 long it was.

22 A No.

23 Q Can you tell me when this first supposedly happened?

24 A Not sure.

25 Q Did it happen after you started 4-K?

VICTIM

Cross-examination by Mr. Singleton

1 A I don't know.

2 Q Okay. Do you know when you started 4-K? I mean what
3 month.

4 A No.

5 Q When you were going to 4-K you were going to Chesnee
6 Elementary School?

7 A Yes.

8 Q Did you catch the bus to go to Chesnee Elementary
9 School?

10 A Not sure.

11 Q You don't remember if you caught the bus or not?

12 A Uh-uh.

13 Q Okay. Do you remember if Anthony would walk you down
14 to the bus on occasions?

15 A No.

16 Q You don't remember if he did or not.

17 Do you remember if these things that you say Anthony
18 did -- do you know if they occurred before Christmas, while
19 you were in 4-K or after Christmas?

20 A Not sure.

21 Q When is your birthday?

22 A Day after Christmas.

23 Q You say you don't know if it occurred before your
24 birthday or after your birthday?

25 A No.

VICTIM

Cross-examination by Mr. Singleton

1 Q Turned five years old. You don't remember?

2 (Pause.)

3 Q When you told Ms. Reese -- she asked you if any part
4 of Anthony's body touched your body. Do you remember what
5 you said to Ms. Reese?

6 A Not sure.

7 Q Well, I know she asked you a question, what part of
8 your body did Anthony touch with his private. Do you
9 remember what you said to her?

10 A His private.

11 Q But do you know which part of his privates and which
12 part of your body his private touched? Do you remember
13 what you told Ms. Reese?

14 A No.

15 Q Okay. She asked you also did he ever touch you with
16 his mouth and what part of the body did he touch you. Do
17 you remember what part of the body he touched you --
18 touched his mouth with?

19 A Yes.

20 Q What part of your body?

21 A His.

22 Q Maybe I may have confused you right there. Let me
23 back up.

24 You say that Anthony's mouth touched a part of your
25 body.

VICTIM

Cross-examination by Mr. Singleton

1 A Yes.

2 Q Do you remember which part of your body he touched
3 with his mouth?

4 A My private.

5 Q But you don't know when that happened?

6 A No.

7 Q You have no idea if that happened in the month of
8 September or October?

9 A No.

10 Q November or December?

11 A No.

12 Q Do you remember how long Anthony lived with you and
13 your mother?

14 A No.

15 Q Would Anthony buy you gifts and stuff like that for
16 your birthdays and Christmases and stuff like that?

17 A Not sure.

18 Q Not sure. Do you know if he helped you with your
19 homework or anything, or did he help your -- do you
20 remember seeing him help your sister or brother with their
21 homework?

22 A Yes.

23 Q Did he ever help you with your homework, or did you
24 have any homework in 4-K?

25 A No.

VICTIM

Cross-examination by Mr. Singleton

1 Q Okay. Well, that's good.

2 Do you -- do you mainly live with your mother right
3 now? I mean, do you spend most of your time with your
4 mother instead of your father?

5 A Yes.

6 Q Okay. When Anthony was living with you was that the
7 same case, you spent most of your time with your mother and
8 Anthony and would see your father for a weekend?

9 A Yes.

10 Q Do you remember what time you would get up in the
11 mornings when you were getting ready for school?

12 A No.

13 Q Do you remember if you would take a shower or a bath
14 in the morning before you went to school, or did you do it
15 the night before?

16 A Not sure.

17 Q Before your brother and sister left for school did you
18 eat breakfast with them, or did you eat breakfast with
19 Anthony and your mother?

20 A Not sure.

21 Q Okay. Or are you like most kids, eat cereal in front
22 of the T. V.? Do you know?

23 A No.

24 Q Okay. When Anthony supposedly did these things to you
25 do you remember what you were wearing?

VICTIM

Cross-examination by Mr. Singleton

1 A No.

2 Q Do you remember how many times this occurred?

3 A No.

4 Q Do you remember telling Michele Staggs who is the lady
5 that you talked to at the Children's Advocacy Center -- do
6 you remember her?

7 A Yes.

8 Q The lady that you would go in there in her office and
9 do crayons with and everything?

10 A Uh-huh.

11 Q Do you remember telling her that you thought it
12 happened a thousand times?

13 A No.

14 Q Okay. Who did you first tell about what Anthony
15 supposedly did to you?

16 (Pause.)

17 A Not sure.

18 Q Okay. You don't know if it was your father or your
19 mother?

20 A I think it was my father.

21 Q Do you know when you told your father?

22 A No.

23 Q Do you know if it was -- you told him before Christmas
24 or after Christmas?

25 A Not sure.

VICTIM

Cross-examination by Mr. Singleton

- 1 Q Okay. Do you remember how you told your father, I
2 mean, what -- were you at his house or were y'all at a
3 restaurant or at grandparents' house, or do you remember
4 where you told him?
- 5 A We was at -- I think it was at -- I think it's his
6 friend's house.
- 7 Q Okay. But you don't know when you told him?
- 8 A No.
- 9 Q Do you remember what you told him?
- 10 A No.
- 11 Q Do you remember what your -- what your dad said when
12 you told him what Anthony was supposedly doing to you?
- 13 A No.
- 14 Q Do you remember if your dad got upset or anything?
- 15 A No.
- 16 Q You don't remember?
- 17 A No.
- 18 Q Now, you told Ms. Reese that -- that Anthony's private
19 touched your private. Do you remember telling her that?
- 20 A No.
- 21 Q Okay. Did Anthony's private ever touch a part of your
22 body?
- 23 (Pause.)
- 24 Q Do you remember or not?
- 25 A No.

VICTIM

Cross-examination by Mr. Singleton

1 Q Okay. What you say supposedly Anthony did to you, do
2 you remember how long that went on before you told your
3 father?

4 A Not sure.

5 Q You don't know if it was a week or a month or a couple
6 of days before you told your father what was going on,
7 supposedly going on?

8 A Not sure.

9 Q Did you ever tell -- do you remember when you first
10 told your mother?

11 A No.

12 Q Do you know if your mother knew before you told her?

13 A Not sure.

14 Q You're not sure. Have you told your mother anything
15 about what happened?

16 A Not sure.

17 Q Have you told your grandmother, Donna Parker, that
18 she -- have you told her anything that happened?

19 A Yes.

20 Q What did you tell her?

21 A Not sure.

22 Q Do you remember when you told her that?

23 A No.

24 Q Do you remember when your mother took you to the
25 hospital, to a hospital -- do you remember going to the

VICTIM

Cross-examination by Mr. Singleton

1 hospital about a month after you turned five with your
2 mother?

3 A No.

4 Q I'm sorry? What was that?

5 A No.

6 Q You don't remember going to the hospital. You don't
7 remember your mother taking you to a hospital to see if you
8 had been abused or anything?

9 A No.

10 Q If you were to go to the hospital and a doctor asked
11 you a question would you tell them the truth?

12 A Yes.

13 Q Do you remember your mother telling you anything about
14 when Anthony got arrested?

15 A No.

16 (Pause.)

17 Q How do you -- how often do you see your father? Do
18 you see him every other weekend?

19 A Yes.

20 Q Do you love your father?

21 A Yes.

22 Q Would you do anything for your father?

23 A Yes, yes.

24 Q Do you remember if when you told your father what
25 happened, do you remember if you asked your father to help

VICTIM

Cross-examination by Mr. Singleton

1 you?

2 A Not sure.

3 Q Okay. Do you remember if you asked your father to
4 call the police?

5 A Not sure.

6 Q Did you ask -- do you remember if you asked your dad
7 to tell your mother for you?

8 A No.

9 Q When you told your dad what happened did you then --
10 did you -- let me back up.

11 When you told your dad what happened and what Anthony
12 supposedly did to you, did you continue to live with
13 Anthony after that?

14 A Not sure.

15 Q You're not sure. Have you talked to your -- how many
16 times have you talked to your father about what Anthony
17 supposedly did to you?

18 A Not sure.

19 Q Do you know if it was more than five times?

20 A No. I don't think so.

21 Q You don't think so. How many times have you talked to
22 your mother about what Anthony supposedly did to you?

23 A Not sure.

24 Q Do y'all talk about it often?

25 A No.

Judy Petty
Direct examination by Ms. Reese

1 Q Do you remember the last time you talked to your
2 mother about what happened or supposedly happened?

3 A Not sure.

4 Q Do you know if it was this week or last week?

5 A Not sure.

6 (Pause.)

7 THE COURT: Do you have anything else?

8 MR. SINGLETON: Nothing, Your Honor.

9 MS. REESE: Nothing further, Your Honor.

10 THE COURT: Okay.

11 MS. REESE: Your Honor, can this witness be excused?

12 THE COURT: She may be.

13 (Whereupon, the witness was excused.)

14 MS. REESE: Your Honor, the state calls Judy Petty.

15 JUDY PETTY, having been first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MS. REESE

18 Q Will you state your name for the jury, please?

19 A Judy Petty.

20 Q Ms. Petty, where are you employed?

21 A Blackman Uhler Chemical.

22 Q Okay. And how do you know VICTIM ?

23 A Her dad is a friend of mine.

24 Q Can you pull that microphone up to you?

25 A Her dad is a friend of mine.

Judy Petty
Direct examination by Ms. Reese

1 Q And have you known him for some time?

2 A For about four years.

3 Q Now, other than -- do you and her dad date or anything
4 like that?

5 A No.

6 Q Okay. Do you know how you met him?

7 A My foster daughter and him are really good friends,
8 because they were more closer to age range. And he started
9 coming over.

10 And actually my brother-in-law and him were friends
11 when they were younger. And I just got to be friends with
12 him and his kids. And I've got a daughter, and they all
13 play together.

14 Q And you said you're a foster mother, is that correct?

15 A Yes, ma'am.

16 Q At some point did you have a chance to talk to VICTIM
17 about something that she said happened to her?

18 A Yes, ma'am.

19 Q Tell me how that came about.

20 A It was on a Friday night, and I was on my way home
21 from work. And my foster daughter called me and said,
22 mama, I got something to talk to you about when you get
23 here. And I said okay. And when I got there VICTIM wanted
24 to talk to me, but she didn't want to talk to me in front
25 of everybody.

Judy Petty
Direct examination by Ms. Reese

- 1 Q Okay. So VICTIM 's there. Who else is there?
- 2 A My foster daughter and my little girl and VICTIM 's
- 3 daddy and Madison, her sister.
- 4 Q And when you walked in the room did you notice
- 5 anything different about the way people were in the room?
- 6 A VICTIM was just, you know, like she was a little upset
- 7 and nervous and scared like. But everybody else was just
- 8 not really saying much to me at that time.
- 9 Q You said VICTIM didn't want to talk to you in front of
- 10 everybody. Did you go somewhere else?
- 11 A Yes, ma'am.
- 12 Q Tell me where you went.
- 13 A I have -- my bedroom is off to the back. So me and
- 14 her walked back there, because she was like pulling me
- 15 wanting me to go with her and wanted to tell me something.
- 16 Q Okay. And so -- and what room were you in?
- 17 A In my bedroom. And it's a bathroom. And we went back
- 18 there together.
- 19 Q And she took you back there?
- 20 A Yeah.
- 21 Q Did -- was the door opened, was it closed?
- 22 A I closed the door.
- 23 Q And what was her demeanor? I mean, what did she look
- 24 like when she started to talk to you?
- 25 A She was kind of almost teary-eyed, but, you know, she

Judy Petty
Direct examination by Ms. Reese

1 was -- looked a little scared, you know. She was young.
2 So I think that's why.

3 Q Did she -- you can't tell me exactly what she said.
4 Okay. But in that time she -- did she indicate that she
5 had been sexually assaulted?

6 A Yes, ma'am.

7 Q And did she tell you where it had happened?

8 A Yes, ma'am.

9 Q Where did she say?

10 A She said in the living room on like a pull-out couch.

11 Q And did she tell you when it had happened?

12 A Not a day, but she said her sissy, no, her bubba was
13 at school and her mommy was at work. That's what she said.

14 Q Did she indicate to you whether or not she wanted you
15 to tell anybody about that?

16 A No, ma'am. She was telling me, shh, shh, don't tell.
17 She asked me not to tell.

18 Q And as she told the story to you what was her
19 demeanor?

20 A She -- you know, I believed everything she was saying,
21 because she was -- you know, I couldn't believe that she
22 knew stuff she was telling me.

23 Q Did -- at that point what did you do?

24 A At that -- after she got through talking to me I went
25 back in the living room, and I told her dad. I said you

Judy Petty
Direct examination by Ms. Reese

1 need to contact the authorities. And he said okay. So
2 they -- it wasn't long. They left. And he went to
3 Spartanburg.

4 Well, the child lives in Chesnee or at that time she
5 lived in Chesnee. They told him he had to go there. Well,
6 he didn't.

7 And so I texted him the next day, and I asked him. I
8 said have you took care of this. You know, I wanted to
9 find out if he had found out anything. And he said --

10 Q Don't tell me what he said. I'm sorry.

11 A Oh.

12 Q But just so you -- as far as you know he didn't call
13 the police.

14 A He didn't call the police. He went to the one place,
15 and they told him he had to go to Chesnee. But he said --
16 no. You said...

17 Q So but he didn't call them.

18 A Uh-uh.

19 Q Okay. Did you make a decision based on the fact that
20 he didn't call them?

21 A I told him if he didn't by Monday I would have to,
22 because I -- you know, I was -- I always been told since
23 being foster parent you don't let something like that go.
24 You have to report it whether it's true or not. So that's
25 why I called them myself on Monday.

Judy Petty
Cross-examination by Mr. Singleton

1 Q And so you were the one who actually made the report.

2 A Yes, ma'am.

3 Q And who did you call?

4 A I just called -- actually I called D.S.S. And they
5 just told me to dial 9-1-1. And somebody came out to my
6 house. And me and my foster daughter had to make
7 statements. And then later on a detective or something
8 contacted me. And we had to go and talk to them. And
9 that's how it come about.

10 Q And in the time that -- at the time VICTIM disclosed
11 to you do you know where she was living?

12 A With her mother.

13 Q Okay. And where was that?

14 A I think in Chesnee but I'm -- I'm not positive.

15 Q In Spartanburg County?

16 A I think, Chesnee, Spartanburg County. I don't know.

17 Q Okay.

18 A I know she went to school in Chesnee.

19 MS. REESE: Nothing further of this witness.

20 MR. SINGLETON: May it please the Court.

21 CROSS-EXAMINATION

22 BY MR. SINGLETON

23 Q Ms. Petty, do you remember what date you -- you talked
24 to VICTIM?

25 A What day or what date?

Judy Petty
Cross-examination by Mr. Singleton

- 1 Q Just date.
- 2 A The dates, I don't. I remember the day was a Friday.
- 3 Q Okay. Does January the 30th sound correct to you?
- 4 A Yes, sir. Probably.
- 5 Q Do you remember what time of the day it was?
- 6 A It had to be after 6:00 o'clock because I work till
- 7 5:00. And by the time I drove home it would have been
- 8 after 6:00.
- 9 Q And I believe you stated earlier that you knew before
- 10 you got home that you were going to -- you needed to speak
- 11 with VICTIM .
- 12 A Yes, sir.
- 13 Q Okay. How long did you talk with VICTIM ?
- 14 A Not real long, just a few minutes. I mean, maybe ten
- 15 minutes.
- 16 Q Do you remember what she told you?
- 17 A She just told me, you know, shh, don't tell nobody.
- 18 And I -- and I -- I said what do you not want me to tell
- 19 them. And she said that somebody had touched her in places
- 20 that not supposed to be. And she kept saying shh, don't
- 21 tell, you know, like she was shushing me the whole time not
- 22 wanting me to tell. And I'm like do you want your daddy to
- 23 know, and she says not right now.
- 24 Q All right. That's all she said. She didn't say --
- 25 did she say --

Judy Petty
Cross-examination by Mr. Singleton

- 1 A Do I tell?
- 2 Q Go ahead. I'm sorry.
- 3 A Do I tell you the whole detail what she stated?
- 4 Q Well, she said that -- she said not to tell her dad?
- 5 A She said not to tell him right now.
- 6 Q Okay. And did she already talk to her dad before you
- 7 came?
- 8 A She -- at that point her dad knew what was going on,
- 9 but because she had told my daughter before I got there.
- 10 Q Okay. So you're saying that she told your daughter
- 11 first.
- 12 A Uh-huh. She told her, and then she told me when I got
- 13 there.
- 14 Q Okay. So Neddie didn't ask you. Is her father Neddie
- 15 Richards?
- 16 A Yes, sir.
- 17 Q So Neddie didn't ask you to talk to her?
- 18 A No. My foster daughter asked me to talk to her.
- 19 Q Okay. What did you do after you talked to -- what
- 20 happened after you talked to VICTIM ?
- 21 A I walked back in the living room, and I just said we
- 22 need to call somebody and get something done to them.
- 23 Q Okay. Did you tell -- did you -- did she talk to
- 24 Neddie then?
- 25 A Yeah.

Judy Petty
Cross-examination by Mr. Singleton

- 1 Q Okay. According to Neddle's statement --
- 2 MS. REESE: I object, Your Honor, to him
- 3 cross-examining her on some other statement.
- 4 THE COURT: Sustained.
- 5 Q So it's your -- your testimony that Neddle didn't ask
- 6 you to speak with VICTIM , correct?
- 7 A Not that I can remember. My foster daughter did.
- 8 Q Okay. And I'm sorry to interrupt you, but what
- 9 happened after you talked to VICTIM ?
- 10 A We -- I came back. Me and her came back into the
- 11 living room.
- 12 Q Okay. And did you tell Neddle what was told to you?
- 13 A Yes.
- 14 Q What did y'all decide to do then? Did y'all decide to
- 15 come the police?
- 16 A Well, he was going to come down to here, to the
- 17 police. He was coming to the police station.
- 18 Q What time of the day was this when y'all were talking
- 19 about this, what time of the night?
- 20 A It was about 7:00 or so.
- 21 Q Why didn't y'all just call 9-1-1 at that point in
- 22 time?
- 23 A Because I didn't know what to do really, you know, to
- 24 do about it at that time.
- 25 Q But you're a foster parent.

Judy Petty
Cross-examination by Mr. Singleton

1 A Uh-huh.

2 Q And you don't know what to do when somebody, a small
3 child, alleges sexual abuse?

4 A No. He told me he was going to take care of it. He
5 was going to be the one to, you know, go to the police with
6 it.

7 Q Did you talk to Neddie on Saturday, the day after?

8 A Yes, sir.

9 Q Did you know if he -- did he tell you that he called
10 the police or went to --

11 A He said he came to the Spartanburg County Jail and
12 that they told him he had to go to Chesnee. And I asked
13 him did he do that, and he said not yet, that he wanted to
14 talk to Wendy. And I said, well, if you ain't done
15 something by Monday then I'll have to.

16 Q Now, you say he went to the Spartanburg County Jail.

17 A I'm not sure exactly where. I don't remember.

18 Q Well, why didn't you call -- why didn't you call 9-1-1
19 after it had been 24 hours since this was supposedly told?

20 A Because I thought he was going to take care of it.

21 Q Okay. Were you not concerned for the child's safety?

22 A No, because she was with her daddy for the weekend.

23 Q But you knew that she was going to have to go back to
24 her mother and --

25 A That's why I told him by Monday if he hadn't done

Judy Petty
Cross-examination by Mr. Singleton

- 1 something that I'd have to call.
- 2 Q Okay. Did you talk to Neddie on Sunday?
- 3 A No, sir.
- 4 Q So you don't know if he called the -- so you didn't
- 5 know if he called the police on Sunday or not.
- 6 A No, sir.
- 7 Q You didn't think you should call Neddie and see he had
- 8 called her, because it'd been basically 48 hours and they
- 9 were going home that day.
- 10 A No, sir.
- 11 Q So you didn't think it was important enough to call
- 12 him and ask him if he had reported it to the police?
- 13 A I really can't remember if I did call on Sunday or
- 14 not. I really don't -- don't remember.
- 15 Q Okay. But you didn't call 9-1-1 48 hours after you
- 16 had been told about it, did you?
- 17 A No. I called on Monday.
- 18 Q Okay. What time did you call on Monday, and who did
- 19 you call?
- 20 A I called -- actually I called somebody at my foster
- 21 care place, and they gave me a number to call. It was
- 22 D.S.S. And then they told me that I had to call -- I don't
- 23 remember how that went. But I had to call somebody else,
- 24 and then they come and I had to make a statement. The
- 25 police actually come to my house, and I had to make a

Judy Petty
Cross-examination by Mr. Singleton

1 statement.

2 Q Okay. What time did you talk to Neddie that Monday
3 morning, or did you talk with Neddie the whole time?

4 A I texted him and asked him had he took care of it, and
5 he just wrote back, no, I haven't yet. And so I just
6 proceeded then. I didn't ask him nothing else.

7 Q Okay. So instead of calling 9-1-1 after that you
8 called your foster care people, and then you called D.S.S.,
9 and then they told you to call 9-1-1.

10 A Uh-huh.

11 Q Why didn't you call 9-1-1 on your own?

12 A Because --

13 Q First of all.

14 A I didn't really know. I never had dealt with it, so I
15 didn't know how to do it really.

16 Q I mean, would you say this is some sort of emergency,
17 I mean, these accusations? And she was going to have to go
18 back and live with -- live with live her mother and
19 Mr. Briggs.

20 A Well, at that time he said, Neddie said, he wasn't
21 letting them go back there until something was done. So I
22 was just taking his word as a parent that he wasn't going
23 to let them go back there.

24 Q Okay. Did you talk to VICTIM any more over that
25 weekend?

Judy Petty
Cross-examination by Mr. Singleton

1 A No, sir.

2 Q You didn't talk to her any more about what she
3 supposedly said happened?

4 A No, sir.

5 Q When you talked to Neddie about what was told, what
6 VICTIM was saying, I mean, how did you react to what was
7 said? Did you get upset or did you...

8 A Yes, I was upset.

9 Q But you didn't get upset enough for him to call the
10 police at the time.

11 A Because he said he was leaving my house going to the
12 police. He was going there.

13 Q But you realized on Saturday that he had not done
14 that.

15 A Yes.

16 Q And you still didn't -- you still chose not to call
17 the police.

18 A No, sir.

19 Q I mean, did you not think it was serious enough to
20 call the police that day?

21 MS. REESE: Your Honor, asked and answered.

22 THE COURT: Sustained.

23 MR. SINGLETON: Okay. That's all the questions I
24 have, Your Honor.

25 MS. REESE: Nothing further of this witness, Your

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 Honor.

2 THE COURT: You may step down.

3 MS. REESE: May this witness be excused?

4 THE COURT: She may be.

5 (Whereupon, the witness was excused.)

6 MS. REESE: Your Honor, the next witness is Michele
7 Staggs.

8 MICHELE ARROYO-STAGGS, having
9 been first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MS. REESE

11 Q State your name for the jury, please.

12 A Michele Arroyo-Staggs.

13 Q Ms. Staggs, where are you employed presently?

14 A Brockton Area Multi Services, Inc. located in
15 Brockton, Massachusetts.

16 Q And what is your job in Massachusetts?

17 A I'm a senior intensive care coordinator.

18 Q And what does that job entail?

19 A I provide supervision for 12 employees, as well as
20 direct services working with the mentally challenged
21 families and youth.

22 Q And how long have you been employed in this job?

23 A A little bit over a year.

24 Q And where were you employed in February of 2009?

25 A I was employed with the Children's Advocacy Center of

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 Spartanburg.

2 Q And what were your duties as an employee of the
3 Children's Advocacy Center?

4 A I provided forensic assessments, as well as therapy.

5 Q And are you trained in the field of forensic
6 interviewing?

7 A I am.

8 Q And can you briefly describe for the jury what a
9 forensic interview is?

10 A A forensic interview is an assessment that is
11 conducted by myself using nonleading, nonsuggestive
12 questions, open ended, to -- for the purpose of finding out
13 if something happened or didn't happen.

14 Q Are you -- first let's tell the jury what your
15 education is, your educational background.

16 A I have a Bachelor's in Social Work. And then I went
17 on to receive a Master's in Social Work. And I am licensed
18 at both of those levels in the State of Massachusetts, as
19 well as the State of South Carolina.

20 I also am a certified forensic interviewer, both
21 working with the English-speaking population, as well as
22 with the Spanish-speaking population.

23 Q How long have you actually been in the field, I guess,
24 of social work?

25 A It would be going on about 19 years now.

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 Q And in the course of your training and education have
2 you been trained in the assessment of children who have
3 been sexually abused?

4 A That's correct.

5 Q As a regular part of your education and training do
6 you continue to take classes and have training?

7 A That is correct. We are mandated both by South
8 Carolina and Massachusetts, because I concurrently stayed
9 up with my licensing in both of the states. We're mandated
10 to have at least 40 hours of continuing education. And
11 because of my specialities actually I continual -- also do
12 forensic-interviewing workshops as well.

13 Q Have you had training in the area of actually
14 counseling sexually abused victims?

15 A I have. And I also provide lectures on community
16 levels to provide information as far as what is sexual
17 abuse and just education about reactions and behaviors.

18 Q When you were at the Children's Advocacy Center did
19 the interviewing you did, as well as all of your
20 activities, were they subject to peer review?

21 A Yes. That's correct.

22 Q And are you still subject to peer review?

23 A Yes, I am.

24 Q In your experience conducting forensic interviews and
25 counseling child victims of abuse have you found the

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 information in your training and education actually plays
2 out in the behavior of children that you have interviewed?

3 A That is correct.

4 Q Have you been qualified in the courts of South
5 Carolina as an expert in the field of sexual assessment and
6 child abuse?

7 A That is correct.

8 Q Have you been qualified in the courts of Massachusetts
9 in that regard?

10 A That is correct.

11 Q How many times would you estimate?

12 A I have been an expert witness in Cherokee County,
13 Union County, Spartanburg County in both criminal and
14 family court, and I have testified, I would say, at least
15 60 times, estimating over a period of years.

16 MS. REESE: Your Honor, at this time I would move to
17 have this witness recognized as an expert in the field of
18 child abuse assessment and treatment.

19 MR. SINGLETON: No objection, Your Honor.

20 THE COURT: Sir?

21 MR. SINGLETON: No objection.

22 THE COURT: She is so qualified.

23 Q Can you explain to the jury? You started initially to
24 explain forensic interviewing. Can you tell the jury how a
25 child comes to you for you to do a forensic interview?

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 A Children -- while I was working at the Children's
2 Advocacy Center the children were usually referred from
3 outside providers in the community.

4 In this particular situation it was law enforcement
5 and D.S.S. collaboratively that did the referral. So from
6 there we set up interviews specifically with the child.

7 Q What is or what does a forensic interview consist of?

8 A A forensic interview consists of often one, two, six
9 sessions, times where the child can come into the
10 Children's Advocacy Center, which is a neutral place,
11 child-friendly environment, where we can meet with the
12 parent and do what we call a nonoffending parent interview,
13 as well as providing an opportunity for a one-on-one
14 interview session with the child to explore what has
15 happened to them, the child being able to use their own
16 words at the pace of the child and to find out again if
17 something happened or didn't happen.

18 Q And are there are any rules or guidelines for these
19 interviews?

20 A That is correct. At the Children's Advocacy Center we
21 were trained to use what we consider the APSAC guidelines,
22 American Professional Society on the Abuse of Children
23 guidelines. And with using those guidelines there's always
24 specifically three rules that we use.

25 The first one we can only talk about the truth. And

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 my role is to always find out at the child's developmental
2 abilities of course whether or not the child is able to
3 know the difference between a truth and a lie.

4 And then the second rule would be that there's no
5 guessing. If I ask a question the child can say they don't
6 know, I don't remember.

7 And then from there the third rule is to kind of just
8 adequately be able to say that the child, you know -- that
9 everything has to be truthful. If you don't know, you
10 don't recall, you just say I don't remember.

11 Q So is a child able to say I don't remember?

12 A Absolutely.

13 Q Are the -- are the -- is the child informed of these
14 guidelines?

15 A Yes.

16 Q And do you make an assessment to determine whether or
17 not the child understands truth and lie before you do them?

18 A That's correct.

19 Q Are the parents or guardians present for the interview
20 of the child?

21 A No, they are not. One of the protocols for the
22 Children's Advocacy Center to have the interview, to be
23 only one on one with the child and the forensic
24 interviewer.

25 Q And why is that?

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 A We believe that after different studies and research
2 and just experience that it's really important to allow for
3 the child the ability to leave possible variables or
4 factors outside the door.

5 For an example, a child may be anxious for their
6 parent and choose not to be able or fearful -- not to be
7 able to say what really happened or what didn't happen.
8 And so we really request for the parent to wait downstairs.

9 Q So in -- in the interviews that you conducted in this
10 case no parent was present for the interview.

11 A That is correct.

12 Q Where is the interview conducted?

13 A The interview are (sic) conducted in a -- usually in
14 the Children's Advocacy Center. They're located on the
15 second floor of the building. And it's usually in a closed
16 room with just the minimal requirements such as a table and
17 some chairs.

18 Q And who is able to observe this interview?

19 A Only collaborating agencies. Specifically, referral
20 agencies are allowed to be present.

21 Q And when you say collaborating agencies, give me
22 examples.

23 A For example, the Department of Social Services, could
24 be the solicitor's office. Upon request it could be
25 guardian ad litem. It just depends. But they have to be

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 involved actively in the investigation for that to occur.

2 Q And in order for someone to observe -- do the children
3 know they're observing?

4 A Yes. We do inform the child that they're being
5 video-taped and being watched.

6 Q Are those people actually in the interview room?

7 A No, they are not.

8 Q And do the children know specifically who is there?

9 A That's correct. They do.

10 Q The children know who is watching them?

11 A Yes.

12 Q What are the measures that you use to assess a child's
13 competency to do a forensic interview?

14 A Well, I base a lot of it on my experience and my
15 knowledge and my training in reference to the developmental
16 stages to figure out what has occurred as far as age, what
17 is appropriate in reference to the alleged accusations at
18 that time. And also we do -- we follow tools within the
19 guidelines to give us that knowledge base.

20 Q Are you able to obtain a child's family or social
21 history before doing these exams?

22 A Yes.

23 Q And how do you get that history?

24 A We conduct what we call nonoffending parent
25 interviews. And at the time we are able to talk with

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 specific caregivers or guardians, parents and talk about
2 family background and history.

3 Q What kind of questioning is used during these
4 interviews?

5 A Open-ended questions, direct questions as well.

6 Q And what is the reason for using that type of
7 questioning? Well, let's start by giving the jury an
8 example. What would be an open-ended question?

9 A Tell me about your family.

10 Q And why is that open-ended?

11 A That's considered open-ended because I am not
12 specifically giving an answer to that question. I'm
13 allowing the child or the family member to provide the
14 answers.

15 Q When assessing a child for sexual abuse how do you
16 determine the child's ability to understand current
17 anatomy?

18 A We do what we call anatomy identification. And that's
19 the part of the interview where we have a very blank
20 gingerbread outline. And we allow the child to talk about
21 the different parts of his or her body using their own
22 words.

23 Q What tools are used in that interview room to help a
24 child tell you anything a child may use or need to tell
25 you?

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 A Often we use what we consider a truth-and-lie book,
2 which is one of the books that I was trained to use that is
3 from Thomas -- Dr. Thomas Lyons. Another tool would be the
4 gingerbread drawing.

5 Q Do the children ever -- or are the children ever
6 allowed to draw for you?

7 A Yes, they are. We provide just several crayons in a
8 basket. And we provide blank typing paper, clear typing
9 paper. And they're allowed to use that if they want to do
10 so. There's an opportunity for free-draw as well.

11 Q In assessing a child or listening to a child, what is
12 meant by the term partial disclosure?

13 A Okay. During a assessment partial disclosure is
14 really talking about when the child is at a tentative state
15 in the process of talking about what has occurred and not
16 occurred to that child.

17 And what basically that means is when a child gives
18 little bits and pieces of what has happened or not has
19 happened to them, because they're still trying to
20 assimilate that information themselves, trying to build
21 that rapport with a person who is talking to them and who
22 they just met and really trying to get a feel of how to
23 tell, when to tell.

24 Q And is partial disclosure, as you say, bits and
25 pieces -- is that common or uncommon in your experience and

Michele Arroyo-Staggs
Direct examination by Ms. Reese

1 training?

2 A It's very common.

3 Q Do you have any opinion as to why these partial
4 disclosures are common?

5 A My professional opinion is that, depending on the
6 situation, the child is trying to often be at the point to
7 talk about what has happened. But depending on the
8 severity of what has occurred, depending on the age of the
9 child when something has occurred, depending on the
10 proximity or the closeness of the person that may have
11 caused trauma to the child, puts into play how and when the
12 child tells.

13 Q Is it common or uncommon in your education and your
14 experience that a child discloses sexual abuse right away?

15 A In my professional opinion I have found that it is
16 more common for the children to give more tentative or
17 partial disclosures.

18 Q Is it unusual for a child not to disclose immediately
19 the first time that they're abused? Is it common or
20 uncommon based on your training and experience that
21 children are abused for a period of time before they
22 disclose?

23 A In my professional opinion it is common for them to
24 disclose not right away.

25 I think that -- it's just my professional opinion that

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1 children really are trying really hard to understand what
2 happened, what was the role that I played in this. And
3 depending on what their experience are (sic) with or
4 rapport building with the community, how successful they
5 have been to community members or providers in the
6 community, will they open up and immediately tell. And
7 that's not common for it to happen like that.

8 Q What is a delayed disclosure?

9 A A delayed disclosure, that's an example that I can
10 give you. A delayed disclosure is when a child suffers a
11 trauma and several years may go by or months can go by
12 before something gets triggered for them to say I am ready,
13 I am capable and able and feel secure within myself to talk
14 about what happened.

15 And we can look at the different research about
16 traumas that have happened in childhood and adults during
17 their adult stage, are now coming forward after, you know,
18 lots of years of trying to figure out and understand and
19 accept what has happened to them.

20 Q What factors may contribute to a delayed disclosure?

21 A Again, I would have to go back to the severity of the
22 trauma or the abuse. The -- a proximity of who the person
23 was when this trauma occurred or abuse occurred, what role
24 that person played, the age of the child and perhaps the
25 worries or the feelings and the emotions that come when the

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1 child may be dealing with the understanding and trying to
2 assimilate some of those traumas themselves. So it's a lot
3 of variables.

4 Q Do children necessarily recall the chronological order
5 of events in sexual abuse cases?

6 A In my experience, no, they have not. And it also
7 depends on -- on the age. But working with a lot of young
8 children I can attest that it's been my experience that
9 children when perhaps recalling something, they can recall
10 an important part today and they may be able to recall
11 something else tomorrow.

12 I'll give you a perfect example, is when we go on
13 vacation even as adults someone may come and tell me,
14 Michele, how was your vacation. I can say it was bad
15 because I didn't like the food, or I can say -- my next
16 colleague can say, Michele, how was your vacation. I can
17 say it was great. I got to sleep in.

18 So far as your memory is concerned we will pick,
19 depending on what our thoughts are and where we're at --
20 think about a child. A child is really concrete, depending
21 on the age, and may be able to give you bits and pieces of
22 the information depending on trying to figure out what it
23 is that you want to know.

24 Q What is meant by the term coaching?

25 A Coaching. It really refers to if and when the child

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Direct examination by Ms. Reese

1 is being coerced to think about the trauma from somebody
2 else's viewpoint perspective for words.

3 Q Is coaching something you look for in a forensic
4 interview?

5 A That's part of my job as a forensic interviewer, is to
6 explore alternate explanations as to why this may have
7 happened, why is the child saying that something happened
8 or didn't happen. So I have to take into consideration
9 numerous factors.

10 Q And what were some of the things that you specifically
11 look for in determining coaching?

12 A I looked at the wording, the terminology that the
13 child was using, was that age appropriate. I look at
14 behavior as far as reactions of the child during the
15 interviews. I also look at the demeanor, affect of the
16 child, is the child just saying statements. I also, you
17 know, take into consideration background information that
18 is provided to me and by whom it is being provided to me.

19 Q In this particular case did you have occasion to
20 interview VICTIM ?

21 A I did.

22 Q And I believe you've already testified that she was
23 referred to you --

24 A That's correct.

25 Q -- by law enforcement.

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Direct examination by Ms. Reese

1 A That's correct.

2 Q What dates did you see her?

3 A I recall that I saw her on -- in February the 5th and
4 the 9th.

5 Q And during these sessions was anyone else present in
6 the room with you and her?

7 A No.

8 Q Was she competent at the time that you interviewed
9 her?

10 A That is correct.

11 Q Did -- did VICTIM disclose to you a sexual assault?

12 A She did.

13 Q Did she tell you when it happened?

14 A She did.

15 Q When did she tell you it happened?

16 A I would have to look back in my notes. Yes. VICTIM
17 told me that it happened more than one time.

18 Q Did she tell you where it happened?

19 A She provided the location being at her house.

20 Q Did you notice any change in VICTIM's demeanor during
21 this interview as you went through the process of the
22 forensic interview?

23 A Yes. An example would be the first interview that I
24 had with her when we were just finishing the
25 rapportabilizing phase. And I was asking her open-ended

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Direct examination by Ms. Reese

1 questions about who lives in your household. And
2 immediately she made a statement. And after that statement
3 she began to be withdrawn, timid, shameful and asked to be
4 excused and to use the bathroom.

5 Q Did you record these interviews?

6 A That's correct.

7 Q At the time that you met with VICTIM over these two
8 interviews did she continue to show this hesitation you're
9 talking about? You said in the first incident. Did she do
10 that again?

11 A That's correct, as well as in the second interview.

12 Q Were there any signs in your opinion of those things
13 that you were looking for in terms of coaching that you saw
14 in VICTIM ?

15 A Can you repeat the question?

16 Q When you were talking about coaching earlier and
17 certain indications of a child having been coached, did you
18 pick up on any of those during your interview with VICTIM ?

19 A I would say that in the first interview I really tried
20 to access -- assess that, as well as the second interview,
21 and I did not find any evidence.

22 Q In the course of the interview that you did with her
23 did you ask her to draw a picture for you?

24 A Correct.

25 Q And at some point what -- what did you ask her to draw

Michele Arroyo-Staggs
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1 a picture of?

2 A Well, again, we did two drawings. And if I could have
3 access to --

4 MR. SINGLETON: No objection.

5 (Drawing marked State's Exhibit No. 6 for
6 Identification.)

7 Q Show you State's Exhibit for identification No. 6.

8 Was this the picture that VICTIM drew for you?

9 A That's correct. That's one of the drawings.

10 Q And what were the pictures of that she drew for you?

11 A It's numerous things on here. One of the drawings is
12 what she referred to as the place that it happened on, and
13 a picture of herself and the gentleman over here, and also
14 specifically drew his private and was very specific as to
15 the color. And she worded it as white. And she also made
16 a drawing of his hair on his private as well. And where
17 they were positioned. And she specifically said where each
18 of them were positioned, on what side. And she also was
19 clear as to what they were on top, because she said what
20 was there on the place as far as two covers were concerned.

21 Q So is that a picture -- that is the picture that she
22 drew.

23 A That is correct.

24 Q And the -- the writing that is next to the picture,
25 who did that?

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Direct examination by Ms. Reese

1 A I did the writing.

2 Q And what -- where did you get that information?

3 A From her. She was very -- when she drew that -- when
4 she -- when she drew this specifically I made sure to go
5 back and say what is this, what is this, what is this. And
6 she specifically gave me those answers, and so therefore I
7 wrote them out.

8 Q And this has not been changed or altered.

9 A No, not in any way.

10 MS. REESE: At this time, Your Honor, we move to admit
11 State's Exhibit 6.

12 MR. SINGLETON: No objection, Your Honor.

13 THE COURT: It is admitted without objection.

14 (Drawing marked State's Exhibit No. 6.)

15 Q In a situation where you're dealing with a child in
16 this age range -- and how old was VICTIM at the time of the
17 interview?

18 A At the time of the interview she was five years old.

19 Q And is it common or uncommon for a child to be able to
20 tell you a number of times something happened?

21 A It is not uncommon for children, again, depending on
22 the age -- and we were talking specifically for, say, a
23 four or five year old child -- it's not uncommon for them
24 to not understand concretely as adults do times, time
25 lines. And so it is common for children to say lots of

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1 times, hundreds of times, thousands of times versus
2 specific numbers of when it happened.

3 Q I'm going to show you what's been marked as State's
4 Exhibit 4 and State's Exhibit 3. Do you recognize these?

5 A I do.

6 Q And have you, in fact, watched those tapes recently?

7 A I have.

8 Q And what are they?

9 A They are the interviews that I had, that I conducted
10 with VICTIM .

11 Q Are they complete and accurate?

12 A That is correct.

13 MS. REESE: Your Honor, at this time we would make a
14 motion to enter into evidence State's Exhibits 3 and 4.

15 MR. SINGLETON: No objection, Your Honor.

16 THE COURT: They're admitted.

17 (DVD marked State's Exhibit No. 3; DVD marked State's
18 Exhibit No. 4.)

19 THE COURT: Let me see y'all just a minute.

20 (Bench conference held off the record in the presence
21 of the jury but out of the hearing of the jury.)

22 Q Please answer any questions Mr. Singleton has.
23
24
25

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 CROSS-EXAMINATION

2 BY MR. SINGLETON

3 Q Hello, Ms. Staggs. How are you doing this morning?

4 A Doing well. Thank you.

5 Q You were talking earlier about immediate disclosure
6 and delayed disclosure.

7 What do you consider -- consider immediate disclosure?
8 Do you consider that they're disclosing they had been
9 sexual abused within a month after it happened, or a couple
10 of days? What do you mean by it? Is there a time period
11 in what you mean by immediate and delayed?

12 A Immediate disclosure in my experience is that when the
13 trauma occurs or abuse occurs. Immediate can mean that
14 same day, that same hour in reference. And the difference
15 would be then delayed disclosure would obviously mean much
16 later than that.

17 Q What do you consider VICTIM's disclosure as? Do you
18 consider it immediate or delayed?

19 A In her particular case I would consider it a tentative
20 disclosure with maybe giving me little bits of information
21 at a time, and then also underlies a delayed disclosure as
22 well.

23 Q How do you base that? Because did she ever tell you
24 when this -- when these incidents supposedly occurred? Did
25 she tell you they occurred in September, October or

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 November or December?

2 A I base that on the fact that she was able to provide
3 me some information of the trauma that she has suffered;
4 and I also base that on the fact that she was able to tell
5 me that it happened more than one time; and I'm also basing
6 it on her cognitive ability and developmental stage at that
7 time.

8 Q Okay. And you say that she stated to you that it
9 happened more than one time, is that correct?

10 A That is correct.

11 Q Didn't she also state it happened thousands of times?

12 A That is also correct.

13 Q And didn't she laugh when she said that?

14 A I do not recall that.

15 Q Now, I think -- I believe you said it's not uncommon
16 for children not to remember chronological dates, is that
17 correct?

18 A I said that it was not uncommon for children depending
19 on the ages to be able to be as abstract with time and
20 remembering time lines such as adults, much more concrete,
21 black and white.

22 Q Well, wouldn't you consider that the allegations --
23 considering the allegations that VICTIM told you in the
24 interview, would you consider those allegations would be
25 traumatic for her, for a four-year-old --

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

- 1 A What VICTIM --
- 2 Q -- or five-year-old?
- 3 A What VICTIM expressed to me far as what happened, I
- 4 would consider that as trauma.
- 5 Q And wouldn't they be able to at least remember around
- 6 about the time when this supposedly happened, like if it
- 7 happened before Christmas, before her birthday, after her
- 8 birthday?
- 9 A Some children can. Some children, depending on how
- 10 that has affected them, may not be able to.
- 11 Q When you -- how much information did you know about
- 12 this case before you started interviewing VICTIM ?
- 13 A The information that I received from the law
- 14 enforcement.
- 15 Q Did they tell you what the allegations were?
- 16 A That is correct.
- 17 Q So they told you about which different parts of the
- 18 body were supposedly used by him on her, and vice versa?
- 19 A If I can refer to my report, the reason for the
- 20 referral -- can I refer to my report? Yes. The referral
- 21 is very specific here. It says allegedly the child
- 22 reported an alleged perpetrator touched her in an
- 23 appropriate sexual manner.
- 24 Q But you didn't have any more specific allegations than
- 25 that that he touched her --

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 A I -- I cannot recall at this time what specifically
2 the statements that were provided to me -- any of the
3 specifics of the law enforcement statement. But I will say
4 that I did review the law enforcement incident reports.

5 Q So did you -- okay. Whose reports did you review, do
6 you remember?

7 A Yes. I reviewed the Spartanburg County Sheriff's
8 Office Incident Report, as well as their supplemental
9 report, as well as Spartanburg County D.S.S. case
10 dictation.

11 Q Was that the supplemental report written by Detective
12 Cantrell?

13 A I believe that is correct.

14 Q But wasn't that dated February the 17th?

15 A I do not recall. I don't have that in front of me.

16 Q You don't have a copy in your file or anything? Do
17 you remember if this is the report that you read?

18 A Can I review it?

19 Q Yes.

20 A Yes. That's correct.

21 Q And what's the date of that report? Should be at the
22 bottom.

23 A 2/2/09.

24 Q Okay. Did you -- do you remember seeing any other
25 reports that look similar to that?

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 A No, sir.

2 Q Okay. To date have you seen any other reports?

3 A No, sir.

4 Q When you go into these forensic interviews with
5 children do you go in and have an idea of what you're
6 looking for, what kind of response you're looking for from
7 them?

8 A Never.

9 Q Okay. And when you -- you and VICTIM first started
10 talking there was a long pause at some point in time,
11 wasn't there, between when you started asking her
12 questions, y'all left to go to the bathroom and stuff like
13 that?

14 A I believe that you're making reference to after the
15 rapport-building phase where she asked to use the bathroom,
16 let her use the bathroom. And then she came back into the
17 room. That would be correct.

18 Q Okay. And I believe that's the question you had asked
19 her right before then, before she went to the bathroom, is
20 where did he put his mouth on you. Do you remember if that
21 was correct?

22 A I don't recall that. I do recall asking her who was
23 in your -- who was in your family and who lives in your
24 home. And I do believe if my memory serves me correct that
25 the question that caused her to become somewhat anxious and

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 hesitant and at which time she asked to use the bathroom
2 was as to why does Anthony not live there any more.

3 Q Okay. Well, according to my notes she answered that
4 question and then you asked her where did he put -- where
5 did he put his mouth on you. And then she asked to go to
6 the bathroom. And y'all didn't resume until almost six
7 minutes later.

8 A Okay.

9 Q Okay. When you asked VICTIM some questions didn't she
10 periodically say that she didn't remember the answer to
11 some questions?

12 A That's correct.

13 Q And these would sometimes be questions that you had
14 just asked her earlier in the conversation.

15 A That may have been.

16 Q Okay. And, in fact, I think there's one point in time
17 after you had asked her how many times did it happen, she
18 obviously said more than once. And then she said a
19 thousand times kind of laughing.

20 You then asked her if she remembered what happened
21 from beginning to end, what happened when Anthony touched
22 her privates. Do you remember what she said to that, her
23 response to that question?

24 A No, I don't recall.

25 Q Okay. According to my notes she said I don't

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 remember.

2 A Okay.

3 Q When she -- she never described to you how all of
4 these acts supposedly started, did she, like, you know, if
5 Anthony came and sat beside her or anything like that or if
6 he said anything to her?

7 A I'm not sure I'm clear on your question.

8 Q Well, she's not -- she never disclosed to you or told
9 you how the incidents began, did she? She just supposedly
10 told you what happened.

11 A She just told me what happened.

12 Q Okay. She didn't say how they began or how long they
13 lasted.

14 A If I'm correct in thinking what you're asking me, is
15 if she asked me if, for example, if Mr. Anthony said come
16 and sit down here or do this first or do this second.

17 Q Right.

18 A No. The answer would be no.

19 Q Okay. She never disclosed any of that to you.

20 A That would be correct.

21 Q Okay. And according to my notes she never disclosed
22 to you in the -- in both interviews combined she never
23 disclosed to you whether she was -- forgive me for saying
24 this, but totally naked or partially naked, did she?

25 A No, she did not.

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 Q Okay. In fact, I think you asked her a couple of
2 times what she was wearing, and she says my shorts.

3 A I don't recall what she said, but that could be.

4 Q But you don't ever remember her stating that she was
5 partially naked or completely naked.

6 A I don't recall.

7 Q Okay. Do you think that would be something they would
8 remember happening to them if all of this was going on to
9 them being -- to me it seemed like a four-or-five-year old
10 would feel very scared and afraid or vulnerable, however
11 you want to say it, if they're completely naked or
12 partially naked, that that is something they -- they would
13 remember.

14 A In my experience it's about not wanting to remember or
15 recalling. It's about what their emotions and their
16 feelings are at that time and shame or blaming or
17 embarrassment in telling a person about intimate things
18 such as that.

19 Q Well, when you were conducting the interview did you
20 feel -- got the feeling she was shameful or embarrassed or
21 anything?

22 A Absolutely.

23 Q Because when I looked at the interviews she seemed to
24 be happy and coloring stuff.

25 MS. REESE: Your Honor, I'm going to object. I think

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 he's arguing.

2 THE COURT: You can't testify, Mr. Singleton.

3 Q What would be the indication that you say that she was
4 fearful, or not fearful but guarded, when she was talking
5 to you?

6 A When I would ask questions, specific questions, after
7 she's given me information or statements as to what has
8 happened, part of my experience then as a forensic
9 interviewer is to continue on that line of question using
10 open-ended questions or direct questions at that point
11 because she's already provided me with information such as
12 how did you feel and things of that nature. And it is not
13 uncommon for children to have numerous and various affects
14 and reactions throughout an interview when you're talking
15 about their trauma and their experiences.

16 Q Did she ever describe to you whether any of these acts
17 caused any pain to her or anything?

18 A She did.

19 Q Okay. Do you remember what specific act she talked
20 about?

21 A Specifically, she made -- when I asked her what did
22 that feel like she said it hurt after telling me that
23 Anthony used his fingers inside her private.

24 Q Okay. Do you remember asking her the question about
25 when she talked -- asking her a question does she remember

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 him sticking his private into her butt? Do you remember
2 asking that question or what her response was to that?

3 A I'm not sure if I asked it in the manner that you're
4 stating, but I would have to make reference to my report if
5 that would be okay. And which interview are you referring
6 to?

7 Q I'm sorry?

8 A Which interview are you referring to?

9 Q I believe it's the first interview. And I just want
10 to reference -- the question I'm asking is when you asked
11 her that question did -- you asked her what did it feel
12 like.

13 A Yes.

14 Q Do you remember what her response was to that
15 question?

16 A She said it hurt.

17 Q Okay. She said it hurt when he -- forgive me. I'm
18 embarrassed to say these things. But she said it hurt when
19 she stuck -- he stuck his private into her butt. Is that
20 what you're saying?

21 A In the first interview I believe when I asked her she
22 said -- she said he was pushing down on my private. And I
23 asked her what did that feel like. And then her response
24 was that it hurt.

25 Q Okay. But I'm asking about the specific allegation

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

- 1 about putting his private into her butt. You don't
2 remember that? I mean, obviously you're not sure of that.
- 3 A I don't recall what her response was for that specific
4 act. I'm sorry.
- 5 Q Okay. According to my notes she said I don't know.
- 6 A Okay.
- 7 Q Would you think if that happened to a four-year-old
8 that they would remember if it's painful or not?
- 9 A Again, I would have to say that with the severity of
10 the -- the trauma of what happened to her, I think it's not
11 uncommon for children to want to stop giving you all of
12 that information at once. And in this particular case she
13 may have been ready to -- to not go any further with that.
- 14 Q Even though she'd already told you earlier that other
15 things that he did to her especially caused her pain.
- 16 A Some acts and certain things are easier for children
17 to talk about more freely than others.
- 18 Q Okay. Do you still have the diagram in front of you?
- 19 A No, sir.
- 20 Q Can you show me, I guess, how she's saying that
21 they're supposed to be -- I guess this is supposed to be
22 the bed, the outline, the pink.
- 23 A That's correct.
- 24 Q I'm sorry. The couch.
- 25 A It's pink.

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Cross-examination by Mr. Singleton

1 Q Can you tell me how they're supposed to be laying in
2 that picture?

3 A This is her face up and that's his -- his right here.
4 And that's VICTIM 's right there.

5 Q Okay. This is his face laying upwards and this is her
6 face laying upwards.

7 A That's correct.

8 Q So it appears in this picture that they're laying side
9 by side.

10 A That's correct.

11 Q Okay. And I may have mistakenly misheard you, but I
12 thought you said earlier that she said that he -- you said
13 something about on top. Do you mean on top of the covers
14 or --

15 A On top of the covers. She's specific, and it's wrote
16 on there.

17 Q I am sorry. Okay. She says on here that they were
18 under two covers.

19 A It says, "We was under two covers."

20 Q Okay. I thought you said that they were on top of two
21 covers, or I thought that's what you said. I'm sorry.

22 A Okay.

23 Q In your interview with her you would -- she would tell
24 you things and answer the questions. And she would give
25 you responses. And sometimes you would repeat what she

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 just said to you.

2 A Yes. Sometimes I would do that. That's correct.

3 Q Why is that?

4 A To make sure that I'm clear.

5 Q Okay. So it's not to reinforce what she just said to
6 you?

7 A No. As a forensic interviewer sometimes children use
8 soft voices or they say it so fast. I want to make sure
9 that I'm getting exactly what they're saying correct.

10 Q Okay. How many days was it between the first
11 interview and the second interview, do you remember?

12 A I would have to refer. The first one is 2/5/09. The
13 second one was 2/9/09. So four days.

14 Q Okay. And I believe that she -- when you first began
15 the interview she asked -- you asked her did she remember
16 what you had talked -- you and her had talked about
17 earlier. And she said I don't remember.

18 A Uh-huh.

19 Q Is that common for children not to remember after they
20 disclose to you a few days earlier?

21 A It's common for children to say that perhaps in some
22 cases because they've already told you, you know, what has
23 happened. And it may be -- often children have a difficult
24 time talking about the traumas that have occurred to them.
25 And when they have to then talk about it again it puts them

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 in a situation of adapting to their defense mechanisms.

2 And that could be interpreted as one of her defense

3 mechanisms as saying, Michele, I already told you this.

4 Q Okay. In the second interview I think you asked her a
5 question about did she remember when Mr. Briggs went to
6 jail. Do you remember asking that question?

7 A I do not.

8 MS. REESE: Your Honor, may we approach?

9 THE COURT: You may.

10 (Bench conference held off the record in the presence
11 of the jury but out of the hearing of the jury.)

12 Q In video No. 2 about, according to my notes about, the
13 16-minute marker, 16-and-a-half-minute marker, you asked
14 her a question does she remember when he went to jail and
15 how it made her feel. Do you remember what the response
16 was to that?

17 A No, I do not.

18 Q Okay. According to my notes she said it made her feel
19 sad. Why would she say that if all of these things had
20 been -- I mean, I believe that's what she said, is that
21 correct, or you don't remember?

22 A I don't recall.

23 Q Okay. And let me just be clear, I think. She never
24 stated to you when this -- when these incidents began,
25 whether it began in September, October or November or

Michele Arroyo-Staggs
Cross-examination by Mr. Singleton

1 December, did she?

2 A She was not specific with the date, no.

3 Q And she told you that they happened more than one
4 time, a thousand times.

5 A That's correct.

6 Q Okay. And you're saying a thousand times. For a
7 child to say a thousand times is normal even -- I mean, is
8 that normal for somebody to say that happened?

9 A Due to her age and her developmental stages at that
10 time --

11 Q You don't --

12 A -- that's correct.

13 Q Okay. You don't think a five-year-old knows the
14 difference between one, five and a thousand?

15 A Again, I would have to say that in this particular
16 case VICTIM is very clear on what she's being taught at
17 school, very appropriate with some numbers. But she's
18 still at the stage or was at that time of being very black
19 and white and very concrete in limits.

20 Q Okay. The allegations, the different allegations,
21 that she made, does she -- do you remember if she ever said
22 these all occurred at the same time or they occurred at
23 different times or, I mean, did all of these acts take
24 place at all at the same time? Do you remember if she said
25 anything like that?

Michele Arroyo-Staggs
Redirect examination by Ms. Reese

1 A I believe that your question -- correct me if I'm
2 wrong -- that your question is you're asking me if it
3 happened at different times, is that correct?

4 Q I mean, she makes four or five different allegations
5 on where she said to you -- whether this happened one time
6 or this happened another time or if they all happened at
7 the same time. Am I making any sense or not?

8 A Can you ask the question?

9 Q I'll just strike the question.

10 A Okay.

11 Q Do you believe that children her age can get confused
12 about what's true and what's fantasy?

13 A Anything is possible.

14 Q Okay.

15 MR. SINGLETON: No other questions, Your Honor. No
16 questions, Your Honor.

17 THE COURT: He's through.

18 MS. REESE: Just a few questions.

19 REDIRECT EXAMINATION

20 BY MS. REESE

21 Q In your experience and education is a child in this
22 age range capable necessarily of saying this happened
23 September the 15th, October the 12th? Are there any issues
24 with her age and developmental level that would keep her
25 from doing that?

Michele Arroyo-Staggs
Redirect examination by Ms. Reese

1 A In my experience it is not uncommon for children her
2 age during the times of a interview to be very specific on
3 dates and times of instances. So that's -- I would say
4 it's -- what she did and how she responded to it is very
5 appropriate.

6 Q Now, he asked you when you asked her the question
7 where did he put his mouth -- now, would that be the way
8 you would start an interview, where did he put his mouth?

9 A I would never start an interview that way.

10 Q Tell me how that question might come about. Can you
11 tell me where Anthony put his mouth? How would you get
12 there?

13 A Well, first I would -- obviously, in this particular
14 case, you know, tell me more about that, tell me from
15 beginning to the end what happened.

16 The child would then give me information. For
17 example, she would say he put his mouth on my private. And
18 then from there I would ask the question what did that feel
19 like, things of that nature.

20 Q But in terms of putting his mouth, did you interject
21 that information or did she?

22 A No. I will always allow the children to provide
23 information using their words.

24 Q Now, in -- in this particular interview when you would
25 repeat what you said to VICTIM or what you thought she had

Michele Arroyo-Staggs
Recross-examination by Mr. Singleton

1 said -- I'm sorry -- what you would repeat when you said
2 what she said, did she, in fact, correct you at times?

3 A Yes.

4 Q And is it in your education and experience common or
5 uncommon for a child to actually have an attachment to
6 someone who has abused them and feel sad when they go to
7 jail?

8 A Very common. Again, it goes back to the proximity of
9 the person whose has caused trauma to the child. And in
10 this particular case there was living situations. She had
11 been around this person for several years, saw this person
12 as an authority figure in her household. So it is common
13 for children to feel some sense of attachment.

14 Q And is that true even in a situation where they have
15 been sexually abused?

16 A Absolutely.

17 MS. REESE: Nothing further, Your Honor.

18 MR. SINGLETON: A couple of followups.

19 RECROSS-EXAMINATION

20 BY MR. SINGLETON

21 Q You say it's not uncommon for children of her age not
22 to remember specific dates.

23 A Correct.

24 Q Would they remember something that happened around
25 Christmas or their birthday?

Michele Arroyo-Staggs
Recross-examination by Mr. Singleton

1 A In this particular situation those are happy events.
2 They're not traumatic events in most of the children that I
3 know of -- A.

4 And then, B, those dates are always on the same day.
5 They are annual things. They have reminders. School
6 reminds them when Christmas is. They know when their
7 birthdays are because they have birthdays. It's a
8 consistency and there's a routine.

9 Q Okay. But, well, if she can't remember round about
10 times, I mean, I'm not saying I have a problem with her not
11 remembering what happened on September 15th or what --

12 MS. REESE: Your Honor, I object to the argument.

13 THE COURT: Well, he's just prefacing that as he
14 establishes his question, so I'm going to allow it.

15 Go ahead.

16 Q What I'm trying to ask -- if you cannot determine a
17 round about time when it happened how can you then fully
18 assess what she's telling you, whether it's true or not? I
19 mean, if you're doing -- how can you go back and
20 corroborate what she's saying? I mean, do you -- do you
21 just focus on the interview and you don't -- after the
22 interview is over that's it? You don't use any outside --

23 A I'm sorry, Mr. Singleton. I'm still trying to figure
24 out what your question is.

25 Q After -- after you -- into an interview with a child

Michele Arroyo-Staggs
Recross-examination by Mr. Singleton

1 do you look at any other, like in this case, do you look at
2 any other police reports or anything like that after the
3 interview?

4 A Normally have everything prior to the interviews.

5 Q Okay. I guess what I'm trying to ask is if she can't
6 pinpoint the time, not, you know, a specific date or-but
7 around a holiday or a birthday or something like that, I
8 guess, I mean, how can you assess if she's telling -- I
9 mean, how can you as an expert determine if she's telling
10 the truth if she can't tell you exactly around about the
11 time when it happened, around some specific event or
12 holiday?

13 A I can definitely assess it, which I have I believe
14 accurately and appropriately, again, basing it on age
15 appropriateness, information she's provided. And I don't
16 even recall in the interviews if I asked specifically what
17 date that that occurred. So it can be that I didn't ask.

18 Q Right. But doesn't it concern you that when you ask a
19 child how many times it happened and they say one and then
20 they go all the way up to a thousand times, that doesn't
21 concern you?

22 A No, sir, it does not concern me, not in this
23 particular case.

24 Q Why does it not concern you?

25 A Well, as I said before, based on her age and based on

Michele Arroyo-Staggs
Recross-examination by Mr. Singleton

1 the information that she was able to give me, what I
2 deducted was a disclosure based on the appropriateness of
3 the -- what I saw, what I heard, her statements, behavior
4 and affect -- were all appropriate for her age.

5 Q Okay.

6 MR. SINGLETON: That's all the questions I have.

7 MS. REESE: No further questions of this witness.

8 THE COURT: You may step down.

9 Ladies and gentlemen, we're going to break for lunch.

10 Let me caution you as I have previously. Don't talk
11 about the case. Don't allow anyone to discuss it with you.

12 Please report to your jury room at 2:00 o'clock, at
13 2:00 o'clock this afternoon. Have a good lunch.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: All right. Any matters to address before
17 we recess for lunch?

18 MS. REESE: None from the state.

19 MR. SINGLETON: No, Your Honor.

20 THE COURT: Ms. Staggs is going to stay with us?

21 MS. REESE: Yes, Your Honor.

22 THE COURT: Court is in recess until 2:00 o'clock.

23 (Whereupon, a recess was taken.)

24 THE COURT: Any matters that need to be addressed
25 before the jury is brought back in?

1 MS. REESE: None from the state.

2 MR. SINGLETON: Nothing, Your Honor.

3 THE COURT: Okay. Bring them in.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: Good afternoon, ladies and gentlemen.

7 We are going to continue with the state's presentation
8 of evidence.

9 Ms. Reese.

10 MS. REESE: Your Honor, at this time we would offer
11 the advocacy tapes.

12 THE COURT: Okay. Let me ask the bailiff to take the
13 rope down and let the jurors move down one seat.

14 For the benefit of the jury, this is a video-taped
15 interview by Ms. Staggs of VICTIM , both of whom
16 have already testified. But this is a video tape of an
17 interview that took place back in February of 2009.

18 (Whereupon, State's Exhibits Nos. 3 and 4 were played
19 for the jury. No transcription.)

20 MS. REESE: Your Honor, no further questions at this
21 time.

22 THE COURT: Let me see y'all just a minute.

23 (Bench conference held off the record in the presence
24 of the jury but out of the hearing of the jury.)

25 MS. REESE: Your Honor, the state's next witness is

Wiley Garrett
Direct examination by Ms. Reese

1 Wiley Garrett.

2 WILEY GARRETT, having been
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MS. REESE

5 Q Would you state your name for the jury please?

6 A Wiley Garrett.

7 Q And, Mr. Garrett, where are you employed?

8 A I work with the Children's Advocacy Center of
9 Spartanburg.

10 Q And what are your duties there?

11 A I do two different jobs. One is I'm a forensic
12 evaluator, and also I'm a forensic therapist as well with
13 children.

14 Q Okay. And what is your educational backgrounds?

15 A I have a master's degree in social work from the
16 University of South Carolina. And I'm a licensed
17 independent social worker in clinical practice in the State
18 of South Carolina, which is the highest level of clinical
19 social work practice in the State of South Carolina. Plus,
20 I'm also licensed in -- in North Carolina as well. And I
21 am a clinical-social-work supervisor. So I supervise those
22 who are seeking to be a social worker in South Carolina as
23 well.

24 Q As a part of your duties at the Children's Advocacy
25 Center were you referred a child by the name of VICTIM

Wiley Garrett
Direct examination by Ms. Reese

1 VICTIM ?

2 A I was referred VICTIM , yes.

3 Q And what was the purpose of seeing -- limit it -- just
4 tell us why you were seeing her. Was it for a forensic
5 interview or was it for something else?

6 A It's to do therapy. And when I work as a therapist
7 with children this age I'm seeking to do several things,
8 one which is to assess her level of functioning both in
9 terms of her verbal skills, social skills, her ability to
10 be able to -- to be able to express herself, and skill, and
11 also assess the experiences that she's had in terms of
12 assessing if there are some traumatic events and what can
13 be -- what could be done essentially to help her to be, for
14 instance, less anxious if she's anxious, less depressed if
15 she's depressed and have a higher degree of social
16 functioning.

17 Q How long did you see VICTIM ?

18 A I began to see her -- the first session was actually
19 March the 3rd, 2009. And she was actually discharged in
20 January of this year, 2010.

21 Q And did she complete her therapy and was discharged?

22 A She did not complete her therapy.

23 Q And what was her reason?

24 A I'm sorry?

25 Q What was the reason for that?

Wiley Garrett
Direct examination by Ms. Reese

1 A Because of noncompliance by her mother. For instance,
2 they were either missed or canceled or no-show a total of,
3 I think, about 12 appointments.

4 And, in fact, toward the end there were calls by the
5 mother that -- essentially when I do therapy with children
6 this young I need the parents involved and need the mother
7 present.

8 In fact, I was seeking to do what is called
9 parent-child interaction therapy which is a child -- which
10 is an intervention that I've been trained in. And I work
11 with parents -- which is to be able to train the parent to
12 be able to listen to their children, to communicate more
13 effectively and help their children to be less anxious.

14 And toward the end the mother said she could not come
15 but she was willing to have somebody else send the child.
16 And I told her that, no, we needed her present, that her
17 presence was crucial for her child's welfare. And she just
18 said she could not come.

19 Q During the time, the eight months, you did counsel
20 this child -- and you can't tell us specifically what she
21 said to you --

22 A Okay.

23 Q -- did she disclose to you a sexual assault?

24 A She did.

25 Q And did she tell you where it happened?

Wiley Garrett
Cross-examination by Mr. Singleton

1 A She did not give me details, no.

2 Q Were these disclosures made in front of her mother?

3 A There was one disclosure that was made in front of her
4 mother. Her mother was -- the child was on my left and the
5 mother was -- apologize -- standing --

6 THE COURT: Excuse me. Let's adjust that so we don't
7 keep hitting that. Okay? Otherwise we're going to be out
8 of commission.

9 THE WITNESS: I'm sorry. I apologize.

10 A The child was on my left standing and the mother was
11 on my right standing above her.

12 Q And since January you have not seen the child.

13 A That is correct.

14 MS. REESE: Nothing further, Your Honor.

15 MR. SINGLETON: Just a few questions, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. SINGLETON

18 Q How many times did her father attend your sessions?

19 A I assume -- and you have to remind me what his name
20 was. I think there was one time. Actually I think that
21 was the first meeting.

22 Q Name is Neddie Richards.

23 A Correct. I did talk with him one time.

24 Q Okay. Was it your choice not to have him come back
25 with the remaining sessions, any other sessions?

Wiley Garrett
Cross-examination by Mr. Singleton

1 A You know, I don't really remember that. I think that
2 at the time the child was living with the mother. And
3 usually when we do therapy we do it with the caretaking
4 parent, the parent with whom that child is residing.

5 Q Okay. But earlier you stated you did the parent-child
6 interactions with the parent and that's how the, I guess --
7 interact with the child or cope with the child, is that
8 correct?

9 A To be able to teach the parent the skill in giving the
10 child the attention they need to be focused, to be calm and
11 to feel secure.

12 Q Okay. And you think that that's the only -- you only
13 did the parent that they lived with the most, not the one
14 they spend every-other weekend with?

15 A Usually we deal with the primary care-taking parent.

16 Q Okay. Do you remember about -- I don't want you to
17 state to me what VICTIM said to you, but do you remember
18 the date or the time when she supposedly disclosed?

19 A Yes, I do.

20 Q What was that date?

21 A The date was March the 9th of 2009, and then again on
22 August 25th of 2009.

23 Q Okay. Regarding the March the 9th, was that the one
24 where his -- her mother was present?

25 A That is correct.

Wiley Garrett
Cross-examination by Mr. Singleton

1 Q Did her mother have any kind of reaction when she said
2 that out loud?

3 A She did not. The child said it and then looked up at
4 her mother as if to -- with wondering what kind of
5 reaction. And the mother had no -- didn't say anything
6 whatsoever. No reaction.

7 Q Okay. Did the mother ever make a comment to you?

8 A About?

9 Q About her daughter.

10 A I'm, I'm, I'm -- that, that's somewhat vague. I'm not
11 sure what you --

12 Q Did she make a comment to you about --

13 MS. REESE: Your Honor, I'm going to object to
14 hearsay. He is trying to elicit hearsay.

15 THE COURT: Well, a proper response will be yes or no.
16 We will deal with that if he wants to ask specifically, but
17 right now he's just asking if he had a conversation.

18 Q Did you have a conversation with Wendy Richards, her
19 mother, at some point during that day after, after she
20 disclosed it to you?

21 A Not that day, no.

22 Q Okay. She didn't say, Wendy didn't say, anything
23 derogatory about her daughter?

24 MS. REESE: Your Honor, that's --

25 THE COURT: Sustained.

Wiley Garrett
Cross-examination by Mr. Singleton

1 Q Do you know why these sessions were missed?

2 A There were various reasons given. The mother was busy
3 or the car was broken down or she didn't have
4 transportation or she had to work or there was an emergency
5 or the child was sick. Or there were just different
6 reasons.

7 Q Okay.

8 MR. SINGLETON: That's all the questions I have.

9 MS. REESE: Nothing further.

10 THE COURT: You may step down.

11 Ladies and gentlemen, we're going to take a short
12 break.

13 So I'll ask you to please go to your jury room.
14 Remember the caution. Do not discuss the case. We'll
15 bring you back shortly.

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

18 THE COURT: Court is in recess for 15 minutes.

19 (Whereupon, a recess was taken.)

20 THE COURT: Who is your next witness?

21 MS. REESE: The next witness is Dr. Nancy Henderson,
22 Your Honor.

23 THE COURT: All right. Bring the jury in, please.

24 (The following takes place in the presence of the
25 jury.)

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 THE COURT: All right. The jury is present. You may
2 proceed.

3 MS. REESE: Thank you, Your Honor. The state calls
4 Dr. Nancy Henderson.

5 DR. NANCY HENDERSON, having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MS. REESE

8 Q Will you state your name for the jury, please?

9 A Nancy Henderson.

10 Q And what is your occupation?

11 A I'm a child abuse pediatrician.

12 Q And where are you employed?

13 A I am employed with Greenville Hospital System.

14 Q And are you licensed to practice in the State of South
15 Carolina?

16 A Yes, I am.

17 Q Where did you receive your undergraduate education?

18 A At Rutgers College of Pharmacy in New Brunswick, New
19 Jersey.

20 Q And what year did you graduate?

21 A I graduated in 1980.

22 Q And what degree did you earn there, again?

23 A A B.S. in pharmacy.

24 Q And what -- what medical school did you attend?

25 A I went to Bowman Gray School of Medicine in

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 Winston-Salem, North Carolina.

2 Q And did you receive a degree from that school?

3 A Yes, I did.

4 Q And when was that?

5 A It was in 1984.

6 Q And since then where -- did you attend or do training
7 in residency?

8 A Yes, I did. I did my pediatric residency at T. C.
9 Thompson Children's Hospital in Chattanooga, Tennessee.

10 Q And what is your specialty in?

11 A My specialty is child abuse pediatrics.

12 Q And how long did your training for this particular
13 field take?

14 A Well, it just became a sub-board in the area of
15 pediatrics in November of this past year. 2009 was the
16 first time that the Academy of Pediatrics offered a
17 sub-board in the area of child abuse pediatrics.

18 You had to be practicing in the field for five years.
19 And 50 percent of your time had to be devoted to child
20 abuse evaluations, and then had to sit for a written exam
21 that was given in November.

22 Q So after you finished your residency what did you do?
23 After you became a medical doctor and finished your
24 residency where did you practice?

25 A Well, initially I became board certified in general

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 pediatrics, which I am at this point. And then I've been
2 practicing with Greenville Hospital System since 1992.

3 Q And when did you get into the field of child abuse
4 specifically?

5 A Well, actually I been doing it as part of my teaching
6 at the children's hospital in Greenville Hospital.

7 I was involved initially in the outpatient field of
8 pediatrics, which is where the children the -- for sexual
9 abuse evaluations were initially being evaluated.

10 I'm still a little part of that, the outpatient field.
11 I just see one afternoon a week. But the rest of my time
12 is spent at the two advocacy centers, one in Spartanburg,
13 the other one in Greenville, as well as now doing inpatient
14 consults in the area of child abuse and neglect.

15 Q And are you engaged in private practice as well?

16 A No. All of my involvement is with Greenville Hospital
17 System.

18 Q In the time that you have been practicing as a
19 pediatrician can you estimate how many cases you have seen
20 involving sexual abuse of children?

21 A I see approximately two to three hundred children a
22 year in this regard.

23 Q And in the course of your treatment of these
24 children -- well, let me ask you this. Are all of those
25 sexual abuse or are some of those physical abuse?

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 A Well, the majority of those are sexual abuse that I
2 just mentioned. I also see physical abuse. Most of those
3 children don't come through the Advocacy Center. The
4 majority of them are admitted as inpatient evaluations and
5 followed up at the Advocacy Center.

6 Q And you were talking about you are board certified now
7 in the area of child sexual abuse.

8 A It's called child abuse pediatrics. So it includes
9 sexual abuse. But it's the whole field of child abuse and
10 neglect.

11 Q And have you been qualified as an expert in the courts
12 of the State of South Carolina regarding sexual abuse of
13 children?

14 A Yes, I have.

15 Q How many times?

16 A I'm -- I haven't actually kept a specific amount, but
17 I'm in court probably about three to four times a month,
18 and often with sexual abuse but not exclusively. Sometimes
19 it is in regards to physical abuse and neglect.

20 MS. REESE: Your Honor, at this time I would move to
21 have Dr. Henderson qualified as an expert in the field of
22 child sexual abuse, pediatrics.

23 MR. SINGLETON: No objection, Your Honor.

24 THE COURT: She is so qualified.

25 Q Dr. Henderson, can you just give us a brief overview

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 of what you do in a case where a child is referred to you?

2 A Yes. Children are often referred to the Children's
3 Advocacy Center. Either they can be referred from the
4 department of social services, from law enforcement, or
5 often from another pediatrician who has some concerns about
6 a particular exam. Sometimes they can even be referred
7 from a concerned parent because of a specific thing on a
8 medical exam or because of concerned behaviors that they're
9 wanting a child evaluated for the possibility of child
10 sexual abuse.

11 And so the -- a referral is made. Initially when the
12 child comes in she's -- she or he is initially seen. I
13 have a child life specialist that works with me that just
14 explains what's going to happen to the caretaker, whoever
15 accompanies the child to the exam, and the child itself,
16 about what's going to happen that day.

17 I then will go in and talk to the caretaker and obtain
18 a medical history, because the child most often has never
19 been there for a medical evaluation, so get a past
20 background history, as well as getting concerns about what
21 may be going on, behaviors, medical concerns that the
22 parent may have about that particular child.

23 I then do try to talk to the child by themselves to
24 obtain a medical history from them to get an understanding
25 about what concerns they may have about their body and what

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 may have happened to them, what brings them there to the
2 appointment that day.

3 I then -- because the child has already learned about
4 their head-to-toe physical exam, we then give them some
5 choices about who they'd like to have in the medical exam
6 with them.

7 Sometimes they do want the caretaker in there.
8 Sometimes they want to do it by themselves. And we just
9 try to do whatever makes them most comfortable so that they
10 feel as comfortable as possible having the exam.

11 So the exam itself is a complete head-to-toe physical
12 exam looking at every part of their body including the
13 genital area.

14 And I use a piece of medical equipment called a
15 culdoscope which is not invasive. It doesn't actually
16 touch the child at all. And we actually let them kind of
17 look through it so they know exactly what's going to be
18 happening. And it just allows the genital area to be
19 magnified and made bigger and also is an excellent light
20 source to look at the genital area as a way of documenting
21 any findings that we see on the exam. So that's a part of
22 the exam as well.

23 And then based on the history and based on the medical
24 exam I determine if we need to do any medical testing --
25 testing for sexually transmitted infections that might be

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 necessary, again, based upon the information that's been
2 obtained that day. And we will do that at the conclusion
3 of the exam.

4 And then I usually talk to the child and the parent
5 again to make sure that they understand kind of any
6 findings or what has happened during the exam. And we make
7 sure that they have the appropriate followup, whether
8 that's counseling or continued for their forensic, whatever
9 is kind of the next step in that, and make sure that the
10 child is obviously safe in the home that they're in and
11 answer any questions that the child and the caretaker might
12 have about the medical exam.

13 Q As in your practice and as you see these children
14 would you or do you ever allow an alleged perpetrator to be
15 present in the building or around the child at the time
16 that you are getting this history or doing the exam?

17 A No. If we know who the perpetrator is they absolutely
18 cannot accompany the child to the medical exam, any part of
19 it at all.

20 Q As a practice do you interview children in front of
21 their parents or with their parents?

22 A I will take a medical history from the parents. And I
23 also take a medical history from the child. And I do
24 interview the child by themselves. If the child for
25 whatever reason is unable to separate from the parent, then

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 I usually will just stop at that point.

2 Q Do you get a detailed account from a child as a
3 general rule -- are you a forensic interviewer?

4 A No, I'm not a forensic interviewer.

5 Q So what is your purpose in taking a history from a
6 child?

7 A Well, it has a lot of purposes. A lot of times the
8 children come in and have a lot of misconceptions about
9 their bodies. They have a lot of questions, medical
10 questions, about their bodies. They are very informed from
11 the media and have a lot of worries about that.

12 So I certainly want to address those concerns. And
13 the only way I would know about them is by talking to them
14 and asking them those questions.

15 I also want to know if they have any worries about
16 their body, is something hurting them on their exam today.
17 Sometimes these children have been outside the medical --
18 home. So they may not have been to a doctor for a while.

19 So it's an opportunity not only to address maybe
20 sexual abuse concerns, but if there are any developmental
21 concerns, or do they need referral to a dentist, or do they
22 have a speech delay that might need attention. So I try to
23 look at all of the things from a general pediatric view as
24 well as a child-abuse specialist because this might be kind
25 of a one-time opportunity to have kind of a full medical

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 evaluation and make sure that the child is hooked up to all
2 of the needs she might need from that standpoint.

3 Q Did you, in fact, have the opportunity to examine
4 VICTIM ?

5 A Yes, I did.

6 Q And do you know when that was?

7 A It was the 13th of February of 2009.

8 Q And what was the purpose of evaluating VICTIM ?

9 A The purpose of the evaluation, because there were some
10 concerns about sexual abuse. And it was to do a medical
11 exam to evaluate that.

12 Q Dr. Henderson, can you explain to the jury, first off,
13 in a vaginal area of a child, can you explain a term to the
14 jury -- hymen?

15 A Sure. The -- in the genital area the outer part of
16 the genital area is called the labia. And that's actually
17 kind of the protective area that's kind of over the genital
18 area.

19 And then kind of the next area down is called the
20 vulvar area. And there's kind of two openings there. On
21 the upper part it's called the urethra, the area where
22 someone goes to the bathroom, voids. And the lower area is
23 the vaginal area.

24 And in front or just kind of partially covering over
25 the vaginal area is what's called the hymen. And it's just

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 a -- a thin tissue that's -- that's partially covering over
2 the vaginal opening.

3 Q Is it true, Doctor, that when there is penetration of
4 the vaginal area that that hymen is broken necessarily?

5 A No, that's not true.

6 Q And is it true that if there is actual intercourse
7 that the hymen will be broken necessarily?

8 A That's not true.

9 Q And can you explain to the jury the process -- in the
10 event that a child is sexually assaulted do you necessarily
11 expect to see physical evidence in a small child's vaginal
12 area of that sexual assault?

13 A You often will not see findings in the genital area
14 for -- for a lot of reasons.

15 Children, as opposed to adults or rape victims, are
16 often -- the people that assault children are often people
17 that they know very well. So it's often people that are in
18 the house or -- or have just a very close contact and
19 access to the child. And often it's not a one-time
20 incident as often rape -- rape victims might be, so that
21 it's something they would like to do on an ongoing basis.

22 So a lot of times when children are abused or abused
23 sexually, a lot of times they're just touched, touched in
24 the genital area, touched on the outer part of the genital
25 area or touched on that inner part, kind of what we call

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 the vulvar area, inside that labia that I just mentioned.
2 May be touched or rubbed in that area.

3 Sometimes they can just be touched or a finger
4 inserted into that area. And the hymenal tissue is, again,
5 not a complete covering over the vaginal area. It's just a
6 partial covering.

7 So when children are touched or rubbed down there
8 sometimes there -- there's never evidence. And sometimes
9 children often don't disclose right away. And that area
10 has an incredibly good blood supply, and so that if there
11 are small tears or small areas of trauma it could heal
12 very, very quickly, even within hours and days.

13 A lot of times to children, it's just oral sex,
14 something that even if we saw them right away we might not
15 pick up any evidence on the exam because it doesn't leave
16 any scars or tears or passing of sexually transmitted
17 infections. So, again, that may be another reason why
18 children might have a normal exam.

19 Sometimes with children, especially with younger
20 children, you know, the way they describe things may not be
21 in adult terms so that there may be a discrepancy with the
22 "on" or the "in". And as far as their anatomy goes, you
23 know, when they say in their private part they often are
24 talking about their whole genital area, not necessarily
25 into their vagina through that hymen just, exclusively to

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 that part, just into their whole, again, to the whole
2 genital area, because they don't know the different parts
3 of the anatomy down there.

4 In the adolescent population once the hormones are
5 around, the estrogen, that hymenal tissue has the ability
6 to actually stretch instead of tear. So that's why when I
7 see a lot of sexually active teenagers and their exams can
8 be normal but I know they've been sexually active because
9 of either pregnancy or sexually transmitted infections, and
10 they could have completely normal exams, but, again,
11 because the hymenal tissue doesn't necessarily have to
12 tear, but it can stretch.

13 Q Now, is that true -- in a situation where there
14 actually has been penile penetration would you see, would
15 you necessarily see, signs of sexual abuse even in a young
16 child?

17 A Well, I think a lot of it would depend on the amount,
18 I mean, the actual, you know, how far the penis went into
19 the vaginal area, how much force is used into the vaginal
20 area. All of those will have an impact on how much trauma
21 you might see.

22 And, again, delay in disclosure can absolutely have an
23 impact on that, because, as I mentioned before, small tears
24 can heal very, very quickly. So it's not uncommon for me
25 to see a child weeks, months, even years sometimes after

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 there's -- they have been abused and it's just coming
2 forward and have normal exams but there could have been
3 some trauma early on that was not picked up because they
4 didn't have a medical exam at that point.

5 Q Now, in terms of this opinion you have regarding
6 whether or not it's necessary that you would see physical
7 signs of sexual abuse, what do you base that opinion on?

8 A Well, in the literature it is kind of the classic
9 article that has come out in the area of child abuse.
10 Actually it's come out now for -- for quite some time. And
11 1994 was kind of the biggest article. And it was titled,
12 "It's normal to be normal." And really that was kind of
13 the first study where they looked at children that had been
14 sexually abused. And they knew that by convictions
15 actually.

16 And then they went back and where there had been a
17 conviction of sexual abuse, and they pulled those children
18 out. And there's about 260 children that they looked --
19 looked at the actual picture that was made from the
20 culdoscope. They had an independent viewer's -- child
21 abuse pediatricians, to look at those pictures. And that's
22 how they -- about 60 to 70 percent of those children had
23 either normal or nonspecific findings on the exam where
24 there had been convictions of sexual abuse.

25 Q In the situation where there has been -- a child

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 alleges digital penetration of the vaginal area would you
2 necessarily expect to see signs of trauma?

3 A No. And, again, for the same reasons that we talk --
4 when you talk about the vaginal area, again, it could be
5 that whole kind of vulvar area including the vagina. And
6 there actually is an opening there.

7 Again, the hymen doesn't cover over, completely over,
8 the vaginal opening. So it's not uncommon for there to be
9 a history of digital penetration and for a child to have a
10 normal exam.

11 Q In this situation and in the course of your evaluation
12 of VICTIM did you, in fact, look also at the rectal area?

13 A Yes, I did -- yes, I did. And I do that normally.

14 Q And were -- what were your findings in the rectal
15 area?

16 A She had a normal exam there.

17 Q And also a normal vaginal exam, is that correct?

18 A Yes, ma'am.

19 Q Is it consistent or inconsistent with a child who is
20 disclosing penile penetration of the rectal area that she
21 would have a normal exam?

22 A Again, the rectal area in some ways is similar to the
23 vaginal area, and some ways different. It's similar in the
24 vaginal area in that it also has an extremely good blood
25 supply to that. Small tears can heal very, very quickly.

Dr. Nancy Henderson
Direct examination by Ms. Reese

1 The thing that makes it a little bit different is that
2 it's kind of a muscle tissue. So if you think about kinda
3 what it's normal function is, to allow bowel movements to
4 pass out without much difficulty at all, and often no
5 trauma, no bleeding, it's not -- it's not hard to imagine
6 that for -- for large objects to pass in the other way, it
7 can stretch and open, again, without any trauma to the anal
8 area.

9 Q In your medical opinion would there be necessarily any
10 signs or physical evidence of a child -- on a child who is
11 reporting oral sex was performed on her?

12 A Now, I think oral sex is probably the one that's most
13 consistent with really having normal exams. It is
14 extremely rare to have any findings related to that.
15 Occasionally I can see a sexually transmitted disease
16 spread that way, but that is fairly uncommon in the
17 pediatric population.

18 Q So in your medical opinion is it, in fact, consistent
19 with a report of abuse that a child might have a completely
20 normal sexual exam?

21 A Yes, it is.

22 MS. REESE: Nothing further.

23
24
25

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 CROSS-EXAMINATION

2 BY MR. SINGLETON

3 Q Dr. Henderson, you stated -- well, let's go back.

4 Regarding digital penetration, you said it's not uncommon
5 for a child to have a normal exam.

6 A Yes, sir.

7 Q Okay. What if -- what do you consider digital
8 penetration with -- what do you consider digital
9 penetration?

10 A Well, digital penetration is a digit kind of
11 penetrating into the vaginal area. And I call it the whole
12 vaginal area -- the vulvar area going in through the labia.
13 Into the vulvar area would be penetration to me.

14 Q Okay. Would you expect to find a normal exam if it is
15 alleged that somebody stuck their finger into a
16 four-year-old's private one time?

17 A Yes. It absolutely could be normal.

18 Q Okay. What about if they did it repeatedly over a
19 three-or-four-month period?

20 A Right. The actual number wouldn't make any
21 difference. I mean, it certainly can cause irritation,
22 redness. They can have other symptoms, you know, related
23 from that irritation if it's something that's done on a
24 constant matter. If it's -- if the area of the urethra
25 where you go to the bathroom from, if that area is rubbed

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 it is quite possible for children to get urinary tract
2 infections just from chronic irritation, but not
3 necessarily so.

4 Q Okay. Did she ever have any -- disclose any
5 complaints to you about any of those that you just talked
6 about such as urinating or...

7 A The mom shared that she did have some burning in the
8 past. But she had never had any urinary tract infections.

9 Q Okay.

10 A And she had a urine check by her regular doctor that
11 was negative.

12 Q Okay. You said that part of the body has a very good
13 ability to heal itself maybe in hours or days, is that
14 correct?

15 A Yes, sir.

16 Q But if it repeatedly occurs does that cause it to take
17 longer for it to heal?

18 A No. I think it would depend on the type of trauma.
19 So if it's, you know, a very extensive, severe laceration,
20 you know, those types of things, you know, would take
21 longer to heal. They may require suturing. That's fairly
22 uncommon in children, but certainly that does happen. And
23 those type of injuries would take longer to heal.

24 Q Okay. Regarding -- do you know what the allegations
25 are in this case?

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 A I know what the allegations that I had on page three
2 of my evaluation.

3 Q Okay. You're talking -- okay. What if it was alleged
4 that an adult male had inserted his private into the anal
5 region? Would you expect to -- for an adult male and a
6 four-year-old child, would you expect to see any scarring
7 or tears?

8 A Again, it's really especially in the rectal area, you
9 know, bowel movements that children have can be quite
10 immense and large. So that often will come out and
11 children can have like a small little fissure or really
12 nothing at all, because that area can dilate fairly easily.
13 So it's really fairly easy to understand how things could
14 insert in the other way and not cause any trauma.

15 Again, the amount of force that's used may have some
16 impact on that, but it is very common in children.
17 Probably only about one percent of children do have medical
18 findings related to penetration, rectal penetration.

19 Q What if it occurred numerous times?

20 A Again, it's because the size that allows that size to
21 go in, it's not going to cause any trauma to that area.

22 Again, the more force that's used, that certainly can,
23 you know, potentially it could, but not necessarily so.

24 Q Okay. When you say it wouldn't cause any trauma, it
25 wouldn't cause any physical trauma that you could see.

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 A Exactly.

2 Q What about feelings that the supposed victim would
3 feel like pain or anything like that?

4 A Well, I mean, they -- they might have some pain. But
5 kids are actually people that have repeated anal trauma.
6 They're actually able to relax that muscle, because part of
7 it is a voluntary muscle. And so they are able to, you
8 know, if it's happening on a very ongoing basis, some
9 people have learned to actually relax that muscle to allow
10 the object to be inserted so it's not quite as painful as
11 it may be.

12 Q What about the first time this happens, supposedly if
13 it happens to a minor child by an adult male, would that
14 first time be painful, I mean?

15 A I would think it often is very uncomfortable.

16 Q Would there be any sort of -- would there be any sort
17 of blood or anything that would come out?

18 A Not necessarily, because if it doesn't cause any
19 tearing to the area and just causing that muscle to open
20 up, it's not going to cause any bleeding.

21 Q You say it could cause some pain. Would you, being a
22 pediatrician and very experienced -- would that pain be, I
23 guess -- would you have any idea what that pain level would
24 be?

25 A Well, a pain level, you know, that's just so variable

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 from one child to another, one person to another, I really,
2 you know, couldn't estimate that.

3 Q Well, would you imagine that if that happened to a
4 young child they would remember that pain?

5 A Again, I think around these kind of cycle emotional
6 situations it's really hard to know, you know, how quickly
7 they would try to forget that or remember it. So I -- I
8 wouldn't even try to guess on that, if they would remember
9 it or not.

10 Q If they were repeatedly sexually abused in that area,
11 the rectum, would they have any kind of problems going to
12 the bathroom for bowel movements or...

13 A You know, we're always concerned about that when we
14 see children that come in with inability to control their
15 bowel movements, which are encopresis, and have kind of
16 chronic problems with that.

17 That often -- we see that a lot of in kind of the
18 general pediatric population. We see it a lot with
19 actually children who have chronic constipation. So we are
20 concerned when we see children that have those problems.
21 But the absence of those problems doesn't mean that
22 nothing's happened.

23 Q Okay. Would it cause a four-year-old child or a
24 five-year-old child to have any other problems such as --
25 this may sound ridiculous -- but walking or sitting or

Dr. Nancy Henderson
Cross-examination by Mr. Singleton

1 anything like that?

2 A I think when they're -- it's not uncommon when
3 children have had things happen to their genital area that
4 they do have irritation, burning for the first day or two.
5 That goes away very, very quickly.

6 I would think the emotional aspect of these things are
7 the ones that are much more difficult to resolve.

8 Q What about to the rectum? I mean, if this were to
9 repeatedly occur in their rectum would they have any
10 problems walking or sitting or anything like that?

11 A Not necessarily so, no. It would depend if there was,
12 you know, if there was a big tear obviously, or bleeding.
13 That would certainly make things more difficult.

14 Q And in your report on page five you -- it says -- you
15 checked the box that says no history of prior injuries.
16 She never divulged to you having injuries to those -- her
17 genital or to her rectum?

18 A Yes, sir. I didn't have any. I -- there was not any
19 reported to me.

20 Q Okay. And in the conclusion of your report your
21 statement is that her exam today did not show any acute
22 signs of abuse.

23 A Yes, sir.

24 Q Okay. So as far as you could tell, you couldn't tell
25 if she had been abused or not by your physical examination

Danny Morgan
Direct examination by Ms. Reese

1 of her.

2 A Her exam was normal at the time that I saw her.

3 Q Okay. Thank you.

4 MR. SINGLETON: That's all I have.

5 MS. REESE: Nothing further.

6 THE COURT: You may step down.

7 MS. REESE: May this witness be excused, Your Honor?

8 THE COURT: She may be.

9 (Whereupon, the witness was excused.)

10 MS. REESE: The state calls Detective Danny Morgan.

11 DANNY MORGAN, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. REESE

14 Q Would you state your name for the jury?

15 A My name is Danny Morgan.

16 Q And where are you currently employed?

17 A I have my own business.

18 Q Now, Detective Morgan, did you -- or you're no longer
19 a detective, are you?

20 A That's correct.

21 Q In 2009, February, were you working as an investigator
22 at the Spartanburg County Sheriff's Department?

23 A Yes, ma'am, I was.

24 Q And at that time did you have occasion to interview
25 the defendant?

Danny Morgan
Direct examination by Ms. Reese

1 A I did.

2 Q And was this -- were you actually working on this
3 particular case? Was this your case?

4 A No, ma'am. I was not the investigator on the case. I
5 assisted the lead investigator.

6 Q And did you, in fact, speak with Mr. Briggs on
7 February the 3rd of 2009?

8 A Can I see that?

9 Q I'll show you what's been marked State's Exhibit 5.

10 A Thank you. Yes, it was February the 3rd.

11 Q And at whose request did you speak to Mr. Briggs?

12 A Detective Cantrell had asked me to interview
13 Mr. Briggs.

14 Q And did he come to you that day voluntarily?

15 A Yes, he did.

16 Q Do you know how he got to the sheriff's department?

17 A I'm sorry. I don't.

18 Q What time did you first have contact with him that
19 day?

20 A It would have been right around 10:00 a.m., because I
21 went over a rights form with him at 10:00 a.m.

22 Q And at the time that you first saw him did he appear
23 to be under the influence of any alcohol or drugs?

24 A No, ma'am. In fact, I specifically asked. I asked
25 him about that.

Danny Morgan
Direct examination by Ms. Reese

1 Q Did he appear to understand your questions?

2 A Yes, he did.

3 Q Did he answer appropriately?

4 A Yes, ma'am.

5 Q Did at the time that you first talked to him, did you
6 ask him if he was willing to speak with you?

7 A Yes, ma'am.

8 Q And you -- I indicated that I showed you State's
9 Exhibit 5 for Identification. Can you tell the jury what
10 this is?

11 A Yes. This is a, it's a, waiver of rights form, the
12 Miranda warning that you see on T. V. and movies. This is
13 the form that the sheriff's office put together for this.
14 And what I do is just read the statement out to a person to
15 make sure that they understood all of their rights before I
16 ever began an interview with them.

17 Q Did you, in fact, sign that form?

18 A Yes, I did. I witnessed it.

19 Q And did the defendant sign the form?

20 A Yes, he signed it.

21 Q Did you promise him anything or threaten him in any
22 way to get him to talk with you?

23 A No, ma'am.

24 MS. REESE: At this time, Your Honor, we would ask,
25 move that State's Exhibit 5 be admitted.

Danny Morgan
Direct examination by Ms. Reese

1 MR. SINGLETON: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (Rights form marked State's Exhibit No. 5.)

4 Q Can you read for the jury this form exactly as you
5 read it to the defendant?

6 A It says, "Before -- before we ask you any questions
7 you must understand your rights. You have the right to
8 remain silent. Anything you say can and will be used
9 against you in a court of law. You have the right to talk
10 to a lawyer for advice before we ask you any questions and
11 to have him or her present with you during questioning. If
12 you have no money for lawyers' fees the Court will appoint
13 one to represent you without cost to you if you wish. If
14 you decide to answer questions now without a lawyer present
15 you still have the right to stop answering questions at any
16 time."

17 It says, "I have read the statement of my rights and I
18 understand what my rights are."

19 And there's a signature block there where Mr. Briggs
20 signed for that. Do you want me to read the second one?

21 Q Yes.

22 A Okay. I'm sorry.

23 The second part of that is -- the first part is
24 acknowledging that he has the rights. The second part is
25 called the waiver of rights.

Danny Morgan
Direct examination by Ms. Reese

1 It says, "I'm willing to make a statement and answer
2 questions. I do not want a lawyer at this time. I
3 understand and know what I'm doing. No threats or promises
4 have been made to me and no pressure or coercion of any
5 kind has been used against me." And, again, there's a
6 block there for Mr. Briggs to sign that, which he did.

7 Q Do you remember what his physical appearance was when
8 he came to you that morning?

9 A I remember longish, longish hair. Much similar to the
10 way he is now except I believe he was a lot heavier, seemed
11 to be heavier, at that time.

12 Q And you said that you asked him whether or not he had
13 had any alcohol or drugs.

14 A Yes.

15 Q Did -- did -- when you asked him these questions as
16 far as the rights was there any hesitation on his part in
17 terms of whether he was going to waive his rights and talk
18 to you?

19 A No, ma'am. In fact, he appeared to be very eager to
20 be there.

21 Q At any time at the time he talked to you did he decide
22 he didn't want to talk to you any more? Did he ever stop
23 the interview?

24 A No, ma'am. He never did stop.

25 Q Did you promise him anything during the entire time

Danny Morgan
Direct examination by Ms. Reese

1 that you talked with him?

2 A No, ma'am. No promises.

3 Q Did you threaten him in any way?

4 A No, ma'am.

5 Q To the best of your knowledge were the statements that
6 he made to you freely and voluntarily given?

7 A Yes, ma'am.

8 Q When he first came to you that morning did you talk to
9 him about the allegations of VICTIM ?

10 A We did. But it wasn't what we talked about right off
11 the bat.

12 My interviews are usually very lengthy, and I believe
13 that I spent probably close to two hours or so in talking
14 with him about other things before I ever even got to the
15 actual allegations.

16 Q During the time that you did talk to him did you take
17 breaks?

18 A Yes, ma'am. There -- there were several breaks
19 throughout the day.

20 Q And did -- was there a lunch break?

21 A There was a lunch break. I'm not exactly sure whether
22 he ate in my office or not.

23 A lot of times people that I'm interviewing do eat in
24 my office. But I can't remember for sure if it was in my
25 office.

Danny Morgan
Direct examination by Ms. Reese

1 Q Is he allowed to take smoke -- smoke breaks?

2 A Yes, ma'am.

3 Q Was he allowed to take restroom breaks?

4 A Yes, ma'am.

5 Q Was he allowed to have a phone present with him in
6 your office?

7 A Yes, ma'am. He did have his phone with him. I
8 generally don't like for people to, you know, to have their
9 phone with them during interviews. But I did see that he
10 had a phone. I just asked him to turn it off. But I did
11 allow him to use it several times.

12 Q What was his demeanor during this interview?

13 A He was -- I'm sorry -- the word that keeps coming to
14 my mind is kind of cocky. His attitude, he just had a very
15 forward kind of attitude.

16 Q When you first asked him about the allegations
17 regarding VICTIM what was his response?

18 A Well, when I -- when I first asked him to tell me
19 about it he -- he would go on this long rant telling me
20 about how bad her family members were, that the child's
21 parents, the child's father, and such things as that.

22 And eventually I had to get to the point of asking him
23 directly, you know. And instead of just, you know,
24 expecting him to tell me, you know, what do you say about
25 this, what she says about you, I finally had to ask him

Danny Morgan
Direct examination by Ms. Reese

1 directly, so tell me did you do it. So, so he took a long
2 time to get around to answering those questions.

3 Q As the -- as the interview went on did his -- did his
4 demeanor ever change in regard to that, to those questions,
5 when you would talk to him about whether or not he sexually
6 assaulted this child?

7 A Yes, ma'am. He -- he got to the point where he -- he
8 never -- he never did very strongly or vehemently deny the
9 charges even in the beginning, or the allegations. Not
10 even in the beginning he didn't really deny very strongly
11 like you would expect from someone who didn't do something.

12 But as it went along he stopped. He didn't deny any
13 more. He started actually nodding his head yes in
14 affirmation that he had done certain things.

15 Q Did he ever make a verbal statement to you in regards
16 to whether or not he had hurt this child?

17 A He -- he made verbal statements, but I'm not exactly
18 sure what you're asking me. I can tell you some of the
19 things that he did say.

20 He did say -- I can remember at one point him
21 saying -- we had talked about the mother of the child
22 needing to be told what he had done. And he said, well, I
23 need to be the one to tell Wendy about it, I need to be the
24 one to tell her. But we -- you know, he didn't tell me
25 exactly what he was going to tell her, but he kept saying I

Danny Morgan
Direct examination by Ms. Reese

1 need to be the one to tell her.

2 He also said on another occasion -- this was a very
3 long, very long day. I'm not sure if it's been established
4 at this point exactly how long that day was. But it was a
5 long day.

6 At one point he said -- he had been at the point of
7 not -- he was no longer denying that he had done anything.
8 He was nodding his head. He would just, you know, listen
9 and respond and nod his head that he had done these things.

10 And at one point he -- he did make a statement of
11 saying, "But I didn't do this." And he was saying that he
12 was going to say that to someone else.

13 And I was -- I confronted him. Well, I said, so
14 you're going to say now that you didn't do this. And I
15 believe his words were, "Well, I can't say that to you
16 because you know better."

17 THE COURT: Excuse me. Please be mindful of the
18 microphone there.

19 THE WITNESS: I'm sorry.

20 THE COURT: No. It's the black one.

21 Q It's the one here.

22 A Oh, I'm hitting it. I'm sorry.

23 Q That's good. All right. Can you repeat what you just
24 said? I'm not sure I heard it.

25 A I don't remember exactly what I said.

1 He -- I had confronted him when he had stopped to say
2 that he had not done this. He was referring to something
3 he was going to tell other people that he didn't do it.
4 And I said so you're -- so you're going to say now that you
5 didn't do it, so you're denying that you didn't do it, or
6 that you did it. And he said, "Well, I'm not going to deny
7 it to you because you know better."

8 And so it was, you know, basically, it was an
9 affirmation that he had done this. And he told me that he
10 couldn't deny it to me because I knew the truth.

11 MR. SINGLETON: Objection, Your Honor. I don't think
12 he -- I don't think him saying that he knew the truth, I
13 don't think it's ever been established that -- that he said
14 that he did this or not.

15 THE COURT: Overruled.

16 Q How did -- at some point did you contact Detective
17 Cantrell? And did she come and get him to talk to him?

18 A She did. She -- I know that she had been out working
19 on the case, and she came back and got him then.

20 Q And what was the last thing that he said to you
21 regarding what his position was? Or how did he leave it
22 with you about what he was going to do?

23 Let me rephrase the question. Did -- did he give you
24 a written statement?

25 A No. There was no written statement provided by him.

Danny Morgan
Cross-examination by Mr. Singleton

1 Q And what was the reason for that?

2 A I -- I believe he had said he was going to talk to
3 Detective Cantrell and that he would tell her. And also I
4 know that he wanted to tell. He said he wanted to tell
5 Wendy too.

6 Q During the time that he was with you was he allowed to
7 actually use his phone to call Wendy?

8 A Yes. I think he talked to her twice, and maybe his
9 mother once.

10 MS. REESE: Nothing further of this witness.

11 CROSS-EXAMINATION

12 BY MR. SINGLETON

13 Q Detective Morgan, how long did you interview Anthony
14 for on -- did you interview him on February the 2nd at all?

15 A No, sir, I did not.

16 Q Did you talk to him at all on February 2nd?

17 A I don't recall, remember ever seeing him on
18 February the 2nd.

19 Q How long did you talk with him or interview him on
20 February the 3rd?

21 A I think he was probably with me at least five, maybe
22 six, hours. I don't know exactly how long, but it was
23 lengthy.

24 Q Did you -- before you interviewed Mr. Briggs did you
25 talk to anybody else about the case? Did you talk to

Danny Morgan
Cross-examination by Mr. Singleton

1 Detective Cantrell or --

2 A Yes, sir.

3 Q -- or any of the other witnesses or supposed
4 witnesses?

5 A Just Detective Cantrell is the only person I remember
6 talking to.

7 Q You didn't talk to the mother of the victim or the
8 victim herself?

9 A No. I know I didn't talk to the victim, and I don't
10 think that I met the mother.

11 Q Okay. So you knew what the allegations were before
12 you went into the interview with him.

13 A Yes, sir.

14 Q And you knew what kind of information you were trying
15 to get out of him?

16 A Yes, sir.

17 Q Okay. Did you form an opinion about Mr. Briggs before
18 you even talked to him?

19 A No, sir. I had no opinion of him beforehand.

20 Q Okay. Now, you say that when you first began the
21 interview that y'all talked about a lot of personal
22 history.

23 A Yes, sir.

24 Q You asked him questions about his personal life, work
25 history and things of that nature, relationships and stuff

Danny Morgan
Cross-examination by Mr. Singleton

1 of that nature.

2 A I'm sorry. One of the words you used was covered up
3 by the cough.

4 Q I'm sorry. Whenever -- his personal history, his work
5 history.

6 A Yes, sir.

7 Q His personal relationships.

8 A Yes, sir, I did.

9 Q And then he started talking about the current
10 situation. I think you said he started talking about maybe
11 the victim's father or something like that.

12 A Yes.

13 Q His girlfriend. Did he ever -- did he ever come
14 straight out and tell you that he did not touch VICTIM ,
15 that he did not do anything to her?

16 A Yes, sir, he did. But I had to actually prompt him to
17 get him to tell me that he did not do it.

18 Q Okay. But he did tell you that, that he had never
19 touched her.

20 A After I prompted him to tell me, yes.

21 Q Okay. And didn't you state to him that you believed
22 that he cared very deeply for the children?

23 A I probably would have said something like that. I
24 don't remember exactly, exactly those words. But it was
25 a -- it was a long conversation.

Danny Morgan
Cross-examination by Mr. Singleton

1 Q Okay. But it wouldn't surprise you if you stated that
2 to him. Do you say that to all of the people you interview
3 or is just based on --

4 A It depends on what the relationship of the person is,
5 to the -- to the victim in the case. I may -- if they're
6 living in the home if it's a father or a mother or
7 something, a relative or something like that, then, yes, I
8 would.

9 Q Okay. So you would -- would you state that to them
10 whether you believed it or not basically to butter up to
11 them?

12 A If it's buttering up to them, or is it establishing a
13 rapport with them, I guess it's a matter of semantics.

14 Q Okay. Did Mr. Briggs ever tell you, make a statement,
15 of the fact that -- and I'm -- that this type of stuff
16 disgusted him or made him sick, these allegations?

17 A Yes.

18 Q Okay. Did he ever tell you at some point that he felt
19 a lot of pressure?

20 A Yes, he did.

21 Q And what did you -- what did you take that to mean?

22 A Well, I agreed with him that I felt like I'm sure he
23 was under a lot of pressure. I mean, the being accused of
24 molesting a child is a pretty pressure-inducing allegation.
25 So I told him regardless of whether he was sitting there

Danny Morgan
Cross-examination by Mr. Singleton

1 talking to me, I understood that he was under pressure.

2 Q Okay. And y'all -- y'all spoke for about five or six
3 hours?

4 A Yes, sir.

5 Q And you say that he take -- you offered him repeated
6 breaks, smoke breaks.

7 A Yes. I even allowed him to smoke in my office.

8 Q Right. Was it your job to try to get a confession out
9 of him?

10 A If -- if a person has done something and they're
11 withholding the truth, then, yes, that's my job.

12 Q And basically you would tell them anything that they
13 wanted to hear in order to get a confession, is that
14 correct?

15 A No, sir, I wouldn't tell them anything they wanted to
16 hear.

17 Q But did you tell them, you know, if there was any
18 possible -- if he was to confess what -- what the law, the
19 courts, that they would take that into account or a judge
20 would take that into account if he confessed?

21 A I would -- I told -- I would tell him -- and I'm not
22 exactly sure everything that I told him -- but I would tell
23 a person that the people who are going to ultimately decide
24 his fate on something, would be taken into consideration
25 whether he was cooperative, whether he admitted to it, if

Danny Morgan
Cross-examination by Mr. Singleton

1 he was remorseful, that those things would definitely be
2 things that a person would take into consideration.

3 Q Did you tell him that if he confessed to it that she
4 would go -- that she would be able to get therapy a lot
5 faster?

6 A No, that -- no. I told him -- I don't remember
7 exactly what I told him about therapy, but I told him that
8 therapy is probably something that he needed. But I don't
9 have any kind of control over, you know, when a person gets
10 therapy, or how, or I don't really even know what the
11 process is.

12 Q So you didn't make the statement, or the statement of
13 any kind, that he had the ability to affect her future,
14 that forensic interviews can make take months before she
15 gets therapy and --

16 A Oh, you're talking about the child, the victim's
17 therapy.

18 Q Yeah. Not his therapy. I'm talking about the
19 victim's.

20 A Okay. I'm sorry.

21 Q Talking about the victim's therapy.

22 A I thought you meant his therapy.

23 I was trying to appeal to him that if there was any
24 sense of feeling of caring about this child that he had the
25 ability to help ease this child through this process that

Danny Morgan
Cross-examination by Mr. Singleton

1 he had caused and that if he would admit to what he had
2 done, then the therapist there would be able to get him
3 into therapy sooner or get her into therapy sooner and to
4 be able to work with her sooner but that it would be --
5 because otherwise the child was going to have to grow up
6 being called a liar, at least by him.

7 Q So when you made those statements to him did you
8 already in your mind -- did you -- you felt that he was
9 guilty of what he was charged with?

10 A By that point in time in the interview, yes, I was --
11 I was then and now very sure that he had.

12 Q But are your decision -- I mean, is your -- is your
13 thinking always correct?

14 A Oh, no.

15 Q I mean, are you always correct when somebody leaves --
16 leaves your office saying, no, that guy is guilty or that
17 guy is innocent? I mean, are you always correct?

18 A I -- no, I am not always. I'm not infallible in any
19 way. No. I've been wrong before.

20 Q Okay. But were you -- but you were basically trying
21 to get him -- trying to tell him everything was going to be
22 okay if he told you the truth.

23 A No, sir. In fact, I told him -- I remember telling
24 him that he had a -- a rough road ahead of him, that he had
25 some things that he was going to have to deal with.

Danny Morgan
Cross-examination by Mr. Singleton

1 Q Did you not tell him that if he didn't tell the truth
2 and confess that the train would roll right over him?

3 A An analogy of a train. In fact, I think at one point
4 I told him maybe I -- maybe that was the wrong analogy to
5 use with him.

6 But I told him -- basically, what I was trying to
7 explain to him was that this case where -- as much as he
8 may want to get off of it and -- and pretend that it didn't
9 happen and pretend it's going to go away, that as much as
10 he may want that to be the case that's not the case.

11 This case, these allegations, are going to go forward.
12 And that's what -- sometimes I refer to a case as a train
13 because it goes forward whether you want it to or not.

14 Q Right. And that's what our legal system is for, is
15 for the case to go forward and determine if somebody is
16 guilty or not, correct?

17 A Absolutely.

18 Q Okay. Didn't you kind of belittle him by telling him
19 that if he was a man he would tell you the truth?

20 A I -- I probably didn't use those words, because that
21 would not have been very -- still keeping that
22 rapport-building there -- but I probably would have told
23 him it's time for you to man-up here.

24 Q Did you tell him that if he -- that if he told you --
25 if he confessed to you that he could possibly get

Danny Morgan
Cross-examination by Mr. Singleton

1 probation?

2 A No, sir. I -- I told him that I didn't know exactly
3 what the minimums were. And I told him as far as I knew at
4 that point in time -- actually I think I had the -- the
5 numbers wrong in it -- but I told him that if that was even
6 a consideration -- I do remember exactly telling him though
7 that I didn't think that probation was very likely for him
8 but that that was something that would have to be decided
9 later.

10 Q But did you not tell him some people got probation,
11 got probation in --

12 A We talked about -- I told him that my experiences over
13 the years of dealing with the law enforcement-judicial
14 system -- I told him that not specifically this type of
15 case but with many cases that many people do get probation
16 and that a lot of times that has to do with their
17 willingness to be accepting of their responsibility and
18 that that sometimes is something that has an affect on a
19 person's outcome.

20 Q Okay. And didn't you tell him not to admit to
21 something if he didn't do it?

22 A Very much so repeatedly.

23 Q And he never confessed to you, did he?

24 A Verbally, no, other than to tell me that he knew that
25 he couldn't tell me that he didn't do it because I knew the

Danny Morgan
Cross-examination by Mr. Singleton

1 truth.

2 Q How would you know the truth?

3 A Because we had sat there and talked about it over and
4 over, and he had nodded his head yes, that he had done
5 things.

6 You know, so, I mean, it, it was -- it was an
7 established -- between he and I sitting in that room
8 together it was established between us that he had done
9 this.

10 Q But that's just your opinion. That was -- that was --
11 I mean, he never came out and gave a confession to you, did
12 he?

13 A He did not come out and say I did this to VICTIM

14 Q Did he sign a confession statement in front of you?

15 A No, sir, he did not.

16 Q You told him don't admit do -- don't admit to
17 something you didn't do.

18 A Yes, sir. I told him --

19 Q And he never admitted to that.

20 A I told him to -- that a person should never admit to
21 anything they did not do.

22 Q When you went over his personal history and work
23 history and relationships and stuff like that with him --
24 or at some point during your conversation with him did you
25 ever tell him that he did not fit the profile of being a

Danny Morgan
Cross-examination by Mr. Singleton

1 sexual predator?

2 A As a part of the initial process of building a rapport
3 with a person, I think that that probably was a part of
4 what I was doing, was to establish with him that it was
5 okay for him to talk with me.

6 And that is a part of my -- my interview technique or
7 style is to -- is to let a person know that I don't think
8 that -- in fact, I told him. I told him I didn't think
9 that he was the kind of person who's hanging around a park
10 trying to pick up little girls -- I think is kind of what I
11 was referring to there, that I didn't think he was like
12 that but that he had gotten himself into a bad situation
13 here.

14 Q So you were just saying that statement and similar
15 statements just to basically butter him up and get close to
16 him.

17 A No, sir. It's not to butter him up.

18 Q Well, don't you want him to feel comfortable with you
19 and --

20 A Yes.

21 Q -- feel like he's --

22 A But that's -- I don't call that buttering up. But --
23 but as you say, it's a matter of semantics.

24 But, yes, I was talking with him, and I didn't want to
25 belittle him, and I didn't want to alienate him.

1 MR. SINGLETON: No other questions, Your Honor.

2 MS. REESE: Nothing further, Your Honor.

3 THE COURT: You may step down.

4 MS. REESE: Your Honor, may we approach?

5 THE COURT: Yes.

6 MS. REESE: May this witness be excused, Your Honor?

7 THE COURT: He may be.

8 (Whereupon, the witness was excused.)

9 THE COURT: Ladies and gentlemen, everyone anticipates
10 the next witness might be of some length. And rather than
11 break it up it's probably a convenient time for us to
12 recess for the afternoon.

13 I've got something that's already scheduled for in the
14 morning. I should be finished with that by 10:00 o'clock.

15 So you're going to be excused now. You'll be asked to
16 report to your jury room at 10:00 o'clock in the morning,
17 10:00 o'clock in the morning.

18 In the meantime have no discussions about the case
19 with anybody. Don't conduct any research; don't do your
20 own investigation.

21 Have a good evening. We'll see you at 10:00 o'clock
22 in the morning.

23 (The following takes place outside the presence of the
24 jury.)

25 THE COURT: Court is in recess until 10:00 o'clock in

1 the morning for this case.

2 END OF PROCEEDINGS AUGUST 24, 2010

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Mike Jones
Direct examination by Ms. Reese

1 (Proceedings August 25, 2010)

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

4 THE COURT: All right. Are we ready for the jury?

5 MS. REESE: Yes, sir, Your Honor.

6 THE COURT: Bring them in.

7 (The following takes place in the presence of the
8 jury.)

9 THE COURT: Good morning, ladies and gentlemen.

10 As you know, when we recessed yesterday the state was
11 in the midst of their presentation. So we'll continue with
12 that presentation of evidence this morning.

13 Ms. Reese.

14 MS. REESE: Your Honor, the state calls Mike Jones.

15 MIKE JONES, having been first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MS. REESE

18 Q Will you state your name for the jury, please?

19 A Captain Mike Jones.

20 Q Where are you employed?

21 A At the detention facility.

22 Q And what are your duties at the detention facility?

23 A My duties are over the kitchen, the inmate labor, the
24 telephone, inmate telephone service, and the records.

25 Q As a part of your duties do you record inmate jail

Mike Jones

Direct examination by Ms. Reese

1 phone calls?

2 A Yes, with a subpoena from whoever is requesting it.

3 Q Are they always recorded or are they just sometimes
4 recorded?

5 A No. They're always recorded.

6 Q So any -- any phone call made from the jail out is
7 recorded, is that correct?

8 A Yes.

9 Q And are these jail calls kept in the regular course of
10 business?

11 A Yes.

12 Q And if you receive a subpoena how are they retrieved?

13 A I get the subpoena and I pull them off the record, off
14 the computer, and then send them to whoever is -- whoever
15 requested them.

16 Q Let me ask you to look at this disc. Did you send
17 this disc to me in response to a subpoena sent to you?

18 A Yes, ma'am.

19 Q And that is for a particular phone number.

20 A Yes.

21 Q Is that correct?

22 A Yes, ma'am.

23 Q Now, once these phone -- these calls are pulled off --
24 do you pull each and every call off?

25 A Yes.

Nikki Cantrell
Direct examination by Ms. Reese

1 Q And do you alter or change any call before you pull
2 them off?

3 A No, ma'am.

4 MS. REESE: Nothing further, Your Honor.

5 MR. SINGLETON: Nothing, Your Honor.

6 THE COURT: Step down.

7 MS. REESE: The state calls Nikki Cantrell.

8 May this witness be excused, Your Honor?

9 THE COURT: He may be.

10 (Whereupon, the witness was excused.)

11 NIKKI CANTRELL, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. REESE

14 Q State your name for the record, please.

15 A Nikki Cantrell.

16 Q And where are you employed?

17 A Spartanburg County Sheriff's Office.

18 Q And as an employee of that office what are your
19 duties?

20 A I am a detective. I investigate all crimes that are
21 sexually motivated and all crimes against children.

22 Q And how long have you been employed there?

23 A Nine years.

24 Q Did you have occasion to investigate a case regarding
25 the defendant?

Nikki Cantrell
Direct examination by Ms. Reese

1 A I did.

2 Q And when did you receive that report?

3 A On February the 2nd, 2009.

4 Q And what was the first thing you did after receiving
5 the report?

6 A I responded to Chesnee Elementary School.

7 Q And when a case comes into you, how does it come to
8 you? Who assigns it to you?

9 A This case was actually -- I received a direct phone
10 call from Chief Smith with the Chesnee P. D.

11 Q And as a result of that conversation with the chief
12 what did you do?

13 A I went to Chesnee Elementary School where he was at,
14 because he had received a report in reference to a child
15 sexual abuse investigation.

16 Q Was anybody else with you when you went to Chesnee
17 Elementary School?

18 A No. But when I arrived D.S.S. was at Chesnee
19 Elementary School, along with Chief Smith.

20 Q Did you have occasion at that time to speak with

21 VICTIM ?

22 A I did.

23 Q And after your conversation with VICTIM , what next did
24 you do?

25 A After my conversation with her we went to her

Nikki Cantrell
Direct examination by Ms. Reese

1 residence.

2 Q And did you speak to anyone there?

3 A No. No one was home.

4 Q What next did you do?

5 A We attempted to contact VICTIM 's father. I
6 spoke to him on the phone. And then since we could not get
7 in touch with VICTIM 's mother or mother's boyfriend, we
8 went back to the school and got the children off the school
9 bus.

10 Q And what was the purpose in getting the children off
11 the school bus?

12 A Because the alleged offender at that time was Anthony
13 Briggs who is the mother's boyfriend. And he typically is
14 at home with the children when the mother is working. And
15 we could not allow the children to return to his home until
16 we investigated this case. We didn't want to put them in
17 any danger.

18 Q Where did you -- did you pick up the children at that
19 time?

20 A Yes, ma'am.

21 Q And what did you do with them?

22 A We took them to the sheriff's office.

23 Q Where were they placed at the sheriff's office?

24 A They were upstairs in like a big conference room with
25 some coloring books. And another investigator hung out

Nikki Cantrell
Direct examination by Ms. Reese

1 with them.

2 Q At some time after you brought the children to the
3 sheriff's office did the defendant come to the sheriff's
4 office?

5 A Yes, ma'am.

6 Q And did he come with anyone?

7 A Yes, ma'am.

8 Q Who was that?

9 A He came with Wendy Richards.

10 Q What did you do at that point?

11 A At that point I interviewed Wendy Richards first.

12 Q Did you do anything in regard to assuring the safety
13 of the children at that point?

14 A Yes.

15 Q And what was that?

16 A D.S.S. signed a safety plan with Wendy Richards
17 stating that she would not allow her children to have any
18 contact with Anthony during the course of the
19 investigation.

20 Q At that point did you make the decision to allow the
21 children to go back with Wendy?

22 A Yes, ma'am.

23 Q On that date did you have a chance to speak with the
24 defendant?

25 A Yes, ma'am.

Nikki Cantrell
Direct examination by Ms. Reese

1 Q And was he in your custody that day?

2 A No, ma'am.

3 Q Was he free to go at any time?

4 A Yes, ma'am.

5 Q How long did you speak with him?

6 A I probably spoke with him for 20 to 30 minutes.

7 Q Okay. What did he tell you or what was the -- tell me
8 about the conversation you had with him that day, the first
9 day.

10 A Okay. The first day after I got done talking to Wendy
11 I spoke to Anthony at my desk.

12 I told -- I explained to him the allegations, and he
13 started telling me about issues that he had with the
14 victim's biological father, Neddie. He instantly started
15 going into a long history of altercations that they had
16 had.

17 I explained to him that that wasn't what I was
18 concerned about and I understood that there was an ugly
19 history between them but my concern was if he had sexually
20 assaulted VICTIM .

21 He again continues to talk about Neddie. And at that
22 point the D.S.S. worker interjected and had to ask him did
23 you sexually abuse VICTIM . And then he finally answered
24 that question and said no at that point.

25 Q Did he tell you during that conversation where he

Nikki Cantrell

Direct examination by Ms. Reese

1 slept in the home?

2 A Yes. He did confirm that he sleeps on a pull-out
3 couch in the living room.

4 Q Did he tell you whether or not he was present with
5 VICTIM in the mornings before school?

6 A Yes. Wendy works in the mornings, and he would stay
7 at home with VICTIM , just the two of them, while the other
8 two children were at school.

9 Q Did he tell you whether or not she was in the room
10 with him during those mornings?

11 A Yes. He stated that she would come. She would get up
12 out of her bed and come in the living room and she would
13 watch cartoons.

14 Q How old was VICTIM at this time? Do you know what her
15 date of birth is?

16 A Yes. Her birthday is So at that time
17 she had -- she had turned five a couple of months -- she
18 had just turned five.

19 Q Were you able to determine whether or not she did
20 attend school?

21 A Yes. She did attend school. She attended Chesnee
22 Elementary School. She was in the 4-K program. That
23 school began that year on August 19th of 2008. And she
24 went from 11:00 a.m. to 2:15 p.m.

25 Q And where did the defendant and his girlfriend live

Nikki Cantrell
Direct examination by Ms. Reese

1 with VICTIM at that time?

2 A At that time they were living at
3 in Chesnee, which is in Spartanburg County.

4 Q Did you ask the defendant to come back for a formal
5 interview?

6 A I did.

7 Q And when was that scheduled?

8 A The following morning at 9:00 a.m.

9 Q And did you ask anyone else to assist you in that
10 interview?

11 A Yes. I asked Danny Morgan to assist me with that
12 interview.

13 Q Now, during the next day, were you present the next
14 morning when he arrived at the sheriff's office?

15 A I was present when he arrived.

16 Q And did he come with anyone else?

17 A Yes. He came with Wendy Richards.

18 Q At that time what did you do in regards to this case?

19 A At that time I had -- I spoke to Wendy briefly. And
20 then I had -- I brought Anthony upstairs to the
21 investigations area and sat him down on the couch in the
22 lobby and told Danny Morgan that he was here.

23 Q Did you stay at the sheriff's office that morning
24 while the two of them talked?

25 A Not originally. I had to leave the office on another

Nikki Cantrell
Direct examination by Ms. Reese

1 case.

2 Q Were you called back to the office sometime around
3 1:30 that day?

4 A Yes, ma'am.

5 Q And what did you do at 1:30?

6 A At 1:30 I spoke with Danny Morgan in reference to his
7 interview with Anthony.

8 Q And after you did that what then did you do?

9 A After that I walked Anthony outside. He said he
10 wanted to talk to Wendy. He had also mentioned that he was
11 hungry. So he and Wendy sat outside in their vehicle and
12 smoked and talked while I went to McDonald's and bought
13 them all lunch.

14 Q So you left them there in the parking lot together.

15 A Yes, ma'am.

16 Q And they weren't being supervised.

17 A No, ma'am.

18 Q And you bought them lunch and broke it back.

19 A Yes, ma'am.

20 Q What then happened?

21 A I gave Wendy her lunch. She left to go to D.S.S.
22 Anthony took his lunch upstairs and finished speaking with
23 Danny Morgan. And they ate in Danny's office together.

24 Q During the time that he finished his interview with
25 Detective Morgan -- did you observe any of that interview?

Nikki Cantrell
Direct examination by Ms. Reese

1 A I did.

2 Q What was his demeanor during the time that you saw
3 that interview?

4 A He was -- he was calm. He was eating. He was talking
5 to Danny. He during that whole portion of the interview,
6 he had never denied when Danny would talk to him about the
7 sexual abuse allegations. He did not deny it ever.

8 He was questioning Danny and talking to Danny a lot
9 about what his options would be and what he should do, what
10 he could do, and asking Danny questions about the law and
11 things like that.

12 Q Did you have an opportunity to speak with Anthony
13 yourself?

14 A I did.

15 Q And how did that come about?

16 A After he was done -- he was very insistent with Danny
17 that he wanted to talk to Wendy, he wanted to talk to
18 Wendy. Before he said anything he wanted to talk to Wendy,
19 that Wendy needed to hear from him first.

20 So Danny came and told me that. I spoke to Anthony
21 for a short while before he talked to Wendy.

22 Q And where did you speak with him?

23 A In the interview room.

24 Q At that time can you tell me the substance of the
25 conversation you had with him?

Nikki Cantrell

Direct examination by Ms. Reese

1 A At that time since he had been asking a lot of
2 questions about the law and things like that, and I had
3 missed the beginning of Danny's interview with him since I
4 was not in the office, I wanted to make sure that he
5 understood and to clarify any questions he did have.

6 I explained to him the law and the process of a case
7 going before, going forward. And we discussed that
8 briefly. And he was asking me questions about what he
9 could be charged with and things like that.

10 Then after that he wanted to talk to Wendy. He -- he
11 told me that he wanted to go home that night to talk to
12 Wendy and make arrangements for when he was in jail.

13 Q Did he say anything else to you before he talked to
14 Wendy?

15 A Yes. Before he talked to Wendy he did tell me that he
16 was -- he started crying. He got upset. He got tears in
17 his eyes. And he told me he was sick and he needed help.
18 He told me he wanted to tell me about that but he wanted to
19 talk to Wendy first.

20 Q Did you, in fact, let him talk to Wendy?

21 A I did.

22 Q And tell me about that.

23 A We brought Wendy upstairs. We allowed him to talk to
24 Wendy alone in Detective Morgan's office. He talked to her
25 for quite a while in there. And then they said that they

Nikki Cantrell
Direct examination by Ms. Reese

1 wanted to go out and smoke. So we let them go outside and
2 smoke.

3 He used the telephone. He talked to his mother and
4 also to Wendy's father.

5 When we were walking back inside I had asked him if he
6 had told Wendy yet. He told me, no, he hadn't told her
7 yet, he needed a few more minutes to tell her. So we
8 allowed him to speak to Wendy some more. And then he was
9 done talking to her, and we walked her out.

10 Q Did he want to speak to anybody else?

11 A Yes. He wanted to speak to his mother.

12 Q Did you allow him to speak to his mother?

13 A I did.

14 Q And did you talk to him about whether or not he had
15 talked to Wendy before he spoke with his mother?

16 A Yes. We were allowing him to speak to his mother
17 downstairs in the sheriff's office. So when I was walking
18 him downstairs I asked him if he had told Wendy about what
19 he did to VICTIM. And he told me that he had told her.

20 And I asked what her reaction was and what did she say
21 about that. And he said that, well, we're going to figure
22 out a way to get through this.

23 Q What was his demeanor through this whole process
24 during the day and especially toward the latter part of the
25 interviews? What was his demeanor?

Nikki Cantrell

Direct examination by Ms. Reese

1 A I mean, he -- he was somewhat emotional, but it was
2 more like remorseful. He was cooperative; he was calm; he
3 was quiet.

4 Q At that time point did you allow him to speak to his
5 mother?

6 A Yeah.

7 Q And where was he to speak to his mother?

8 A In -- right outside the lobby at the sheriff's office.

9 Q And just before you walked through that door was --
10 had his demeanor changed?

11 A Yes. I had asked him if he was going to tell his
12 mother about what he had done to "VICTIM", and he told at
13 that point he was not going to tell her. He told me that
14 she was a fireball and I would see that in just a minute.
15 And as soon as we walked through the door I witnessed that.

16 Q What did -- how did his demeanor change as you walked
17 through the door?

18 A When we walked through the door he started getting
19 loud and boisterous. He was -- his mom was yelling. He
20 was almost, for lack of a better word, kind of whining to
21 his mother. It was just completely different then.

22 Q After you allowed him to talk to his mother was he
23 actually placed under arrest?

24 A Yes.

25 Q And was he carried to the detention center at that

Nikki Cantrell
Direct examination by Ms. Reese

1 time?

2 A Yes, ma'am.

3 Q After did he ever give you -- did you ever -- were you
4 able to take a written statement from him before he talked
5 to his mother?

6 A Oh, no.

7 Q Or did you do that?

8 A No, not before he talked to his mother.

9 Q And after he was taken to jail, what next did you do?

10 A After he was taken to jail we continued the
11 investigation some more. We referred VICTIM to the
12 Children's Advocacy Center, and we spoke to Wendy Richards.
13 We obtained statements from people. I went to the jail and
14 listened to jail tapes.

15 Q Did you actually attend a Children's Advocacy Center
16 interview?

17 A I did.

18 Q And during that interview did VICTIM disclose a sexual
19 assault?

20 A She did.

21 Q And did she say where it happened?

22 A Yes. She stated it happened at her house where she
23 lived with her mother, Anthony and her siblings at
24 . She disclosed that it happened on the
25 pull-out couch in the living room.

Nikki Cantrell

Direct examination by Ms. Reese

1 Q And did she say when it happened?

2 A Yes. She had talked about that it would happen to her
3 before she went to school. And she had just entered the --
4 she was in the 4-K program. She wasn't in school prior to
5 that.

6 So it happened to her between August 19th of 2008 and
7 February 2nd of 2009 to the best we could figure out.
8 Because of her age she can't give an exact date.

9 Q At the time of that interview -- now, did you -- were
10 you present at the second interview or just the first
11 interview?

12 A I believe I was just present at the first interview.
13 If you'll let me look at my notes I can answer for sure.

14 (Pause.)

15 A Yes. I was just present for the first interview.

16 Q After the initial part of the investigation was done,
17 which included getting all of this information, did you
18 actually listen to phone calls from the jail?

19 A Yes, ma'am.

20 Q And do you recognize this disc?

21 A Yes, ma'am.

22 Q And what is this?

23 A Those are the phone calls from the jail that Anthony
24 was making.

25 Q All right. Do you know Anthony Briggs' voice?

Nikki Cantrell
Direct examination by Ms. Reese

1 A I do.

2 Q And how about Wendy Richards' voice?

3 A Yes, ma'am.

4 Q And is it your testimony that the calls you listened
5 to were between the two of them?

6 A Yes, ma'am.

7 Q And roughly how many calls would you say there were?

8 A Hundreds.

9 Q During all of those calls did the defendant ever make
10 a comment to Ms. Richards regarding oral sex on the child?

11 A Yes, ma'am.

12 Q What did he say?

13 A He had said that you can't prove or disprove oral sex,
14 it's my word against hers.

15 Q Did he ever instruct Ms. Richards as to whether or not
16 she should take the children or allow the children to be
17 seen at the Children's Advocacy Center?

18 A Yes, ma'am. He told her on numerous days and numerous
19 times not to take the child for the forensic interview.

20 And then when he found out that the children -- that VICTIM
21 was in therapy he told her not to take her to therapy and
22 would get angry that she was taking VICTIM to therapy.

23 Q Did he ever make any comment to Wendy Richards about
24 whether or not she should allow her daughter to be part of
25 a court proceeding?

Nikki Cantrell

Cross-examination by Mr. Singleton

1 A Yes. On February the 5th of 2010 he -- was one of the
2 times. And he said this numerous times. No face, no case.
3 He explained to her that if VICTIM s not here to testify
4 they have to dismiss the charges on me.

5 He also told her to drop off the face of the earth and
6 to go where we don't have jurisdiction. He told Wendy to
7 change the children's schools, move and put the bills in
8 somebody else's name so nobody could ever find them.

9 MS. REESE: Nothing further, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. SINGLETON

12 Q Detective Cantrell, I just want to -- do you have
13 your -- your entire report in front of you?

14 A I do.

15 Q Okay. Looks like ten or so pages. On your report you
16 have the incident date as August 1st. Where did that date
17 come from?

18 A That date at that time when I did the report, it was
19 on February the 2nd at night after -- and the school was
20 closed. And I was not sure of the exact start of the 4-K
21 program. So we just used August 1st to make sure we
22 included the entire time that the 4-K program went on.

23 Q Okay. Did anybody -- did you ever find out that 4-K
24 didn't actually start until September 11th?

25 A No. I was aware that the 4-K program started on

Nikki Cantrell
Cross-examination by Mr. Singleton

1 August the 19th of 2008.

2 Q Okay. Who told you that?

3 A That's what the school had stated.

4 Q Do you have that piece of paper?

5 A Yeah. I mean, I wrote on here August 19th of 2008 was
6 the first day of school.

7 Q That's the first day of school or the first day of
8 school for 4-K?

9 A Uh-huh. They told me that was the first day of
10 school. And I was asking about the 4-K program. But they
11 could have just told me the first day of school.

12 Q Okay, okay. So you don't know if 4-K started on
13 August 19th or September 11th.

14 A Correct.

15 Q Okay. You also stated on the -- on your first part of
16 your report the complainant's name was Neddie Tate
17 Richards.

18 A Yes.

19 Q Okay. How do you know -- where did you get that
20 information from? Did he contact you directly?

21 A No. That was when I spoke to him on the telephone.

22 Q Okay. So you don't know if he actually called into
23 the police or somebody else called on his behalf?

24 A I -- I'm not sure who contacted. Like I said, I was
25 contacted by Chesnee Police Department. I'm not sure who

Nikki Cantrell
Cross-examination by Mr. Singleton

1 contacted Chesnee Police Department and made them aware of
2 it.

3 Q Okay. And who is Neddie Richards in relation to the
4 victim?

5 A He's the father.

6 Q The father. Okay. Did you have a chance to later on
7 interview Mr. Richards?

8 A I did.

9 Q I think you interviewed or talked to him twice, once
10 over the phone. And I believe that was on February the
11 2nd.

12 A Uh-huh.

13 Q -- sometime in the afternoon --

14 A Yeah.

15 Q -- according to your notes.

16 A Yes.

17 Q Do you remember if he told you when --

18 MS. REESE: Your Honor, I'm going to object. It's
19 hearsay.

20 THE COURT: Sustained.

21 When you say he, you're not referring to the
22 defendant, are you?

23 MR. SINGLETON: No, Your Honor. I was referring to
24 Mr. Richards.

25 Q Going back to the first page of your report, you state

Nikki Cantrell
Cross-examination by Mr. Singleton

1 that the two allegations -- you don't -- you state two
2 allegations against Mr. Briggs, is that correct, on your
3 first page of your report?

4 A Yes, sir.

5 Q And what are those allegations?

6 A That he puts his mouth on her front private and that
7 he pushes on her front private with his fingers.

8 Q Okay. And it also states on there -- does it say --
9 do you also state when this occurred supposedly, what time
10 in the mornings?

11 A When the victim's siblings go to school and the victim
12 is alone with Anthony prior to leaving for 4-K at
13 11:00 a.m.

14 Q Okay. So it occurred sometime in the morning
15 before -- supposedly occurred sometime in the morning
16 before 11:00 a.m., correct?

17 A Correct.

18 Q Okay. Do you know if school started at 11:00 or if
19 that's when she got on the bus, or what?

20 A School starts at 11:00 a.m. and goes to 2:15, is the
21 letter I have from the school.

22 Q Okay. And she had to take a bus to school, is that
23 correct?

24 A Correct. She lived like catty-corner from the school.
25 She could have walked.

Nikki Cantrell
Cross-examination by Mr. Singleton

1 Q Okay. And when you got to the school did you -- did
2 you -- you and a lady from D.S.S. spoke to VICTIM , is that
3 correct?

4 A Yes.

5 Q Was there anybody else in the room besides you three?

6 A Let me review my file to make sure. I can't remember.

7 Q That's fine.

8 A I don't believe so. I typically, whoever is in the
9 room, I document who is in the room. And I have that it
10 was -- I just have myself and the D.S.S. investigator.

11 Q Okay. Is there any reason you didn't get a teacher or
12 at least the mother to come in there while you were
13 interviewing a four-year-old?

14 A Yeah. We -- we -- sometimes teachers are in there and
15 sometimes they're not. It's kind of up to the school. And
16 their policy, a lot of schools don't want to be involved.
17 And so they don't want to be in there because they don't
18 want to have to come to court.

19 Also, the parents. We never call a parent to the
20 school to sit in on the interview while we investigate a
21 sexual abuse allegation that's occurring in the home
22 because at that point we don't know.

23 Q Okay. So before you had talked to VICTIM you already
24 knew that -- kinda who was involved, supposedly involved.

25 A Yeah. I had the information that D.S.S. had provided

Nikki Cantrell
Cross-examination by Mr. Singleton

1 me about the complaint that came in to them.

2 Q You state on your report that the -- did VICTIM ever
3 state the allegations to you? Did she ever say what
4 supposedly happened to her?

5 A She -- Vickie Cook, the D.S.S. worker, started talking
6 to VICTIM first. And she explained to VICTIM who she was
7 and what her job was and that people call her -- can call
8 her and she checks on children to make sure they're safe.

9 She explained to VICTIM that someone had called her
10 and told -- and had told her. And she -- she told VICTIM
11 what the allegations were. And at that point VICTIM --

12 had a wart on her hand, and she started biting it.
13 And she was very anxious and nervous and upset. She got
14 teary-eyed. And she was chewing on her wart so much that
15 she started bleeding. She was just that upset about the
16 whole situation.

17 Q So VICTIM never came out and stated this is what
18 supposedly happened to me.

19 A No. She confirmed that what -- what the allegations
20 were, she confirmed that that was true.

21 Q Okay. But she never told you verbatim what the
22 allegations were, what supposedly happened to her.

23 A No.

24 Q Okay. And you state that that -- that Mr. Briggs
25 admitted to when you interviewed him, that he admitted to

Nikki Cantrell

Cross-examination by Mr. Singleton

1 sleeping on the lay-out couch.

2 A Yes.

3 Q And that's -- and that was -- where was the lay-out
4 couch in relation to the house?

5 A In the living room.

6 Q Okay. So it's not like he was trying to -- it wasn't
7 a secret as to where he was sleeping to anybody in the
8 house.

9 A No. He and Wendy slept on that. It was only a
10 2-bedroom trailer, and the children had the bedrooms.

11 Q Okay. And I was going to kinda go in order in which
12 your report goes. It says here on February 2nd, 1430
13 hours, which I imagine is around 2:30 --

14 A Yes, sir.

15 Q -- that you spoke to Madison.

16 A Yes, sir.

17 Q And who is Madison?

18 A Madison is Wendy's other daughter, VICTIM_ sister.

19 Q Okay. Did you ask Madison any -- if she knew anything
20 about these allegations --

21 A Let me read over my interview with her real quick.

22 Q -- or if she ever heard anything about these
23 allegations beforehand?

24 A I asked them about who lived in the home with them. I
25 asked them their opinion on Anthony. They indicated there

Nikki Cantrell
Cross-examination by Mr. Singleton

1 are some things they didn't like about him.

2 Q Well, I'm just asking you basically if you had
3 heard -- if you asked Madison about whether she had heard
4 about these, any of these, allegations regarding Mr. Briggs
5 before.

6 A I didn't ask her that. She had asked me a question
7 about that.

8 Q Well, I'm looking at page four of your supplemental
9 report.

10 A Uh-huh.

11 Q And I was going to read verbatim. It says, "I asked
12 her if she knew anything about anyone touching VICTIM "

13 A Where?

14 Q Do you want me to show you? I'm sorry.

15 A Yeah, because she had said that she asked if this was
16 about somebody touching VICTIM .

17 Q And --

18 A She had told me that prior, about four sentences
19 prior, to that.

20 Q But what does she say in response to that statement
21 you asked her?

22 A She said that she didn't know anything personally.

23 Q Right. Okay. Does she indicate -- strike that
24 question. And later on just right below that, the same
25 day, you spoke to Wendy Richards.

Nikki Cantrell
Cross-examination by Mr. Singleton

1 A Yes, sir.

2 Q Did she tell you anything about when she first heard
3 about the allegations?

4 MS. REESE: Your Honor, I'm going to object to
5 hearsay.

6 THE COURT: Sustained.

7 Q Do you know where Wendy was working at this time?

8 A Yes. She was working for a cleaning service. I think
9 she said the name of it was Better Homes.

10 Q Okay. Did she tell you what time she went to work or
11 anything?

12 A She would --

13 MS. REESE: Your Honor, again, I'm going to object to
14 hearsay.

15 THE COURT: She can't testify to what somebody else
16 said, Mr. Singleton.

17 MR. SINGLETON: Okay.

18 Q Now, you stated when he came to -- you stated you
19 talked to Mr. Briggs that same -- on the 22nd, I believe.

20 A Yes.

21 Q For about 20 or 30 minutes.

22 A Yes, sir.

23 Q And during those conversations with you did he deny
24 doing anything to VICTIM?

25 A Yes. One time.

Nikki Cantrell
Cross-examination by Mr. Singleton

1 Q Okay. And then the next day he came back on his own
2 to speak with Detective Morgan, is that correct?

3 A Yes, sir.

4 Q And you stated that you observed part of the
5 conversation with Detective Morgan.

6 A Correct.

7 Q I believe you just testified that -- that he never
8 denied anything to Detective Morgan during that
9 conversation, is that correct?

10 A When I -- when I viewed it, yes.

11 Q Okay. So you didn't hear him say -- you didn't hear
12 him deny the allegations, or did you hear him make the
13 statement that these allegations made him sick?

14 A No. I didn't hear that. He told me that he was sick
15 and he needed help.

16 Q But you never heard the statement that he made to
17 Detective Morgan that he thought these allegations -- these
18 type of allegations, what they're saying he supposedly did
19 to this girl, made him sick to his stomach.

20 A No.

21 Q Okay. And you didn't hear him deny on a couple of
22 occasions to Detective Morgan that he did anything.

23 A No, sir.

24 Q Okay.

25 A Like I said, I didn't hear anything prior to about,

Nikki Cantrell

Cross-examination by Mr. Singleton

1 I'd say, 1:30 or 2:00 o'clock, is probably when I got back
2 to the office.

3 Q Do you know how long -- did you ever hear the
4 statement when Detective -- when he was talking to
5 Detective Morgan and he told Detective Morgan that he felt
6 a lot of pressure?

7 A Uh-uh.

8 Q Okay. Did you hear the conversation with Detective
9 Morgan when he talks about, you know, what happens if you
10 confess, you know, get a lighter sentence, possible
11 probation and stuff like that?

12 A Yeah. I remember hearing him asking questions about
13 that, because that's why I addressed that with him.

14 Q Okay. Do you remember how long he spoke to Detective
15 Morgan?

16 A I'm not sure. Like I said, at 1:30 is when I started
17 coming back to the office because Detective Morgan had
18 called me, and then when I got there, so I probably got
19 there sometime between 1:30 and, I'd say, 2:00 o'clock.
20 That's when I -- that Anthony sat out in the car with Wendy
21 for probably 30 minutes while I went to get them lunch and
22 then brought it back. And then he talked to Detective
23 Morgan some more. I don't know.

24 Q Okay.

25 A It was sometime in the afternoon. It was still

Nikki Cantrell
Cross-examination by Mr. Singleton

1 daylight out when I took him to go. It was still somewhat
2 light. It wasn't like 3:00 o'clock obviously, but it was
3 still light out when I took him to speak to his mother.

4 Q And I believe that Detective Morgan said yesterday
5 when he testified that it was a long day for the two of
6 them. He had been there for about six hours, had been
7 talking to each other.

8 A Probably, yes, sir.

9 Q Okay. Did -- when you saw -- after Mr. Briggs came
10 out of the interview with Detective Morgan did you give him
11 any sort of a break before you started talking to him? Did
12 he look exhausted or tired --

13 A No, sir.

14 Q -- after being in there talking to him for six or
15 seven hours?

16 A No. Because, like I said, he had just had a -- he had
17 been outside with Wendy. He had been out to smoke several
18 times. He had been to the bathroom. He looked fine.

19 Q And you talked to him, and obviously, about what the
20 benefits of confessing would be.

21 A I -- he was wanting to know what his options were, and
22 I was giving him his options, yeah.

23 Q But he never actually came out and said that he did --
24 I mean, did anything to her, did he?

25 A No. He just, like I said, indicated that he was sick

Nikki Cantrell

Cross-examination by Mr. Singleton

1 and needed help. And he started getting tearful.

2 Q Okay. So you don't know what -- you don't know what
3 he meant by being sick and needed help. You don't know
4 what he meant by that?

5 A He was not requesting medical attention. He was
6 referring to the allegations that he was sick and needed
7 help. And he was going to tell me what he did.

8 Q Did he state to you I'm sick and I need help for the
9 allegations that are being made against me?

10 A That's what we were talking about, yeah. It's in --

11 Q But he didn't make that statement to you, did he?

12 A No. He said I'm sick, I need help. He was crying.
13 And that was right when we were talking about -- then he
14 finished up with that and said he wanted to tell me what he
15 did but he needed to talk to Wendy first.

16 Q But did he tell you what -- what he wanted to tell
17 Wendy?

18 A No, sir.

19 Q Okay. So you're just assuming what he -- what you
20 think he wanted to tell Wendy.

21 A Correct, I mean, what we had been talking about all
22 day long.

23 Q Okay. Could he have just been saying that so he could
24 talk to Wendy more because he had been there for six or
25 seven hours and he was exhausted and wanted to talk to a

Nikki Cantrell
Cross-examination by Mr. Singleton

1 familiar face again?

2 A He had just talked to her. He had talked to her on
3 the cell phone and told --

4 Q I mean this is a -- wouldn't you think being at a
5 police station from 9:00 o'clock in the morning until at
6 this point 4:00 o'clock or 5:00 o'clock in the afternoon
7 is -- is a lot of pressure on anybody, I mean, if they're
8 being questioned by one or two people?

9 A He was only questioned by one person at a time. And,
10 like I said, he was given a lot of breaks and freedom to
11 use his telephone, freedom to contact whoever. He was
12 eating, going to the bathroom. It's not like it was two
13 people were just talking to him for six hours and he was in
14 a tiny little room or something like that.

15 Q Okay. When you -- you say that you watched the
16 interview with Michele Staggs, is that correct, or you
17 observed the interview she did?

18 A I did.

19 Q And on page eight of your report you -- you and -- you
20 state that you and Michele -- I assume that means Michele
21 Staggs -- agree that there no indications that VICTIM had
22 been coached.

23 A Correct.

24 Q What indications did you -- did you look for?

25 A Typically, I look for sensory details.

Nikki Cantrell
Cross-examination by Mr. Singleton

1 Q Meaning -- meaning what?

2 A Meaning, you know, if she can say, you know, how
3 something felt, if she's -- her emotions about it, the --
4 the sight of something, all of that sort of stuff.

5 Q Okay. And when you observed -- when you talked to
6 at the school -- and did you talk to her on
7 February the 3rd also, or did you just talk to her that one
8 day, February 2nd?

9 A Just February the 2nd.

10 Q When you talked to her on February the 2nd and
11 observed the -- the first taping or the first conversation
12 with Ms. Staggs did she ever tell -- did she ever tell you
13 or Ms. Staggs when this supposedly started?

14 A Like I said, she ended -- she was talking about it
15 happening in the morning before school.

16 Q But she didn't say a time period like in September,
17 October, November, December, January or February?

18 A No. At five years old we wouldn't expect that she
19 could do that.

20 Q She didn't state that, did she?

21 A No.

22 Q Okay. When you spoke to her on February the 2nd did
23 she ever describe to you how these -- I guess for lack of a
24 better word -- supposed sexual acts started?

25 A No. On February the 2nd when we first entered -- when

Nikki Cantrell
Cross-examination by Mr. Singleton

1 we first get allegations like this -- our job on
2 February the 2nd was not to get all of the details of what
3 occurred. It was just to see if there was anything true
4 about these allegations or not and to protect the children
5 if there was any truth to it.

6 And once she indicated that the allegations were true
7 and she was being sexually abused by Anthony, our focus at
8 that point was just to protect her so that she wasn't
9 sexually abused any more.

10 And then we refer them to the Children's Advocacy
11 Center to find out details about the sexual abuse to avoid
12 children from having to be interviewed by multiple people
13 and talk to several different people about it. That's our
14 procedure with that.

15 Q Okay. And, again, what made you think the -- again,
16 she never stated what the allegations were. She just
17 agreed with what you were saying.

18 A Correct, in her demeanor.

19 Q And you determined that you needed to arrest
20 Mr. Briggs based on that night or however, agreeing to
21 those statements. And what else?

22 A Based on her demeanor and her confirming the
23 allegations, and also based on his demeanor with me and his
24 partial admissions --

25 Q Okay.

Nikki Cantrell

Cross-examination by Mr. Singleton

1 A -- to us.

2 Q So you determined within, I guess, what, about 24
3 hours to determine that you needed to arrest Mr. Briggs?

4 A Correct.

5 Q Okay. Would you -- if somebody made these allegations
6 to you, the same allegations she made to you -- strike
7 that. I want to rephrase that one. Let me go back.

8 When you -- at any time that you spoke with VICTIM or
9 when you observed the conversations with Ms. Staggs did she
10 ever state to you that -- whether she was naked or
11 partially naked when the facts, these acts, occurred?

12 A When she spoke to Michele at the Advocacy Center she
13 talked about wearing shorts. But, typically we do see
14 children when you ask them what they were wearing, they
15 tell you what they had on, cause you just ask them what
16 they were wearing, not that they were naked, because she
17 probably did have shorts on. But the shorts obviously
18 would have to be removed for the sex act to take place.

19 Q But she never indicated you or Ms. Staggs that she was
20 naked at any point in time.

21 A That's not what was asked. Michele asked what she was
22 wearing when she said she was molested.

23 Q Well, she asked her what she was wearing when this
24 happened.

25 A Uh-huh.

Nikki Cantrell
Cross-examination by Mr. Singleton

1 Q She never asked -- but she never -- what I'm asking,
2 I'm not asking what Ms. Staggs asked. I'm asking what
3 VICTIM said or didn't say. VICTIM never stated to you or
4 Ms. Staggs that you observed that she was ever naked or
5 partially naked.

6 A No. I guess I'm understanding your question right.

7 Q And did she ever tell you how many times that this
8 supposedly happened when you interviewed her on
9 February the 2nd?

10 A No. I told you we did not ask her details about it on
11 February the 2nd. That was --

12 Q So the answer is no, she didn't tell you how many
13 times it happened.

14 A No.

15 Q Okay. How many -- how long have you been a police
16 officer or a detective?

17 A Nine years.

18 Q Okay. What type -- how long have you been
19 investigating these types of cases?

20 A Seven years.

21 Q Okay. Have all of those seven years been with
22 Spartanburg County?

23 A Yes, sir.

24 Q Okay. Have you ever had the opportunity of when
25 you're doing one of these investigations when you talked to

Nikki Cantrell

Cross-examination by Mr. Singleton

1 them, I guess, mostly a young girl and they disclose this
2 information to you -- do you typically go talk to the
3 father? Or, I mean, if the father is not the accused do
4 you typically go talk to them or tell them what happened or
5 what's been disclosed?

6 A It would depend. I'm confused. I'm not --

7 Q Well, say, if you had a child who says they were
8 sexual abused but they're not accusing their father of
9 doing it, would you have any reason to go speak to the --
10 the father?

11 A It would depend on they -- who are they accusing?

12 Q Well, they're not accusing the father or anybody in
13 the father's house.

14 A Okay. Who do they live with?

15 Q Well, they could live with the mother. They could
16 live with the father. I'm just asking when you talk to the
17 parents -- basically, would you go talk to the father if he
18 wasn't accused or if you had no reason to suspect him or
19 anybody in his household as a suspect?

20 A Sometimes I guess. Like I said, you have me really
21 confused about what you're asking.

22 Every case is different. So it would -- who I talk to
23 about the case depends on who the suspect is, where the
24 child lives, the person's relationship with that person and
25 the course of the investigation.

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Cross-examination by Mr. Singleton

1 There are certain times during the investigation we
2 don't give any information to the parents because we don't
3 want them getting emotional or questioning the child
4 themselves, and they're giving information later on in the
5 investigation. So it just kinda depends on every case and
6 the situation surrounding it.

7 Q Okay. One second.

8 (Pause.)

9 Q Okay. Regarding the jail conversations, how many jail
10 conversations did you listen to?

11 A I can't give you an exact number. I know it was hours
12 and hours and hours of jail conversations.

13 Q Okay.

14 A So I would assume there were probably over a hundred.

15 Q Okay.

16 A I didn't count every single one of them.

17 Q Would it be closer to like 500?

18 A Probably.

19 Q Okay. And when you heard these conversations you --
20 Ms. Solicitor Reese asked you about if he ever commented
21 about oral sex in the conversations.

22 A Yes, sir.

23 Q And I believe you stated that he told -- I believe he
24 was talking to Wendy Richards.

25 A Yes, sir.

Nikki Cantrell

Cross-examination by Mr. Singleton

1 Q Okay. And that's the mother of the child.

2 A Yes, sir.

3 Q Were most of these conversations, if not all of them,
4 between Mr. Briggs and Wendy Richards?

5 A Yes, sir.

6 Q Okay. I believe he said that he -- the oral sex could
7 not be proved. Or what was -- what was your response --
8 proved or disproved?

9 A Yeah. He -- his words are you can't prove or disprove
10 oral sex, it's my word against hers. And I believe he
11 followed up with we got 'im.

12 Q Okay. So he never admitted to Wendy that he committed
13 oral sex on her -- on her daughter.

14 A No.

15 Q Okay. And you also so far said that you also heard
16 him say something to the effect of not taking the children
17 to the Children's Advocacy Center and not taking them to
18 therapy. Do you remember what Wendy's responses were to
19 those -- those statements?

20 A Sometimes she wouldn't say anything at all. There
21 were times that they discussed. He would tell her don't
22 worry, they'll only take your children away from you for
23 about six months or so, you'll get them back.

24 He would also promise to -- after he would tell her to
25 do these things for him he would then tell her that they

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Cross-examination by Mr. Singleton

1 could get married and they could live happily ever after
2 together as a whole family and things like that.

3 Q But you don't know -- you don't remember what Wendy's
4 responses were?

5 A No. I mean, she continued sometimes, so I -- I don't
6 know.

7 Q Did she ever agree with him?

8 A Maybe.

9 Q Okay.

10 A Like I said, sometimes she agreed with him. Most of
11 the time she just didn't say anything from what I recall.

12 Q But you believe that she may have agreed with what he
13 was saying at some point in time.

14 A Maybe.

15 Q Okay. And when were these -- do you remember what
16 these conversations were? Were they like right after he
17 was arrested or --

18 A They were -- well, let's see. Now, that was -- they
19 were conversations right after he was arrested. And he
20 said a lot of this stuff right after he was arrested. But
21 it was also up to a year later.

22 Q Okay. Throughout your investigation after talking to
23 I guess Wendy and Neddie -- Neddie Richards, the father --
24 did there ever come a point in time where you heard of a
25 date when these allegations were first made to anybody?

Nikki Cantrell
Cross-examination by Mr. Singleton

1 MS. REESE: Your Honor, I think he's asking for
2 hearsay.

3 THE COURT: Are you seeking some type of hearsay
4 response?

5 MR. SINGLETON: Well, during the course of her
6 conversation a couple of dates came up when the allegations
7 were first made to VICTIM's family or anything.

8 THE COURT: Well, that would be hearsay then.
9 Sustained.

10 Q And, again, you're just going by the dates where,
11 again, August 1st, just -- just to cover, because you
12 didn't know when school started.

13 A Correct.

14 Q And it's your understanding that you think the 4-K
15 started on August 19th.

16 A Correct.

17 Q But you're not sure if -- if it started then or if it
18 started September 11th.

19 A Correct. The only thing I got from the school was
20 that she had been absent one of the 103 days of school.

21 Q Okay.

22 A So I don't know if she started on time or if she
23 started late. I -- I don't remember when the program
24 started.

25 Q So she missed one day out of --

Nikki Cantrell
Cross-examination by Mr. Singleton

1 A 103 days of school.

2 Q And that was -- what date was that, like February the
3 2nd or the 1st of February?

4 A That was February the 5th of 2009, is when I received
5 the letter.

6 Q Okay. Did you receive any other information from the
7 school, any of her other files?

8 A I don't believe so. I believe D.S.S. has that stuff.

9 Q But you didn't receive like her grades or --

10 A No. D.S.S. gets that.

11 Q So the only thing you got was about the dates when she
12 started school, what time she got on the bus, what time she
13 was in school from 11:00 to 2:15 and that she missed one
14 day of school during that time, entire time period.

15 A Yes.

16 Q Okay.

17 MR. SINGLETON: I think I am finished, Your Honor.

18 I'm just going to look at one more page.

19 (Pause.)

20 MR. SINGLETON: That's all, Your Honor.

21 MS. REESE: Your Honor, the state calls Demetrius
22 Martin.

23 THE COURT: You may step down.
24
25

Demetrius Martin
Direct examination by Ms. Reese

1 DEMETRIUS MARTIN, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. REESE

4 Q State your name, please.

5 A Demetrius Martin.

6 Q Mr. Martin, where do you currently reside?

7 A I reside in Spartanburg County Detention Center.

8 Q And how long have you been here?

9 A I just -- I been -- I came back Monday.

10 Q And where do you -- where did you come back from?

11 A I came back from Ocilla, Georgia, a federal holding
12 facility.

13 Q And are you in prison, in federal prison, in Georgia?

14 A Yes, ma'am.

15 Q And, Mr. Martin, you have two prior counts of
16 distribution of crack cocaine, is that correct?

17 A Yes, ma'am.

18 Q Convictions for two prior counts of distribution with
19 intent to distribute crack cocaine, is that correct?

20 A That's correct.

21 Q And you're currently sentenced on what charge?

22 A I'm sentenced on the conspiracy and possession with
23 intent to distribute cocaine.

24 THE COURT: Mr. Martin --

25 Q And --

Demetrius Martin
Direct examination by Ms. Reese

1 THE COURT: Just a minute.

2 That white microphone is not the microphone.

3 THE WITNESS: Okay.

4 THE COURT: But you -- you just speak up. We can hear
5 you.

6 THE WITNESS: Okay.

7 BY MS. REESE

8 Q And you're serving your sentence right now in Georgia,
9 is that correct?

10 A Yes, ma'am.

11 Q Mr. Martin, have I -- you already said you have
12 pending charges, is that correct?

13 A That's correct.

14 Q Have I offered you anything or are you getting any
15 benefit for being here?

16 A No, ma'am.

17 Q At some point while you were incarcerated in
18 Spartanburg County did you have occasion to know the
19 defendant, Anthony Briggs?

20 A Yes, ma'am.

21 Q And how did you know him?

22 A I was moved into pod three shortly after I arrived in
23 Spartanburg, my last stay, which was late December of last
24 year to April this year. And they moved me in pod three.
25 And he was -- he stayed two rooms down from me.

Demetrius Martin
Direct examination by Ms. Reese

1 Q Did you have occasion to speak with Mr. Briggs?

2 A Yes, ma'am.

3 Q And when you first spoke with Mr. Briggs did he
4 indicate to you whether or not he had hurt this child?

5 A Well, at first he didn't. He would speak about the --
6 the evidence, so to speak, that they had against him
7 and that -- that it would be hard to prove what he was
8 charged with.

9 Q Did he develop a relationship with a roommate of yours
10 at some point?

11 A Yes, ma'am, he did.

12 Q And did they talk about his case?

13 A Yes, ma'am, they did.

14 Q How often did Mr. Briggs want to talk about his case?

15 A He talked about it very often.

16 Q And at some point did you overhear part of a
17 conversation he had with your roommate?

18 A Yes, ma'am.

19 Q And what did he say in that conversation?

20 A He said in the conversation that he -- that he rubbed
21 his penis in between legs, butt area, and until he
22 ejaculated.

23 Q Is that all of the conversation that you heard?

24 A Actually he was -- he was saying that it would -- that
25 they had no evidence of the penetration and that, you know,

Demetrius Martin
Cross-examination by Ms. Reese

1 that basically he had the case beat because he didn't
2 penetrate her.

3 MS. REESE: Nothing further.

4 CROSS-EXAMINATION

5 BY MR. SINGLETON

6 Q Mr. Martin, how long -- again, how long were you in
7 pod three with Mr. Briggs?

8 A I was in pod three with him approximately about,
9 probably about, two months before they moved him out.

10 Q Okay. And you say he talked a lot about his case.

11 A Yes, sir.

12 Q Don't a lot of inmates talk a lot about their cases?

13 A Well, some talk about it, but not too many in
14 particular.

15 Q So it's not -- it wouldn't be uncommon for the inmates
16 because they don't have anything else better to do to talk
17 about their cases.

18 A Well, I wouldn't say that.

19 Q Well, did you talk to your -- anybody about your
20 cases?

21 A Well, not openly like he did.

22 Q So you're saying -- how long were you in jail before
23 you -- are you serving a sentence right now?

24 A Yeah, I'm sentenced.

25 Q Okay. How long were you in jail before you were

Demetrius Martin
Cross-examination by Ms. Reese

1 sentenced?

2 A Before I was sentenced?

3 Q Right.

4 A Well, I been locked up a year, and I was sentenced
5 last October.

6 Q Okay. So you're saying that you never talked to
7 anybody about your case?

8 A Yeah. I spoken to my roommate about my case.

9 Q Okay. And when you -- did you ever think about your
10 case?

11 A Did I ever think about my case?

12 Q Yeah. Did you ever discuss the case in your head?

13 A Yeah.

14 Q About what -- what the -- what the police or the
15 federal agents had against you as far as evidence, what
16 the -- you know, how you might could beat the case?

17 A Well, well, not really. I came from the street, you
18 know what I'm saying, when I was convicted. And I pled
19 guilty while I was on the streets. So my case was already
20 said and done when I came to jail.

21 Q How can you plead guilty on the streets?

22 A Because I was out on bond when I pled guilty.

23 Q Okay. So you --

24 A Yes, federal.

25 Q You had already been arrested and you got out on bond

Demetrius Martin
Cross-examination by Ms. Reese

1 and then you --

2 A Yeah. The federal thing where it's a little
3 different.

4 Q Okay. So before you pled guilty you never thought
5 about your case, about, hey, this is what they have against
6 me and this is what they don't have against me, this is
7 what I need to talk to my lawyer about.

8 A Yes, sir.

9 Q You never did any of that?

10 A Yes. I did.

11 Q Okay. So it's not uncommon for inmates or somebody
12 accused of a crime to talk about, to think about, you know,
13 how good of a case they have against them or how bad of a
14 case they have against them.

15 A Yes. It's -- it's not uncommon.

16 Q Okay.

17 A But, you know, I never talked about my case in
18 depth -- and -- and -- and the actual admittance of what I
19 did.

20 Q Okay. But you're basically convicted of drug dealing,
21 correct?

22 A Correct.

23 Q And you're also convicted of conspiracy, correct?

24 A Correct.

25 Q And conspiracy means at least two people conspire to

Demetrius Martin
Cross-examination by Ms. Reese

- 1 do something or talk about doing something, is that
2 correct?
- 3 A Yeah. That means they conspired together.
- 4 Q Okay. You stated that you were in pod three and that
5 you stayed two rooms down from Mr. Briggs --
- 6 A Yes, sir.
- 7 Q -- and that you overheard a conversation between
8 Mr. Briggs and your roommate, is that correct?
- 9 A Yes, sir.
- 10 Q Where was this conversation at?
- 11 A It was in my room.
- 12 Q Okay. Were you all three in the same room?
- 13 A Yes, sir. I walked up -- up upon them when they were
14 in the room together.
- 15 Q Okay. And you're saying that it's your testimony that
16 he told your roommate that he rubbed his penis in between
17 her front area and back area?
- 18 A Well, her back area, her butt cheeks to be specific.
- 19 Q Okay. But you're also -- you're saying that he
20 rubbed -- he told your roommate that he rubbed his penis in
21 between her front area and her back area until he
22 ejaculated. Is that what you're saying?
- 23 A Yeah, that's what I'm saying.
- 24 Q Okay. When was this conversation? Do you remember
25 about when it was?

Demetrius Martin
Cross-examination by Ms. Reese

1 A About when it was, it had to be like, I would say,
2 between like -- it had to be between February and March
3 sometime..

4 Q Okay. Did he -- when this conversation supposedly
5 happened did you know if he was getting ready to go to
6 trial or not?

7 A Did I know if he was getting ready? I didn't know if
8 he was getting ready to go to trial.

9 Q Okay. So he would talk about the case. But he -- he
10 didn't tell you if he was going to trial --

11 A I mean, I didn't know.

12 Q -- on February this past year.

13 A He -- he would speak about trial, but I didn't know
14 his decisions on whether he was just going to plead guilty
15 or -- you know.

16 Q Okay. When did you first contact the solicitor's
17 office?

18 A I think I contacted the solicitor's office in March.
19 Had to be.

20 Q Okay. How -- how long after you heard this
21 conversation did you contact -- did you wait to contact the
22 solicitor's office?

23 A Shortly after that.

24 Q Okay.

25 A Not too long after that.

Dwight Lamar Spears
Direct examination by Ms. Reese

1 Q Do you know if this conversation -- let me back up.

2 MR. SINGLETON: That's all the questions I have.

3 MS. REESE: Nothing further of this witness, Your
4 Honor.

5 THE COURT: You may step down.

6 MS. REESE: The state calls Dwight Spears.

7 DWIGHT LAMAR SPEARS, having
8 been first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MS. REESE

10 Q Will you state your name for the jury, please?

11 A Dwight Lamar Spears.

12 Q Mr. Spears, where are you currently incarcerated?

13 A Estill Federal Correctional Institution.

14 Q And you are incarcerated there for white color crimes,
15 is that correct?

16 A Yes, ma'am.

17 Q Federal financial institution crimes?

18 A Yes, ma'am.

19 Q You have a prior conviction for a burglary third and
20 grand larceny.

21 A Yes, ma'am, I do.

22 Q Two prior convictions for forgeries.

23 A One in that.

24 Q Okay. Obtaining goods by false pretenses.

25 A Yes, ma'am.

Dwight Lamar Spears
Direct examination by Ms. Reese

- 1 Q About ten fraudulent checks.
- 2 A Yes, ma'am.
- 3 Q Looks like about four more fraudulent checks.
- 4 A Yeah.
- 5 Q When are you scheduled to be released?
- 6 A Between March and April of 2011.
- 7 Q So you have about eight months?
- 8 A Yeah, eight to nine months.
- 9 Q Have I promised you anything for being here today to
10 testify?
- 11 A No, ma'am.
- 12 Q Do you expect you'll be doing your eight months?
- 13 A Yes, ma'am.
- 14 Q Mr. Martin, at some point were you incarcerated in the
15 Spartanburg County Detention Facility?
- 16 A Spears.
- 17 Q I'm sorry. Mr. Spears --
- 18 A Yes, ma'am.
- 19 Q -- were you incarcerated in Spartanburg County
20 Detention Facility?
- 21 A Yes, ma'am.
- 22 Q And when was that?
- 23 A I got back to Spartanburg in -- around the end of
24 January. I came back for resentencing on the federal
25 level. And I got there probably around January the 29th,

Dwight Lamar Spears
Direct examination by Ms. Reese

1 somewhere along in that date.

2 Q All right. So you had a case, a federal case.

3 A Yes, ma'am.

4 Q And the sentence on that case had been -- was going to
5 be changed, is that correct?

6 A Yes, ma'am. They threw the whole case out.

7 Q And as a result of that did the defendant get in touch
8 with you?

9 A Who are you referring to?

10 Q Mr. Briggs, the defendant.

11 A Yes. I met Mr. Briggs in pod three.

12 Q And what, if anything, did he want to talk to you
13 about?

14 A Well, first we was discussing how the appeal court
15 overturned my case. And we were discussing the
16 indictments, what an indictment must consist of. And after
17 that we just went into his case. And he was just trying to
18 find a way to beat the case.

19 Q And when you initially began talking to him did he
20 tell you whether or not he had hurt this child?

21 A Well, initially when I talked to him he was just
22 trying to find a way to get around everything. And then
23 after we kept talking -- I talked to him maybe for, like I
24 say, maybe a month on this case.

25 And we talked about the indictments at first. And

Dwight Lamar Spears
Direct examination by Ms. Reese

1 then I was telling him. I said the only way you're going
2 to win a case is you've got to know all the facts. That's
3 the only way a good lawyer's going to win a case.

4 And that's when we went into detail with the case.

5 And he said that he had got arrested and the police took
6 him and Wendy down to the police station. They separated
7 them both and also was questioning him about the case.

8 And said he broke down and confessed to the officers
9 that he did it and that he was sick and he needed help but
10 he wanted to talk to Wendy.

11 He said so the officer let him go outside and talk to
12 Wendy. He started crying on her shoulder and told her that
13 he loved her but he never got around to telling her what he
14 had to tell her.

15 Q Did Mr. Briggs ask you to do anything for him in
16 relation to Wendy? Did you ever speak to Wendy?

17 A Yes, ma'am. I spoke to Wendy on the telephone I think
18 once or twice.

19 Q And what did you tell her?

20 A We talked about the indictment being defective. And
21 he had asked me would the girl have to take the stand and
22 what relevance would that have to the case if she didn't
23 take the stand.

24 Q And did he want you to tell Wendy anything regarding
25 whether or not the child should take the stand?

Dwight Lamar Spears
Direct examination by Ms. Reese

1 A Yes.

2 Q And what did you tell Wendy?

3 A I told Wendy at the time that I thought if the child
4 didn't take the stand would have major importance to the
5 case.

6 Q Was there a day when the defendant actually made an
7 admission to you regarding his case?

8 A Yeah. Several weeks had went by. And he came down to
9 my room like every day talking about this case. And we was
10 going through the paperwork in the case. And I do remember
11 him saying that either Wendy went to work and he was left
12 alone, because the two oldest kids were going to school to
13 the bus stop. And he was responsible for getting the
14 little girl wherever she had to go.

15 And he said there was a chair beside the bed. And he
16 pulled the girl off the bed. And he used to ride her on
17 his lap playing horsy with her. And he said that one time
18 he ejaculated. She asked what it was, and he told her it
19 was snot.

20 Q And did he tell you whether or not he played horsy
21 with her more than once?

22 A Yes. It was more than once.

23 MS. REESE: Nothing further.

24

25

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 CROSS-EXAMINATION

2 BY MR. SINGLETON

3 Q Mr. Spears, you state that you're -- Solicitor Reese
4 went over the -- the number of convictions you had or
5 guilty pleas you've had and they -- looks like they account
6 for forgery, financial fraud, obtaining something up under
7 false pretenses. I done forgot what she said. And
8 fraudulent checks.

9 A Yes, sir.

10 Q So basically seems like all -- all of those charges
11 are basically charges that are either lies or deceptions,
12 either lying to people about who you are --

13 A No, I didn't. Everything I did, I did. I didn't lie
14 to nobody.

15 Q You're trying to get -- you're forging your -- forging
16 signatures or fraudulent checks.

17 A No, sir. It wasn't no forging no signature. We was
18 making counterfeit checks.

19 Q Okay. So you were trying to pass off checks that you
20 knew that were bad.

21 A No. I made them. I didn't pass them.

22 Q Okay. So you were creating bad checks.

23 A Yes, sir, yes, sir.

24 Q So basically you're trying to trick people.

25 A No. I didn't trick nobody. Everybody in my

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 conspiracy knew what they were doing.

2 Q Well, why else would you make checks if you -- if you
3 weren't trying to trick the public?

4 A It was a money-making organization. Everybody knew
5 their part, and they played their part in the conspiracy.

6 Q Okay. What did your financial fraud consist of?

7 MS. REESE: Your Honor, he's admitted that he has
8 these convictions. I don't think he can go into each and
9 every conviction.

10 THE COURT: No.

11 Q Okay. How long had you known Mr. Briggs?

12 A I met Anthony Briggs in 2009 -- 2010 when I got to
13 Spartanburg.

14 Q So when? So --

15 A January of 2010 is when I arrived in Spartanburg.

16 Q Okay. And where were you housed? Y'all were housed
17 in the same pod. But how close were y'all, I mean?

18 A I was in cell 40. I'm thinking he was in 44 or 46,
19 maybe two or three doors down.

20 Q Okay. And you stated that he wanted to talk to you
21 about his charges.

22 A Yes, sir.

23 Q Is it common for inmates to talk about their charges?

24 A Some, some.

25 Q Is it common for inmates to want to talk to people and

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 see what they think about their case --

2 A Yes, sir.

3 Q -- and whether they got a case good case or not?

4 A Yes.

5 Q Did he ever show you his discovery?

6 A No, because he said -- he said his lawyer wasn't worth
7 a flip and his lawyer came over there with a laptop on a
8 Sunday and tried to get his indictment printed off the
9 laptop and he knew that the indictment had to come from the
10 clerk of court. And he wasn't thrilled with his lawyer.

11 Q Okay. So you're saying that he never showed you any
12 evidence or anything like that.

13 A He showed me some -- I think it was hospital reports,
14 some police statements, whatever paperwork he had.

15 Q Okay. But he showed you what he had.

16 A Yes, sir.

17 Q Okay. Did he allow you to read those in your cell?

18 A Yes, sir.

19 Q So you had a good idea what the case was about by
20 reading his discovery?

21 A Yeah. I didn't know at first. At first I thought he
22 was innocent until we got more into the case. And then
23 after he kept trying to find a way to beat the case instead
24 of saying, look, I'm innocent, he kept trying to find a way
25 to beat it. That's when I knew he was guilty. And that's

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 when we went more in-depth into the case. And that's when
2 he started confessing.

3 Q So you knew he was guilty because he was trying to
4 beat the case?

5 A Yeah.

6 Q Well, don't all inmates want to beat the case?

7 A No. Let me tell you something about inmates. When
8 you're innocent, you're going to presume your innocence.
9 When you're guilty, you'll try to find a loophole to beat a
10 case.

11 Q Okay. And when did you -- and you stated earlier -- I
12 think Solicitor Reese asked you if you had conversations
13 with Wendy Richards.

14 A Yes, sir.

15 Q Okay. Did you give her -- what advice did you give
16 her?

17 A Well, we talked about the child and if she should take
18 the stand. Anthony was trying to get me to get her not to
19 bring the child to court and just leave, don't even come to
20 court, period.

21 Q Okay.

22 A And he thought there would be no case.

23 Q So you're saying that Anthony told you to say this,
24 that you didn't say this on your own.

25 A No. We had talked about it. He was asking me what if

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 the child showed up and did the child have to show up. I
2 told him I didn't think. And that's what I told Wendy.

3 Q Okay. Did you tell Wendy that you thought that she
4 could go to -- before the trial started that she could go a
5 judge and the judge would allow her not to bring the child
6 in?

7 A No. I think I told her something about -- somebody
8 was taking her kids out of school. And I told her I didn't
9 think nobody had the right to just go pick somebody's kids
10 up from school without them knowing anything about it.

11 Q So you were basically giving her advice to keep the
12 victim out of court.

13 A If that's what you want to call it.

14 Q So you're basically giving her advice in order to
15 impede an investigation or a case.

16 A No, sir. I have no interest in this case at all.

17 Q Well, why would you tell her that?

18 A Because that's what he wanted me to tell her.

19 Q When did you feel in your mind that he was guilty?

20 A Probably after three or four days of him constantly
21 bugging me with his paperwork.

22 Q So this would have been the first of January, the
23 middle of January?

24 A Whenever I got moved into the pod. I got -- I was in
25 pod six before I got moved to pod three. I don't know the

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 exact date I got moved into pod three. But the day I
2 walked in pod three another guy who was in pod three before
3 I got sentenced on the federal level was there. And that's
4 how Anthony got to come to know me, through Mr. Hutcheson,
5 who knew that my case had got overturned.

6 Q Okay, okay. Did Anthony ever tell you in January or
7 February that he was getting ready to go to trial?

8 A He just kept saying he was going to trial whenever I
9 talked to him. I can't tell you if it was January or
10 February.

11 Q But he said he was getting ready to go to trial on the
12 case sometime soon.

13 A No. He never said soon.

14 Q Okay. You don't know if he was talking about a couple
15 of weeks or a couple of months.

16 A A couple of months, years.

17 Q Okay. Why didn't you come forward with this
18 information?

19 A Because at first I thought he was innocent, like I
20 told you. And then I had other things that I was working
21 on in my case.

22 And the next thing I know I get woke up one morning
23 about 4:00 o'clock. And I'm brought over here to the
24 courthouse. And that's when somebody had wrote Ms. Reese
25 and told her that we had a discussion in our room. And

Dwight Lamar Spears
Cross-examination by Mr. Singleton

1 that's when I brought it forward.

2 Q Okay. And you stated that at one point in time that
3 he told you -- well, tell me again what you said he told
4 you about what he -- he supposedly did to .

5 A He put the little girl on his lap and he was playing
6 horsy with her. Sometimes she would have her panties on
7 and sometimes she wouldn't. One time he ejaculated. And
8 he told her it was snot when she asked what it was.

9 Q Okay. I believe you said something about -- you said
10 that he told you it occurred on a chair or something.

11 A No. He said there was a chair beside the bed. I
12 never said he said anything about it occurred on the chair.

13 Q Okay. Did you ever -- when you were talking to the
14 solicitor did you ever use the slick leg?

15 A No, sir. That's a prison term.

16 Q I mean, did you use that term when you talked to the
17 solicitor's office?

18 A No, sir, I did not.

19 Q Okay. Did -- so you never told the solicitor's office
20 that VICTIM told -- that -- I'm sorry -- that Anthony told
21 you he did this and that he slick-legged her.

22 A I don't use -- that's a prison term. I never used
23 that term with Ms. Reese.

24 Q Okay. When he told you this did you ever think about
25 contacting the solicitor's office and testifying against

Dwight Lamar Spears
Redirect examination by Ms. Reese
Recross-examination by Mr. Singleton

1 him at that point in time?

2 A No. If you actually want to know what I was thinking
3 about if I didn't have so much over my head, I was thinking
4 about hurting him. That's what I was really thinking
5 about.

6 Q Okay. So you thought about hurting him, but you
7 didn't think about testifying.

8 A No.

9 MR. SINGLETON: That's all the questions I have.

10 MS. REESE: Just one followup.

11 REDIRECT EXAMINATION

12 BY MS. REESE

13 Q You didn't contact me, is that right?

14 A No, ma'am.

15 Q Someone else contacted me and told me --

16 A Yes, ma'am.

17 Q -- you was somebody I needed to talk to.

18 A Yes, ma'am.

19 Q But you never requested to be here.

20 A No, ma'am. Never.

21 MS. REESE: Nothing further.

22 MR. SINGLETON: Just one question.

23 RECROSS-EXAMINATION

24 BY MR. SINGLETON

25 Q So you've known about this for a year, your feelings

Dwight Lamar Spears
Recross-examination by Mr. Singleton

1 for a year.

2 A Well, I didn't know about -- January will make a year.
3 So it hasn't been a year.

4 Q Okay. When did the solicitor's office contact you?

5 A I went back to federal prison, I think, after May
6 13th. So this had to be, I would say, around April. I'm
7 thinking.

8 Q So you had these feelings about what was going on with
9 Mr. Briggs for four or five months?

10 A Yeah.

11 Q And you wanted to basically beat him up at that point
12 in time, but you didn't feel like for four or five months
13 you needed to testify against him?

14 A I ain't going to say beat him up, but no.

15 Q Okay. Thank you.

16 MR. SINGLETON: That's all I have.

17 THE COURT: You may step down.

18 THE WITNESS: Yes, sir.

19 THE COURT: We're going to take a short break before
20 we go further.

21 I'll ask the jury to please go to your room. Do not
22 discuss the case. I'll bring you back after a few minutes.

23 (Whereupon, a recess was taken.)

24 THE COURT: Court's in recess for 15 minutes.

25 (Whereupon, a recess was taken.)

1 THE COURT: All right. Who is the next witness for
2 the state?

3 MS. REESE: The state would rest, Your Honor.

4 THE COURT: All right. Mr. Singleton, do you have any
5 motions or other matters you want to address?

6 MR. SINGLETON: Just a motion for a directed verdict,
7 Your Honor. I move for a directed verdict in favor of the
8 defendant in that the evidence when viewed in the light
9 most favorable to the state fails to create an issue for
10 the jury.

11 THE COURT: And where do you feel the evidence is
12 lacking?

13 MR. SINGLETON: Well, the victim testified. When I
14 asked her that she couldn't remember anything. I mean, she
15 kept on responding she can't remember any of my questions
16 concerning -- if this private stuff is required. She
17 couldn't remember if -- she could not remember how many
18 times it occurred, where it occurred, when it started
19 occurring.

20 There's no physical evidence of sexual abuse as it
21 pertains to -- as Dr. Henderson testified, as from the
22 report from when she went to the hospital on January the
23 26th.

24 And she -- my client has never admitted to anybody
25 that he -- never admitted to Dr. -- to Detective Morgan or

1 Detective Cantrell that he did anything. He repeatedly
2 denied it.

3 I just thought that was a basis because the victim
4 really didn't admit to anything. She -- I think the
5 solicitor asked her maybe two questions that she had a
6 response to. But after that concerning the allegations,
7 when I asked her anything she didn't have -- she couldn't
8 remember anything. And I don't think -- she can't remember
9 anything, then what's the jury to go if she can't -- if the
10 victim can't remember what happened or supposedly happened?

11 THE COURT: Ms. Reese.

12 MS. REESE: All right. Your Honor, we think there is
13 sufficient evidence to go to the jury on this matter.

14 THE COURT: Well, considering the evidence in the
15 light most favorable to the state, as I must do on a motion
16 for a directed verdict, I do find that there is sufficient
17 evidence in the record from which a jury could reasonably
18 find the defendant could be guilty of both the offenses of
19 criminal sexual conduct with a minor in the first degree
20 and also commission of a lewd act upon a child. Therefore
21 your motion for a directed verdict is denied.

22 MR. SINGLETON: Thank you, Your Honor.

23 THE COURT: Have you talked to Mr. Briggs about
24 whether or not he's going to testify?

25 MR. SINGLETON: Not today, I haven't, I mean.

1 THE COURT: Well, I mean, have you ever?

2 MR. SINGLETON: Yeah, yes, Your Honor.

3 THE COURT: Do you know whether or not he has reached
4 a decision about testifying or not?

5 MR. SINGLETON: When we first talked about it he said
6 that he was not going to testify. And I just asked him,
7 and I don't think he knows yet.

8 Do you know?

9 THE DEFENDANT: No, I don't know.

10 THE COURT: All right. Well, Mr. Briggs, let me
11 address this with you.

12 You understand because you're charged with a crime you
13 have an absolute right to remain silent.

14 Nobody can make you take the witness stand; nobody can
15 make you testify. Nobody can require that you answer any
16 questions that relate to these charges.

17 You always have the right to remain silent and to rest
18 upon the state's burden to establish your guilt to the
19 satisfaction of this jury beyond a reasonable doubt. And
20 you don't have to assist them in their efforts to prove
21 your guilt by you taking the witness stand and answering
22 questions that might tend to prove your own guilt.

23 At the same time, if you wish to testify now is the
24 only opportunity that you will have to do so. In other
25 words, during the course of the defense's presentation you

1 may testify or not. You may call other witnesses or not.
2 But you only have this chance to provide that evidence
3 should you wish to do so.

4 If you take the witness stand and you testify during
5 this trial you will have to answer not only your lawyer's
6 questions but you'll have to answer the solicitor's
7 questions to the extent that they're relevant even if the
8 responses to those questions might tend to prove you guilty
9 of some crime they claim you committed.

10 If you elect not to testify I will instruct the jury
11 that they may not consider that fact in any way whatsoever
12 in their deliberations or in their determination as to
13 whether or not your guilt has been proven by the evidence
14 in the case.

15 Have you and Mr. Singleton discussed the advantages
16 and disadvantages of your testifying, as well as your not
17 testifying?

18 THE DEFENDANT: We did on Monday. We haven't the last
19 couple of days.

20 THE COURT: Well, did you fully discuss it on Monday?
21 Because ordinarily that discussion doesn't change.

22 (Pause.)

23 THE DEFENDANT: I don't believe I want to testify.

24 THE COURT: Well, I'm not asking you that question
25 right now.

1 I'm simply asking do you understand the advantages of
2 testifying and the disadvantages of testifying, the
3 advantages of not testifying and the disadvantages of not
4 testifying.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: So you and Mr. Singleton have discussed
7 those.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And have you had time to reflect upon your
10 decision as to whether or not you will testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You have?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you've reached a decision?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And what is your decision?

17 THE DEFENDANT: Not to testify.

18 THE COURT: You do not wish to testify?

19 THE DEFENDANT: That's correct, sir.

20 THE COURT: Is that a decision that you've reached of
21 your own free will and accord?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Has anybody pressured you into it?

24 THE DEFENDANT: No, sir.

25 THE COURT: Forced you into it?

1 THE DEFENDANT: No, sir.

2 THE COURT: Did Mr. Singleton suggest that that's what
3 you need to do?

4 THE DEFENDANT: No, sir.

5 THE COURT: Do you understand only you can make the
6 decision?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Because you're the only person that's
9 going to have to live with any consequence of that
10 decision.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: But you understand you only have one
13 opportunity to testify. And you can't wait until after the
14 verdict of the jury and if it doesn't go to suit you decide
15 you want to provide information.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And so you've had plenty of time to
18 reflect upon your decision.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Your decision is that you will not
21 testify?

22 THE DEFENDANT: Yes, sir. That's correct.

23 THE COURT: All right. You have other witnesses that
24 Mr. Singleton is going to call.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you understand that you can change
2 your mind about testifying if you wish to.

3 Right now you have told me you will not, so I'm going
4 to assume that you will not. But if you change your mind
5 and you wish to, you just need to tell Mr. Singleton that
6 you wish to. And he'll call you to the stand. Okay?

7 THE DEFENDANT: All right. Thank you, sir.

8 MR. SINGLETON: Thank you, Your Honor.

9 THE COURT: All right. Any other matters to address
10 before the jury is brought in?

11 MS. REESE: None from the state.

12 THE COURT: Who is your first witness?

13 MR. SINGLETON: Donna Parker, Your Honor.

14 THE COURT: Donna Parker. Is she on the list? Yeah.
15 All right. She's outside?

16 MS. REESE: Yes, sir. She is right out there.

17 THE COURT: All right. Bring the jury back, please.

18 (The following takes place in the presence of the
19 jury.)

20 THE COURT: All right. Ms. Reese, the jury is
21 present.

22 MS. REESE: Your Honor, the state rests.

23 THE COURT: All right. Ladies and gentlemen, that is
24 all of the testimony or other evidence to be offered by the
25 state, at least in their case in chief.

Donna Parker

Direct examination by Mr. Singleton

1 So we'll now proceed and go forward with any to be
2 offered by the defendant.

3 Mr. Singleton.

4 MR. SINGLETON: Call Donna Parker.

5 DONNA PARKER, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. SINGLETON

8 Q Hello, Ms. Parker. How are you doing today?

9 A All right.

10 Q Where do you currently live?

11 A Mooresboro, North Carolina.

12 Q Okay. And what relationship are you to the supposed
13 victim in this case?

14 A Grandmother.

15 Q Okay. Are you the maternal grandmother, or the
16 paternal?

17 A Maternal.

18 Q Okay. Are you Wendy Richards' mother?

19 A Yes.

20 Q Have you and I met on occasions?

21 A Yes.

22 Q Okay. Do you remember you and I -- do you have an
23 ongoing case in family court with -- that involves Wendy,
24 and Anthony Briggs, and Neddie Richards?

25 A Yes.

Donna Parker

Direct examination by Mr. Singleton

1 MS. REESE: Your Honor, I'm going to object because
2 I'm not sure of the relevance of this.

3 THE COURT: Let me see y'all just a minute.

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 THE COURT: You may proceed.

7 Q Do you remember you and I talking here in this
8 courthouse one time?

9 A Yeah.

10 Q And that was after you -- after a family court hearing
11 had concluded.

12 A Yes.

13 Q And do you remember when we talked on the other side
14 of the courthouse in a conference room?

15 A Yes.

16 Q Okay. And it was just you and I in that conference
17 room.

18 A Yes.

19 Q Okay. And you and I were talking about this case, is
20 that correct?

21 A Yes.

22 Q Do you remember me asking you what you thought, if you
23 thought Anthony did this to your granddaughter?

24 MS. REESE: Your Honor, I object.

25 THE COURT: Sustained.

Donna Parker

Direct examination by Mr. Singleton

1 Q On -- you gave a written statement to the solicitor's
2 office on February the 25th, is that correct?

3 A Yes.

4 Q Okay. And I believe that was the week this case was
5 originally scheduled to go to trial.

6 A Yes.

7 Q Okay. And during that week -- or I believe
8 February the 25th was on a Thursday, I believe. And I
9 believe the Friday before VICTIM had spent the weekend with
10 you.

11 A Yes.

12 Q Okay. Do you remember basically what your -- your
13 written statement to the solicitor's office contained, what
14 you basically said to them?

15 A Yes.

16 Q Can you tell the Court what your statement was, I mean
17 basically?

18 THE COURT: Well, now, it's got to be something that's
19 all relevant or admissible.

20 Q Well, do you remember telling -- is this your written
21 statement or is this your signature?

22 A Yes.

23 Q And do you remember -- is this your handwriting?

24 A Yes.

25 Q You wrote out this entire statement?

Donna Parker
Direct examination by Mr. Singleton

- 1 A Yes.
- 2 Q And how many pages is this statement?
- 3 A Four.
- 4 Q And was there a witness to the -- what date was it
5 written on?
- 6 A I can't remember the exact date.
- 7 Q What does it state right there?
- 8 A The 25th.
- 9 Q At what time?
- 10 A 4:01.
- 11 Q Okay.
- 12 THE COURT: Let me see y'all just a minute.
- 13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)
- 15 Q You agree that this is the statement you wrote to the
16 police or wrote the solicitor's office on February the
17 25th, correct?
- 18 A Yes.
- 19 Q Do you remember what your conversation was with
20 that weekend before, I guess it was, February 19th?
- 21 A It was she was scared and she wanted to talk to me
22 about what had happened and why she was scared.
- 23 Q Okay. Had you ever talked to her about this case
24 beforehand?
- 25 A No.

Donna Parker

Direct examination by Mr. Singleton

1 Q Why not?

2 A Because we were told not to question her about it.

3 Q Okay. She repeated -- did she ever come to up your
4 house and talk with you, I mean, visit with you between the
5 date of his first arrest? He was arrested, Mr. Briggs was
6 arrested, on February the 3rd of 2009. Between then and
7 the next year did she come up to your house to visit you a
8 lot?

9 A Yes.

10 Q Did you visit her in this area, the Spartanburg area?

11 A Yes.

12 Q And during that time, this was the first time you had
13 ever talked to her about the case.

14 A Yes.

15 Q Okay. And you're saying that you did that because you
16 were asked by the solicitor's office not to talk to her
17 or --

18 A Wendy was the one that said they had told us not to
19 ask any questions.

20 Q Okay. Did you around -- excuse me. Around or right
21 after Anthony was arrested in February of 2009 had you ever
22 had any conversations with him while he was in jail?

23 A Yes.

24 Q Do you remember what your conversations with him were,
25 not what he said but what you said to him?

Donna Parker
Direct examination by Mr. Singleton

- 1 A I can't remember.
- 2 Q So you don't know what your conversations were with
3 him.
- 4 A There was only a couple of times that I talked to him
5 and, no, I don't remember.
- 6 Q Did you ever tell -- remember telling Mr. Briggs that
7 you loved him?
- 8 A Yes.
- 9 Q Okay. And you -- and you don't remember how many
10 times you had conversations with him?
- 11 A It was only a couple.
- 12 Q Did he call you, or did you speak to him when he
13 called Ms. Richards?
- 14 A When he called Ms. Richards.
- 15 Q Okay. Did you ever go visit with Mr. Briggs at the
16 jail?
- 17 A No.
- 18 Q Did you ever give him any money while he was in the
19 jail?
- 20 A I took money down there that Wendy sent.
- 21 Q Okay. When Mr. Briggs got out on bond he was out for
22 a while, and then he got put back in jail because he had
23 contact with your daughter. Do you remember that?
- 24 A Yes.
- 25 Q Okay. Did you know that he was having contact with

Donna Parker

Direct examination by Mr. Singleton

1 your daughter?

2 A No.

3 Q Okay. How often did he -- during this time period how
4 often did you talk to your daughter?

5 A I talked to my daughter every day.

6 Q Okay. Did you know that she was talking to Mr. Briggs
7 even after he was arrested?

8 A Yes.

9 Q Did she tell you if she talked to him repeatedly or
10 often?

11 A Often.

12 Q Okay. Did you ever tell her to quit talking to him?

13 A Yes.

14 Q Do you remember when you started telling him --
15 started telling her to quit talking to him?

16 A From the beginning.

17 Q Well, why did you talk to him?

18 A Because at that time she was still talking to him, and
19 she put him on the phone, put me on the phone. And so I
20 talked to him.

21 Q And you don't remember what your conversation was?

22 A No. It's -- it's been so long I do not.

23 Q Okay. You don't -- strike that. So it's your
24 testimony that you didn't know that Wendy and Anthony were
25 talking when he got out on bond?

Donna Parker

Direct examination by Mr. Singleton

1 A I knew she was talking to him on the phone.

2 Q Okay. And you realized that he wasn't supposed to
3 have contact with her?

4 A Yes.

5 Q Did you ever call the police and tell them he was
6 having contact with her?

7 A No.

8 Q Why did you not contact the police?

9 A I don't know.

10 Q When you had those conversations, those brief
11 conversations or minimal conversations, with Mr. Briggs
12 while he was in jail and you told him that you loved him
13 did you mean it?

14 A No.

15 Q You didn't? You didn't mean it?

16 A No.

17 Q Well, why did you say those comments?

18 A For my daughter.

19 Q And why did you say it for your daughter? Did she
20 still love him?

21 A Repeat that.

22 MS. REESE: Your Honor, I object to whether or not her
23 daughter loves the defendant.

24 THE COURT: Sustained.

25 Q So you're saying the only reason you said it was to

Donna Parker
Direct examination by Mr. Singleton

1 please your daughter.

2 A Yes.

3 Q Are you telling the truth?

4 A Yes.

5 Q During our conversation we had at the courthouse or
6 this courthouse do you remember if you indicated to me in
7 any way that you had disgust for Anthony or anything like
8 that or any sort -- any sort of ill feelings toward Anthony
9 at that time?

10 A No.

11 Q Okay. And this was after he had been arrested,
12 correct?

13 A Yes.

14 Q And we were talking about the case --

15 A Yes.

16 Q -- and the facts of the case. We were talking about
17 the facts of the case.

18 A Yes.

19 Q Okay. Who -- who is the father of these children, or
20 of ?

21 A Neddie Richards.

22 Q How do you feel about Neddie Richards?

23 MS. REESE: Objection, Your Honor.

24 THE COURT: Sustained.

25 Q Did you -- do you remember during our conversation at

Donna Parker
Direct examination by Mr. Singleton

1 the courthouse, do you remember ever telling me anything...

2 MR. SINGLETON: Strike that, Your Honor. I'm sorry.

3 Q Well, do you remember ever -- do you remember you and
4 I talking about Neddie Richards?

5 A Yes.

6 Q Do you remember any statements you made about Neddie
7 Richards during our conversation?

8 A Some.

9 MS. REESE: Your Honor, I'm going to object as to
10 relevance.

11 THE COURT: Sustained.

12 Q Do you remember -- do you remember if you ever brought
13 his -- since he's in jail do you ever remember going to his
14 parents' house?

15 A Yes.

16 Q When did you go there?

17 A I don't remember.

18 Q Do you remember if you went there for Mother's Day?

19 A No.

20 Q You don't remember if you did or not?

21 A I can't remember. It's been -- like I said, it's been
22 too long. I can't remember.

23 Q Okay. Well, do you remember if you went to that house
24 if Anthony was there?

25 A I don't remember.

Donna Parker
Cross-examination by Ms. Reese

1 Q Did you ever see Anthony while he was out on bond?

2 A I think I did. I don't know.

3 Q Do you remember where you saw him at?

4 A No.

5 Q Was it at Wendy's house?

6 A No. I don't remember.

7 Q You don't know if it was at his parents' house?

8 A I have short-term memory and I cannot remember.

9 Q Okay.

10 MR. SINGLETON: That's all the questions I have, Your
11 Honor.

12 CROSS-EXAMINATION

13 BY MS. REESE

14 Q Ms. Parker, February, the weekend of the 18th and the
15 19th, of 2010, was VICTIM spending the weekend with you
16 that weekend?

17 A Yes.

18 Q And at some point during that weekend did she disclose
19 to you a sexual assault?

20 A Yes.

21 Q Did she tell you where it happened?

22 A Yes.

23 Q Where did she say?

24 A On the pull-out couch at her house.

25 Q And did she tell you when it happened?

Donna Parker
Redirect examination by Mr. Singleton

1 A No.

2 Q What was her demeanor when she was telling you about
3 this?

4 A She didn't want to talk about it. She -- she was
5 scared. And she wanted -- she wanted somebody to know.
6 And she was just -- she was terrified.

7 Q Is that the first time you had ever really talked to
8 about it?

9 A Yes.

10 MS. REESE: Nothing further.

11 REDIRECT EXAMINATION

12 BY MR. SINGLETON

13 Q You say that you -- that VICTIM wanted -- did you
14 initiate the conversation with VICTIM?

15 A I asked VICTIM why she was scared --

16 Q Okay. But did you not --

17 A -- and what was the matter.

18 Q Okay. And you knew that they were getting ready to go
19 to trial, were supposed to go to trial that week.

20 A Yes.

21 Q Okay. And you knew that you weren't supposed to be
22 talking to her about this matter.

23 A But I wanted to know from her what was wrong.

24 Q Okay. You chose to do that just a couple of days
25 before trial was supposed to start.

Donna Parker
Redirect examination by Mr. Singleton

1 A Do what?

2 Q And you chose to do that just a couple of days before
3 trial was supposedly getting ready to start?

4 A I chose to do that when the child come to me and was
5 terrified.

6 Q Okay. She wasn't terrified the year before that or
7 throughout that entire year up until then?

8 A Yes. She had been. But at that point she knew it was
9 going to court.

10 Q Okay.

11 A And she knew she would have to come face to face with
12 him.

13 Q Okay. And she -- you told the solicitor that she
14 wanted to talk to you but she wanted somebody to know.

15 A She was scared.

16 Q Okay.

17 A And when she's scared she comes to me.

18 Q Okay. But she didn't come to you when this was
19 supposedly all going on, did she?

20 A No.

21 Q When was the first time you heard about these
22 allegations?

23 A The first time I heard about was after he had done
24 been took in to be questioned.

25 Q Okay. So it was right around when he got arrested the

Donna Parker
Redirect examination by Mr. Singleton

1 first time you heard about it.

2 A Yes.

3 Q Okay.

4 MR. SINGLETON: That's all I have.

5 MS. REESE: Nothing further.

6 THE COURT: You may step down.

7 Do you have a brief witness?

8 MR. SINGLETON: Not that's going to get us out of here
9 before 1:00.

10 THE COURT: Okay. All right. Ladies and gentlemen,
11 we're going to break for lunch. We'll resume this
12 afternoon at 2:15, at 2:15.

13 Keep in mind no discussions about the case, no
14 research, no investigation. Have a good lunch. Please
15 report back to your jury room at 2:15.

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

18 THE COURT: Court's in recess until 2:15.

19 (Whereupon, a recess was taken.)

20 THE COURT: All right. Any matters to address before
21 the jury is brought in?

22 MS. REESE: None from the state.

23 MR. SINGLETON: None, Your Honor.

24 THE COURT: Okay. Bring them in.

25 (The following takes place in the presence of the

Wendy Richards
Direct examination by Mr. Singleton

1 jury.)

2 THE COURT: Good afternoon. We're going to continue
3 with the defendant's presentation of evidence.

4 Mr. Singleton.

5 MR. SINGLETON: I call Wendy Richards.

6 WENDY RICHARDS, having been
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION BY MR. SINGLETON

9 Q Hello, Ms. Richards. How are you today?

10 A I'm okay. How are you?

11 Q All right. You and I met a number of times and talked
12 on the phone a number of times.

13 I'm just going to ask you some background questions
14 right now. How long have you known Mr. Briggs?

15 A How long what?

16 Q Have you known Mr. Briggs.

17 A Since 6th grade.

18 Q Okay.

19 THE COURT: Let me ask you. See that black microphone
20 there? If you'll pull that towards you just a little
21 bit -- that's good.

22 Q When did you and Mr. Briggs start dating?

23 A We were together for three years.

24 Q Okay. Do you remember when you and Anthony started
25 living together, about when?

Wendy Richards
Direct examination by Mr. Singleton

- 1 A I think it was '08, '07.
- 2 Q Okay. Do you remember, was it before August of 2008?
- 3 A Yes.
- 4 Q Okay. Beginning in August of 2008 what were you --
- 5 were you employed in August of 2008?
- 6 A Yes.
- 7 Q Okay. Where were you employed at?
- 8 A H. H. Gregg.
- 9 Q Okay. And how long did you work for H. H. Gregg?
- 10 A A year and a half.
- 11 Q Do you remember when your last day of employment was?
- 12 Do you remember if it was sometime around the middle of
- 13 October or the first or second week of October?
- 14 A I think it was October.
- 15 Q Okay. But you don't know if it was the first or
- 16 second week?
- 17 A I don't know.
- 18 Q Okay. Would it have been before -- I guess it seemed
- 19 to have been before Halloween, since October 31st is
- 20 Halloween.
- 21 A Correct.
- 22 Q Do you remember what your hours were?
- 23 A I worked different hours. Sometimes I worked
- 24 mornings, 9:00 to -- I believe it was 5:00. And sometimes
- 25 I worked from like 2:00 to 11:00. Different hours of the

Wendy Richards
Direct examination by Mr. Singleton

1 day.

2 Q Okay. When you worked the hours from 9:00 to
3 5:00 what time would you leave your house to go to work?

4 A 8:30, I think.

5 Q Okay. When you worked the hours 2:00 to say -- what
6 time did you get off if you worked the afternoon shifts?

7 A 10:00 or 11:00.

8 Q What time would you go into work then?

9 A The same. I'd leave about 30 minutes before my
10 scheduled time.

11 Q About 1:30?

12 A Yeah.

13 Q Those days that you went into work at 1:30 did you
14 stay at home until then and watch -- did you stay at home
15 until 1:30?

16 A If I had nothing to do I did.

17 Q Okay. Between August and September -- I guess
18 between -- up until October -- let me back up. Do you know
19 when VICTIM started school?

20 A September 11th.

21 Q Okay. Do you remember what time she was supposed to
22 be at school?

23 A She went at 10:30.

24 Q She left your house at 10:30?

25 A She rode the bus. I believe she would leave about

Wendy Richards

Direct examination by Mr. Singleton

1 10:00 o'clock.

2 Q So she would leave your house about 10:00 o'clock.

3 Okay. Do you remember what time your children would leave
4 in the morning to go to school, your other two children,
5 Madison and Decota?

6 A About 6:30, I think.

7 Q Okay. And on those mornings -- while you were working
8 for H. H. Gregg and while [redacted] was going to school was
9 there occasions that you would -- that you stayed at home
10 with her in the mornings?

11 A While I what?

12 Q When you were working for H. H. Gregg up until
13 sometime in October and after she started school in
14 September were there occasions where you were home in the
15 mornings with her before she got on the bus?

16 A When I didn't go in, yeah.

17 Q Okay. Do you remember how many days that was, I mean?

18 A Different days, different. It was different every
19 week.

20 Q Okay. So would you work one week 8:00 to 5:00 and
21 then one week 2:00 to 10:00?

22 A No. It was day by day.

23 Q Okay. Did they give you a set schedule?

24 A No.

25 Q Or did they just let you know when you went in to work

Wendy Richards
Direct examination by Mr. Singleton

1 what day you would be working the next day?

2 A They gave it to me a week before.

3 Q Okay. When you stopped working for H. H. Gregg was
4 there a period of time that you were unemployed?

5 A When I stopped working?

6 Q Or when you last worked for H. H. Gregg did you go
7 straight to another job or --

8 A No. It was like probably six weeks before I went back
9 to work.

10 Q Okay. Do you remember if you started working in
11 December? Was it after Thanksgiving or before Thanksgiving
12 that you went back to work?

13 A I don't remember.

14 Q Okay. Where did you start working?

15 A When I left H. H. Gregg?

16 Q Yeah. Back after six weeks of unemployment, where did
17 you go to work after that?

18 A At the B.M.W. plant but for somebody else.

19 Q Okay. How long did you work at the B.M.W. plant?

20 A Not long.

21 Q A week, a couple of days?

22 A A couple of months.

23 Q Okay. What hours would you go work at the B.M.W.
24 plant?

25 A I don't remember.

Wendy Richards
Direct examination by Mr. Singleton

- 1 Q Would you work the mornings or the afternoons?
- 2 A It was mornings, I believe.
- 3 Q 8:00 to 5:00?
- 4 A I don't remember.
- 5 Q Okay. When you went to work was it nighttime?
- 6 A No. It was during the day. It was morning, but I
- 7 don't remember my hours. That's been awhile back.
- 8 Q Okay. But you remember you would start work in the
- 9 mornings.
- 10 A Yes.
- 11 Q Okay. And you stated you worked for B.M.W. for a
- 12 couple of months.
- 13 A Something like that.
- 14 Q Okay. When did you start -- did you ever start
- 15 working for a cleaning service?
- 16 A Better Homes, yeah.
- 17 Q When did you start working for them?
- 18 A I think December '08. I think.
- 19 Q Okay. I think I may have you confused, because you
- 20 said that you worked for H. H. Gregg up until the middle of
- 21 October of '08, is that correct? I'm not trying to confuse
- 22 you. I just want to make sure we get the right --
- 23 A I think. Yeah. I believe it was October of '08.
- 24 Q Okay.
- 25 A So it was -- I went. I didn't go to work at B.M.W.

Wendy Richards
Direct examination by Mr. Singleton

1 then. I went to work at the cleaning service after, in
2 December of '08.

3 Q Okay. That's what I thought. Okay. So you worked
4 for H. H. Gregg until about the middle of October,
5 unemployed for about six weeks, and then started working
6 for the cleaning service --

7 A Right.

8 Q -- the first of December.

9 A Right.

10 Q Do you know if the children got any holiday time for
11 Thanksgiving? They get usually two days of holiday time,
12 days off from school, like that Thursday and Friday of
13 Thanksgiving.

14 A I think it was Thursday and Friday.

15 Q Okay. And do you know how much time they got off from
16 school for Christmas holidays?

17 A About two weeks, I think.

18 Q Okay. Are you still working for the cleaning service
19 right now?

20 A No.

21 Q Okay. When did you stop working for the cleaning
22 service? Was it after February --

23 A I think it was April of this year.

24 Q Okay. When did you first hear about the allegations
25 about Mr. Briggs concerning your daughter?

Wendy Richards

Direct examination by Mr. Singleton

- 1 A What all was said like --
- 2 Q When were you first made aware?
- 3 A When he was -- when he went to jail?
- 4 Q No. When did you first -- when was the first time you
- 5 heard the allegations about Mr. Briggs and your daughter?
- 6 A When -- when Nikki picked my kids up from school.
- 7 Q Okay. You didn't -- didn't you take your -- what day
- 8 was that? Was that February 2nd of 2009?
- 9 A I'm not sure.
- 10 Q Okay. Do you remember taking your daughter to Mary
- 11 Black Hospital in January?
- 12 A Yes.
- 13 Q Would January 26th of 2009 --
- 14 A That was, yeah, because it came up before that in a
- 15 child support hearing.
- 16 Q Okay. And who told you about the allegations?
- 17 A Neddie.
- 18 Q And who is Neddie?
- 19 A Richards.
- 20 Q And is that the father of the victim?
- 21 A Right.
- 22 Q Okay. And he told you. When did he? Did he tell you
- 23 at family court?
- 24 A Yes.
- 25 Q Okay. And what did you do after he told you about

Wendy Richards
Direct examination by Mr. Singleton

1 those allegations?

2 A Left court and went home, asked VICTIM, took her to
3 the doctor.

4 Q What did VICTIM tell you?

5 A Nothing happened.

6 Q Okay. Did you take her to -- so you took her to the
7 doctor that same day. Did you take her to Mary Black
8 Hospital?

9 A I did.

10 Q And what did you tell Mary Black Hospital the reason
11 you were there for?

12 A Allegations of sexual abuse.

13 Q Okay. And did you have her examined for those
14 allegations?

15 A Yes, I did.

16 Q Did they find any --

17 MS. REESE: I object, Your Honor. The findings are
18 hearsay.

19 THE COURT: Sustained.

20 Q After you left Mary Black Hospital that afternoon or
21 that evening, what did you do after that? Did you go home?

22 A I think so.

23 Q Okay. Was Mr. Briggs still living with you at that
24 point?

25 A He was.

Wendy Richards

Direct examination by Mr. Singleton

1 Q Okay. After Neddie told you about -- you said Neddie
2 told you about the allegations on January 26th. And that
3 was a Monday, I believe.

4 A I think so.

5 Q Okay. Did the police ever come and talk to you on any
6 time -- any point on January the 26th?

7 A No.

8 Q January 27th?

9 A No.

10 Q 28th?

11 A No.

12 Q 29th, 30th?

13 A No.

14 Q On January 30th were the kids taken to their dad's
15 house?

16 A Yes.

17 Q Okay. When was the first time you had contact with
18 the police? Was it the day that they got her out of
19 school?

20 A Yes.

21 Q And that was February 2nd. While you were working at
22 H. H. Gregg in the fall in two -- September or August --
23 well, say September of 2008 -- do you remember if Anthony
24 was working anywhere?

25 A I think he got laid off in August too.

Wendy Richards
Direct examination by Mr. Singleton

1 Q Okay. Do you remember if he was doing any odd jobs
2 for anybody?

3 A Every once and a while he did.

4 Q Okay. Who did he work with?

5 A His parents.

6 Q Okay. What kind of work did he do for his parents?

7 A Take care of some of their rental property, cut the
8 grass.

9 Q Okay. Would you have to drive him over to his parents
10 or would they come and pick him up or...

11 A Sometimes -- I think sometimes I would take him and
12 sometimes he would drive.

13 Q Okay. Were there occasions if you can remember in
14 September of 2008 that your, I think your, father or maybe
15 your grandparents watched the children during the day?

16 A Sometimes.

17 Q Okay. Would they take -- take VICTIM? Would they
18 watch VICTIM in the morning and take her to school or maybe
19 take her to the bus?

20 A Occasionally my grandfather would take her to school.

21 Q Okay. Do you know how many times that happened before
22 you stopped working at H. H. Gregg?

23 A No.

24 Q Do you remember if that was a handful of times?

25 A I don't.

Wendy Richards
Direct examination by Mr. Singleton

- 1 Q Do you remember if it was more than one time?
- 2 A That my grandparent watched her?
- 3 Q Yeah.
- 4 A Probably.
- 5 Q Think it was less than ten times?
- 6 A Probably, yeah. It wasn't every day.
- 7 Q Okay. While you were unemployed those six weeks
- 8 between October and the middle of October until the first
- 9 of December did Anthony work anywhere?
- 10 A I can't remember.
- 11 Q Okay. Do you remember if during that time when you
- 12 were not working that you and Anthony were there in the
- 13 mornings taking care of the children and helping them get
- 14 ready for school?
- 15 A Yes.
- 16 Q Did -- how many days of school did -- do you remember
- 17 if VICTIM missed between September 11th to February 2nd?
- 18 Do you have any idea?
- 19 A I don't.
- 20 Q Would just say one -- would that be -- would that
- 21 sound correct?
- 22 A She -- she never missed school. I don't think she
- 23 missed any school until February. I don't think.
- 24 Q Did she have any medical problems between
- 25 September 11th and February 2nd that you can remember?

Wendy Richards
Direct examination by Mr. Singleton

1 A Not that I remember.

2 Q Did she have any problems at school like getting in
3 trouble or any disciplinary problems at school?

4 A No.

5 Q Was she a pretty good student at school?

6 A Yes.

7 Q And you have another daughter named Madison, is that
8 correct?

9 A Yes.

10 Q How old is Madison?

11 A Eleven.

12 Q Are VICTIM and Madison pretty close?

13 A They are.

14 Q Okay. Would you say they're like best friends or --

15 A Not best friends. Sisters.

16 Q Okay. They spend a lot of time with each other and
17 play with each other and stuff like that?

18 A Yeah.

19 Q They share -- share a bedroom together?

20 A They do.

21 Q Between January the 26th and when you took her to the
22 hospital and brought her home and February the 2nd, the day
23 that the police came to the school, did you ever talk to
24 VICTIM any more about these allegations besides that one
25 time?

Wendy Richards
Direct examination by Mr. Singleton

1 A No.

2 Q What did you think when you heard the allegations
3 about Anthony that day, that Monday?

4 A I was shocked.

5 Q And, again, you took her to the hospital. And after
6 you left the hospital you went home back to where Anthony
7 was living.

8 A Yes.

9 Q Okay. When -- after VICTIM -- I mean, sorry -- after
10 Anthony got arrested on, I believe, February 3rd of 2009
11 did you continue to have conversations with him while he
12 was in jail?

13 A I did.

14 Q Did you have numerous conversations with him?

15 A Yes.

16 Q Would you say you had about four or five hundred
17 conversations with him?

18 A I talked to him every day.

19 Q Okay. And why did you have those conversations with
20 him? Did you...

21 A Because at that point I didn't believe it.

22 Q Did you ever write him letters while he was in jail?

23 A Yes.

24 Q Did VICTIM ever write him letters while he was in
25 jail?

Wendy Richards
Direct examination by Mr. Singleton

1 A VICTIM wrote, but VICTIM didn't mail him letters, no.

2 Q Did you ever mail the letters to him?

3 A No.

4 Q Okay. And when he got out on bond, when Anthony got
5 out on bond, did you continue to see him?

6 A Yes.

7 Q Even though the Court had ordered you, basically
8 ordered y'all, to stay apart from each other?

9 A Yes.

10 Q And then his bond got revoked. Do you know why his
11 bond got revoked?

12 A A violation.

13 Q Because of contact with you?

14 A Correct.

15 Q Did you ever take money to Anthony while he was in
16 jail?

17 A Yes.

18 Q So you basically continued to, I guess, do what you
19 did beforehand, send him letters and mail them and talk to
20 him and send him money up until a certain point in time, is
21 that correct?

22 A Yes.

23 Q When did that -- that all stop?

24 A February 20th of this year.

25 Q Okay. And why did it stop then?

Wendy Richards

Direct examination by Mr. Singleton

1 A Because she disclosed to me and my mother that this
2 happened.

3 Q Okay. And you didn't ever talk to her about it before
4 then? Even though she lived with you, Anthony wasn't in
5 the house any more, and I guess like basically a year went
6 by. Y'all never talked about it at all?

7 A No.

8 Q Okay. And why didn't you talk to her about it?

9 A Because I was told not to talk to her about it.

10 Q Okay. But you were also told to stay away from
11 Anthony.

12 A Yeah.

13 Q But you didn't listen to the judge or the Court on
14 that, did you?

15 A No.

16 Q What was that?

17 A No.

18 Q How long did -- I may have asked this question. I
19 can't remember. How long did Anthony live with you and the
20 children before he got arrested in February?

21 A Two years, around two years.

22 Q Okay. Up until that time how would you say that
23 they -- he interacted with your children? Was it a good
24 relationship with them?

25 A Some.

Wendy Richards
Direct examination by Mr. Singleton

1 Q Would he buy them gifts? Would he buy them gifts for
2 like holidays and Christmas and birthdays?

3 A Yeah. He did stuff for them.

4 Q Okay. Did you and Anthony and the children ever go on
5 trips together and stuff like that?

6 A We did.

7 Q Okay. When -- while Anthony was in jail did you still
8 keep in contact with his family?

9 A Yes.

10 Q Okay. Did you ever take the children over to their --
11 to his parents' house -- house?

12 A Yes.

13 Q His mother and step-dad?

14 A Yes.

15 Q And you stated all -- everything you thought changed
16 on -- around February the 20th, is that correct?

17 A Yes.

18 Q I can't remember if I asked you this. When you
19 started working for the cleaning service in December were
20 there certain times that you went in every day?

21 A Yeah.

22 Q What time would you have to be at work every day?

23 A I had to be there at 8:30.

24 Q So you would leave the house at what time?

25 A 8:00 o'clock.

Wendy Richards
Direct examination by Mr. Singleton

- 1 Q Okay. Did you work every day of the week?
- 2 A Yeah, Monday through Friday.
- 3 Q Okay. And that was -- basically, you believed that
- 4 was the first of December until sometime in April of this
- 5 year.
- 6 A Yes.
- 7 Q Okay. Do you remember if while you and Anthony were
- 8 living together if he worked anywhere during the month of
- 9 January?
- 10 A I don't remember.
- 11 Q Do you remember if he worked for a certain employer or
- 12 if he may have worked like odd jobs for his parents?
- 13 A I don't remember.
- 14 Q So you don't -- you can't recollect if he worked at
- 15 all.
- 16 And when you made -- during those conversations that
- 17 you had with Anthony while he was in jail did you and he
- 18 ever talk about not taking the children to the Children's
- 19 Advocacy Center?
- 20 A He told me not to.
- 21 Q Okay. But it was not your -- I mean, you didn't say
- 22 that you didn't want to take them?
- 23 A No.
- 24 Q So basically in the fall of 2008 you would leave to go
- 25 to work at 8:30, and VICTIM would get on the bus at 10:00.

Wendy Richards
Direct examination by Mr. Singleton

1 And you worked at a job up until the middle of October, is
2 that correct?

3 A I would leave at 8:00 and had to be there at 8:30.

4 Q I'm sorry?

5 A I would leave at 8:00 because I had to be there at
6 8:30.

7 Q Okay. At some point between September and October did
8 Anthony have some odd job with his parents?

9 A He helped them occasionally while he was laid off.
10 I'm not sure of the dates.

11 Q Okay, okay. And then there was a period of about six
12 weeks where he was unemployed where you and Anthony
13 basically stayed home in the mornings and helped take care
14 of the children.

15 A Yeah.

16 Q And then in December you started working for the
17 cleaning service up until April of this year.

18 A Yes.

19 Q And you first heard about the allegations on
20 January the 26th.

21 A It was the day that we went to court. I don't know
22 the date.

23 Q Okay. But it was the same day you took her to the
24 hospital?

25 A Yes.

Wendy Richards
Direct examination by Mr. Singleton

1 Q Okay.

2 MR. SINGLETON: One second, Your Honor.

3 (Pause.)

4 Q When you would leave in the mornings at 8:00 do you
5 know if VICTIM was still in her pajamas or if she was
6 dressed ready to go to school or what? Or was she awake at
7 that point in time?

8 A Some of the time she was. Most of the time she was
9 still asleep.

10 Q Okay. What about Anthony? Was he awake during
11 those -- when you left to go to work, or was he up -- still
12 asleep?

13 A He was awake.

14 Q Okay. So there would be some occasions where you
15 would leave at 8:00 o'clock in the morning and would
16 still be asleep?

17 A Yeah.

18 Q Okay. When you took Anthony to work -- and you said
19 on occasions you would take Anthony to work in the
20 mornings, is that correct?

21 A When he did side jobs?

22 Q Right.

23 A Yeah.

24 Q Okay. What about when he worked for -- do you
25 remember him working for a temp agency, I think, called

Wendy Richards
Direct examination by Mr. Singleton

1 Corporate Associates?

2 A What's the name of that company that he worked for --
3 electrical. Johnson Electric.

4 Q Hayes and Lunsford Electrical?

5 A Yeah.

6 Q Okay. Would you take him to that job?

7 A When was that?

8 Q That would have been basically between July and
9 September 7th of 2008.

10 A I don't know.

11 Q You don't remember if you'd take him to work in the
12 mornings.

13 Okay. When Anthony got out of jail on bond was there
14 occasion that you went over to his mother's house with the
15 children?

16 A Yes.

17 Q Do you remember, was it Mother's Day?

18 A With the children when he was out of jail?

19 Q Yeah. Did you go over to his mother's house with the
20 children while he was out of jail not to see him, I mean,
21 but did you take the children over there to see his parents
22 on Mother's Day?

23 A Mother's Day. I don't remember.

24 Q You don't remember.

25 MR. SINGLETON: Okay. That's all the questions I

Wendy Richards
Cross-examination by Ms. Reese

1 have, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. REESE

4 Q Ms. Richards, do you remember telling Nikki Cantrell
5 when she was investigating this case February 2nd that the
6 defendant is drawing unemployment, does side jobs
7 occasionally but is home with the children in the mornings
8 and after the kids get out of school?

9 A Yes.

10 Q And is that generally the rule?

11 A That's normally how it went.

12 Q On the date that you took or the day that you
13 questioned VICTIM about the allegations, do you remember
14 telling me that the defendant was in the next room?

15 A Yes.

16 Q And that the defendant accompanied her to the hospital
17 when you had her evaluation, is that correct?

18 A Yes.

19 Q Where did you sleep in the home?

20 A Me?

21 Q You.

22 A In the living room on a pull-out couch.

23 Q And where did he sleep?

24 A With me.

25 Q How old is the defendant?

Wendy Richards
Cross-examination by Ms. Reese

1 A Twenty-six.

2 Q Now, Mr. Singleton asked you about several jail calls
3 or several calls that were made to you from the jail. Do
4 you remember those calls?

5 A Yes, ma'am.

6 Q And we talked about those. On January the 1st of 2010
7 did the defendant tell you, "I need you to jump when I tell
8 you to jump. All of this is a little game and I've played
9 their game long enough."

10 A Yes.

11 Q "I don't intend to lose, but I need somebody on the
12 outside that will jump when I tell you to."

13 A Yes.

14 Q "As long as you keep doing on the outside for me like
15 you've been doing, then I can keep sneaking and working
16 things in here."

17 A Yes.

18 Q On January 3rd of 2010, "You've been trying to prove
19 your love. You're going to prove your love to me. If
20 you're going to prove your love to me it's going to be here
21 and that we're going to be together the rest of our lives.
22 This is what it's going to take. You listen to me and do
23 this and everything works out and I don't have a problem
24 marrying you." Did he say that to you?

25 A Yes.

Wendy Richards
Cross-examination by Ms. Reese

1 Q On January 7th, "You can't prove or disprove oral sex.
2 It's my word against hers."

3 A Yes.

4 Q Do you remember when you took the children or were
5 taking the children to the Children's Advocacy Center?

6 A Yes.

7 Q And you told him -- this is on February the 5th of
8 2009 -- that you were going to take VICTIM for a forensic
9 interview. Did he tell you don't do that, it's a
10 liability?

11 A Yes.

12 Q On 2006 -- 2009 -- when you told him you were going to
13 take her to Dr. Nancy Henderson to see if she had been
14 touched did he tell you to tell Dr. Henderson -- tell her
15 that she plays with herself all of the time?

16 A Yes.

17 Q He called back later that evening to ask what time the
18 appointment was. And when you said 3:30 did he tell you,
19 "You need to tell them that she" -- and I'm not going to
20 use the word, F word -- "You need to tell them that she F's
21 herself." Did he say that to you?

22 A Yes.

23 Q On February the 5th of 2010 did he tell you, "No face,
24 no case"?

25 A Yes.

Wendy Richards
Redirect examination by Mr. Singleton

1 Q Did he tell you they were going to take your kids?

2 A Yes.

3 Q "Move. I want you to move. Do not let her go back to
4 those advocacy classes. I need you to disappear. I need
5 you to disappear quick. No face, no case."

6 A Yes.

7 Q The weekend of February the 18th of 2010 did VICTIM
8 disclose to you that she had been sexually assaulted?

9 A Yes.

10 Q Did she say where it happened?

11 A Not to me.

12 Q And what was her demeanor when she told you that?

13 A She was upset and embarrassed mainly. She was upset.

14 MS. REESE: Nothing further.

15 MR. SINGLETON: Just a few more questions, Your Honor.

16 THE COURT: You may step down.

17 MR. SINGLETON: I have got a few more questions. I'm
18 sorry. Just a few more questions.

19 THE COURT: Okay.

20 REDIRECT EXAMINATION

21 BY MR. SINGLETON

22 Q Ms. Richards, when you -- I guess it was the weekend
23 of February the 9th of 2010, I guess, when you say that
24 VICTIM disclosed to you. Did she actually tell you what
25 happened or was it your mother that told you what happened?

Wendy Richards
Redirect examination by Mr. Singleton

- 1 A VICTIM told me.
- 2 Q Okay. And you said, again, this was the first time
3 she had ever told you that these things happened to you
4 (sic).
- 5 A Yes.
- 6 Q Before the one time I think you asked her about it she
7 had said no.
- 8 A Yes.
- 9 Q Okay. Regarding the jail conversations that the
10 solicitor talked about, did you ever do anything -- do any
11 of those things that the -- Anthony supposedly asked you to
12 do?
- 13 A As far as moving the kids?
- 14 Q As far as, I mean, you continually took them to to the
15 Child's Advocacy Center.
- 16 A I continued to take her.
- 17 Q Okay. So he didn't have -- so you didn't -- basically
18 you didn't listen to him.
- 19 A No.
- 20 Q Okay. But you continued to talk to him and visit with
21 him, write him letters and send him money during that
22 entire time.
- 23 A Yeah.
- 24 Q Was there a point in time before February -- no.
25 Strike that. Well, was there a point in time before

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 February the 19th that Anthony discovered that you were
2 living with someone else?

3 A Before February?

4 MS. REESE: Your Honor, I object to that questioning.
5 I don't know what it has to do with anything.

6 THE COURT: Is there any relevance to it?

7 MR. SINGLETON: Well, I can approach.

8 THE COURT: Okay.

9 (Bench conference held off the record in the presence
10 of the jury but out of the hearing of the jury.)

11 MR. SINGLETON: No more questions, Your Honor.

12 MS. REESE: Nothing further.

13 THE COURT: You may step down.

14 Do you have another witness?

15 MR. SINGLETON: Yes, Your Honor. Lonnie Miller.

16 MS. REESE: Your Honor, may we approach?

17 THE COURT: Yes.

18 (Bench conference held off the record in the presence
19 of the jury but out of the hearing of the jury.)

20 LONNIE WAYNE MILLER, having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. SINGLETON

23 Q Mr. Miller, can you state your full name and your
24 address?

25 A Lonnie Wayne Miller, , Inman, South

Lonnie Wayne Miller
Direct examination by Mr. Singleton

- 1 Carolina.
- 2 Q And what do you do for a living?
- 3 A Self employed.
- 4 Q What kind of work do you do?
- 5 A Construction.
- 6 Q Okay. Do you like build houses, or what do you build?
- 7 A Well, we do vinyl siding. We do build some houses. A
- 8 little bit of everything. And we own mobile homes. We
- 9 have a lot of rental property.
- 10 Q Okay. When you say we, who is we?
- 11 A My wife and I.
- 12 Q Okay. Y'all are the two people that own the company?
- 13 A Yes.
- 14 Q Okay. What's your relationship to Mr. Briggs?
- 15 A He's my stepson.
- 16 Q How long has he been your stepson?
- 17 A Going on seven years.
- 18 Q Okay. Have you and Mr. Briggs always seen eye to eye?
- 19 A No, not always.
- 20 Q Do you remember when he and Wendy Richards started
- 21 dating?
- 22 A Oh, yes.
- 23 Q Do you know her -- the children -- Madison, Decota and
- 24 VICTIM ?
- 25 A Yeah, I knew all of them, yes, sir.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Q Okay. Did you spend a lot of time around the family,
2 come around a lot?

3 A Yeah. When they came, you know, Neal looked after the
4 kids more so than she did. And that's a bad sign to me.
5 But, you know, have to take care of them.

6 Q Okay. Did they live close to you or how --

7 A About ten miles away.

8 Q About ten miles away. Would y'all spend holidays
9 together?

10 A Yeah. They'd come over on, you know, on holidays,
11 Christmas, 4th of July and things like that.

12 Q Okay. During that time -- I guess during the time
13 between -- up until he was, Anthony was, arrested
14 February 3rd of 2009, did the family always seem to get
15 along when you were around them?

16 A Oh, yes. They -- they seemed to get along.

17 Q Okay. Seemed like a loving family?

18 A Seemed to be, yes.

19 Q Okay. Nothing jumped out of the ordinary or anything
20 like that to you?

21 A Well, I mean, it's just that she got Neal in a lot of
22 problems. And I tried to -- tried to talk him out of --
23 just leaving her and not going back around.

24 Q Okay.

25 A He says he loved her.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Q Okay. Was there -- have you ever had Anthony do any
2 work for you?

3 A Oh, yes.

4 Q What kind of work would he do for you?

5 A Well, he would help my wife clean the mobile homes, do
6 yard work, get up leaves, cut grass, just whatever needed
7 to be done. He worked with me doing vinyl siding,
8 replacement windows, just anything in general.

9 Q Okay. There was a period of time after -- well, we'll
10 start basically after September 11th. Did he -- do you
11 remember -- September 11th of 2008, do you remember if he
12 ever did any work for you?

13 A Well, I know he and I did some windows in Spartanburg,
14 because the lady was supposed to take the alarm off and
15 forgot to. And when I broke the window the alarm went off
16 and scared him half to death.

17 Q Okay. Do you have any idea when it was in September
18 or October?

19 A It was probably toward the end of September.

20 Q Okay. How long did he work for you doing -- doing
21 that job?

22 A Well, we worked for two -- two days on that one. And,
23 you know, we did a lot of other little things, you know.
24 Replaced some siding, some bad-damaged siding for people.
25 And pretty much what he and I did was I had a crew that did

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 the major jobs, and we just did touchups.

2 Q Okay. Do you have any recollection on whether the
3 children started back to school in September, or August or
4 September of 2008?

5 A Not really. I know --

6 Q Okay. Were there occasions in September of 2008 that
7 Anthony would come over to your house and bring VICTIM with
8 him?

9 A Yeah, because my wife would have to take care of her.

10 Q Okay. Why would she have to take care of her?

11 A Because he was working with me.

12 Q Okay. Would she take her to school?

13 A Now, that I don't know because we would leave.

14 Q Okay. So you don't know what happened after -- once
15 you left.

16 A No.

17 Q Do you know if it was during the time that she was in
18 school when she was going to 4-K, or do you have any idea?

19 A I have no idea.

20 Q Okay. Do you remember if Anthony did any work for you
21 in October of 2008?

22 A I know he did some work for my wife. And I used him
23 from time to time if I needed him. I'd just go by and pick
24 him up, and we'd go do what I needed done. He helped me do
25 some electrical work, just odds and ends.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Q Okay. But you don't have a recollection of what
2 certain days he worked in October?

3 A I know that he worked pretty much maybe a week, a week
4 and a half, with my wife.

5 We had several homes that had to be cleaned. He was
6 tearing down 372, which is a mobile home that I bought with
7 a piece of property that had to be torn down and hauled
8 off. He was taking care of getting that disposed of.

9 I had given him an old mobile home on Colony Pike, and
10 he was working on that. And my wife would take care of the
11 little ones while he went and did that.

12 Q Do you remember if this was at the time when Wendy
13 Richards was unemployed?

14 A Well, I mean, that's one reason I gave him the home.
15 You know, he needed the metal off of it. And I gave him
16 just -- he sold it to pay some bills. That's what he was
17 doing on 372. He scrapped down the wire and stuff like
18 that.

19 Q So when he was doing that, this was after she had lost
20 her job, or she was unemployed, or while she was working?

21 A I think she was working but had -- you know had just
22 started working or something. She was working I think at H
23 & H Gregg or something like that.

24 Q Okay. Did he do -- do you remember when Wendy was
25 unemployed? Do you have any idea when that was?

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 A Well, no, not really. I didn't --

2 Q Or do you ever remember her being unemployed?

3 A I don't remember her being unemployed that much.

4 Well, I mean, you know, she -- she and I never got along
5 too good, so.

6 Q You don't remember if she was employed or not.

7 A I don't remember.

8 Q Okay. Did he do any work for you in December of 2009,
9 I mean, I'm sorry, December of 2008?

10 A December of 2008. I know that he was helping, you
11 know. I make some biodiesel -- use cooking oil. And he
12 helped me on making that, helped me put the system
13 together. And he was making oil for me. Making diesel
14 fuel.

15 Q Okay.

16 A And he worked several days a week doing that for me.

17 Q How do know if this was in December or not?

18 A Well, the grease doesn't flow very well in cold
19 weather. So we have a problem keeping it hot so that we
20 could, you know, filter it. It was a very slow process.

21 Q Okay. So to the best of your knowledge it was
22 sometime in December?

23 A It was in December, I'm pretty sure, yes.

24 Q Do you know how long y'all worked on that?

25 A We worked on it about a week, a week and a half.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Q Do you remember if he worked for you any time during
2 January of 2009?

3 A Well, you know, from time to time he would work. I'd
4 just, like I said, if I needed some extra help I'd just go
5 pick him up.

6 Q Okay.

7 A I mean, he may not work the whole week. But, I mean,
8 we'd work him all that we could to help him out as much as
9 we could.

10 Q Okay. When the children and Anthony and Wendy were
11 around you, I believe y'all said that they seemed like they
12 were very -- got along very well and seemed like they loved
13 each other.

14 A Yeah, yeah.

15 Q Okay. Do you know --

16 A The little girls, you know, just loved Anthony to
17 death, I mean, you know.

18 Q Do you know if they had any nicknames for Anthony or
19 he had any nicknames for them or anything like that?

20 A Not that I know of, uh-uh.

21 Q Okay. But as far as you could tell they just seemed
22 like a -- a good family.

23 A Oh, yeah.

24 Q Okay. Were there occasions when Anthony got arrested
25 in February of 2009 -- did Wendy and the children ever come

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 around your house?

2 A Yeah, they came around some. We weren't too happy
3 with her at that time because of the problems, but, you
4 know, it had been a problem that had been long -- for a
5 long time. But she's caused a lot of problems in his life.

6 Q Did y'all help her? Did y'all ever give her money or
7 anything like that, buy food for her or anything like that?

8 A I don't know. My wife may have.

9 Q Okay. But y'all had --

10 A I didn't.

11 Q -- periodically contact with her while -- while
12 Anthony was in jail.

13 A Yes, sir.

14 Q Okay. When Anthony got out on bond did he live with
15 you and your wife?

16 A Yes, yes.

17 Q Okay. Do you know if Wendy came over there to visit
18 him while he was at your house?

19 A I didn't have knowledge of it, but I found out later
20 that she had, yes.

21 Q Okay. Do you remember in December of '08 what kind of
22 work he would do for you? Would he -- I know you said
23 talking about the fuel, the biodiesel fuel, but would he do
24 any sort of yard work for you?

25 A He helped my wife, you know.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Q Okay.

2 A Leaves and just whatever needed to be done. We own a
3 mobile home. We own 13 rental properties. So we had -- we
4 usually had some things that he could take -- take care of
5 and help us out.

6 Q Okay. Would he do repair work for you like on mobile
7 homes, like cleaning the bathtub or do electrical work for
8 you?

9 A Yes.

10 Q Did he ever help tear down a mobile home in January of
11 '09? Do you remember that?

12 A Yeah. He was -- he started on Colony Pike. And it
13 took him a long time to get that one finally disposed of.
14 But, I mean, yeah. He -- he worked periodically at it.
15 When he needed a little cash he'd run over there and tear
16 something off and sell it.

17 Q Okay. Would he typically work in the mornings or
18 afternoons or nights?

19 A Well, sometimes he'd work all day. But, I mean, you
20 know, he would come in. And, like I say, my wife would
21 take care of the little one.

22 Q Did y'all tend to use him a lot in December? I mean,
23 do you remember -- do you have any recollection if y'all
24 used him a good bit?

25 A I know that my wife used him because we had some

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 rental properties empty, and she has the job of cleaning
2 them. And she would get him to help do the cleaning simply
3 to help him out.

4 Q Okay. And do you know if he did all of this work for
5 you like before Christmas in December to help get Christmas
6 money up or anything like that?

7 A Well, that's one of the reasons we -- we worked him as
8 much as we could, because I knew he wanted to get the kids
9 things for Christmas and he didn't have a job that was full
10 time. So we helped him all we could without having to go
11 out and just give him the money. We tried to make him earn
12 it.

13 Q Do you know -- I don't -- did it appear to you that he
14 took pride in taking care of his family or trying to take
15 care of his family?

16 A Oh, yes, yes.

17 Q Okay.

18 A He took care of those kids just like they were his
19 own.

20 Q Okay.

21 A And, you know, that's a lot of responsibility. I
22 mean, you know, that's what I kept telling him -- "Neal,
23 you can't take care of yourself, how can you take care of
24 these kids. You need to take care of yourself."

25 Q Okay.

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 A But you know.

2 Q But he would buy them gifts and just, you know,
3 basically treat them like they were his own because he took
4 care and provided for them.

5 A He did, he did. He did all he could do.

6 Q This is going to be a little tricky, but when you
7 first heard about the allegations what was your first
8 thought?

9 MS. REESE: Your Honor --

10 Q Not going to where you --

11 THE COURT: Sustained.

12 Q Okay. Were you surprised when you heard the
13 allegations?

14 A Oh, yes.

15 Q Shocked?

16 A Totally shocked.

17 Q Okay. Did you still keep in contact with Anthony
18 while he was in jail or did you --

19 A Oh, yes, we -- we kept in contact. My wife would talk
20 to him, and I'd tell her, you know. I was upset with him
21 for the simple fact he broke bond.

22 Q Okay.

23 A You know.

24 Q Has there ever been a time since he has been arrested
25 that you -- strike that question. Do you feel like

Lonnie Wayne Miller
Direct examination by Mr. Singleton

1 Anthony's a responsible person?

2 A Yes.

3 Q Outstanding person?

4 A Yes.

5 Q He's not a perfect person, is he?

6 A None of us are.

7 Q Do you still love him?

8 A Oh, yes.

9 Q Still proud of him?

10 A Oh, yes.

11 Q Do anything for him?

12 A I will and I have.

13 MR. SINGLETON: That's all the questions I have, Your
14 Honor.

15 MS. REESE: No questions, Your Honor.

16 THE COURT: You may step down.

17 We'll take a short break. I'll ask the jury to please
18 go to your jury room. Don't discuss the case. I'll bring
19 you back shortly.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Who is the next witness?

23 MR. SINGLETON: His mother, and that'll be it.

24 THE COURT: All right. Court is in recess for 15
25 minutes.

Lakla Miller

Direct examination by Mr. Singleton

1 (Whereupon, a recess was taken.)

2 THE COURT: All right. Are we ready for the jury?

3 MS. REESE: Yes, Your Honor.

4 THE COURT: Let me see y'all please.

5 (Bench conference held off the record in the presence
6 of the jury but out of the hearing of the jury.)

7 THE COURT: All right. Bring the jury in.

8 (The following takes place in the presence of the
9 jury.)

10 THE COURT: All right. Mr. Singleton.

11 MR. SINGLETON: Call Lakla Miller.

12 LAKLA MILLER, having been
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. SINGLETON

15 Q Can you please state your name for the record?

16 A Lakla Miller.

17 Q And what's your relationship to Mr. Briggs?

18 A He's my son.

19 Q Okay. Is he your only son?

20 A He's my only son.

21 Q Do you and your son -- I mean, do you and your husband
22 own a business?

23 A Yes.

24 Q What kind of work do y'all do?

25 A We own a construction business and we own a rental

Lakla Miller

Direct examination by Mr. Singleton

1 business and also a campground in Greenwood.

2 Q Okay. On occasion do y'all have -- did y'all use
3 Anthony to help do some work for you either around your
4 house, the campgrounds or the mobile homes?

5 A Yes, sir.

6 Q Okay. Do you remember if in September of 2008, if
7 Mr. Briggs did any work for you or your husband?

8 A Yes. In the fall Anthony helps me a lot because we
9 own so much I have to do all the grass mowing and all the
10 leaves. And when I have mobile homes to come empty, that's
11 mine and his job that we do as mother and son, is cleaning
12 mobile homes together.

13 Q Okay. Going on the lines there, do y'all have --
14 well, basically three different businesses, or do y'all run
15 a campground? You have mobile homes and what else?

16 A My husband owns a construction business.

17 Q Okay. What -- do you have any role in his
18 construction business? Do you have --

19 A I'm the bookkeeper and I also do the invoicing and the
20 collecting.

21 Q Okay. Do you know what happens with mobile homes as
22 far as getting them repaired and stuff like that?

23 A I do -- he does the construction and I do the mobile
24 homes.

25 Q Okay. And do you take care of the campground?

Lakla Miller

Direct examination by Mr. Singleton

1 A And I also take care of the campground.

2 Q You basically do two -- two of the three jobs.

3 A Yes.

4 Q Okay. Just for you, the two businesses that you're
5 talking about, what kind of work did he do for you in
6 September of 2008?

7 A He mows the grass for me, and I have if I have mobile
8 homes that tears up. Or like in September and October we
9 had bought two more mobile homes that we work on in our
10 spare time. And we were tearing them down. And I give him
11 the metal off of them and the wiring to strip to sell at
12 the junkyard before we went in and demolished it all. So
13 he was tearing down two mobile homes, you know, during that
14 time.

15 Q Do you remember how long it took him?

16 A No, because he would help me also in the meantime, you
17 know, doing my work.

18 Q Okay.

19 A So I really couldn't tell you exactly how long it took
20 him.

21 Q When he would do work for you would he work during the
22 weekdays like Monday through Friday or the weekends or
23 both?

24 A When we work in -- in Spartanburg County it's through
25 the week.

Lakla Miller
Direct examination by Mr. Singleton

1 Q Okay.

2 A And when I work on the weekends it's in Greenwood.

3 Q When he come to work for you would it be in the
4 morning time?

5 A Oh, yes. He always had to come at a certain when I
6 was ready to go out, because I go out early.

7 Q Okay.

8 A And he's always there early in the morning.

9 Q About time would he -- when he worked for you about
10 what time would he come in to work?

11 A Between 8:00 and 9:00.

12 Q Okay. So he worked for you periodically in September,
13 say, off and on for a couple of weeks.

14 A He worked for me every year through that time when
15 it's time to do the leaves and all. But it just so
16 happened at that time we had the two mobile homes that we
17 had bought and we were tearing down.

18 Q Okay. What about -- do you remember anything specific
19 in October of 2008 that he worked for you?

20 A Well, like I said, you know, that's during the time
21 that we do the leaves and we do -- and he was tearing down
22 those mobile homes. But other than that, you know --

23 Q So that kind of all ran together at the same.

24 A Yeah, that just run. That just -- we did that. He
25 did the mobile homes when he wasn't working with me doing

Lakla Miller
Direct examination by Mr. Singleton

1 my work.

2 Q Okay.

3 A That was like his spare job.

4 Q Do you have any recollection of when Wendy Richards
5 became unemployed or did you -- do you know if she was ever
6 unemployed?

7 A Yeah. Seems like it was maybe October. I --

8 Q Is there anything specific you remember about that
9 time period, her being unemployed?

10 A Nothing other than the fact that they didn't have a
11 lot of money coming in. And that's when he would come to
12 me and want to know if I had any work that he could do, you
13 know, to make ends meet.

14 Q Okay. That time that she was unemployed would cover
15 basically the middle of October up through, I guess, past
16 Thanksgiving. Do you -- did you on occasion give her or
17 give them food or anything like that?

18 A I gave them food. He would call me and he'd say,
19 mama, we don't have food to feed the kids. He said have
20 you anything I can have.

21 I would bag them up and tell him to come and get it.
22 But I would also tell him he had to work for it because I
23 wasn't handing out to him.

24 Q Okay.

25 A And-but I told him I would not let those kids go

Lakla Miller

Direct examination by Mr. Singleton

1 hungry, anytime they didn't have anything to eat to call
2 me, I would get 'im -- get them kids something to eat.

3 Q Okay. Do you remember in December of 2008 if he did
4 any work for you up right before Christmas or whatever?

5 A He come -- he come when he was with her right after
6 Thanksgiving. And he told me that their daddy was not
7 going to be getting them any presents for Christmas and
8 asked me if I had some work that he could do to get the
9 money up to get those kids Christmas.

10 Q Okay. And so you let him work for a time during
11 December?

12 A Any time that he come to me and needed something for
13 the kids, because I myself bought the kids Christmas
14 presents. And I did not want those kids to go without
15 Christmas presents.

16 Q So you would make him work. Like you said earlier,
17 you would make him work for his money, not to give him a
18 handout.

19 A Yes. I never give me kids a handout. I always made
20 them work for what they asked for.

21 Q Okay. Do you remember any time in the month of
22 January of 2009 if he did any work for you? Do you have
23 any specific recollection?

24 A Other than this stuff going through I couldn't tell
25 no, you know, exact date of when he worked for me during

Lakla Miller

Direct examination by Mr. Singleton

1 this time.

2 Q Okay. In December of 2008 you say he did a lot of
3 work for you or did some work for you to get Christmas
4 money. Did he work more for you in December of 2008, or
5 more like in September and October, or was it about the
6 same amount of time?

7 A Probably about the same amount.

8 Q Okay. And, again, if he worked for you he would come
9 over there early in the mornings?

10 A Yes.

11 Q Would he work the entire days or would he work like up
12 until like lunchtime and go home to be with the kids or
13 anything?

14 A He would work. A lot of times that -- when he brought
15 VICTIM, I would keep VICTIM. And he would bring her when
16 it was real cold. And I would tell him, you know, just
17 leave her in the house with me. And I would keep her.

18 And he would come back at whenever she started school.
19 I don't know when the dates were. And he would take her to
20 school, and then he would come right back to work.

21 Q Okay. But like in, say, September and October when he
22 worked for you and your husband would he work the entire
23 days or would he get off early in order to go home and
24 greet the kids when they came home from school?

25 A He would -- he would go home in time to get the kids

Lakla Miller

Direct examination by Mr. Singleton

1 when they came in from school. Then he would cook supper
2 for when Wendy got there.

3 Q Okay. So basically when he worked for you he'd come
4 in early and leave early.

5 A Yeah.

6 Q Okay.

7 A Because he had -- he had to be there by the time the
8 kids got out of school, so he'd have to come for me early.

9 Q But he put in enough hours to earn his money.

10 A Oh, yes, oh, yes.

11 Q Do you remember when you first heard about these
12 allegations?

13 A Yeah, yes, sir.

14 Q How did it make you feel?

15 A I was shocked and I was dumbfounded.

16 Q Basically, he's been in jail since February of 2009
17 except for the short time he got out on bond. Have you
18 continued to stand behind him throughout that time?

19 A Yes.

20 Q Support him?

21 A Yes.

22 Q Been his mother and been his rock?

23 A Yes.

24 Q While he was in jail did Wendy ever come over to your
25 house?

Lakla Miller

Direct examination by Mr. Singleton

1 A Yes, she come over. She brought Lyda (sic) over once
2 to pick up his car.

3 Q Okay.

4 A And when he was out on home detention VICTIM kept
5 wanting to see me. And she brought her over. And then I
6 met her at the Dollar Store a couple of times.

7 VICTIM wanted to ride the golf cart. So I met her and
8 took VICTIM a ride on the golf cart away from the house. I
9 went up the road to get VICTIM because VICTIM wanted to
10 ride the golf cart with me. So I took her for a ride on
11 the golf cart and went around the block and brought her
12 back and give her back to Wendy.

13 Q Okay. So you kept in touch with Wendy for a certain
14 period of time since he's been in jail.

15 A I didn't keep in touch with her. She kept in touch
16 with me through -- because at nighttime -- well, I guess
17 she would call me at night a lot of times because she
18 couldn't get VICTIM to go to sleep because -- and I'd talk
19 to VICTIM and I'd tell her if she'd be good and go to sleep
20 for her mama that, you know, I'd buy her a -- you know, I'd
21 go buy her a gift. And a lot of times VICTIM and Decota
22 would call me at night and talk to me there for probably a
23 few months. But then it just went away. And I never
24 called them.

25 Q How long did -- do you remember how long Anthony and

Lakla Miller

Direct examination by Mr. Singleton

1 Wendy dated?

2 A I would say at least three years.

3 Q Okay. Do you remember how long they lived together
4 before Anthony got put in jail?

5 A Maybe two years.

6 Q Okay.

7 A I'm not sure.

8 Q Did you spend a lot -- how close did you and your
9 husband live to Anthony and Wendy?

10 A We live in Cooley Springs and they lived in Chesnee.

11 Q Okay. I'm not familiar with that. Is that --

12 A That's probably about eight miles.

13 Q Okay. Did y'all spend a lot of time with them or --

14 A I went to their house a couple of times when they --
15 when he had called and said that they needed food or
16 something or other. I would go drop it off. But as far as
17 going and visiting at their house, I did not go and just
18 sit down and visit.

19 Q Okay. Well, whenever -- did they come over to your
20 house for holidays and did y'all get together for holidays
21 or birthdays or anything like that?

22 A Yeah, they would come over for holidays. And when my
23 daughter got married they were there.

24 Q Okay. Do you remember if while Anthony -- after
25 Anthony got arrested for this charge did Wendy and the

Lakla Miller

Direct examination by Mr. Singleton

1 children come over to your house for Mother's Day or
2 anything?

3 A No, not for Mother's Day.

4 Q Okay.

5 A Wait a minute. Yeah, Mother's Day, yeah, because
6 they -- I wasn't there. We were in Greenwood because we
7 had to go to Greenwood on the weekends.

8 She wasn't there when I got there, but she had been
9 there because -- and also her mother had been there because
10 she -- they had got me a pocketbook. I had got a
11 Harley-Davidson motorcycle. And they made me a pocketbook
12 with Harley-Davidson and got me a card and had me a cake
13 made. She had been there but not when I was there.

14 Q Okay. Before Anthony got arrested on these charges
15 and he was around you with Wendy and the kids did they seem
16 like they got along pretty well, seemed like a loving
17 family?

18 A Yes.

19 Q Nothing ever jumped out at you that something may be
20 wrong or anything like that?

21 A I mean, wrong in what way? I didn't understand your
22 question.

23 Q Anything jump out of the ordinary besides, you know,
24 normal relationship stuff people have?

25 A Not in front of me.

Lakla Miller

Direct examination by Mr. Singleton

1 Q The kids seemed to be happy when they were around
2 Anthony?

3 A The kids were very happy. And they loved coming to my
4 house.

5 Q Okay. How often did -- well, since Anthony was in
6 jail or been in jail did -- how often did the kids come
7 over to your house?

8 A In the beginning they come, like I told you, when
9 Wendy would -- VICTIM wanted to see me. And of course we
10 had the golf cart, and she loved riding the golf cart.
11 They come, you know, for a couple of months. And then
12 after she come and brought the law to get his car she
13 didn't come out no more.

14 Q Okay. When they came over did they ever ask about
15 Anthony?

16 A Yes. They would tell me, VICTIM would tell me --
17 MS. REESE: Your Honor, objection, hearsay.
18 THE COURT: Sustained.

19 Q Now, these allegations against your son are obviously
20 very serious.

21 A Yeah.

22 Q Do you still love your son?

23 A Do I still love my son?

24 Q Do you still love your son?

25 A With everything in me.

Lakla Miller

Direct examination by Mr. Singleton

1 Q Do anything for him?

2 A As long as it was the truth and was not a lie, I will
3 do anything for him.

4 Q Support him in any way?

5 A Yes.

6 MR. SINGLETON: That's all the questions I have, Your
7 Honor.

8 MS. REESE: No questions, Your Honor.

9 THE COURT: You may step down.

10 MR. SINGLETON: That's all the witnesses, Your Honor,
11 for the defense.

12 THE COURT: Any reply?

13 MS. REESE: None, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, that's
15 all of the testimony and other evidence to be offered in
16 the trial of the case.

17 What remains to be done are the lawyers' final
18 summations, after which I'll instruct you on the law, and
19 then you can begin with your deliberations. That's going
20 to take a little while. It's going to take longer than we
21 have for the balance of the day because I have some other
22 matters that are scheduled for this afternoon. So we will
23 resume in the morning with the final summations and my
24 instruction and your deliberations.

25 So in the meantime, as I've cautioned you previously,

1 do not discuss the case with any person, not even among
2 yourselves. Don't allow anyone to discuss it with you.
3 Don't conduct any research or do any investigation into any
4 issue.

5 Do have a good evening, and please report to your jury
6 room at 9:30 in the morning, 9:30 in the morning. Have a
7 good afternoon.

8 (The following takes place outside the presence of the
9 jury.)

10 THE COURT: All right. Motions or other matters to
11 address?

12 MR. SINGLETON: The defense asks for a directed
13 verdict based on the same statements I made earlier this
14 morning.

15 THE COURT: All right.

16 MS. REESE: Your Honor, we would believe there's
17 sufficient evidence to send the case to the jury.

18 THE COURT: All right. The motion for a directed
19 verdict is denied.

20 What about jury instruction requests? Does the state
21 have any?

22 MS. REESE: I actually have, Your Honor. I gave them
23 to your clerk.

24 THE COURT: Okay. Does the defense have any?

25 MR. SINGLETON: None, Your Honor.

1 THE COURT: Okay. All right. This case is in recess
2 until 9:30 in the morning.

3 END OF PROCEEDINGS AUGUST 25, 2010
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Closing arguments

1 (Proceedings August 26, 2010)

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

4 THE COURT: Any matters that need to be addressed
5 before the jury is brought in?

6 MS. REESE: None from the state.

7 MR. SINGLETON: None, Your Honor.

8 THE COURT: Okay. Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 As you know, when we recessed yesterday all of the
13 evidence had been received. And therefore what remains to
14 be done are the lawyers' final summations, after which I
15 will instruct you on the law. And then you can begin with
16 your deliberations.

17 So please give the lawyers your attention now as they
18 give you their final summations.

19 Mr. Singleton.

20 MR. SINGLETON: Thank you, Your Honor. May it please
21 the Court.

22 I want to thank y'all for being here for these -- this
23 going on our fourth day. You've got a very important job
24 today, because my client has been charged with some serious
25 crimes.

Closing arguments

1 And when I first spoke to you on Monday I asked you to
2 basically listen to all of the evidence, listen to all of
3 the testimony and then once you've heard everything see if
4 it made any sense.

5 The reason I asked you to see if it made any sense is
6 because there's a lot of inconsistencies that were -- in
7 the evidence and what's been said in this courtroom over
8 the last four days or three days.

9 The first witness you heard from was the supposed
10 victim, VICTIM . You also -- basically, the only questions
11 she answered were by the solicitor. I think it was two
12 questions.

13 And those were do you remember if any part of his
14 private touched any part of your body. And I believe her
15 statement was that his private touched my private. And
16 according to her interview with Ms. Staggs the private
17 meant her front area.

18 Well, if you look at the video when she's in there
19 with Ms. Staggs at the Children's Advocacy Center, my
20 recollection she never alleges that that ever happened,
21 that his private touched her front private.

22 Now, she's saying it's almost a year and a half later
23 that this supposedly happened, but she's never said it
24 before. In no statements to the -- to Ms. Staggs did she
25 say that. In no statement to the police did she say that

Closing arguments

1 happened.

2 In the other statement she indicated, and the
3 solicitor's questioning was did he put -- I think her
4 question was did any other part of his body touch your
5 body. I think she said his mouth was on my private. And
6 that's all she said.

7 But if you go back and look at the video and look at
8 the statements she gave to the police she never says that
9 she was naked or partially naked. And my -- my -- the
10 reason I say that is if you're going to say that he
11 supposedly put his mouth on her private, in my mind the
12 only way that could have happened is if her lower part was
13 exposed.

14 She never once states that in the time that she meets
15 with the Children's Advocacy Center. She never states it
16 when she met with Detective Cantrell or when she met with
17 D.S.S. the first day or two.

18 She never stated that when she talked to -- when she
19 supposedly disclosed these allegations on the weekend of
20 January the 29th to her father and to Ms. Petty who was
21 here and testified. They never talked anything about her
22 being partially naked or anything like that. My reason why
23 she didn't disclose that, because it didn't happen.

24 One of the -- when I asked her questions, I repeatedly
25 asked her questions, and I tried to ask some questions in a

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1 short manner where she would understand it.

2 I asked her if she remembered how many times it
3 happened. She said she didn't know. I asked her where it
4 happened. She said she didn't know. I asked her when it
5 happened. She didn't know.

6 And when I asked her about about when it happened --
7 she never stated when it happened in the Children's
8 Advocacy video either. The state is alleging it happened
9 somewhere between August and February the 2nd. Well, she
10 never states that. She never states it happened.

11 The only thing, she states it happened in the morning
12 when she was waiting to go to school after her mother had
13 left and after her siblings had went to school, which
14 basically if you remember the mother's testimony that could
15 have happened -- she left the home at 8:00 o'clock in the
16 morning. And she had to catch the bus at 10:00 o'clock.

17 I will go back to that time line later on, but I want
18 you to focus on what she is alleging and what has been
19 proved. And that's all she said on the stand when I asked
20 questions and when the solicitor asked questions about what
21 happened to her.

22 And I know she's only six years old at this time and I
23 know that the state wants, you know -- or the experts will
24 say, you know, well, she's nervous, she's a six-year-old
25 child, she's not going to remember everything.

Closing arguments

1 Well, I'm sorry. She's six years old. She's accusing
2 my client of these serious crimes. She's got to remember
3 something. You can't have -- the state can't ask you to
4 convict my client of these crimes and at the same time ask
5 you to give her a pass because she's six years year old
6 because she can't remember everything.

7 The other allegations she makes in the CAC video, I'm
8 sorry, the Children's Advocacy, which you'll be able to
9 take back with you if you want, is that he puts his fingers
10 in her private area.

11 Again, she didn't state that here in the courtroom
12 when the solicitor asked her questions. She didn't state
13 it when I asked her questions. She states in the video
14 that my client put his private into her buttocks or her
15 anus.

16 And I'm sorry to use those terms, but that's what she
17 says. But when she's asked on the video what it felt like,
18 she says I don't know.

19 I'm not a doctor or anything, but in my recollection,
20 I mean, my thinking is if an adult male supposedly inserted
21 his private into her, into that region, that you would feel
22 some pain. And even the doctor, I think, acknowledged that
23 you would probably feel some pain.

24 The doctor did acknowledge you might not necessarily
25 have had blood or anything but you would feel some pain.

Closing arguments

1 But she never talked about any pain when that supposed act
2 occurred.

3 And also keep in mind in order for that to happen I
4 contend she would have to be naked from the waist down.
5 And that's never been stated by her that she was naked.

6 You know, when she -- when the Children's Advocacy
7 video, Ms. Staggs asked her questions, she asked her what
8 she was wearing. She said a shirt and shorts. And she
9 asked what Mr. Briggs was wearing. She said no shirt but
10 wearing shorts. At no point did she say she was naked or
11 he was naked.

12 My contention is if this happened they had to be naked
13 at some point in time. And this supposedly repeatedly
14 happened. So I think she would remember if it repeatedly
15 happened that they were naked at some point in time. But
16 it's never been alleged by her, never been stated by her
17 when she met with the Children's Advocacy video, the
18 people, and Children's Advocacy twice, and never been
19 stated to anybody she talked to basically. It's never been
20 stated to.

21 Supposedly regarding the number of times it happened,
22 I believe she's asked -- and I think the solicitor may have
23 asked this when she asked her questions -- how many times
24 it happened. I think she said maybe more than once. But
25 in the video she said more than once, a thousand times, and

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1 then she laughed.

2 Well, I know she's -- was five years old at the time
3 that she gave that video, but I think they would have some
4 idea between one time and a thousand times.

5 I asked her on the stand if it happened ten times, I
6 believe, a hundred times, a couple of hundred times. She
7 kept saying she didn't know how many times it happened. So
8 we don't know if she's accused him of doing it two times or
9 we don't know if she's accused him of doing it 999 times.
10 We don't know.

11 And that's a big leap for you to take when you go back
12 there to deliberate. I know you don't have to know the
13 exact time it happened or the exact date it happened or the
14 exact number of times it happened, but that's a big gap for
15 you to come up with to feel comfortable with in order to
16 find him guilty beyond a reasonable doubt. That's another
17 leap. That's another pass you have to give her. And I
18 can't give her that pass just because she's five years old
19 or six years old at the time this happened.

20 And they're going to say, well, she's five or six
21 years old and she's been traumatized, she can't remember
22 everything. You know, the reason she laughed in the video
23 is that was maybe her defense mechanism.

24 And I'm not saying she was laughing because -- well,
25 maybe she was laughing because this didn't happen, because

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1 if you look at that video after the beginning of the video
2 she's -- you know she's somewhat nervous in the video. She
3 takes a break. She takes a break for about ten minutes if
4 you look at the time line. Maybe eight minutes, whatever
5 it is. And then she comes back and she starts feeling
6 comfortable with Ms. Staggs and starts coloring and starts,
7 you know, to feel a little bit more comfortable.

8 I'm not saying she's having fun in there. Nobody
9 would have fun in there. But she's feeling comfortable.
10 She doesn't look like she's scared or anything like that.

11 When she meets with her on the second day, you know,
12 she feels right at ease when she first goes in there,
13 coloring and stuff and talking to her and talking about
14 pictures.

15 So you need to keep an eye on what she is alleging,
16 how the acts could have possibly happened and that there's
17 no allegations of being naked. There's no allegations of
18 certainly what happened.

19 We don't know if it happened around her birthday,
20 which is December 26th. She doesn't know if it happened
21 around Christmas. She doesn't know. I contend she doesn't
22 know when it happened because it didn't happen.

23 You know, Dr. Henderson I believe testified that, you
24 know -- well, obviously she testified she couldn't find any
25 physical signs of sexual abuse. And she said that's not

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1 uncommon. Well, she's a doctor. I am not.

2 But she also stated that there was no history of any
3 medical problems with the victim, no history of urinary
4 tract infections, no history of bowel-movement problems or
5 anything like that.

6 Even her own mother testified she didn't have any
7 medical problems. She only missed one day of school during
8 that time period September the 11th through February the
9 2nd. She never -- she only missed one day of school. This
10 supposedly repeatedly happened a number of times, and she
11 only missed one day of school.

12 My -- and you can take what you want from that. Maybe
13 she's tough. If you think that matters to you, maybe she's
14 tough and goes on to school and puts on a happy face and
15 goes to school. She didn't have any disciplinary problems
16 at school. She was a good student and didn't act up in
17 school.

18 And yet this supposedly happened right before she went
19 to school. And he was the one that would put her on the
20 bus at the time. We're not saying, I mean, she's not
21 saying that this happened -- he left the house and grandma
22 came home and put me on the bus.

23 She's saying this happened after the mother left,
24 siblings left, this happened within a short period of time,
25 that she -- that he got her dressed and put her on the bus.

Closing arguments

1 Never said anything to the teachers, never said
2 anything to her sister who she shared her room with.
3 Sister didn't know anything about it. If you look at the
4 evidence and the testimony you remember. She didn't know
5 anything about it until the weekend that it was supposedly
6 disclosed to her father on January the 29th, I believe.

7 But if you look at that the father says he first heard
8 about it and told the police he first heard about it on
9 January the 29th according to Detective Cantrell. That's
10 how they got the call. She supposedly told him on that
11 Friday night, and then he told -- he had her meet with
12 Ms. Petty, you heard about on, Friday night.

13 Yet Wendy says he told her about it on Monday
14 beforehand, four or five days beforehand, after they had
15 just left family court or they were at a family court
16 hearing.

17 So you've got two different dates. Somebody is not
18 telling the truth there. Did it happen on -- did she tell
19 him on Friday? Well, obviously, she didn't tell him on
20 Friday because he supposedly knew about it on Monday. So
21 if he knew about it on Monday why didn't he call the police
22 on Monday? There's no evidence that he called the police,
23 because I would think if the police were called, as
24 Detective Cantrell said, one of the first things they do is
25 go talk to the victim, especially if the victim is living,

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1 supposedly living, with the perpetrator. But Wendy
2 testified that no police came to their house January the
3 26th, 27th, 28th, 29th, 30th, February the 1st, February
4 the 2nd. I'm sorry. February the 1st was a Sunday. So
5 the investigation started on Monday.

6 Ms. Petty didn't call the police on Friday when she
7 supposedly heard about it. She said I didn't call the
8 police. The father says that he's going to take care of
9 it, so I'll let him take care of it.

10 But she knew he didn't take care of it on Saturday.
11 She knew he didn't take care of it on Sunday. And then
12 only Monday morning when they exchanged text messages does
13 she decide to call foster home, her foster home people,
14 because she's a foster parent.

15 I'm sorry. If I heard about a friend of mine's
16 daughter being supposedly molested would you call anybody
17 else but 9-1-1 or call the police? But she called the
18 foster home and she called D.S.S. And then she called the
19 police. And then I guess D.S.S. called the police because
20 D.S.S. met the child at the -- at the school first.

21 It doesn't make sense that supposedly the father knew
22 on January the 26th, that Monday, and he never called the
23 police. He says he called the police or the report says he
24 called the Chesnee police. But according to Ms. Petty she
25 is the one who got the ball rolling.

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1 Detective Cantrell doesn't know who called the police.
2 She says she got a call from D.S.S. It doesn't make sense,
3 and you cannot give -- this has nothing to do with the
4 little girl. I mean, you know, I wouldn't expect a little
5 girl, four-year-old or five-year-old girl, to call the
6 police.

7 This is all on adults, people who know -- know what's
8 right and what's wrong. They didn't call the police. Why
9 didn't they call the police? Because it didn't happen.

10 If they thought this happened why would this father --
11 why would Wendy -- well, she took the -- she took the
12 daughter as soon as she heard about the allegations, she
13 did the responsible thing. She took the daughter to the
14 hospital. And yet the hospital obviously told her
15 everything was okay because they let the child leave with
16 her. And she let the child go back home to where her and
17 Anthony were living. Even though the allegations were
18 made, she continued to let her daughter go home and live
19 with him until he got arrested basically.

20 So I don't know what's, you know, what she was
21 thinking, why she did that. I mean, she went to the
22 doctor. Doctor I guess said okay, leave and go home. So
23 they went home, and one big happy family again.

24 So just something's not right about the dates. You
25 know, there's two different dates going on out there, and

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1 it doesn't make sense.

2 Regarding the inmates that came and testified here,
3 you know, you get to take what you want from that. I will
4 point out, you know, they're saying that my client told
5 them that he basically rubbed his private up against her
6 front private area and her buttocks and ejaculated.

7 Well, look at the video, the Children's Advocacy
8 video. She's point -- she's asked in that video if
9 anything came out of Anthony when this was going on. She
10 said no.

11 She didn't say snot came out of him. She didn't say
12 anything came out. She said, no, nothing came out of him
13 and nothing came out of her. But yet, you know, these
14 inmates -- one who is charged is a drug dealer and charged
15 with conspiracy. The other one fraud, fraudulent checks,
16 basically lying to the public. These two people happened
17 to be roommates. You know, it doesn't make sense.

18 Mr. Spears says that the questions that my client were
19 asking were not normal questions a person would ask if they
20 were innocent. Who is he? He's basically a criminal. He
21 stated when he -- when he felt in his mind that he did this
22 that he wanted to beat him up and take care of him instead
23 of testifying.

24 I mean, he sat. If it hadn't been for the solicitor's
25 office they would have never contacted him. I mean, he

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1 would never have said anything about this. Yet it made him
2 sick to the point where he wanted to -- or supposedly mad
3 to the point that he wanted to beat him up.

4 All he had to do was write a letter and say, hey, I
5 want to help, I want to help you prosecute this guy. But
6 he didn't do that. He waited until they came to him and
7 then comes up with a story. So you get both.

8 Yet, again, that story doesn't make any sense because
9 they're saying that he allegedly told them front, his
10 private, touched her front private. She never alleged
11 that. She never alleged there was sexual intercourse
12 between his front private and her front private. Never
13 alleged by her at all. Look at the video and look at the
14 police reports. Never alleged by her.

15 Regarding Ms. Staggs testimony, Ms. Staggs is very
16 well qualified in what she does and is probably pretty good
17 at what she does. But you've got to look -- I mean, look
18 at that video and go back and see if what VICTIM says makes
19 sense. She goes back four days later. She doesn't
20 remember what she -- what they talked about four days
21 earlier.

22 Yeah, the solicitor wants to give you a pass, give her
23 a pass. She's a child. She's been traumatized. She wants
24 to forget it. Four days passed and she doesn't remember
25 what they talked about earlier.

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1 Now, regarding the time line this happened, they say
2 that the solicitor is trying to allege it happened between
3 August 1st, 2008, and February 2nd of 2009. Well,
4 obviously it didn't happen between August and
5 September 11th because she didn't start school until
6 September 11th according to Wendy. So cross that out of
7 your calendar.

8 She went after September the 11th. Ms. -- it's
9 acknowledged my client didn't have a regular job, but his
10 parents and his employer at the time, not real employer,
11 but his parents who owned three different companies would
12 allow him to do work to earn extra money.

13 And Wendy also stated that her parents or her
14 grandparents would watch, sometimes watch, the child in the
15 morning if Anthony had some work to do or whatever. So
16 there's no specific date. I'm not trying to say a
17 specific, because we don't have specific dates. He worked
18 for his parents.

19 So you've got September 11th. And then Wendy lost her
20 job the middle of October. Lost her job for six weeks,
21 about. I don't know if she lost her job, or how. But she
22 became unemployed about the middle of October and didn't go
23 back to work until the beginning of December.

24 Wendy states that she was there while she was
25 unemployed. She was there at the home to help get the

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1 child ready for school. So I contend it didn't happen
2 during those six weeks because Wendy states that she was
3 there most of the time.

4 So then you've got the first of December when Wendy
5 goes back to work. I think, you know, the first Monday or
6 so she worked, the first Monday, December 5th, or whatever,
7 I don't know, but the first of December she goes back to
8 work.

9 Obviously, as most of you know if you have kids, most
10 kids get out of school for two weeks at Christmas. So that
11 leaves about two to two and a half weeks or three weeks at
12 the most where she could have been alone in the morning
13 with Mr. Briggs.

14 His parents said that he did a lot of work during
15 December for them because he wanted to get money for the
16 children for Christmas because their father wasn't going to
17 give them according to their testimony -- he told them they
18 wasn't going to be able to buy them any Christmas presents
19 or anything.

20 He wanted to make sure that he had some money. And
21 they just didn't give him money. They, you know, I mean,
22 you can tell they are no nonsense people. You got to earn
23 every buck you get. They're not, you know, just going to
24 give a handout even though it's their son. So he had
25 periodically during those three weeks in December, he

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1 worked on and off for them.

2 Do we have specific dates? No. But you got to keep
3 in mind she's saying this repeatedly happened. We don't
4 know how many times -- two times or 999 times. We don't
5 know. But if you look at what she's saying, she's saying
6 this happened a number of times.

7 Then we go into -- they get out for Christmas. Go
8 back to school the first week of January or somewhere
9 thereabouts. Then we contend that he was working on and
10 off from January -- January 26th.

11 But at some point in time in January supposedly the
12 father was told that this happened, or we don't know.
13 Well, sometime before January 26th we know he was told this
14 happened. That's when he told Wendy at the courthouse in
15 family court that it happened. That's when she first found
16 out about it. So the dates just don't match up.

17 She's saying this is continuous, I mean, this
18 repeatedly happened. She didn't use the word repeatedly,
19 but she says it happened more than once. And these
20 allegations that she's making against my client, she's
21 making several allegations. And I contend if they
22 happened -- she's saying these happened repeatedly.

23 I mean, if you look, look at the time line during the
24 day, just during the day, Wendy -- her mother would leave
25 at 8:00 o'clock in the morning to go to school, I mean, to

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1 go to work. The children had already left to go to school.

2 She's saying that when she woke up -- I asked her
3 point -- I asked her. I said was -- were VICTIM and
4 Anthony awake at that time. She said Anthony was awake but
5 a lot of times VICTIM would still be sleeping.

6 So that's 8:00 o'clock. She had to catch the bus at
7 10:00. Not my words. Those are Wendy's words. She caught
8 the bus at 10:00 o'clock. So you've got a 2-hour gap.

9 Okay. She's still asleep. She's got to get up, get
10 dressed, get something to eat. You know, obviously it
11 doesn't take a four or five year old two hours to get
12 dressed or get something to eat or anything like that. But
13 these acts had to occur in a short period of time, and yet
14 she still went to school. He didn't keep her home from
15 school.

16 Supposedly the acts happened and he did these horrible
17 things to her, but yet he let her go to school. She missed
18 one day of school. Does that make sense to you that she
19 would go to school and only miss one day without having
20 disciplinary problems or having any problems at school?

21 There's no indication she was sad at school or
22 anything like that. Obviously, we didn't have any teachers
23 here testifying, but no indication she had any problems at
24 school. Doesn't make sense. It doesn't make sense that
25 this adult male would do this to a four-year old child

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1 repeatedly, supposedly repeatedly, and she just go on about
2 her day like, you know, nothing happened.

3 And the solicitor is probably going to say or experts
4 say, well, she wanted to go to school to get away from him,
5 the defense mechanism, got to put it behind her. As soon
6 as she walked out of the house put it behind her and don't
7 think about it. You -- you can determine what you want to
8 take to that.

9 I ask you just to look at the testimony. Look at the
10 evidence. Look at the time they're alleging this happened.
11 That's not to say it doesn't have to be visible proof.
12 There's no visible proof. No allegation she was ever
13 naked.

14 The time that supposedly she told her father for the
15 first time on January 29th, but obviously that is a lie
16 because the father knew about it supposedly on
17 January 26th when he told the mother. Something doesn't
18 add up to me.

19 And you've got to go back there and find him guilty
20 beyond a reasonable doubt. You cannot, I contend you
21 cannot, do that because there's too many holes, too many
22 things that don't make sense. And there's going to be too
23 many passes you have to give this child in order to find
24 him guilty beyond a reasonable doubt. And that's something
25 that you can't do, I believe you can't do.

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1 You've got to be certain that this happened. You've
2 got to be certain that he had sexual intercourse with her.
3 She never alleged sexual intercourse with him. You've got
4 to be certain that -- or you have got to be certain that
5 there was anal penetration. There is no certainty on that
6 in my mind.

7 What the evidence shows -- there's no physical
8 evidence it happened. She didn't have any problems, any
9 medical problems. And it just doesn't make sense.

10 She never talks about when it happened that it caused
11 any pain. She says I don't know what it felt like. Well,
12 she supposedly said about painful when he, I think, put her
13 hand -- put his hand on top of her private or something
14 like that. If that supposedly happened and that
15 supposedly, she felt pain from that, then I contend that if
16 he had anal penetration with her she would feel pain on
17 that. But she said she didn't know what it felt. She
18 didn't know.

19 There's a lot of stuff that doesn't add up. The dots
20 don't add up. Too many passes you've got to give her.
21 Dates don't add up. She never talked about the number of
22 times. She never once states how all of these things
23 began, you know, if he would come up and sit beside her,
24 what he would say to her or anything like that.

25 And they're going to say, well, she can't, she just

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1 can't be specific because she's a five-year-old child or a
2 six-year-old child. I'm sorry. If it repeatedly happened
3 you would remember something -- if it repeatedly happened
4 you would remember something. She keeps on saying she
5 doesn't remember, she doesn't know.

6 No allegations of being naked at all by her. She had
7 plenty of times to tell somebody she was naked. And
8 they're going to say, well, the question -- maybe they'll
9 say the question wasn't asked were you naked. Because the
10 question wasn't asked does that mean it didn't, doesn't
11 matter?

12 It doesn't make sense. I contend none of this makes
13 sense because none of it happened.

14 The mother continued, you know, after these
15 allegations were made, after he was arrested, continued to
16 support, continued to take him money, talked to him on the
17 phone, send letters to him. That's -- I mean, I don't know
18 why she did that. There had to be a reason.

19 He was in jail; she was outside the jail. She had --
20 he had no control over her. She could have done what she
21 wanted.

22 You know, regarding his time with Detective Cantrell
23 and Detective Morgan, first time he met with Detective
24 Cantrell he denied it. They'd only met for 20 or 30
25 minutes. He denied doing anything to her.

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1 The very next morning voluntarily meets with Detective
2 Morgan. Detective Morgan said it was a long day for them,
3 six or seven hours, you know, him and Detective Morgan
4 talking. There were breaks. You know, no doubt that there
5 were breaks.

6 Then he met with Detective Cantrell right after that,
7 and she gave him breaks too. They contend it was not
8 interrogation because they gave him numerous breaks. He
9 was allowed to go out in the parking lot and smoke, you
10 know, act like he was having fun or whatever.

11 I contend, you know, he's sitting there being asked
12 questions by two different detectives about ten or 11 hours
13 supposedly. It's 9:00 o'clock in the morning, and early
14 evening when she finally decides to arrest him and take him
15 down to the jail.

16 He was asking questions. He was asking questions
17 about what, you know, what he was facing and what he could
18 be charged with. I don't see any problem wrong with asking
19 what you're being charged with and what you're facing.

20 They're going to say -- listen to the statements that
21 Detective Cantrell and Detective Morgan says that he said
22 to them that he wanted to talk to Wendy and tell her what
23 happened, that he was sick and needed help.

24 You know, I contend six -- you know, in being at the
25 police station 11 hours, ten hours, nine hours, whatever

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1 you want to say, that some, you know, you're going to get
2 delirious at some point.

3 He didn't sleep the night before. Why would anybody
4 sleep the night before when they're getting ready to go
5 talk to the police about whether they committed these
6 crimes against somebody they had been living with for the
7 last couple of years. These are serious crimes. It's not
8 like he's being charged with simple assault or anything
9 like that. He's been charged with a serious crime. This
10 is no joke. This is big time.

11 So he didn't get any sleep the night before. He was
12 exhausted. And they want to say he didn't appear exhausted
13 to me. Well, I can't tell you what goes through their
14 mind.

15 He said some things that, you know, seemed kind of odd
16 that he wanted to tell Wendy what happened. But I want you
17 to look at the point where he supposedly told Wendy what
18 happened.

19 Detective Cantrell states -- she talks about that he
20 supposedly went in that room and told her what happened,
21 and he came back out she said, oh, you know, we'll get
22 through it or whatever.

23 If you'd just heard your boyfriend confess to you that
24 he had been molesting your daughter, no yelling, no
25 screaming, no saying going to hell or no ranting or raving

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1 or anything like that, he walks out and, you know, just
2 like nothing happened, just had a conversation, no yelling,
3 no screaming saying get him out of my face or anything like
4 that.

5 In fact, she continues, I mean, he gets arrested. So
6 she continues to send him money and continues to stay
7 behind him after that. So if he had told her what
8 happened, I'm sorry, that's not what a reaction, a normal
9 adult would be if they just found out their child had been
10 molested by their person they loved the last three years.

11 Look at the evidence, all of it, all of it in its
12 entirety. Like the solicitor said in her opening
13 statement, keep your eye on the ball, keep your eye on what
14 the allegations are, what the testimony shows, what the
15 evidence shows, what it doesn't show.

16 It doesn't show a whole heck of a lot. A hole heck of
17 a lot is missing. There's a whole heck of a lot of passes
18 you're going to have to give people in order to find him
19 guilty of this serious crime.

20 If there are a lot, a whole lot, of passes you've got
21 to give and a whole lot of holes you've got to fill, then
22 you can't in my mind come to a reason -- convict him beyond
23 a reasonable doubt if you've got to fill all of these holes
24 and give a lot of people a lot of passes.

25 Just take into account everything in its entirety,

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1 every piece of evidence that you get to see or review,
2 every testimony that you heard. And think about it and
3 analyze it and see if it makes sense.

4 I contend it doesn't make sense. There's too many
5 holes, too many passes, because it didn't happen. And I
6 thank you for giving me your attention today. My client
7 thanks you and his parents thank you. And I thank you very
8 much.

9 THE COURT: Ms. Reese.

10 MS. REESE: Thank you very much.

11 Good morning. I told you a few days ago when I was a
12 child my dad was a basketball coach. He was actually a
13 college basketball coach, so he wasn't around a lot. He
14 would either be recruiting or playing or scouting. So I
15 never got to see him much. And it was a big deal when he
16 was home.

17 And when I was about in the third grade my dad started
18 doing something he'd never done before. I would be there
19 in bed asleep, and my sister would and my mom would. And
20 he would come in at night when he came from a long trip,
21 and he'd come into my room. He'd get me out of bed. He'd
22 take me into the living room and put me on the couch. He
23 had brownies. He had popcorn. And we would watch Perry
24 Mason all night.

25 Now, that probably wasn't traditional, because I

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1 couldn't stay awake. But I have never forgotten those
2 things.

3 And one of the things that I had to learn when I
4 started working here is that every child does not have
5 that. Every child doesn't have those moments.

6 Another thing he used to do for me as a child is
7 whenever he would come home he would bring me a puzzle
8 because I love puzzles. And as I got a little older and
9 better at them he started taking the boxes away. And he'd
10 bring me the puzzle in bed and say, here, do this. So I
11 couldn't see what the picture was, and I'd have to put it
12 together thinking it out. And I used to love to do that.

13 And I think what I've done is I've taken probably two
14 of the best memories of my childhood and I made it clear
15 about that, because I kind of get to be Perry Mason, and at
16 the same time I get to put puzzles together because that's
17 what we do with child cases.

18 I told you not everybody -- not one person has the
19 piece. Dr. Henderson came and told you that up to
20 70 percent of confirmed cases of abuse there is no physical
21 evidence. So you have to take every piece of the puzzle,
22 every little bit of information that a person brings you.
23 You have to put it together to get the whole picture.

24 Now, my dad didn't realize it at the time but things
25 that he did for me that he thought I might never even

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1 remember made the biggest impressions on my life.

2 So let's look at this case. Let's see what each of
3 the people bring to this puzzle. First, we do have VICTIM ,
4 and let's talk about VICTIM for a minute.

5 Didn't she have fun in here the other day? Wasn't
6 that fun for her? What six-year-old child wouldn't want to
7 be in here doing what she did? I have five children. I
8 could not get one of them to come in here and sit on that
9 stand and tell you what they had for breakfast this
10 morning, much less come in here and tell you about the most
11 horrible thing that's happened to them.

12 See, VICTIM didn't get to come in here and talk about
13 breakfast. What has she been through? She told her
14 father. She couldn't get him to do anything. She told a
15 neighbor. She had to be taken from her school by police.
16 She was questioned. What she was telling people upset her
17 mother, so she didn't have the support at home.

18 She has to talk about this at the Children's Advocacy
19 Center. She has to go through a year of counseling. She
20 has to have a gynecological exam, and then she has to come
21 in here and sit on the stand and hear questions like tell
22 me what day that happened. And they accused her of lying.
23 It's a miracle anybody ever tells what happens to them.

24 She is six years old. And what did we see from her?
25 We saw a six-year-old little girl who is scared. We saw

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1 her. We saw his attention. She was emotional.

2 It was hard for her, but she finally got out his mouth
3 touched my private, his private touched my private. You've
4 heard (inaudible). It was so hard for her to talk about.
5 That's not the demeanor of a child who lies. That's not
6 the demeanor of a child who doesn't have something to tell
7 you.

8 She said it happened on the lay-out couch. She said
9 it happened when mom was at work and my bubby and my sissy
10 were at school.

11 She kept looking back in that direction. She said I
12 don't know a lot. Yes, she said I don't know, because she
13 was being asked what date did it happen, was it the first
14 part of the week or was it the last part of the week, was
15 it December, was it January, was it September, was it
16 October.

17 The child at some point lost the will to live I think,
18 just (inaudible). But she consistently said that his mouth
19 touched my private, his private touched my private.

20 Then we have Judy Petty. She caught her in a hard
21 time, but she came in here. She's a neighbor. She's a
22 friend. She happens to be a foster parent. So she's
23 coming home one day and minding her own business. She gets
24 a phone call from her daughter, you have to come home.

25 When she gets in the house VICTIM wants to talk to

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1 her. But VICTIM doesn't want to talk to her in front of
2 her dad.

3 Ladies and gentlemen, I ask you if this man wanted
4 this child to lie and had told her to lie, then the child
5 would want to tell it in front of him. She doesn't want to
6 talk in front of dad.

7 She takes this woman through the house to the back of
8 the house into a small back room. The door is closed.
9 Shh, shh. Don't tell. She's emotional; she's detailed.
10 And she tells this lady what happens to her.

11 Then he comes out and says she tells her daddy you got
12 to call the police, you got to call somebody. He doesn't
13 get it. This is the man who supposedly told this child to
14 lie, gotten this man arrested, and he doesn't even call the
15 police. She says I waited two days. He still hadn't done
16 it. I did it. That doesn't sound like a man who is trying
17 to get somebody arrested. He doesn't do anything.

18 Then we have Michele Staggs. She comes in. You
19 actually get to see VICTIM on the Children's Advocacy
20 Center tape. You get to see her in a different environment
21 than you saw her. And she's in a child-friendly
22 environment. She gets to ask questions that are
23 appropriate, because I asked some questions yesterday that
24 were inappropriate.

25 Mr. Singleton tells you. He never said she never said

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1 that her fingers were in private. I didn't ask her that,
2 because I asked her about things. That was my fault.

3 This lady ask is asking her questions. Look at her
4 demeanor. There is no parent around. At one point in the
5 second video they start talking about she falls out of the
6 chair she's so fidgety. She avoids questions.

7 And remember she's in the first video. She says why
8 doesn't Anthony live with you any more. Because he put his
9 mouth on my private. Or, no, I'm sorry. She says because
10 he put his mouth on me.

11 And when Ms. Staggs says where did he put his mouth on
12 you, I have to go to the bathroom. She's gone for three
13 minutes, and she comes back, but she avoids the question.
14 Not a child that's like anybody with children knows a child
15 who is going to lie to you has a story together. They got
16 it together. They can tell it start to finish, and they
17 get it out. A child who is telling the truth is going to
18 hesitate.

19 He put his fingers down there. Ladies and gentlemen,
20 I always watch on these videos what I call the ring of
21 truth. There are some things that children say, and you
22 can't get that from an adult.

23 You know what happened. She didn't say he put his
24 fingers inside me. She said he started to push down on my
25 private and it hurt. That's not something an adult tells a

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1 child to say. He started pushing down on my private. He
2 started to push down on my private. That is the idea of
3 that sensation and how she perceived that. And that's very
4 childlike.

5 He put his private in my butt. He stuck his private
6 in my butt. You know what she said? She didn't say
7 private. Remember Dr. Henderson said a child who's been
8 repeatedly abused in that way has the ability to relax that
9 muscle so that it's not necessarily a painful sensation.

10 She says he stuck his private. And the child wouldn't
11 know that. He stuck his private in my butt and then I had
12 to go to the bathroom. How would she know to say that? He
13 stuck his private in my butt and then I had to go to the
14 bathroom.

15 They asked her did anything come out of his private.
16 She says no. But remember what Dwight Spears told you the
17 defendant told him. I told her it was snot.

18 She said he put his mouth on my private. What did it
19 feel like? It didn't feel like nothing. Remember, she
20 told you it hurts with the fingers. If she then told a lie
21 she's going to tell you anything hurts. But in each one of
22 these cases she has a different sensation. And with the
23 mouth on the private it didn't feel like nothing. Did
24 something come out of his mouth? His tongue did. He
25 licked. Ring of truth.

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1 If you watch from the video as she talks about these
2 things Michele is letting her color. And as she talks
3 about it she starts pressing down with the crayon very hard
4 on the paper when she has to talk about these things.

5 We learn from her that delayed disclosure is not
6 unusual in cases where children are being abused by family
7 members. They don't report right away. They will wait and
8 wait and wait because there are mixed emotions.

9 This is somebody who maybe does buy presents for her.
10 I'm sure he did. He bought her presents. He took her to
11 school. He took care of her. And there's a part of him
12 that does these things in the morning. How is a
13 four-year-old supposed to figure that out? How is she
14 supposed to feel? Is she supposed to love him? Is she
15 supposed to not love him? What is she supposed to do?

16 Partial disclosure. And a child who tells bits and
17 pieces, she may tell you one thing about it this time, she
18 may tell you one thing about it that time. It is not
19 consistent with a child who lies. A child who lies tells
20 you everything in chronological order and has the same
21 story every time.

22 And it is like a vacation. If I -- I go -- I went to
23 New York a couple of weeks ago. If somebody asked me how
24 was your vacation, oh, it was wonderful. I went to go see
25 the Yankees play. You know, I watched the baseball game,

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1 and I loved it.

2 If somebody else asks me at lunch what did you do on
3 your vacation, I went shopping. They had the greatest
4 shops there. That's not to say you're lying. You didn't
5 tell me that the last time. Both are true. But you
6 remember different portions of things at different times.
7 That's how your memory works. The fact that she tells
8 parts of things at different times is more indicative that
9 she's telling the truth than that she's lying.

10 How many times did it happen? More than once.
11 Thousands, I think. She's not laughing. Thousands, I
12 think. She doesn't know how many. But to her in her mind,
13 the ring of truth, it was thousands.

14 On the second tape if you listen closely to what she
15 says on the second tape she comes in. She says do you
16 remember what you were telling me about your family and
17 about your friends and things you like to do? I don't
18 remember nothing hardly. Do you remember what you were
19 telling me the last time? And she says you remember. She
20 doesn't say I don't remember first. She says you remember,
21 because this four-year-old or five-year old is thinking why
22 do I have to do this again, lady, I just told you this.

23 Michele says help me understand. She says if you
24 color lightly with red, then you get pink. Michele says
25 tell me again. That's when she says I don't remember.

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1 Then she confirms her disclosure. Anthony touched me
2 there. He touched me in a place he wasn't supposed to.
3 Then Michele asked her about every room in her house.
4 Here's the grass out in front of your house. Did anything
5 happen there? No. Did anything happen in the bedroom?
6 No. Did anything happen in this bedroom? No.

7 A child who lies is going to say, yes, it happened
8 there and there and there. But then when they get to the
9 lay-out couch she talks about that's mother's bed but it's
10 also the lay-out couch, because remember mom sleeps there
11 and it's in the living room.

12 And she says did anything happen on the lay-out couch.
13 She says you remember. Do you remember? Michele says tell
14 me again. She says I don't remember lots of things.

15 Mom (inaudible) the lay-out couch. And of course she
16 says no at the time because Anthony is no longer living
17 there by the time they did this video.

18 Then she ties it all up in the end. As they're
19 getting ready to end she looks at Michele and says can I
20 say what I said last time. Michele says do you remember
21 what you told me last time, how do you remember. And the
22 child says because I say to them memory.

23 The ring of truth. She's not telling you she doesn't
24 remember. She's saying you remember and I'm not telling
25 you again.

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1 Wiley Garrett tells you as the counselor. Now,
2 remember the father is not there for these sessions. This
3 is late August of 2009, seven months after she disclosed.
4 She's still disclosing, still disclosing. She doesn't come
5 back to there.

6 Nancy Henderson, board certified, child sexual assault
7 pediatrician, one of the few around. And she says in over
8 70 percent of cases there's no sign of physical abuse.

9 What is this child alleging? Fingers in her vagina.
10 And what does Dr. Henderson tell you? Well, there's no
11 complete cover. The hymen doesn't completely cover that.
12 And you wouldn't necessarily expect there to be any signs
13 of repeated digital penetration.

14 And the defense attorney said, well, wait a minute, if
15 it happened over and over and over again there would be
16 signs, and she said, no, not really. Wouldn't there be any
17 sign? And Dr. Henderson said, well, you know, in repeated
18 cases like that you might see burning but -- and reports of
19 burning, but it wouldn't be necessary.

20 And then the defense attorney said, well, did she ever
21 report burning. And Dr. Henderson looks back and says, oh,
22 well, wait a minute, yes, the mother reported burning.
23 Remember that's the mother who didn't believe and wouldn't
24 have known that that was any sign of anything.

25 The child says he put his private in my butt.

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1 Dr. Henderson said children pass stools through the rectum,
2 that it usually don't have -- probably would not have
3 trauma there, because areas, things also enter that area
4 without trauma. The male penis can go into a four-year-old
5 and there be no signs of trauma.

6 But the defendant doesn't know that. So when he's on
7 the jail cause and finds out that the child is going to a
8 medical exam, what does he tell the mother to do? He's
9 been digitally penetrating this child, he's been anally
10 penetrating this child. And the mom says she's got a
11 medical exam at 3:30 today. And what does he say? Excuse
12 me, folks.

13 He said tell them she's fucking herself, a
14 four-year-old child. Tell them she's doing that to
15 herself, because he thinks when she goes to that exam
16 there's going to be something there. Why did he say that?

17 Oral sex is extremely rare in terms of any kind --
18 you're not going to have physical proof. But what does he
19 say on the jail tapes? Oral sex can't be proved or
20 disproved, it's my word against hers. Is that something an
21 innocent person says?

22 Danny Morgan does an interview for six hours. He says
23 he talked for two hours about him. He had smoke breaks; he
24 was able to talk to his mother. He was able to -- he was
25 able to call people from the interview room.

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1 When we first asked him about the charges he avoids
2 answering the question. He wants to talk about Neddie
3 Richards. He wants to talk about the child's father. I
4 had to prompt him to tell me he didn't do it. Did you do
5 it? Is that what an innocent person says?

6 Then when I accuse him of it he begins to nod and
7 respond. And we both know he did. Behavior of this
8 defendant? Then finally says, well, I will tell so and so
9 I didn't do it.

10 Are you denying that he sexually assaulted her? I
11 can't tell you that because you know different. Statement
12 of an innocent person?

13 Wendy needs to hear it from me, I need to talk to
14 Wendy.

15 There is no mention of odd jobs, no mention of him not
16 being there in the morning. He is consistent when he is
17 interviewed that he is in control of VICTIM in the mornings
18 until she goes to school.

19 Nikki Cantrell says the D.S.S. worker comes in. It's
20 their job at that time. That child's in school. She's
21 going home to the person that has been accused of this.
22 All they're there to do at that time is just to confirm
23 from the child. This is what we've heard from D.S.S., is
24 it true and the child confirms it.

25 But what is her demeanor? Nikki says when they asked

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1 her she gets tearful. There is a wart on her hand that she
2 begins to bite until it bleeds.

3 So then he comes in to talk to Detective Cantrell.
4 And she says we asked him about it and he wanted to talk
5 about Neddie. He wanted to talk about the father of the
6 child until the D.S.S. worker prompted him did you do this.
7 And that's when he denied it.

8 He confirms he sleeps in the pull-out bed. He
9 confirms that when everyone leaves in the morning he is
10 alone with VICTIM. He told them that then.

11 That child spent 102 days in school. So between the
12 time here in these indictments she's been in school 102
13 days. That's 102 days when mama and the sister and brother
14 are out and she goes to get the bus at 10:00 o'clock, 102
15 days, 102 opportunities.

16 And, yes, she is going to go to school. And mama's
17 boyfriend is doing the things that he's doing for her at
18 home. You will get to school. She goes like nothing else
19 happened.

20 What else is she supposed to do? This is her life.
21 She doesn't have an out. There is no escape left. She has
22 to go on every day because she doesn't know anything
23 different. This is what her life is like at four.

24 He asked Detective Cantrell what are my options, what
25 are my options. Wanted to go home and tell Wendy what he

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1 had done to VICTIM . Make arrangements for when I'm in
2 jail. Tears in his eyes. I'm sick and I need help. I
3 want to tell you but I need to talk to Wendy first.

4 So he brings Wendy upstairs. Did you tell Wendy what
5 you did to VICTIM , he asked. Are you going to tell your
6 mother? I'm not going to tell my mother because she's a
7 fireball. You'll see that in a minute.

8 And what does Detective Cantrell say the moment she
9 hit -- he hits that door his demeanor changes. He goes
10 from quiet, remorseful to whining, upset, yelling.

11 What does Demetrius Martin tell you? And he said he's
12 a drug dealer. He's a drug dealer. He didn't hide that
13 from you. He says when he comes in the defendant wants to
14 talk about his case a lot and wants to talk about the fact
15 there's no evidence.

16 And one day he comes in his cell and he overhears part
17 of a conversation where this guy tells Spears that he
18 rubbed his penis between her butt cheeks until he
19 ejaculated.

20 He's the one that contacted him. Dwight Spears never
21 would have called me. Dwight Spears would still be in the
22 federal department of corrections never having talked to me
23 had it not been for his roommate. He didn't ask to be
24 here. He told yesterday from the stand, well, I'm just
25 minding my own business when I get pulled out of my bed at

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1 4:30 in the morning and I have to come up here and talk to
2 her.

3 So I go talk to him. And what does he tell you?
4 Well, he told me sometimes she would have her panties off.
5 He'd take her panties off. He would make her ride the
6 horsy until he ejaculated, and he would tell her snot.

7 He confirms phone conversations. He tells you that
8 he's on some of those jail tapes telling Wendy don't bring
9 your daughter to court.

10 He told Dwight Spears I told them I was sick and
11 needed help, I told them I had told Wendy what I did, but I
12 didn't really. It's consistent with everything that every
13 other witness has testified to.

14 The defense case also brings pieces to this puzzle.
15 Let's talk a minute about his parents, his step-dad. He
16 was honest with you. He didn't get up there and lie. He
17 said you know what my stepson worked for me during times up
18 there, no specific times, I don't have dates, but he worked
19 off and on for me.

20 His mother said the same thing. She didn't get up
21 there and lie either. She said he worked in the fall. I'm
22 sorry I don't have specific dates. January. I can't
23 remember. When he worked he had to be there at
24 8:00 o'clock. VICTIM was with him.

25 They didn't get up here and tell a lie. Neither one

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1 of those people tried to get up here and tell you, oh, he
2 was there every morning.

3 But remember what his mother said. She said when he
4 would call and ask for food I would tell him he had to work
5 for it because I don't give handouts to my children. Would
6 you do anything for him? She said if it's the truth and
7 not a lie, I would. And that's why his demeanor changed
8 that night at the sheriff's department because he knew she
9 would.

10 What does the grandmother say? She testified
11 yesterday these children -- that child had been with her
12 for over a year after this disclosure.

13 First trial date comes up. They think they're going
14 to trial. And this little girl comes to her scared and
15 terrified because she wants somebody to know. She has not
16 told her grandmother. And a year after this she confides
17 in her grandmother that she was sexually assaulted. She
18 confides in her mother then.

19 And then we hear from Wendy. And, look, it is what it
20 is. I hate that expression, but I don't know what to say
21 other than that. She didn't believe her. She supported
22 the defendant. She listened to these jail tapes.

23 But what does she tell you? She tells you there was a
24 lay-out couch. She tells you the defendant was unemployed.
25 She tells you that in the normal course of business that he

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1 has VICTIM every morning by himself.

2 She tells you that on one time the child denied this
3 the defendant was there. The defendant was there. The
4 defendant took her to the hospital. And in February of
5 2010 she told her. VICTIM finally told her. She finally
6 got the courage to tell her.

7 You get to hear a little bit about the defendant too.
8 I need you to jump when I tell you to jump. All of this is
9 a little game, and I've played their game long enough. His
10 words.

11 As long as you keep doing on the outside for me like
12 you keep doing, then I'll keep sneaking and working things
13 in here. You prove to me that you're going to be here and
14 that we're going to be together the rest of our lives.
15 This is what it's going to take. Listen to me and do
16 everything. And when this works out I don't have a problem
17 with you.

18 You can't prove or disprove oral sex. It's my word
19 against hers. Remember what I said. No face, no case.
20 Right? Move. I want you to move. Don't let her go back
21 to those advocacy classes. I need you to disappear. I
22 need you to disappear quick. No face, no case.

23 And when she's talking to him about taking the kids to
24 the Children's Advocacy Center for a forensic interview,
25 that's a liability. When she tells him that she's got a

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1 medical appointment for the children that afternoon, you
2 tell them she's fucking herself.

3 You know, the defense in this case reminds me. There
4 used to be a game show on T. V. called "Let's Make a Deal."
5 I didn't watch it much, but I remember that if you didn't
6 like what was behind door No. 1 you could go to door No. 2.

7 And that's what this reminds me of. See, behind door
8 No. 1 you've got, well, she should have reported to her
9 sister. After all they were friends. Her 10-year-old
10 sister who lives in the home with the defendant. If you're
11 going to tell this story you're going to tell somebody that
12 you think can get you out of there.

13 Who are you going to tell? You are going to tell the
14 person who likes this man the least, the person you can
15 trust, your father.

16 Defense No. 2. She can't say what happened first,
17 second or third. She can't tell me how many times. She
18 doesn't have the exact same story each time. That's how
19 your brain works. That's a sign that she is telling the
20 truth.

21 Behind door No. 3 you've got Neddie put this in her
22 head. The problem is he didn't even report it to the
23 police. If it hadn't been for Judy Kennedy it wouldn't
24 have gotten reported when it did.

25 And, No. 4, she's lying.

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1 And what is the payoff? What does she get out of
2 this? Her mother was angry at her for over a year. She
3 goes through all of this. What is the payoff? What has
4 she gained and what did she lose?

5 She still cares about him. That's consistent with a
6 child who is telling the truth, not a child who is lying.

7 Works for his parents. No specific times. They
8 didn't. Neither of her parents did what they should have
9 done to protect her. That's just the way it is. It's not
10 her fault.

11 She doesn't know the date. According to that you
12 could sexually assault children all day long, because
13 unless that child marked it on their calendar and can tell
14 you exactly when it was going to happen or exactly when it
15 did happen you couldn't prosecute them.

16 The state has to prove the defendant committed
17 criminal sexual conduct with a minor in the first degree.
18 So we have to show you that there was a sexual battery with
19 a victim under the age of 11. We know that she's under the
20 age of 11.

21 So the question is is there a sexual battery. And a
22 sexual battery is this. Sexual battery means sexual
23 intercourse. That means penis in the vaginal area or in
24 the vagina. Cunnilingus, which is performing oral sex.
25 Anal intercourse, penis in her butt, as she calls it, or

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1 any intrusion however slight of any person's body or object
2 into the genital or anal openings. You only have to have
3 one of those.

4 If you believe one of those happened -- oral sex, he
5 put his penis in her butt or a finger, insertion of an
6 object or part of your body into the vaginal area, one of
7 those happened, it's criminal sexual conduct first degree.

8 You only have to find one. You can find that there's
9 more than one, but there only has to be one of those --
10 oral sex, anal intercourse or digital penetration.

11 If you don't find there is penetration then you talk
12 about what it is. But I submit, ladies and gentlemen, that
13 we have proven penetration in this case.

14 The judge is going to tell you that reasonable doubt
15 is not proof beyond any doubt. There is no such thing in
16 this world as proof beyond any doubt. A reasonable doubt
17 is a doubt that makes you hesitate to act.

18 These are important charges, so it doesn't mean that
19 you have to decide like that. You are the judge of the
20 facts. Once you determine what the facts are if you are
21 firmly convinced that this defendant penetrated this child,
22 then you find him guilty of it.

23 What happened in this case, oral sex, he put his mouth
24 on it. He didn't want to feel like nothing. His tongue
25 came out and he started licking it. Oral sex can't be

1 proved or disproved. It's not.

2 Digital penetration. He pushed down on my private and
3 it hurt. A mother who doesn't believe (inaudible). Anal
4 penetration. He put his private in my butt and I had to go
5 to the bathroom. He told me he rode -- she had rode the
6 horsy until he ejaculated, and he told her it was snot.

7 The truth is the defendant was left alone with a
8 six-year-old and he could do what he wanted. He had
9 control. He had control of her. He had control of her
10 mother.

11 He performed oral sex on her; he performed anal
12 intercourse on her; he digitally penetrated her because he
13 could. But this is what he did. He underestimated this
14 child. He underestimated this little girl who has told
15 despite that the fact that her mother didn't believe her.

16 And something he thought she might not even remember
17 made the biggest impression on her. This six-year-old
18 child has withstood more than many of us will ever endure.
19 She has told when it wasn't popular. She has told when
20 people were angry at her. She has continued tell and tell
21 and tell. When she came into this courtroom she was
22 finally heard by you.

23 The defendant didn't tell the truth. He has never
24 told the truth in this, not to the officers, not to the
25 jail people.

Jury charge

1 This man had complete control of this little girl for
2 102 days. Complete control. And there was nothing she
3 could do about it.

4 You can't change it. But you can do something now.
5 He was in -- she was in his hands before, but today she's
6 in yours. Thank you.

7 THE COURT: Mr. Foreman and ladies and gentlemen of
8 the jury, you of course have now heard and seen all of the
9 evidence, as well as the final summations of the lawyers;
10 and therefore it now becomes my duty and obligation to
11 instruct you on the law that's applicable in the case. And
12 then you'll be asked to go back and begin with your
13 deliberations. And through that process you'll examine the
14 evidence, decide the facts, apply the law and arrive at a
15 fair and just decision, whatever that decision may be.

16 It is your exclusive duty to determine what the facts
17 are. And you do that through your own common sense
18 examination and evaluation of all of the testimony and
19 other evidence received during the trial of this case.

20 You 12 jurors alone will decide what weight, value and
21 effect to give to any particular testimony or other
22 evidence in the case. Again, your sole objective is to
23 simply reach the truth in the matter. And by doing that
24 you will have fulfilled your obligations as jurors, and
25 that is to simply give both the state and the defendant a

Jury charge

1 fair and impartial trial.

2 Now, in this case, as you know, the state through the
3 prosecutor has charged the defendant with two separate and
4 distinct offenses. Those offenses are criminal sexual
5 conduct with a minor in the first degree and the commission
6 of a lewd act upon a child under the age of 16 years.

7 The allegations establishing those charges are set
8 forth in those indictments which I referred to earlier.
9 They're simply legal documents. They're not proof of
10 anything; they're not evidence of anything.

11 Those indictments will be in the jury room however
12 because it is on the back of each of those indictments, Mr.
13 Foreman, that you're going to be asked to indicate the
14 jury's unanimous decision as it relates to that particular
15 charge. But other than serving as the verdict form the
16 indictments serve no purpose so far as you jurors are
17 concerned.

18 Now, as to each of the charges contained in both of
19 those indictments the defendant has entered a plea of not
20 guilty. And as I told you, that plea of not guilty places
21 upon the state the burden of proving the allegations that
22 they have set forth in each of those indictments, the
23 burden of proving each of the essential elements of the
24 crimes alleged in those indictments; and therefore the
25 burden is upon the state to establish the defendant's guilt.

Jury charge

1 to the satisfaction of you 12 jurors beyond a reasonable
2 doubt before any verdict of guilty could be returned as to
3 either of the indictments.

4 The burden is never upon a defendant or a person
5 accused of a crime to prove that they are not guilty or to
6 prove that they are innocent because in many cases that
7 might not be possible. The burden is always upon the state
8 because they've brought the charge against the defendant to
9 establish his guilt to your satisfaction beyond a
10 reasonable doubt.

11 You are instructed that it is a vital, important and
12 cardiale rule of law that every defendant in a criminal
13 trial, no matter how serious the offense might be, a
14 defendant is always presumed innocent of the charge brought
15 against him or her.

16 That presumption of innocence remains with any
17 defendant, as it does with this defendant, from the time
18 that he is placed under arrest and throughout the course of
19 the criminal process and even throughout the course of the
20 actual trial in the case.

21 As I told you, that presumption of innocence will be
22 with Mr. Briggs as you go back to your jury room to begin
23 with your deliberations in this case. And that presumption
24 of innocence will be with him in that jury room, and it'll
25 be with him forever unless you 12 jurors determine that

Jury charge

1 he's no longer entitled to that presumption of innocence.

2 In other words, after you've carefully considered all
3 of the evidence in the case, and after considering that
4 evidence you determine what you believe to be the true
5 facts, and upon deciding those facts you apply the law that
6 I will have provided you, if you 12 jurors unanimously
7 determine that his guilt has been proven beyond a
8 reasonable doubt as it relates to a particular charge, then
9 he would no longer be entitled to the presumption of
10 innocence as it relates to that charge. But it's only if,
11 unless and until you are satisfied of his guilt beyond a
12 reasonable doubt that the presumption of innocence would no
13 longer be applicable.

14 Now, while the state does have the burden of proving a
15 defendant's guilt beyond a reasonable doubt that doesn't
16 mean that they have to prove his guilt beyond all doubt or
17 beyond any possible doubt. But it does require the state
18 to prove his guilt to your satisfaction beyond a reasonable
19 doubt.

20 The term reasonable doubt should be given its plain
21 and ordinary meaning. A reasonable doubt is the kind of
22 doubt that would cause a reasonable person to hesitate to
23 act upon the information provided. And a defendant in a
24 criminal trial is entitled to any reasonable doubt that
25 arises from the evidence or lack of evidence in a case.

Jury charge

1 If upon any factual issue essential to a finding of a
2 verdict of guilty you have some reasonable doubt as to how
3 that issue should be resolved it would be your duty to
4 resolve that reasonable doubt in favor of the defendant.

5 And therefore if upon your consideration of the whole
6 case you have a reasonable doubt as to his guilt it would
7 be your duty to resolve that reasonable doubt in his favor
8 and to return a verdict of not guilty.

9 And, on the other hand, after you've considered all of
10 the evidence as it relates to a particular charge and
11 you've determined the facts and applied the law, if you
12 determine that his guilt has been proven beyond a
13 reasonable doubt, then it's your corresponding duty to find
14 him guilty of that charge where you are satisfied of his
15 guilt beyond a reasonable doubt.

16 The same law that provides that you are the judges of
17 the facts also provides that I am the judge of the law.
18 And that simply means that nobody is going to tell you how
19 to arrive at your determination of fact in this case.

20 You do that, as I've already stated, through the
21 exercise of good judgment and common sense conscientiously
22 applied to the testimony and the evidence received during
23 the trial of the case.

24 You must however under your oath as a juror accept the
25 law as I provide it to you as being the law that you are to

Jury charge

1 apply in this case. In other words, you're never to
2 concern yourself with what you thought the law was before
3 you came to serve as a juror this week or what you think
4 the law ought to be.

5 You must simply under your oath as a juror accept it
6 as I provide it to you, and then you take that law and you
7 apply it to the facts as you 12 jurors determine those
8 facts to be after your careful common-sense examination of
9 the evidence in the case.

10 Now, as you know, you are the sole judges of the facts
11 in this case, and therefore you are necessarily the sole
12 judges of each of the witnesses that have testified and
13 their testimony.

14 You will decide what weight, value and effect to give
15 to any particular witness' testimony, or even portions of
16 testimony. And there are several factors which you should
17 consider in arriving at your assessment as to a particular
18 witness' credibility, and I'm going to list those factors
19 for you.

20 You should consider the demeanor of the witness, that
21 is how the witness appeared to you as the witness testified
22 from the witness stand. Was the witness straightforward in
23 responding to questions, or was the witness hesitant or
24 evasive in responding to questions that were asked of that
25 witness?

Jury charge

1 You should consider whether or not the testimony of a
2 witness is consistent, or is it inconsistent with that
3 witness' own testimony in comparison to statements made in
4 court, as well as outside of court. And you may consider
5 whether or not the testimony of a witness is consistent or
6 inconsistent with other witnesses' testimony or other
7 evidence received during the trial.

8 You should also consider how the witness came to know
9 the facts to which a particular witness has testified to.
10 In other words, what was that witness' opportunity to
11 perceive the existence of those facts to which that witness
12 has testified by having previously used his or her senses.
13 And then what is that witness' ability to be able to come
14 into court and to accurately recollect to you as to what
15 that witness has previously perceived.

16 You should also consider any bias or prejudice or
17 interest that a witness might have with respect to the
18 case.

19 In other words, do you find some reason that a
20 particular witness would come into court and would testify
21 one way or another to help or to hurt one side or the
22 other. And you may consider any interest that a witness
23 might have in the outcome of the case if you determine that
24 a witness does have such an interest and you find that that
25 interest would bear upon that particular witness'

Jury charge

1 credibility.

2 You should also consider whether or not the testimony
3 of a witness is strengthened, or was it weakened by other
4 testimony or other evidence received during the trial of
5 the case.

6 Now, because you are the judges of the facts and
7 because you are the judges of the credibility of each
8 witness who has testified you are permitted to believe as
9 much or as little of what a witness has testified to as you
10 deem is appropriate.

11 And therefore you may believe everything that a
12 witness testified to; you may choose to believe none of it.
13 You may believe one portion of a witness' testimony and
14 reject some other portion of that same witness' testimony.

15 You may believe one witness as opposed to several, or
16 several as opposed to one. And a witness' testimony does
17 not need to be corroborated by other evidence if you find
18 it to be credible in the case.

19 Simply put, you have to determine what is the most
20 credible and believable testimony and evidence, and that's
21 the testimony and evidence you should accept. And you
22 should reject any testimony or other evidence that you find
23 not to be credible or believable.

24 Again, your sole objective is to simply reach the
25 truth in the matter. And by doing that you will have

Jury charge

1 fulfilled your obligations as jurors, and that is to give
2 both the state and the defendant a fair and impartial
3 trial.

4 Now, in this case, as you know, there are two separate
5 charges that you're going to have to address. One is
6 criminal sexual conduct with a minor in the first degree.
7 The other is the commission of a lewd act upon a child
8 under the age of 16 years.

9 Both of these criminal offenses are statutory
10 offenses, and that just simply means that the legislature
11 that meets every year from January until June passes a
12 number of laws and rules and regulations that govern our
13 conduct in a variety of ways.

14 Some of those statutes are criminal statutes, and that
15 just means that the legislature defines a particular crime.
16 They prohibit citizens from engaging in certain types of
17 conduct. And where a person has been found to have engaged
18 in the conduct that is prohibited by that particular
19 statute, then it subjects that person to some form of
20 punishment or penalty.

21 But please understand that you are never to be
22 concerned with punishment or penalty. Your sole obligation
23 and duty in the case is to determine whether or not the
24 defendant has been proven guilty of a particular crime.
25 And you should make that determination without

Jury charge

1 consideration to any punishment or penalty that might be
2 imposed as a consequence of your decision.

3 I've got to give you these in some order, so don't
4 attach any significance to it. But I am going to begin the
5 crime of criminal sexual conduct in the first degree. That
6 statutory reference is from Section 16-3-655 of the Code of
7 Laws.

8 And that particular statute provides as follows: A
9 person is guilty of the crime of criminal sexual conduct in
10 the first degree if the actor engages in sexual battery
11 with the victim who is less than 11 years of age.

12 Section 16-3-651 provides definitions for various
13 terms that are contained in the criminal sexual conduct
14 statute.

15 The term actor is defined as a person accused of
16 criminal sexual conduct. In this case that would be the
17 defendant, Anthony Briggs.

18 Victim is defined as a person alleged to have been
19 subjected to criminal sexual conduct. In this case that
20 would be VICTIM .

21 Sexual battery is defined as sexual intercourse,
22 cunnilingus, fellatio, anal intercourse or any intrusion,
23 however slight, of any part of a person's body or of any
24 object into the genital or anal openings of another
25 person's body except when accomplished for medically

Jury charge

1 recognized treatment.

2 Cunnilingus is defined as oral stimulation of the
3 female genitalia.

4 And therefore based upon the language of the statute
5 there are two essential elements which must be established
6 before the defendant could be found guilty of criminal
7 sexual conduct with a minor in the first degree.

8 First, it must be proven to your satisfaction beyond a
9 reasonable doubt that the defendant did engage in a sexual
10 battery as that term has been defined with VICTIM
11 the person alleged to be the victim in the indictment.

12 Secondly, it must be proven to your satisfaction
13 beyond a reasonable doubt that at the time of the
14 commission of any sexual battery the person alleged in the
15 indictment to be the victim was less than 11 years of age.

16 So if either of these two elements has not been proven
17 to your satisfaction beyond a reasonable doubt your verdict
18 must be for the defendant and he must be found not guilty
19 with respect to that indictment.

20 You are further instructed that with respect to both
21 of the indictments consent is not an issue in the trial of
22 the case where it involves a minor child under the age of
23 16 years, because under the law a minor under the age of 16
24 years is not legally capable of voluntarily consenting to a
25 sexual battery or the commission of a lewd act by an adult.

Jury charge

1 The second indictment charges the defendant with
2 commission of a lewd act upon a child under the age of 16
3 years. And that is also a statutory offense. And that
4 statutory reference is 16-15-140.

5 And that statute provides that it is unlawful for a
6 person over the age of 14 years to wilfully and lewdly
7 commit or attempt to commit a lewd or lascivious act upon
8 or with the body, or its parts, of a child under the age of
9 16 years with the intent of arousing, appealing to or
10 gratifying the lusts or passions or sexual desires of the
11 person or of the child.

12 Before the defendant could be found guilty of a
13 violation of this particular statute it would be necessary
14 that the evidence in this case has established to your
15 satisfaction the following four essential elements.

16 First, it must be established that the defendant did
17 wilfully and lewdly commit or attempt to commit a lewd or
18 lascivious act upon the body of a child.

19 The term wilfully means an act done knowingly and
20 intentionally and purposefully and not by accident, mistake
21 or inadvertence.

22 The term lewdly refers to the commission of an act of
23 a sexual nature in an outrageously offensive and indecent
24 manner.

25 The terms lewd and lascivious refer to obscene or

Jury charge

1 indecent acts of a sexual nature which are extremely
2 offensive under contemporary community standards of
3 morality and decency and grossly repugnant to generally
4 accepted notions of what is considered appropriate conduct.

5 Secondly, it must be established that the defendant at
6 the time of the event was over the age of 14 years.

7 Thirdly, it must be established that the child was
8 under the age of 16 years at the time of the commission of
9 any such act.

10 And, fourthly, it must be established that the act was
11 committed or attempted by the defendant with the intent of
12 arousing, appealing to or gratifying the lusts or passions
13 or sexual desires of the defendant or of the child.

14 The term intent refers to the state of a person's mind
15 that directs his actions towards a specific object or goal.
16 And in the case of the commission of a lewd act upon a
17 child it refers to the satisfaction of some sexual urge or
18 desire.

19 Now, you are further instructed, and I emphasize to
20 you, that the fact that a defendant does not testify during
21 the course of a criminal trial is not a fact which may be
22 considered by you jurors in any way whatsoever, nor may you
23 hold that fact against a defendant in any degree
24 whatsoever.

25 As I've told you, the burden is upon the state to

Jury charge

1 establish the defendant's guilt beyond a reasonable doubt.
2 The burden is never upon a defendant to prove that he is
3 not guilty or to prove that he is innocent because in some
4 cases that might not be possible.

5 And therefore you are not to draw any inference or
6 reach any conclusion from the fact that a defendant does
7 not testify during the trial of a criminal case, nor may
8 you even discuss that fact while you are engaged in your
9 deliberations.

10 Now, in this case, as you know, you've got two
11 separate indictments which you are to consider. One is
12 criminal sexual conduct with a minor in the first degree.
13 The other is commission of a lewd act upon a child under
14 the age of 16.

15 Your verdicts with respect to those indictments must
16 be unanimous. All 12 of you must be in agreement before
17 any verdict can be rendered and returned to the Court.

18 In this case your verdicts may be the same as they
19 relate to each of the indictments. They may be different.
20 That will depend upon your determination of fact and then
21 your application of the law as I have provided it to you as
22 it relates to that particular charge.

23 But in this case you have two potential verdict forms
24 with respect to each of the indictments. And those two
25 potential verdict forms are guilty and not guilty.

Jury charge

1 So, Mr. Foreman, whatever the decision is as it
2 relates to a particular indictment, you'll insert that
3 verdict form in the space provided. You'll also sign your
4 name as the foreperson. You're the only juror that needs
5 to sign the verdict form. And then place the appropriate
6 date on it.

7 You'll see on the back of each of the indictments in
8 the lower left-hand corner. You'll see the word verdict.
9 And it's beneath that word that you'll indicate the jury's
10 unanimous decision as it relates to that indictment. And
11 then beneath that you sign your name and date it.

12 Now, with respect to the charge of criminal sexual
13 conduct with a minor in the first degree, I have one other
14 matter that you'll have to address in a verdict form.

15 And you'll have a verdict -- in addition to the two
16 indictments which serve as verdict forms you'll have a
17 verdict form that is typed.

18 And I'm going to provide it to you, Mr. Foreman.
19 You'll need to complete both after you and your jurors have
20 made your decisions in the case.

21 But the typed verdict form that I'll provide you has
22 two questions on it. And one has -- the first question has
23 a couple of parts. There are two questions.

24 The first is simply do you, the jury, in the above
25 entitled cases find the defendant, Anthony Briggs, guilty

Jury charge

1 or not guilty of the crime of criminal sexual conduct with
2 a minor in the first degree on Indictment 2009-2627.

3 There is a blank beneath the question. You'll insert
4 the verdict, whatever it is, whether it be guilty or not
5 guilty.

6 If you respond guilty -- and all of this is on the
7 verdict form -- but if you respond guilty to question one,
8 which is guilty to criminal sexual conduct in the first
9 degree, then you are to indicate on the verdict form what
10 act or acts of sexual battery the jury finds was or were
11 committed by the defendant. And you would check any
12 applicable sexual battery.

13 And they're listed. And they're listed as sexual
14 intercourse, anal intercourse, cunnilingus or any other
15 intrusion, however slight, of any object into the genital
16 or anal openings of another. And so you would simply
17 indicate which, if any, of those have you found by
18 answering question one guilty of criminal sexual conduct in
19 the first degree.

20 And of course if you answer not guilty in question
21 one, then you just skip that part of question one and go to
22 question two.

23 Question two relates to the second indictment. Do
24 you, the jury, in the above entitled cases find the
25 defendant, Anthony Briggs, guilty or not guilty of the

Jury charge

1 commission of a lewd act upon a child in Indictment
2 2010-4657.

3 Again, there's a blank for you to insert the jury's
4 decision. That decision will be guilty or not guilty.
5 Whichever it is, insert it. Again, sign your name as the
6 foreperson. And the form already has the date typed in it.

7 Now, during your deliberations if at any time you have
8 a question about the facts of the case, whether it be
9 testimony or otherwise, I am never permitted to answer
10 questions that relate to evidence.

11 If you have a question about whether or not something
12 else is available, in other words, you think there's
13 something that might help you decide the case but you
14 haven't seen it during the trial and you say can we have
15 it, well, you can't.

16 No additional evidence can be received now that the
17 case has been concluded and you're getting ready to go back
18 and begin with your deliberations. So even if some other
19 evidence exists you cannot have it. You have to base your
20 decision upon what has been presented during the trial.

21 If you have a question about a witness' testimony and
22 that question can be answered by having that witness'
23 testimony replayed in whole or in part I can bring you back
24 into the courtroom to have that testimony replayed.

25 I do not have transcripts of witnesses' testimony, but

Jury charge

1 if you want to have a witness' testimony replayed in whole
2 or in part if you'll let the bailiff know, he or she will
3 let me know, and we'll bring you back into the courtroom to
4 have that witness' testimony replayed.

5 If at any time you have a question about the law that
6 you are to apply in the case I am permitted to answer those
7 questions.

8 So if you need for me to give you an additional
9 instruction or you need a clarification or an explanation
10 of any law that I have provided you, I am permitted to
11 always answer those questions.

12 So, Mr. Foreman, if at any time you need to direct
13 some comment or question to me if you'll write it on a
14 piece of paper, give it to the bailiff, the bailiff will
15 provide it to me and I'll respond to the question or the
16 issue that may arise.

17 I don't know if we have any smokers on the jury. If
18 we do you are not permitted to smoke in the jury room, but
19 you can smoke outside. And you'll have to be taken outside
20 in order to accomplish that purpose.

21 But you are instructed that any time a juror is absent
22 from the jury room for any authorized purpose the
23 deliberations have to stop. They may only resume when all
24 12 jurors are present so that all may participate.

25 I'm not sure how long your deliberations will take.

Jury charge

1 You're not either. That'll depend upon your discussions,
2 your determination of fact and application of the law.

3 But I will tell that you if you get to a point in your
4 deliberations and you think it appropriate or you need to
5 order lunch, if you'll let us know, then we'll make those
6 arrangements.

7 It's not lunchtime now. But you may get to a point
8 where it is lunchtime for you and you want to order lunch.
9 So, if so, you let the bailiff know. We'll make those
10 arrangements.

11 It usually takes about an hour for lunch to be
12 prepared and brought to the jury room. So just keep that
13 timeframe in mind as you go back to deliberate and as you
14 determine whether or not it's necessary to order lunch.

15 I think that covers everything. But if it doesn't,
16 one of the lawyers will let me know.

17 So what I am going to do right now is ask the 12
18 primary jurors to please go with a bailiff back to your
19 jury room.

20 Do not however begin deliberations until I send you
21 word to do so. I've got some matters I'll need to address
22 with the lawyers.

23 If I don't need to bring you back for any reason I'll
24 simply send word by way of the bailiff that you may begin
25 with your deliberations. In that event he or she will

Jury charge

1 bring to the jury room all of the exhibits which have been
2 introduced during the trial.

3 And to you, Mr. Foreman, they will also bring the
4 indictments which serve as the verdict forms, as well as
5 the typed verdict form that will be accompanying these two
6 indictments.

7 And alternate, Mr. Engley, you can just stay in the
8 courtroom with me for the moment.

9 So the 12 primary jurors please retire but await my
10 instruction as to when to begin deliberations.

11 (Whereupon, the jury retired to deliberate at
12 11:20 a.m.)

13 THE COURT: Are there any exceptions taken to the
14 instruction or requests for additions to the instruction by
15 the state?

16 MS. REESE: None, Your Honor.

17 THE COURT: By the defendant?

18 MR. SINGLETON: None, Your Honor.

19 THE COURT: Let me ask y'all to verify the exhibits.

20 So far as the disc or the interview of the child is
21 concerned, that's on a computer.

22 MS. JORDAN: The second one is, Your Honor.

23 THE COURT: How about the first one?

24 MS. JORDAN: The first one is still of the regular
25 disc because we didn't have to edit that one.

1 THE COURT: Okay. Well, we'll send them both back.
2 But, now, you've got a computer arranged such that all they
3 have to do is put the disc in the D-drive, I guess it is,
4 and then it comes up and they can't access anything else on
5 the computer.

6 MS. JORDAN: My understanding is once I flip the
7 switch on the side they can't access anything but that one
8 video.

9 THE COURT: All right. But if they want to swap out
10 the disc what happens? That are two discs.

11 MS. JORDAN: We can send the other computer back with
12 that other disc ready to go on it.

13 THE COURT: All right. So we're going to send two
14 computers back?

15 MS. JORDAN: We could, Your Honor.

16 THE COURT: Okay. Well, if that's what we have to do,
17 that's what we have to do.

18 All right. Let's go ahead and put the disc in so it's
19 ready to go once they receive it.

20 (Pause.)

21 (Whereupon, the alternate juror was excused.)

22 THE COURT: All of the exhibits are accounted for?

23 MS. REESE: Yes, Your Honor.

24 THE COURT: Okay. Let me ask the lawyers to look at
25 the verdict form.

Verdict

1 (Pause.)

2 THE COURT: No objection to it?

3 MS. REESE: No, sir.

4 MR. SINGLETON: No objection.

5 THE COURT: Are there any special instructions they're
6 going to need with those computers?

7 MS. JORDAN: The only -- they're both ready to go.
8 All they have to do is just hit play.

9 THE COURT: Okay. All right. When y'all take those
10 back just tell them if they need to look at the discs that
11 they're ready, just to plug play. But if they have any
12 problems with the computers or the ability to play, let us
13 know. Don't fool with them. Let us do it.

14 (Whereupon, a recess was taken.)

15 THE COURT: I'm told the jury has reached a decision.
16 Are we ready to receive it?

17 MS. REESE: Yes, Your Honor.

18 MR. SINGLETON: Yes, sir, Your Honor.

19 THE COURT: Okay. Bring them in.

20 (Whereupon, the jury returned to the courtroom at
21 1:50 p.m. to report its verdict.)

22 THE COURT: Mr. Foreman, have you and your fellow
23 jurors reached a unanimous decision as to each of the
24 separate indictments?

25 THE FOREMAN: Yes, sir.

Verdict

1 THE COURT: And have you indicated those decisions by
2 completion of the verdict forms?

3 THE FOREMAN: Yes, sir.

4 THE COURT: And did you sign each?

5 THE FOREMAN: Yes, sir.

6 THE COURT: If you will, please hand those up by way
7 of the bailiff.

8 All right. You may publish the verdicts.

9 THE CLERK: State of South Carolina, County of
10 Spartanburg, Court of General Sessions, State vs. Anthony
11 Briggs, Indictment No. 2009-GS-42-2627, we, the jury, find
12 the defendant guilty.

13 Indictment No. 2010-GS-42-4657, we, the jury, find the
14 defendant guilty.

15 Verdict form, Question 1, "Do you, the jury, in the
16 above entitled case find the defendant, Anthony Briggs,
17 guilty of criminal sexual conduct with a minor. Inserted
18 verdict was guilty.

19 In response to that question checked was anal inter --
20 intercourse, conulus (sic) and any other intrusion, however
21 slight, of any object into the genital or opening, anal
22 opening, or other.

23 "Do you, the jury, in the above entitled case find the
24 defendant, Anthony Briggs, guilty or not guilty of the
25 commission of a lewd act upon a child on Indictment No.

Verdict

1 2010-GS-42-4657?"

2 Inserted answer is guilty. All signed, today's date
3 by foreperson, Anthony Brandon.

4 Ladies and gentlemen, if this is your verdict and
5 still your verdict --

6 THE COURT: Just a minute, just a minute. Let me see
7 that form. I think there's something misread.

8 All right. On the special interrogatory verdict form
9 in response after the jury found the defendant to be guilty
10 of the crime of criminal sexual conduct with a minor, the
11 question was, "Indicate which acts of sexual battery were
12 committed by the defendant."

13 And those that were indicated that were committed by
14 the defendant were anal intercourse, cunnilingus and any
15 other intrusion. All right, now.

16 THE CLERK: Ladies and gentlemen, if this is your
17 verdict and still your verdict, please raise your right
18 hand.

19 (Whereupon, all jurors responded in the affirmative.)

20 THE CLERK: So say you all.

21 THE COURT: Does the defendant wish to have the jury
22 polled?

23 MR. SINGLETON: No, Your Honor.

24 THE COURT: No?

25 MR. SINGLETON: No, Your Honor.

Sentence

1 (Whereupon, the trial jury was excused.)

2 THE COURT: All right. Any other matters to be
3 presented by the state?

4 MS. REESE: None by the state, Your Honor. I do have
5 record for sentencing.

6 THE COURT: Okay.

7 MS. REESE: The defendant has prior convictions for
8 driving under the influence; grand larceny in 2001;
9 disturbing schools in 2002; grand larceny in 2001; criminal
10 domestic violence in 2001; three counts of fraudulent check
11 in 2003; simple assault and battery in 2007. And that's
12 the extent of his record, Your Honor.

13 THE COURT: All right. Mr. Singleton, does your
14 client agree with the recitation of his criminal history as
15 provided by the solicitor?

16 MR. SINGLETON: Yes, sir, Your Honor.

17 THE COURT: Okay. Anything else on behalf of the
18 state?

19 MS. REESE: Your Honor, the victims -- I've spoken to
20 the victim's family. They do not wish to speak. You have
21 heard the evidence. And there's nothing further they wish
22 to offer.

23 THE COURT: Okay. Thank you.

24 Mr. Singleton, I'll hear from you and Mr. Briggs.

25 MR. SINGLETON: Your Honor, obviously this was a tough

Sentence

1 case.

2 He's 26 years old, basically lived here most of his
3 life. He has a lot of support family out there. As you
4 saw, his mother and stepfather were here in the courtroom.

5 His prior record are mainly, I guess, the most --
6 violent offenses or whatever you want to say. It's the
7 simple assault and battery and C. D. V., nothing to
8 indicate that this type of activity would have ever
9 happened or anything like that.

10 I ask you give him any sort of leniency. I know the
11 minimum is 25 years. I ask you to consider the minimum and
12 just have mercy on him.

13 I don't know if Mr. Briggs wants to say anything to
14 you. I haven't had a chance to talk to him about that
15 but...

16 THE COURT: Mr. Briggs, do you have anything you'd
17 like to tell me prior to the imposition of sentence?

18 THE DEFENDANT: No, sir. I just didn't do it. I
19 didn't do it.

20 THE COURT: Well, that's a decision that the jury was
21 called upon to make, and they have made it.

22 All right. On Indictment 2009-2627, that's the
23 indictment for criminal sexual conduct with a minor in the
24 first degree, wherein you have been found guilty by the
25 jury of that offense, the Sentence of the Court is you,

Sentence

1 Anthony Briggs, be confined to the South Carolina
2 Department of Corrections for the period of your natural
3 life.

4 On Indictment 2010-4657, commission of a lewd act upon
5 a child, wherein you have been found guilty by the jury of
6 that offense, Sentence of the Court is you be confined to
7 the South Carolina Department of Corrections for a period
8 of 15 years.

9 Mr. Briggs, you have a right to appeal the verdicts of
10 the jury and the Sentence of the Court. You must file any
11 notice of your intention to appeal those decisions within
12 ten days of today's date. Mr. Singleton will assist you in
13 that regard.

14 Anything else?

15 MR. SINGLETON: Nothing, Your Honor. Thank you, Your
16 Honor.

17 END OF REQUESTED TRANSCRIPT OF RECORD
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Certificate

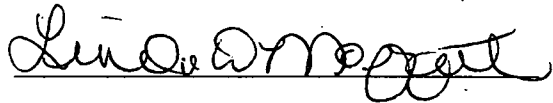
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 23rd, 24th, 25th and 26th days of August 2010.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 28, 2010



Linda D. Moffitt
Circuit Court Reporter

WITNESSES

Spartanburg Co. Sheriff's Office

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND

ARREST WARRANT NUMBER

8. TRAFFIC VIOLATION COPY

DOCKET NO.

09-GS-42-2627

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

Computer

Computer

COURT OF GENERAL SESSIONS

MAY 11 2009

TERM

THE STATE

VS.

Anthony Briggs

ACTION OF GRAND JURY

VERDICT

GUILTY

Indictment for
CRIMINAL SEXUAL CONDUCT
W/MINOR, FIRST DEGREE

SC Code: 16-03-0655(1)
CDR Code: 0385
Class FEL-C(V)

RECEIVED
Spartanburg County

MAY 13 PM 4:40

MARC KITCHENS

Foreperson of Grand Jury
Date: 5-7-09

Foreperson of Petit Jury
Date: 8/26/10

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

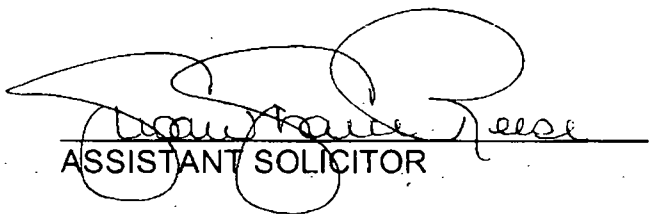
At a Court of General Sessions, convened on MAY 07 2009, the

Grand Jurors of Spartanburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That Anthony Briggs, did in Spartanburg County, between the dates of July 30, 2008 through February 2, 2009, commit the crime of Criminal Sexual Conduct with a minor, in that the defendant did commit a sexual battery upon the minor victim, _____, who was under eleven (11) years of age at the time of the said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-03-655 (1), *CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

465

SPARTANBURG

VS.

Anthony Briggs

AK/...

Race: W Sex: M Age: 26

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Criminal sexual conduct with minor - victim under 11 yrs of age - First degree 25 years - Life Sex Registration

in violation of § 16-03-0655(A) of the S.C. Code of Laws, bearing CDR Code # 0385

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)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:

REESE, SUSAN S

6772 SC Bar#

Defendant's

Attorney for Defendant

73112 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

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

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

INDICTMENT/CASE#: 2009GS4202627

A/W#: M086053

Date of Offense: 8/1/2008 - 2/2/2009

S.C. Code § 16-03-0655(A)

CDR Code #: 0385

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
2053
August 20, 2010

466

ARREST WARRANT

M-086053

Computer

2-5-09
Jail

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

against

Anthony Briggs

Address: 716 Fairfield St

Chesnee, SC 29323-

Phone: SSN:

Sex: M Race: W Height: 5 3 Weight: 150

State: SC DL #:

DOB: Agency ORI #: SC0420000

Prosecuting Agency: Spartanburg County Sheriff

Prosecuting Officer: Nicole Cantrell - 0686

Offense: Sex / Criminal sexual conduct with minor - victim
under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

The accused

to be arrested and brought before me to be
all with according to the law.

(L.S.)

Signature of Judge

Note:

RETURN

A copy of this arrest warrant was delivered to
defendant Anthony Briggs

2/3/09

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

General Sessions
180 Magnolia Street
P O Box 3483
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant Nicole Cantrell

who

being duly sworn deposes and says that defendant Anthony Briggs

did within this county and state on or about 08/01/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First degree

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on August 1, 2008 in the county of Spartanburg, one Anthony Briggs did engage in sexual battery by performing oral sex
with a minor, the victim being five years of age and the defendant being more than three years older. 4

AFFIANT'S BELIEF BASED ON POLICE INVESTIGATION

Signature of Affiant

Nicole Cantrell

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street
Spartanburg, SC 29303-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/1/2008 defendant Anthony Briggs

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Spartanburg

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 02/03/2009

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-

Judge's Telephone (864)596-2564

Signature of Issuing Judge

Dwight Smith

Judge Code: 7151

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

MAR 11 2009
CLERK OF COURT
SPARTANBURG COUNTY
35

WITNESSES

Spartanburg Co. Sheriff's Office

TK Tullosa

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT NUMBER

FINE CARD MADE

Direct Indictment

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 8-19-10

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/26/10

DOCKET 10-GS-42-4657

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

Computer

COURT OF GENERAL SESSIONS

AUG 23 2010

TERM

Computer

THE STATE

vs.

Anthony Briggs

Indictment for

SEX/LEWD ACT, COMMIT/ATTEMPT
UPON CHILD <16

SC Code: 16-15-0140

CDR Code: 2468

Class FEL-D

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

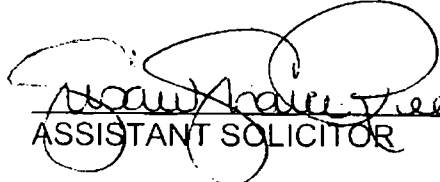
INDICTMENT

At a Court of General Sessions, convened on AUG 19 2010 the
Grand Jurors of Spartanburg County present upon their oath:

SEX/LEWD ACT, COMMIT/ATTEMPT UPON CHILD <16

That Anthony Briggs, did in Spartanburg County, between the dates of July 30, 2008 and February 2, 2009, he being over the age of fourteen (14) years, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of one _____, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, of in violation of §16-15-0140, *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.


ASSISTANT SOLICITOR

469

SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Anthony Briggs

AKA:

Race: W Sex: M Age: 26

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Sex / Lewd Act Upon a Minor 0-15 years and sex registration

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS4204657

A/W#: 2010GS4204657

Date of Offense: 8/1/2008 - 2/2/2009

S.C. Code §: 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

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

ATTEST:

REESE, SUSAN S

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA 217 (06/2010)

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
2053
August 26, 2010

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY BRIGGS,

APPELLANT

FINAL BRIEF OF APPELLANT

ELIZABETH A. FRANKLIN-BEST
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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TABLE OF AUTHORITIES

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<u>State v. Weston</u> , 367 S.C. 279, 625 S.E.2d 641 (2006)	6

STATEMENT OF ISSUE ON APPEAL

Did the trial court judge err when he denied appellant's motion for a directed verdict for criminal sexual conduct with a minor, 1st degree when the accuser never testified that any penetration occurred?

STATEMENT OF THE CASE

Anthony Briggs was indicted by the Spartanburg County grand jury for criminal sexual conduct with a minor, first degree, and lewd act upon a child less than 16 years old. He was tried before the Honorable J. Derham Cole and a jury on August 23 -- 26, 2010. He was represented by Max B. Singleton. He was convicted and sentenced to life in prison.

This appeal timely follows.

ARGUMENT

The trial court judge erred when he denied appellant's motion for a directed verdict for criminal sexual conduct with a minor, 1st degree when the accuser never testified that any penetration occurred.

Appellant was convicted of offenses alleged to have occurred between July 30, 2008 and February 2, 2009. During these dates, appellant was convicted of having engaged in inappropriate sexual activity with a then four-year old. The accuser was six years old at the time of trial and testified on behalf of the state. At no time did the accuser testify that appellant engaged in any penetration. R. 94 -- 112.

The state qualified a forensic interviewer from the Children's Advocacy Center of Spartanburg as an expert. On cross-examination, defense counsel elicited the fact that the accuser claimed the appellant placed "his fingers inside of her private." R. 152, ll. 21-23.

At the close of the State's case, defense counsel made a motion for a directed verdict. As he argued to the court, the accuser had difficulty remembering these events. R. 280-281. The trial court judge found there was sufficient evidence in the record to give the case to the jury and denied the motion. R. 281, ll. 14-21.

The trial court judge erred by denying appellant's motion for a directed verdict because the evidence presented by the accuser only raised the suspicion that appellant was guilty of these crimes.

A defendant is entitled to a directed verdict when the state fails to produce evidence of the offense charged. State v. McCombs, 368 S.C. 489, 629 S.E.2d 361 (2006); State v. Rothschild, 351 S.C. 238, 243, 569 S.E.2d 346, 348 (2002). The state must offer substantial circumstantial evidence of guilt to survive a directed verdict

motion. State v. Frazier, 286 S.C. 526, 689 S.E.2d 610 (2010); State v. Weston, 367 S.C. 279, 625 S.E.2d 641 (2006). The circuit court should not refuse to grant the directed verdict motion when the evidence merely raises a suspicion that the accused is guilty. State v. Mitchell, 341 S.C. 404, 409, 535 S.E.2d 126, 127. "Suspicion" implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof. State v. Lollis, 343 S.C. 580, 541 S.E.2d 254 (2001) . *See also* State v. Cherry, 361 S.C. 588, 606 S.E.2d 475 (2004). In this case, the evidence presented by the State did not rise above the level of mere suspicion. The accuser did not provide the testimony, but rather a forensic interviewer. Without direct testimony from the accuser, the trial court judge should not have submitted this case to the jury. Respectfully, appellant asks this court to direct a verdict of acquittal on criminal sexual conduct, first degree.

CONCLUSION

For the preceding reason, appellant respectfully asks this Court to direct a verdict of acquittal for criminal sexual conduct, first degree.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Franklin-Best', written over a horizontal line.

Elizabeth A. Franklin-Best
Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of January, 2012.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."



ELIZABETH A. FRANKLIN-BEST
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

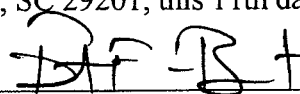
V.

ANTHONY BRIGGS,

APPELLANT

CERTIFICATE OF SERVICE

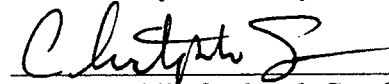
The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 11th day of January, 2012.



Elizabeth A. Franklin-Best
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 11th day of January, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: May 16, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

Respondent,

vs.

ANTHONY BRIGGS,

Appellant.

FINAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial court did not err in denying the motion for directed verdict and the issue is not preserved for review.

STATEMENT OF THE CASE

Appellant Briggs was indicted by the Spartanburg County Grand Jury for criminal sexual conduct with a minor in the first degree (CSC with a minor) and lewd act on a minor. Briggs was convicted as charged by the jury and sentenced by the Honorable J. Derham Cole to life imprisonment for CSC with a minor and fifteen years imprisonment for lewd act on a minor. On appeal, Briggs challenges only the CSC conviction.

STATEMENT OF FACTS

Appellant Briggs sexually assaulted the victim when she was four years old. The victim (Victim) testified when she was six years old.

Briggs was living with Victim, Victim's mother (Wendy), and her two siblings. Briggs slept on a pull-out couch. ROA. p. 97. Victim testified Briggs touched Victim's privates with his privates and his mouth. ROA. pp. 99-100. This occurred while Wendy was working and the other children were in school. ROA. p. 101. Victim testified that Briggs put his private on her, and that he also put his mouth on her private. ROA. pp. 104-105.

Judy Petty, a family friend, testified that the Victim wanted to talk with her, but not in front of everyone (Victim's father, brother, sister, and Petty's foster daughter were present at the house). They talked alone in a bedroom and Victim told Petty that she was sexually abused, but not to tell anyone. Petty insisted the biological father report the abuse and threatened to call if he did not. Ultimately, Petty called 911 herself. ROA. pp. 113-117.

Michelle Arroyo-Staggs, an expert in child abuse assessment and treatment, testified that it is not uncommon for sexually abused children to make delayed, tentative, or partial disclosure, often because they are trying to assimilate what has happened to them. ROA. p. 128, pp. 133-137. Arroyo-Staggs interviewed Victim twice, and Victim told her she was abused in her home, more than once. ROA. p. 139. Once Victim began talking about the abuse, her demeanor changed, she became "withdrawn, timid, shameful and asked to be excused and to use the bathroom." ROA. p. 139-140 (quote, ROA. p. 140, lines 2-4).

On cross-examination, Arroyo-Staggs testified that Victim told her that Victim said it hurt when Briggs put his fingers inside Victim's private. ROA. p. 152, lines 21-23. After

Arroyo-Staggs' testimony, State's Exhibits 3 and 4, which are DVD's of the two interviews with Victim, were played for the jury. ROA. p. 165.

In the first interview, which is State's Exhibit 3, Victim's change in demeanor when Briggs is first mentioned (at about 11 minutes into the interview) is striking. She advised Arroyo-Staggs that Briggs put his mouth on her, but at that point in the interview, Victim said she wanted to use the bathroom to avoid further discussion. Eventually, after the interview continues, she discusses how Briggs abused her, starting about twenty-one minutes into the interview. Victim indicated that Briggs had touched her where he should not, more than once. The abuse occurred on the pull-out couch in the living room while Wendy was at work. Victim stated Briggs pushed down on her while his finger was in her private – at about twenty-five minutes into the interview. Victim stated Briggs put his mouth “in” her private, and his tongue came out and was licking her privates – at roughly twenty-nine minutes, thirty seconds to roughly thirty minutes, forty-five seconds into the interview. At thirty-three minutes, Victim stated that Briggs stuck his private into her butt. State's Exhibit 3.

Victim also disclosed abuse to her therapist. ROA. p. 168.

Then-Investigator Danny Morgan interviewed Briggs. Initially, Briggs denied wrongdoing, though not vehemently. But then he started to nod “in affirmation that he had done certain things.” Briggs said he needed to be the one to tell Wendy. ROA. pp. 200-202 (direct quote, ROA. p. 201, lines 13-14). At one point, Briggs said he was going to tell other people he did not do this, but then said, “Well, I’m not going to deny it to you because you know better.” ROA. pp. 202-203.

Briggs told Deputy Nikki Cantrell that he was sick and needed help. ROA. p. 228, lines 15-19. Briggs talked to Wendy and afterwards told Cantrell that he and Wendy “were going to find a way to get through this.” He was contrite at that point, but once his mother arrived, his demeanor changed and he was loud and boisterous. ROA. pp. 228-231.

Several conversations between Briggs and Wendy, while Briggs was in jail, were recorded. Briggs told Wendy to not take Victim for the forensic interview. He told Wendy “they can’t prove or disprove oral sex, it’s my word against hers.” ROA. p. 233. Cantrell further testified as follows:

... [Briggs] explained to [Wendy] that if VICTIM’s not here to testify they have to dismiss the charges on [Briggs].

He also told her to drop off the face of the earth and to go where we don’t have jurisdiction. He told Wendy to change the children’s schools, move and put the bills in somebody else’s name so nobody could ever find them.

ROA. p. 234, lines 1-8.

Briggs struck up a friendship with fellow jail mate Dwight Spears, who was assisting him with his case. He told Spears that he used to ride Victim on his lap playing horse with her. Sometimes she would have her panties on and sometimes she would not. One time he ejaculated. He told her it was snot when he ejaculated. ROA. p. 270; p. 277. Demetrius Martin was Spears’ cell mate. He overheard Briggs tell Spears “that he rubbed his penis between legs, butt area, and until he ejaculated.” ROA. p. 260, lines 20-22.

Donna Parker, Victim’s grandmother, testified for the defense. She testified on cross-examination that Victim disclosed to her that Victim was sexually assaulted on a pull-out couch at her house. Victim disclosed that to Parker after Victim came to Parker terrified

because she knew the case was going to court and she would have to go face to face with Briggs. ROA. pp. 297-299.

Wendy also testified for the defense. Victim initially told Wendy nothing happened when Wendy asked. At the time of Victim's denial, Briggs was in the next room. ROA. p. 309, p. 322. She agreed that Briggs told her that you cannot prove or disprove oral sex, that Briggs told her not to take Victim to the forensic interviewer, that Wendy should tell the doctor that Victim plays with herself, that Wendy and Victim should disappear, and that Briggs told Wendy "no face, no case." ROA. pp. 322-325.

Wendy was talking with Briggs everyday on the phone while Briggs was in jail. At that point, she did not believe the allegations. ROA. p.314. Then, in February 2010, Victim disclosed to Wendy that she was sexually assaulted – Victim was upset and embarrassed. ROA. p. 325.

ARGUMENT

The trial court did not err in denying the motion for directed verdict and the issue is not preserved for review.

Briggs argues now, for the first time on appeal, that directed verdict should have been granted on the charge of criminal sexual conduct with a minor because there was no evidence of penetration. In making his argument, Briggs ignores Victim's statements in the forensic interview and also the statute.

Although Briggs did move for a directed verdict at the close of the State's case and the defense's case, Briggs failed to argue that there was insufficient evidence of penetration. ROA. pp. 280-281; p. 353. Accordingly, the issue is not preserved for review on appeal. Issues not raised to the trial court in support of the directed verdict motion are not preserved for appellate review. State v. Russell, 345 S.C. 128, 132, 546 S.E.2d 202, 204 (Ct. App. 2001); State v. Jordan, 255 S.C. 86, 177 S.E.2d 464 (1970). A party cannot argue one ground for directed verdict at trial and in turn argue an alternative ground on appeal. State v. Bailey, 298 S.C. 1, 377 S.E.2d 581 (1989). Briggs' attorney never raised the issue of whether there was sufficient evidence of penetration to the trial court, so the issue is not preserved.

The likely reason trial counsel did not raise the issue in the directed verdict motion was because of the interview depicted in States Exhibit's 3. Victim advises Arroyo-Staggs that Briggs put his finger "inside" her private, put his mouth "in" her private, and put his penis "in" her butt. Additionally, Victim testified at trial that Briggs touched her privates with his privates and his mouth. ROA. pp. 99-100; pp. 104-105.

In ruling on a motion for a directed verdict, the trial court is concerned only with the existence of evidence, not its weight. State v. Spann, 279 S.C. 399, 308 S.E.2d 518 (1983). The trial court must submit the case for the jury's consideration if any evidence, direct or circumstantial, tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. State v. Irvin, 270 S.C. 539, 243 S.E.2d 195 (1978). Only when there is a complete lack of competent evidence should the trial court refuse a motion for directed verdict. State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984). Upon a motion for directed verdict, the evidence is viewed in the light most favorable to the State. State v. Creech, 314 S.C. 76, 441 S.E.2d 635, 638 (Ct. App. 1994).

"A person is guilty of criminal sexual conduct with a minor in the first degree if . . . the actor engages in sexual battery with a victim who is less than eleven years of age" S. C. Code Ann. § 16-3-655. Sexual battery is defined as "sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body" S.C. Code Ann. § 16-3-651(h). "Cunnilingus" under section 16-3-651(h) "is complete when the cunnilinguist licks or kisses the female genitalia. Penetration of the vagina is not necessary or required." State v. Morgan, 352 S.C. 359, 373, 574 S.E.2d 203, 210 (Ct. App. 2002) (emphasis removed).

In State v. Mathis, 287 S.C. 589, 340 S.E.2d 538 (1986), the South Carolina Supreme Court found the six year-old victim's testimony that the defendant touched her with his penis, but could not remember whether he put it inside her body, sufficient to survive directed verdict where she also testified it hurt. Mathis found that this was sufficient evidence of an

intrusion.

In State v. Johnson, 334 S.C. 78, 512 S.E.2d 795 (1999), the Supreme Court similarly found evidence of an intrusion sufficient to survive directed verdict on the issue of intrusion as to the victim named Betty where Betty testified that Johnson touched Betty and it hurt, and the physical examination revealed an injury inside Betty's vagina. Johnson, at 85-86, 512 S.E.2d at 799.

In the instant case, Victim during the video interview indicated that Briggs put his finger "inside" her private and it hurt, put his penis "into" her butt, put his mouth "in" her private, and licked her private with his tongue. Further, under Morgan, the trial testimony alone is sufficient based on the testimony that Briggs put his mouth on her private area. Accordingly, the trial court did not err in denying the motion for directed verdict.

CONCLUSION

For all of the foregoing reasons, the judgment and conviction of the lower court should be affirmed.

Respectfully submitted,

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Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

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BARRY J. BARNETTE
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BY:



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ATTORNEYS FOR RESPONDENT

January 9, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Spartanburg County
J. Derham Cole, Circuit Court Judge

THE STATE,

Respondent,

vs.

ANTHONY BRIGGS

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR.

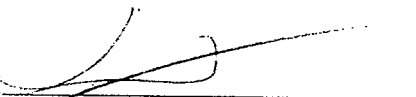
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ATTORNEYS FOR RESPONDENT

January 9, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

Respondent,

vs.

ANTHONY BRIGGS,

Appellant.

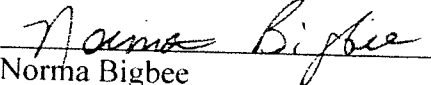
PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the within Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Elizabeth A. Franklin-Best, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served.

This 9th day of January 2012.


Norma Bigbee
Legal Assistant

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(803) 734-3727

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State,

Respondent,

v.

Anthony Briggs,

Appellant.

Appeal From Spartanburg County
J. Derham Cole, Circuit Court Judge

Unpublished Opinion No. 2012-UP-323
Submitted May 1, 2012 – Filed May 30, 2012

AFFIRMED

Appellate Defender Elizabeth A. Franklin-Best, of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior
Assistant Deputy Attorney General Salley W. Elliott,
and Senior Assistant Attorney General David

Spencer, all of Columbia; and Solicitor Barry J. Barnette, of Spartanburg, for Respondent.

PER CURIAM: Anthony Briggs appeals his conviction of first-degree criminal sexual conduct (CSC) with a minor, arguing the trial court erred in denying his motion for a directed verdict because his victim never testified that any penetration occurred. Because the State introduced into evidence the victim's statements made during the investigative interview indicating the various acts of sexual battery Briggs performed on her and because she consistently testified at trial, we affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authorities: State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006) ("When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight."); id. at 292-93, 625 S.E.2d at 648 (stating an appellate court views the evidence and all reasonable inferences in the light most favorable to the State when reviewing a denial of a directed verdict and must find the case was properly submitted to the jury if any direct evidence or any substantial circumstantial evidence reasonably tends to prove the guilt of the accused); S.C. Code Ann. § 16-3-655(A)(1) (Supp. 2011) ("A person is guilty of [first-degree CSC with a minor] if . . . the actor engages in sexual battery with the victim who is less than eleven years of age."); S.C. Code Ann. § 16-3-651(h) (2003) ("'Sexual battery' means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body . . ."); State v. Morgan, 352 S.C. 359, 373, 574 S.E.2d 203, 210 (Ct. App. 2002) ("[T]he sexual offense of 'cunnilingus' is complete when the cunnilinguist licks or kisses the female genitalia. Penetration of the vagina is **NOT** necessary or required.").

AFFIRMED.

WILLIAMS, THOMAS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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June 19, 2012

The Honorable M. Hope Blackley
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: The State v. Briggs, Anthony
Lower Court Case No. 2009GS4202627, 2010GS4204657
Appellate Case No. 2010-172271

Dear Ms. Blackely:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

The exhibits being returned are: State's Ex. #3(DVD), State's Ex. #4(DVD) and State's Ex. #6(Drawing). Please sign attached copy of this letter to acknowledge receipt of these items.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: David A. Spencer
Elizabeth Anne Franklin-Best

Receipt Acknowledgement:

Name: _____ Date: _____

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF SpartanburgAnthony Neil Briggs 342410
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2012-CP-42- 2674

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lieber Correctional Institution Edisto A cell 21
2. Name and location of Court which imposed sentence Spartanburg County 7th Judicial Circuit
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2009-GS-42-2627 CSC 1st (LWOP)
 - (b) 2010-GS-42-4657 Lewd Act upon a minor 15yr Concurrent
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence: August 26, 2010
 - (a) Life in prison for Criminal Sexual Conduct 7th degree
 - (b) 15 yr. concurrent sentence for Lewd Act upon a minor

Revised 3/2003

- (c) None
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The State of South Carolina In the Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. May 30, 2012
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) None
- (b) None
- (c) None
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

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CLERK OF COURT
SPARTANBURG COUNTY
2012 JUN 26 AM 8:43
M. H. E. B. MOLEY

- (a) ineffective Assistance of trial Counsel, Failure to present a defense
 (b) ineffective Assistance of Appellate ^{counsel}, perjured testimony
 (c) prosecutorial misconduct, vindictive prosecution, lack of subject matter jurisdiction and personal jurisdiction
11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) failure to call alibi witnesses, failure to present a defense
 (b) didn't raise the issues that I wanted
 (c) perjured testimony, vindictive prosecution

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. none
 ii. none
 iii. none
 iv. none

(b) the name and location of the Court in which each was filed:

- i. none
 ii. none
 iii. none
 iv. none

(c) the disposition thereof:

- i. none
 ii. none
 iii. none

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 CLERK OF COURT
 SPARTANBURG COUNTY
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 M. HOPKINS, CLERK

- iv. None
- (d) the date of each such disposition:
- i. None
- ii. None
- iii. None
- iv. None
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. None
- ii. None
- iii. None
- iv. None

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

None

15. If you answered "yes" to (14) identify:

- (a) which grounds have been presented:

i. None

ii. None

iii. None

- (b) the proceedings in which each ground was raised:

i. None

ii. None

iii. None

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) None

(b) None

(c) None

17. Were you represented by an attorney at any time during the course of:

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SPRINGFIELD COUNTY
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M. HOBBS, CLERK