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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACOB MICHAEL HENDRICKS,

APPELLANT

APPELLATE CASE NO. 2016-001652

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 1 (FORENSIC INTERVIEW CD)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2015-GS-39-0613
COUNTY OF PICKENS	)	
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JACOB HENDRICKS,	)	
DEFENDANT.	)	
_____	)	

July 27, 28, and 29, 2016
Pickens, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE; and a
jury

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

COURTNEY LANDSVERK, ESQ.
Assistant Solicitor

DAVID CANTRELL, ESQ.
Attorney for the Defendant

Reported By:
SUSAN W. HUDGINS
Circuit Court Reporter

P R O C E E D I N G S

WEDNESDAY, JULY 27, 2016

JURY QUALIFICATION

THE COURT: Ladies and gentlemen, I'm going to recognize Madam Solicitor to call the next case we have.

MS. LANDSVERK: Thank you, Your Honor. This is State vs. Jacob Hendricks. And would you like me to ---

THE COURT: I've got it. Thank you, ma'am.

Ladies and gentlemen, the solicitor has called the case of the State of South Carolina vs. Jacob Hendricks. Mr. Hendricks is charged under an indictment, and I explained to you on Monday what an indictment is. It's simply a piece of paper that carries the allegations made against a person.

This indictment is 2015-GS-39-613. It is, as I said, State of South Carolina vs. Jacob Michael Hendricks. And Mr. Hendricks is charged with criminal sexual conduct with a minor in the first degree. To that charge to this indictment and the allegations contained in it, Mr. Hendricks has pled not guilty, and that plea of not guilty places upon him the presumption of innocence, and it places upon the State the burden of proof.

And I'm going to, as I told you on Monday -- what I told you on Monday covers all criminal trials. What the

1 indictment alleges at this stage is simply that. It's an
2 allegation. It is not evidence against Mr. Hendricks,
3 nor is it proof of the allegations that it contains.
4 This indictment basically brings this case into court.

5 And I'm going to read the allegations as it's here
6 in the indictment. And it does allege that Jacob Michael
7 Hendricks did, in Pickens County, on or between the
8 months of May, June and July of 2012 commit a sexual
9 battery on AY who is less than 11 years of age. This
10 violation is a violation of Section 16-3-655(A)(1) of
11 South Carolina Code of Law of 1976 as amended. That's
12 the allegation against Mr. Hendricks to which he has pled
13 not guilty.

14 It's not a lot of information, but based on that,
15 the allegations and information I've just shared with
16 you, is there any member of the jury panel who knows
17 anything about this case? If so, please stand.

18 (No Response.)

19 THE COURT: Thank you. There are none.

20 I'm going to have the attorneys introduce
21 themselves. If you'd please listen carefully. I'll
22 start with the State.

23 MS. LANDSVERK: Thank you, Your Honor.

24 Hi. Good morning. My name is Courtney Landsverk,
25 and I'm the prosecutor in this case. And beside me is my

1 attention. He's going to place you under your oath for
2 your role as jurors in this case.

3 (WHEREUPON, the jury is sworn at 1:51 p.m.)

4 INTRODUCTORY REMARKS

5 THE COURT: Ladies and gentlemen, just some
6 preliminary things. Let me mention to you at some point
7 I'm going to ask one of you to be kind enough to serve as
8 the foreperson of this jury. I don't know when I'm going
9 to do that, but whenever I do, then that foreperson will
10 occupy this first seat right here. Our two alternates
11 are occupying these two chairs right here. For the rest
12 of you, there's no assigned seating in the jury box, so
13 don't feel like you have to be in the seat you're in now
14 every time you come in and out. You can just kind of
15 flow in and out as you naturally would.

16 We tend to be creatures of habit. My wife and I
17 have been attending the same church for the last
18 20 years, and we go into church sometimes and if
19 somebody, some visitor is sitting in our seats, we look
20 at each other like we're lost. But we don't have an
21 assigned seat in the church. We're just kind of used to
22 sitting where we sit. So don't feel lost if you come in
23 and someone's sitting in the seat you're in right now.
24 Just move to the other -- to another seat. And I do -- I
25 also tell juries this. If you've really taken a

1 hankering to that seat that you're in and you don't want
2 to give it up, then you just tell your fellow jurors and
3 they'll let you have that seat, I'm sure. But there's
4 really no assigned seating, so just feel free to flow in
5 and out.

6 Also, it's important that you hear everything that
7 goes on, all the testimony, the attorneys, the Court. So
8 if, at any time, someone either asked a question or gives
9 a response and you can't hear, please let me know and
10 we'll get them to repeat their question or their
11 response.

12 Also, very important that you see everything that
13 you need to see so that if any -- the attorneys or the
14 witnesses are displaying some document or something and
15 you can't see what they're doing, let me know and we'll
16 position everybody where you can see.

17 We try to keep the temperature satisfactory for
18 everybody. Obviously, we can't do that. My wife, if it
19 gets below 80 degrees, she's freezing. If it gets above
20 65, I'm sweating. So we have to try to compromise in our
21 home. I can tell you, being here in Pickens this week,
22 when I get back home at the end of this week, my house is
23 going to be a greenhouse. She'll have the thermostat
24 turned up and everything. But we try to compromise.
25 We'll try to compromise here. So if you're a little

1 chilly but you can wear a sweater and be okay, great. If
2 it's too cold for you, let me know. If it's too hot for
3 you, let me know. We'll try to make everybody
4 comfortable.

5 On the issue of being comfortable, this is a -- can
6 be a delicate subject, but I'm not going to be terribly
7 delicate. Sometimes mother nature calls and we've got to
8 answer the call, right? If that happens, please don't
9 hesitate to say -- get my attention that you need a
10 break, either mine or the bailiff's attention. Just get
11 our attention that you need a break. We can stop and
12 take a break at any time. If it's right in the middle of
13 a witness's testimony, doesn't matter, we can stop and
14 we'll pick up where we left off.

15 What I don't want to have going on is -- because as
16 I've told you before, I want you to listen carefully to
17 everything that goes on, and what I don't want you to do
18 is sit there and think, Well, you know what? I do need
19 to use the restroom, but I'll just wait until that
20 witness finishes. And then the next thing you know, that
21 witness is kind of lengthy, and by the time that witness
22 is done, you're sitting there more worried about when are
23 they going to finish because I've got to go than you are
24 what they're saying. Let's avoid that. If you need to
25 use the restroom, if you need a break, it doesn't have to

1 be a restroom break. If you just have been sitting there
2 a while and you're feeling like your attention span is
3 starting to get a little distracted, let me know. We'll
4 stop and we'll take a break. It's important that you're
5 alert and paying attention to everything that goes on.

6 Now, we're going to get ready to begin the trial of
7 this case of the State of South Carolina vs. Jacob
8 Michael Hendricks. Folks, I don't know what your
9 experiences personally have been. You heard me share
10 earlier I've never been on a jury before, and I don't
11 know if you have either. But I will tell you this. The
12 opportunity that you have this week to be on this jury is
13 somewhat unique as it relates to the public in general.

14 Most people don't have this opportunity that you
15 have this week. Most people's experience as it relates
16 to jury trials are simply what they've seen in the movies
17 or on television or what they've read in books. And as
18 we all know, those trials are always full of high drama
19 and intense action and riveting circumstances because
20 that's Hollywood, and those trials are all about
21 entertainment value.

22 Now, during the course of this trial, while any
23 number of those things could occur, the important thing
24 to keep in mind is this, and that is that this trial is
25 not for your entertainment. This trial is a fundamental

1 part of our democracy, and in an actual trial such as
2 this, oftentimes, in an effort to present the case, it
3 can be slow, it can be very deliberate, sometimes it can
4 be repetitive. In other words, it's just very different
5 from those trials you've seen in movies or books or that
6 you've seen on television.

7 This courtroom is a place of honor that is dedicated
8 to the protection and to the preservation of citizens'
9 rights through what many have called the greatest justice
10 system ever created. The lawyers that appear before you,
11 they are advocates for the parties that they represent,
12 but first and foremost they are officers of the Court,
13 sworn to uphold the integrity and the fairness of our
14 judicial system. You should expect them to be
15 professional, ethical in the performance of their duties.

16 Now, you've just taken an oath to try this case and
17 to reach a fair and a just verdict, and so you are also
18 expected to be professional, reasonable and ethical in
19 the performance of your duties. I have absolutely no
20 doubt you'll do that, folks, and I want to thank you for
21 your contribution to our system of justice here in
22 Pickens County.

23 Now, I want to share some things with you. This is
24 not a charge on the law. I will give you the charge on
25 the law at the close of the evidence, but right now I'm

1 just going to go over basically the procedures that we'll
2 follow as we go through the course of this trial so that
3 you can better understand the stages that we're going to
4 go through as we go through the course of this trial.

5 Mr. Hendricks, as I indicated to you earlier, he's
6 been charged by this indictment that I read to you
7 earlier with the charge of criminal sexual conduct with a
8 minor in the first degree. The elements of that charge I
9 will explain to you in more detail and fully when I give
10 you the charge on the law.

11 As I said earlier, though, the indictment is simply
12 the charge by which this case was brought into this
13 court. It is not, in any sense, evidence of any of the
14 allegations that it contains. Mr. Hendricks has pled not
15 guilty to this charge or to this indictment, and the
16 State therefore has the burden of proving each element of
17 the crime beyond a reasonable doubt. It will be your
18 job, ladies and gentlemen, to decide whether or not the
19 State has met that burden. Your purpose as jurors is to
20 find the facts of this case. You are the sole judges of
21 the facts of this case. If, at any time, I make any
22 comment about any of the testimony or any of the facts
23 that come into this record, you must disregard those
24 comments because I'm not to have any influence over you
25 in any way with regards to your role as the fact finder.

1 You are to determine the facts from the testimony
2 from the witnesses that you hear as well as any other
3 evidence that may come in during the course of the trial.
4 It is going to be up to you to determine what inferences
5 that you feel may be properly drawn from that evidence.
6 It is especially important that you perform your duty of
7 determining the facts diligently and conscientiously,
8 because ordinarily, there's no way that I can correct an
9 erroneous determination of facts by a jury.

10 Now, with the same emphasis, the same law that makes
11 you the judges of the facts makes me the judge of the
12 law. The law as given to you by the Court is the only
13 law that you must consider. You must follow it and you
14 must accept it even though you may disagree with it. I'm
15 not allowed to tell you what I think about the facts of
16 this case, and you're not allowed to disagree with me
17 about what the law is or what you think it should be.
18 Your job is to decide the facts and determine those facts
19 from the testimony of the witness and any exhibits that
20 come in through the record, take the law as I give it to
21 you and apply it to those facts as you find the facts to
22 be in arriving at your verdict.

23 Now, until I tell you it's appropriate to begin your
24 deliberations, you must not have any conversation with
25 anybody about this case, and that includes, as I told you

1 earlier, amongst your fellow jurors.

2 It's very important, folks, that you keep an open
3 mind and that you do not decide any issue in this case
4 until all of the evidence has been presented, the
5 attorneys have had an opportunity to address you with
6 their closing arguments and then I've given you the
7 charge on the law. Only then will it be appropriate for
8 you to begin the deliberation process. It is your solemn
9 responsibility to determine the guilt or innocence of the
10 defendant, and your verdict must be based solely upon the
11 evidence as it is presented to you in this trial.

12 Now, in just a moment I'm going to recognize the
13 solicitor on behalf of the State. She will make to you
14 what we refer to as an opening statement. I don't know
15 what she's going to tell you, but typically what you hear
16 in these opening statements, she'll probably share with
17 you what she believes the evidence in this case will be
18 and what she intends to show you. Once she concludes her
19 opening remarks, then Mr. Cantrell will have an
20 opportunity to address you as well with an opening
21 statement, although he is not required to do that.

22 What's important for you to understand, though, is
23 this. What the lawyers tell you in their opening
24 statements is not evidence. They are not under oath.
25 They're not testifying. What they're going to share with

1 you is merely their contentions as to what they believe
2 the evidence in this case will show. The evidence in
3 this case will be presented to you through witnesses who
4 are placed under oath and take the witness stand and
5 testify, as well as any other items that may come in or
6 exhibits that may come in during the course of the trial.

7 During the trial, you may hear one of the attorneys
8 say something along these lines, "Judge, we have a matter
9 of law we need to take up with the Court," or "Judge, may
10 we approach the bench." If I can resolve a matter up
11 here at the bench and allow you to remain where you're at
12 and let me resolve the issue, I'll do that. But
13 sometimes I may have to ask you to step back into the
14 jury room. If I do that, there's only one reason I would
15 do that. If you recall earlier, I told you that I'm not
16 to have any influence over you about the facts in this
17 case. Sometimes when I'm having to make a decision on a
18 matter of law, it requires me to make some comment about
19 the evidence or the testimony that was presented in
20 connection with a ruling on the law. It would be
21 improper for me to make those comments in your presence
22 because that would interfere with your ability as the
23 fact finder to determine the facts of this case
24 uninfluenced by anything outside of the evidence. So I
25 may ask you to step back into the jury room, let me

1 resolve the issue of law, and then bring you back in and
2 pick up where we left off.

3 Now, in determining the true facts of this case,
4 you're going to have to decide whether or not the
5 testimony of a witness is believable. It's going to be
6 my job to determine as a matter of law whether certain
7 testimony is allowed into this record at all or not. But
8 once testimony is allowed into this record, whether or
9 not you believe it is solely up to you to decide.

10 In deciding whether to believe a witness, you have
11 the right to consider the interest of a witness, the bias
12 of any witness, the opportunity for that witness to have
13 seen the matters and the things about which they testify,
14 the way the witness acts on the witness stand. You have
15 the right, ladies and gentlemen, to consider anything in
16 this record that will help you to evaluate the
17 credibility and the believability of witnesses. That
18 means it's important that you listen carefully to all of
19 the witnesses, observe the witnesses, listen carefully to
20 the attorneys as well as to the Court. Try not to let
21 your thoughts wander, but pay strict attention to all of
22 the testimony so that at the end of the case, once all
23 the evidence is in, the lawyers have given you their
24 closing remarks and I've given you the charge on the law,
25 you will then be in a position to go back into the jury

1 room and begin your deliberations in arriving at a
2 verdict.

3 Now, before I turn it over to the attorneys for
4 their opening remarks, let me first inquire from the
5 State, are there any objections or exceptions to the
6 Court's opening remarks?

7 MS. LANDSVERK: No objections are received.

8 THE COURT: Anything from the defense?

9 MR. CANTRELL: None from the defense.

10 THE COURT: All right. Thank you, folks.

11 Ladies and gentlemen, please, now, if you would,
12 give the attorneys your undivided attention as they
13 address you with their opening remarks.

14 Ms. Landsverk?

15 MS. LANDSVERK: Thank you, Your Honor, Mr. Cantrell:

16 Fear, fear comes in many forms, especially in
17 children. And the type of fear that I'm talking about is
18 not an imagined monster underneath the child's bed or in
19 a closet or even something lurking in the dark. The fear
20 that the children in Pickens County and across this
21 nation have to worry about is a person who looks like an
22 ordinary regular person, a person who plays with them
23 during the day, who looks at their parents in the eye,
24 looks at their family members in the eye, and someone who
25 hides who they are and what they do.

1 Ladies and gentlemen of the jury, child sexual abuse
2 is not a fun topic to talk about or listen to, so I must
3 admit that to you from the very beginning. And it's even
4 harder sometimes for anybody to believe that a trusted
5 adult would take advantage of a child. And
6 unfortunately, it's a reality in our community, and
7 that's exactly why we're here today.

8 So to introduce myself again, my name is Courtney
9 Landsverk, and I'm the prosecutor in this trial. And
10 through today and tomorrow, I'm going to present to you
11 evidence that the defendant, Mr. Jacob Hendricks,
12 committed the offense of criminal sexual conduct with a
13 minor in the first degree.

14 Earlier you heard the judge talk about the victim in
15 the case. The victim of the sexual assault, her initials
16 are , and you will soon hear that her name is Minor

17 . She's a 7-year-old girl that went on a camping
18 trip with her mother's boyfriend, Jacob Hendricks, and
19 his family members several years ago. It was during the
20 summer of 2012. You will hear that on this camping trip,
21 they went during the day, had a couple of festivities,
22 and at nighttime, nobody else is around in a tent with
23 only Minor 's younger brother sleeping nearby, the
24 defendant digitally penetrated the victim. And it is my
25 job to prove to you that this happened beyond a

1 reasonable doubt, in other words, that it happened -- to
2 make you firmly convinced of the defendant's guilt.

3 And I have to be up front with you and let you know
4 that some of the facts that you will hear probably will
5 be facts that you never want to hear, facts that you may
6 or may not be prepared for today, and I don't want you to
7 be upset or angered by this because that's the last thing
8 I want to happen. I just want you to know that I have to
9 prove the law in specific ways, and unfortunately, that
10 deals with me going into the details of what happened.

11 So as far as the law, I'm going to give you a quick
12 overview of the law, and as the judge told you earlier,
13 at the very end of this case, he'll come back to you and
14 explain to you the law in a very detailed format. But
15 for now I want you to know kind of what to expect and
16 what to listen for.

17 So it's a relatively simple definition, it's pretty
18 quick. Like I said before, it's criminal sexual conduct,
19 we call it CSC, with a minor in the first degree. And
20 this is a person who engages in a sexual battery with a
21 victim under the age of 11 years old.

22 And sexual battery is defined in several different
23 ways. It could be sexual intercourse, oral sex, digital
24 penetration, basically, it just is any intrusion into the
25 genital openings of someone's body, however slight. It

1 doesn't matter how much, just any intrusion whatsoever.

2 And now that you know the law, what to listen for,
3 I'm going to quickly tell you what to expect as far as
4 what I'm going to put up before you. You will hear from
5 several witnesses. First off, you'll hear from the
6 victim. She's now 11 years old, so this has been several
7 years.

8 And next you'll hear from the victim's aunt and
9 uncle. She lives with the aunt and uncle, and they have
10 full custody of her now. And you will hear that she
11 first disclosed this sexual abuse happened to her -- when
12 she started living with them, she disclosed it to her
13 aunt.

14 Afterwards, you'll hear from some police officers
15 that help investigate the crime. And due to Minor 's
16 age, she actually was interviewed by the Julie Valentine
17 Center and given a forensic interview, and so you'll
18 actually be able to talk to the interviewer or hear from
19 her and also watch the video of her interview. So
20 she'll be younger at that time. She was 9 at the time of
21 the interview.

22 But, ladies and gentlemen, I want you to keep in
23 mind that crimes like this happen in secret, and because
24 of that, we don't have all these crazy technological
25 things out there that will capture what happened by video

1 or by fingerprint necessarily as the judge was saying.
2 This isn't like a movie where it's dramatized or some
3 sort of TV series.

4 So in this case, it's most important that you listen
5 to the victim's testimony, because that's what we do
6 have. We have the victim here in the flesh to tell you
7 her personal account of what happened, and it's important
8 that you listen to what she has to say because she's the
9 only one that can tell you really what happened and the
10 details of the case.

11 Also, I have -- at this point, I think I'm going to
12 go ahead and just let the evidence speak for itself, and
13 at the very end of this trial, I will come back to you in
14 closing, discuss the evidence that I've presented before
15 you and what the evidence means. And until that time, I
16 just want to say thank you. I appreciate all of your
17 time, your patience and your attention in this matter.

18 THE COURT: Thank you, ma'am.

19 Mr. Cantrell?

20 MR. CANTRELL: May it please the Court.

21 THE COURT: Yes, sir.

22 MR. CANTRELL: Ladies and gentlemen, let me start by
23 maybe taking up at the end of what had just been told
24 you, and that is everyone in this courtroom appreciates
25 the service of jurors. The system, our judicial system,

1 justice system can't work without people doing exactly
2 what you're doing. And I fall into the same category as
3 Judge Russo. I've never had an opportunity to be a
4 juror. Never will, most likely. And I find that an
5 awesome responsibility. Every person in this courtroom
6 has an awesome responsibility. Yours is going to be the
7 final one. And we appreciate the fact that you jurors
8 have and will pay close attention. No doubt in my mind
9 you are each one taking this extremely seriously, and
10 that is all any of us can ask of you.

11 You've also been told about some of the legal, I
12 guess, issues in this case. They aren't only issues.
13 These are things that are absolutes. The person is
14 presumed innocent. The person is presumed innocent until
15 they are proven guilty beyond any reasonable doubt. And
16 those are rights that each one of us have. And any time
17 you come in this courtroom for a criminal trial, you're
18 going to be reminded the defendant is presumed innocent.
19 He sits there an innocent man, and it is up to the State
20 to prove his guilt beyond any reasonable doubt. Those
21 are parts of our Constitution.

22 Jacob Hendricks has asked for a trial and has pled
23 not guilty, but in addition to those rights, he's asked
24 for a trial. He's pled not guilty simply because he
25 didn't do it. He did not do what he's alleged to have

1 done. Easy for me to say right now.

2 You're going to hear evidence. You're going to hear
3 testimony from this witness stand. And from that, the
4 solicitor has to build for you a case of proof beyond a
5 reasonable doubt. See that coming up in -- I'll see
6 analogies of that in a couple of ways, one is she started
7 right here. She has to travel a journey. She has to
8 take you on a journey that takes you down there. There
9 is proof beyond a reasonable doubt. If she gets you
10 here, she hasn't proven it. If she gets you down here
11 but not quite, she hasn't proven it.

12 The other thing, and the judge brought this up the
13 other day and I thought of this analogy several times, he
14 mentioned cooking a cake, baking a cake. All of the
15 ingredients have to be mixed in appropriately, cooked the
16 proper amount of time, and if they're not, the recipe
17 fails, the cake fails, and it's no good. Let's just say
18 it proves guilt beyond a reasonable doubt. Their cake
19 fails, your journey is not complete.

20 And as you've already been told to a certain extent,
21 this case rises and falls on the testimony of the State,
22 information to be provided to you about one person and
23 one person alone. It might be filtered through some
24 other people to a certain extent, but it is not them
25 stating that information. It is not them relating their

1 testimony of what happened. They will be relating to you
2 testimony of what they were told happened by a little
3 girl, Minor .

4 She was not just a little girl. She was Jacob's
5 stepdaughter. She's lived in this household. They might
6 have been boyfriend and girlfriend, but they have been a
7 family for years.

8 And her testimony, her statements, her information
9 is what you will have to use to try to find out if Jacob
10 is guilty or innocent. You will base it on her
11 testimony, her reciting of what she says happened. And
12 that means listening a lot, listening a lot to what she
13 says, how she says it, what her frame of reference is,
14 what her life experience is, everything about any
15 individual who is going to be telling you something about
16 their life, something about their experience.

17 And you will also listen to other witnesses that she
18 has talked to, but you'll also, in this case, be
19 listening to other witnesses that were there when this
20 allegedly happened and will talk to you about facts and
21 circumstances and what was where, who was where. Then
22 you mix all those ingredients. Then you take it to the
23 jury room with the law as the judge gives it to you, and
24 you determine is that enough evidence for me to say this
25 man committed criminal sexual conduct beyond a reasonable

1 doubt. Is that enough to do that?

2 After hearing everything you've heard, I will be
3 asking you to evaluate. You put aside what you have
4 heard about these type cases. What's on the news, what's
5 in the paper, what's online, it's got nothing to do with
6 this case. You put that aside. You decide this case
7 based on what you hear from there and there alone. I
8 believe when you do that, you will see that, number one,
9 you won't find Jacob Hendricks guilty. You'll find him
10 not guilty. But it will be because he didn't do it.
11 That will be the verdict we'll be asking for.

12 Thank you.

13 THE COURT: Thank you, Mr. Cantrell.

14 You may call your first witness.

15 MS. LANDSVERK: Thank you, Your Honor. The State
16 would like to call Minor to the stand.

17 THE COURT: All right.

18 MS. LANDSVERK: Your Honor, quickly, the State would
19 like to make a motion to clear any spectators in the
20 courtroom that are outside the victim's family members
21 since she was so young.

22 THE COURT: Any objection to that?

23 MR. CANTRELL: Your Honor, we've got some immediate
24 family that I don't believe that would be necessary for.
25 Immediate family of the defendant. Other than that,

1 there is virtually nobody else here so I would ask that
2 we would just leave things as they are.

3 MS. LANDSVERK: Your Honor, the victim knows those
4 family members, and the State feels that it would be best
5 -- in the best interest of the child for her to ---

6 THE COURT: Come on up here.

7 (WHEREUPON, a bench conference was held off the record.)

8 THE COURT: All right. Please be seated.

9 WHEREUPON,

10 Minor

11 After having been duly sworn, testified as follows:

12 THE CLERK: If you would, have a seat here, speak
13 right into the microphone and tell us what your name is.

14 THE WITNESS: Minor

15 THE COURT: Minor , you go ahead and pull that seat
16 up and you get comfortable, and we'll place that
17 microphone -- and do you need anything to drink? Do you
18 need any water or anything?

19 THE WITNESS: (Shakes head negatively.)

20 THE COURT: Okay.

21 DIRECT EXAMINATION

22 BY MS. LANDSVERK:

23 Q Hey, Minor .

24 A Hey.

25 Q If you need anything, please let me know. I have

1 water over here. If you need to take a break, let me
2 know, okay?

3 A (Nods head affirmatively.)

4 Q So, Minor , how old are you?

5 A I'm 11.

6 Q All right. And what grade are you in?

7 A I'm going into fifth.

8 Q Okay. And real quickly, we're going to talk about
9 the difference between a truth and a lie. Can you tell
10 me in your own words what you think a lie is?

11 A Like if you said there's ice cream downstairs and
12 it's really not.

13 Q Okay. And the ice cream wasn't there. Okay.

14 Well, if I said that your dress was the color red,
15 would that be a truth or a lie?

16 A A lie.

17 Q And if I said the floor was green, would that be a
18 truth or a lie? Carpet.

19 A The truth.

20 Q Okay. Now, in this case, do you know the defendant,
21 Jacob Hendricks?

22 A Yes.

23 Q Okay. And how do you know him?

24 A He lived with me, Kristy and the boys and me.

25 Q Okay. And who is -- if you don't mind, I'll just

1 ask you each person so the jury knows who you're talking
2 about. Who is Kristy?

3 A She is my mom.

4 Q Okay. And who are the boys?

5 A My brothers, Blake and Brantley.

6 Q Okay. And do you live with Kristy anymore?

7 A No.

8 Q And do you actually call someone else mom?

9 A Yes.

10 Q Who do you call mom?

11 A I call Dawn mom.

12 Q And who's Dawn?

13 A She is the person over there sitting.

14 Q Right here?

15 A (Nods head affirmatively.)

16 Q What's her relationship to you?

17 A She is my aunt from marriage.

18 Q Okay. She's your aunt. And do you know why you're
19 here today?

20 A Yes.

21 Q Do you remember several years back a camping trip
22 where you went with Jacob Hendricks?

23 A Yes.

24 Q Okay. Can you tell me about that time when you went
25 on the trip? Do you remember what time of year it was?

1 A It was sometime in the summer where it was hot.

2 Q It was hot?

3 A (Nods head affirmatively.)

4 Q Okay. And did you -- what kind of activities did
5 you do once you got to the campground?

6 A I don't remember.

7 Q You don't remember?

8 A I know we had a cookout with hot dogs and stuff.

9 Q Okay. And do you remember anything that happened
10 that night?

11 A Yes.

12 Q Can you tell me about once you went to sleep, what
13 happened?

14 A Jake pulled my pants down and touched me in my
15 private.

16 Q Okay. And what did he do when he touched you?

17 A He stuck his finger where I pee.

18 Q Okay. Did it hurt?

19 A Yes.

20 Q Were you upset?

21 A Yes. I cried myself to sleep.

22 Q Did he do anything else when he was there?

23 A No.

24 Q Okay. And how long would you say this happened for?

25 A I'm not sure.

1 Q Was there anybody else around in the tent with you?

2 A No.

3 Q Okay. And did you tell him anything when he was
4 doing this?

5 A I told Dawn about it, but I don't remember.

6 Q Did you tell Jacob Hendricks anything when he was
7 doing this to you?

8 A I didn't -- I don't remember saying anything.

9 Q Okay. But you remember crying?

10 A (Nods head affirmatively.)

11 Q And did he say anything to you?

12 A He said to shush and don't ever tell anybody.

13 Q Okay. Did he say anything after that?

14 A No.

15 Q Okay. He didn't say anything after you -- after he
16 said don't ever tell anybody?

17 A Yes.

18 Q And do you remember if it was dark or light outside?

19 A It was light.

20 Q Was it starting to get dark?

21 A Yes.

22 Q And do you know where you went camping, by chance?

23 I know you were pretty young.

24 A All I remember is like there was two concrete walls
25 where you walk in.

1 Q Okay. Was it pretty far away from here, or do you
2 know?

3 A No. I'm not sure.

4 Q Okay. And did you tell anybody right after it
5 happened?

6 A No.

7 Q Why not?

8 A Because Jake said to never tell anyone.

9 Q And who was the first person you told?

10 A Dawn.

11 Q And Dawn's your aunt you're talking about?

12 A Uh-huh.

13 Q And when did you tell her that all this happened?

14 A When I felt safe being there.

15 Q With her?

16 A Uh-huh.

17 Q Why didn't you feel safe before?

18 A Because I -- the environment we were living in was
19 not good.

20 Q What kind of environment were you in?

21 A The house was very trashy. The house was hardly
22 ever cleaned.

23 Q Uh-huh.

24 A And sometimes Jake and Kristy would get in fights
25 and I'll grab the boys and lock myself in my room in this

1 house.

2 Q Okay. And did you -- why didn't you decide to tell
3 Kristy, just out of curiosity?

4 A I didn't really trust her then.

5 Q How come?

6 A Because she went places and took medicine from
7 people and stuff.

8 Q Did you feel like you had to be -- like kind of step
9 in her shoes a little bit ---

10 A Uh-huh.

11 Q --- with your brothers?

12 A (Nods head affirmatively.)

13 Q How old were your brothers like before you moved to
14 your aunt and uncle's?

15 A Brantley was pretty young, and Blake was about 3,
16 maybe.

17 Q So would you say you felt like you had to grow up
18 pretty quick?

19 A (Nods head affirmatively.)

20 Q And now you said that you live with your Aunt Dawn.
21 And who all lives with you guys now?

22 A My two cousins by marriage is Kaylee, Eli -- Kaylee
23 and Eli, and then Landon, my first cousin.

24 Q Your first cousin?

25 A Uh-huh.

1 Q Okay. And how long have you lived with them now; do
2 you know?

3 A About two years.

4 Q Okay. And do you like it?

5 A Yeah. I love it there.

6 Q Are you happy there?

7 A Uh-huh.

8 Q Do you feel comfortable and safe?

9 A (Nods head affirmatively.)

10 Q Do you know if Kristy, your biological mom, ever
11 found out what happened to you?

12 A Yes. They got in a big fight or whatever, and Jake
13 told her. And she shrugged her shoulders and said,
14 "Don't worry about it."

15 Q Were you anywhere that she could see you when this
16 happened?

17 A I don't remember. I think I was in my room.

18 Q You just overheard them talking?

19 A Uh-huh.

20 Q And was there ever a time that Kristy ever tried to
21 make you change your story or anything?

22 A When we had visits and she knew about it.

23 Q She would?

24 A Yes. She would try to make me change my story.

25 Q So she was still, I guess, with -- together with

1 Jacob then? She was still dating him?

2 A Yes.

3 Q And have you ever seen Jake touch anybody else like
4 this before?

5 A No.

6 Q And have you ever seen him with your mom before,
7 with Kristy?

8 A Yes.

9 Q Can you tell me about that a little bit?

10 A They were in the bed always sleeping with Kristy,
11 and the boys were in there, and they had sex in there.
12 And Eli kept -- or Landon kept -- Blake kept saying,
13 "Stop," he fell off the bed. And Brantley did -- he was
14 in his crib.

15 Q Well, at that point, how did you know what sex is?
16 Or can you tell me a little about it? I know it's
17 embarrassing. Do you know -- how do you know that's what
18 was going on?

19 A I've heard them -- Jake and Kristy talk about it
20 before and stuff like that.

21 Q Uh-huh. Well, did they have any clothes on?

22 A Yes.

23 Q When this is happening in the bed, Jake and Kristy
24 did?

25 A (Nods head affirmatively.)

1 Q Okay. And do you remember anything else about that
2 night at the campground?

3 A No.

4 Q Okay. That's all the questions I have for you. I
5 know -- just one second, okay?

6 Okay. Just to sum this up, and I know it sounds
7 kind of silly, but can you -- do you mind pointing to
8 Jacob Hendricks as the one who did molest you?

9 A (Indicating.)

10 THE COURT: Mr. Cantrell, cross-examination?

11 MR. CANTRELL: If it please the Court.

12 THE COURT: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. CANTRELL:

15 Q Minor , how old are you now?

16 A I'm 11.

17 Q I'm going to do the same as Ms. Landsverk. If I
18 don't say something loud enough, you don't understand me,
19 you tell me. I want you to hear everything I have to
20 say, okay, or hear all my questions so you can answer
21 them, okay?

22 A (Nods head affirmatively.)

23 Q Let's start there at the end. You're saying that
24 you were at home and saw Kristy and Jacob having sex?

25 A Yes.

1 Q And you said they had their clothes on?

2 A Yes.

3 Q So they were dressed but in the bedroom. Is that
4 where it happened?

5 A Yes.

6 Q Now, you said Blake and -- what's your other
7 brother's name?

8 A Brantley.

9 Q Brantley. You say they were in there?

10 A Yeah.

11 Q Now, you're 11. How old is Brantley?

12 A I think he's 4.

13 Q And how about Blake?

14 A Blake is 5.

15 Q Do you have any idea how long ago that was?

16 A All I know is it was close to the summertime when it
17 was really hot.

18 Q I'm talking about when you were in the bedroom with
19 them at your house.

20 A I'm not sure.

21 Q Was it before the camping trip or after the camping
22 trip?

23 A After.

24 Q And that means that that would have been -- that
25 would have been -- the camping trip was four years ago,

1 so you think it was a little bit less than four years
2 ago, shortly after the camping trip or do you know?

3 A Close to there.

4 Q Close to the time of the camping trip?

5 A (Nods head affirmatively.)

6 Q So about four years ago?

7 A (Nods head affirmatively.)

8 Q Are you sure that Brantley was even born at the time
9 since he's only 4 now?

10 A I'm pretty sure Brantley was there.

11 Q And Blake would have only been 1 or 2 at the time if
12 it was four years ago?

13 A Maybe.

14 Q So he wouldn't have been able to talk or anything,
15 would he?

16 A (Shakes head negatively.)

17 Q He couldn't say anything?

18 A No.

19 Q Just cried?

20 A Yeah.

21 Q And you're saying the only reason you thought they
22 were having sex was because you had heard them talk about
23 it before?

24 A Yes.

25 Q So are you saying that you have not seen anything

1 about or pertaining to sex other than hearing them talk
2 about it?

3 A I'm not sure.

4 Q You're not sure?

5 A (Shakes head negatively.)

6 Q We'll come back to that in just a minute.

7 Let me just ask you, go back to the camping trip.

8 You don't remember who all was there?

9 A Logan, that boy. I don't remember anymore.

10 Q So you don't remember any others?

11 A (Shakes head negatively.)

12 Q Do you remember Blake being there?

13 A Blake and Brantley wasn't there. It was just me.

14 Q You're saying that Blake was not on this camping
15 trip where you say this took place, and you're absolutely
16 certain about that?

17 A Yes.

18 Q Just as certain as you are about everything else?

19 A Yes.

20 Q And you say it was still light outside when this
21 happened?

22 A Yes.

23 Q Okay. Now, was it your bedtime? Were you going to
24 bed at the time and you -- in fact, I think you said you
25 went to sleep?

1 A Yes.

2 Q So is it -- what you're saying is that you went into
3 this tent and went to sleep. Did you come back out of
4 the tent till the next day?

5 A Yes.

6 Q Okay. What did you come back out for?

7 A I came out in the morning.

8 Q Okay. But once you went in the tent, you stayed
9 there the rest of the night till the next morning?

10 A Yes.

11 Q And you're saying that no one was in the tent but
12 you and Jacob?

13 A Yes.

14 Q And you're sure of that also?

15 A Uh-huh.

16 Q When you quit living in the home with Kristy, there
17 had been some bad things going on with Kristy, hadn't
18 there?

19 A Yes.

20 Q Some abuse? Some hitting?

21 A Yes.

22 Q And that's why you and your brothers had to move out
23 of the home, right?

24 A Uh-huh.

25 Q Now, I think you told us that up until then, you

1 felt like you had to take care of your brothers?

2 A (Nods head affirmatively.)

3 Q You feel like your mother was letting you down?

4 A Uh-huh.

5 Q In fact, she did let you down, didn't she?

6 A Yes.

7 Q She wasn't basically being a mother to you, was she?

8 A (Shakes head negatively.)

9 Q I cannot imagine. I'm assuming there's no way to
10 explain how that would make you feel, is there?

11 A (Nods head affirmatively.)

12 Q That's all about that.

13 But you've gone -- did you go -- when you left that
14 home, did you go straight to Dawn's home or did you go
15 somewhere else first?

16 A I went to foster care.

17 Q Okay. And then -- then you went to Dawn's home?

18 A Uh-huh.

19 Q Now, tell me, how old had you been in Dawn's home
20 before you said anything to her about this camping trip?

21 A Not sure.

22 Q But it wasn't the next day or the next week, I
23 assume, was it?

24 A No.

25 Q And it's -- I'm sorry. Let me back up. You also

1 said that at some point, Jacob -- are you saying that
2 Jacob, while they were arguing, told your mother he had
3 done something?

4 A Yes.

5 Q And are you saying that he just blurted out
6 something about doing something to you?

7 A Yes.

8 Q And what did your mother do?

9 A She didn't say nothing, but she said, "Don't worry
10 about it," then shrugged her shoulders and went in their
11 room.

12 Q So whatever happened or whatever was said, she
13 didn't do anything; is that right?

14 A (Shakes head negatively.)

15 Q I'm sorry. Let me go back to the camping trip one
16 more time. Do you remember what adults were there?

17 A No.

18 Q Do you remember anything about the camping trip
19 other than so far just going there, swimming, eating hot
20 dogs and going in the tent?

21 A Yes.

22 Q Do you know -- can you tell me what size tent this
23 was or how big it was?

24 A I'm not sure what size it was.

25 Q Now let me ask you, was there room for two people?

1 A Two people and probably two people only.

2 Q Two people -- only two people. So it was a little
3 small kids tent, basically, wasn't it?

4 A (Nods head affirmatively.)

5 Q Would you refer to it as tiny tents or small tents?

6 A Yeah.

7 Q And were there other tents there?

8 A Yeah.

9 Q And were some of those -- some of the kids were tiny
10 tents also?

11 A Not many of them. Most of them are bigger.

12 Q But were there other -- was there at least one other
13 kids tent?

14 A Yeah.

15 Q Now, I know you maybe don't remember who, but there
16 were other kids there, too, right?

17 A Uh-huh.

18 Q Do you remember a little boy named Brayden?

19 A (Shakes head negatively.)

20 Q Do you remember -- do you remember Ethan?

21 A Maybe.

22 Q Now, were these people strangers or were these
23 people you knew?

24 A I knew.

25 Q You did know them?

1 A Uh-huh.

2 Q All right. Let me back up one more time and ask you
3 a couple of questions. You said that Kristy and Jacob
4 talked in front of you about sex?

5 A (Nods head affirmatively.)

6 Q But let me ask you again, have you -- it doesn't
7 matter you're not -- didn't do anything wrong, but have
8 you ever seen any other information or pictures or videos
9 about sex?

10 A I don't remember if I have or not.

11 Q You don't remember that?

12 A (Shakes head negatively.)

13 Q Have you ever told anybody you did to -- do you
14 remember that?

15 A No.

16 Q You don't remember telling anybody that?

17 A (Shakes head negatively.)

18 Q Now, after this camping trip, you still lived in the
19 home with Kristy and Jacob for a while, right?

20 A (Nods head affirmatively.)

21 Q Did you ever see any more of these kids that were on
22 the camping trip after that?

23 A No.

24 Q Never did?

25 A (Shakes head negatively.)

1 Q So now you've gotten settled in at Dawn's home, and
2 you like it there, right?

3 A (Nods head affirmatively.)

4 Q I'm guessing you never ever want to leave there.
5 It's a pretty good place to be?

6 A (Nods head affirmatively.)

7 Q And it was after you got to that point and you said
8 you felt safe, that's when you decided to tell Dawn about
9 what happened?

10 A (Nods head affirmatively.)

11 Q I'm sorry. You have to answer out loud for this
12 lady here.

13 A Yes.

14 Q Okay. And that was a long time after you say this
15 happened, right?

16 A Yes.

17 Q Because you were -- you were a couple years older by
18 that point ---

19 A Uh-huh.

20 Q --- is that true?

21 A Yeah.

22 Q Okay. And you liked where you were?

23 A Yes.

24 Q You wanted to stay there because it was a good place
25 to be?

1 A Uh-huh.

2 MR. CANTRELL: I understand. And that's -- I think
3 that's all the questions I have, okay? Thank you,

4 Minor .

5 THE COURT: Anything?

6 REDIRECT EXAMINATION

7 BY MS. LANDSVERK:

8 Q Just real quick. Okay. Minor , you said the kids
9 at the campground that day and the adults that were
10 there, for that matter, you knew them, but did you spend
11 a lot of time with them before that trip?

12 A No.

13 Q So you could say that you recognize them, but you
14 wouldn't necessarily ---

15 MR. CANTRELL: Your Honor, I think we're now getting
16 a little too far afield with leading. I realize there's
17 some latitude, but I think we're getting a little too far
18 afield.

19 THE COURT: Sustained as to the leading.

20 BY MS. LANDSVERK:

21 Q So would you say you were close with those family
22 members, those kids and the adults?

23 A Yes.

24 Q You were close with them?

25 A Not really, but sort of.

1 MS. LANDSVERK: Thank you.

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

4 MR. CANTRELL: I'm sorry, Your Honor. I had a
5 question, and we agreed on it right away.

6 THE COURT: All right.

7 MS. LANDSVERK: Your Honor, the State would like to
8 call Dawn Young to the stand.

9 THE COURT: All right. Ms. Young, if you will,
10 please come around to be sworn.

11 WHEREUPON,

12 DAWN YOUNG,

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

14 THE CLERK: If you would, have a seat and state your
15 name for the record, please.

16 THE WITNESS: Dawn Young.

17 DIRECT EXAMINATION

18 BY MS. LANDSVERK:

19 Q Hi, Ms. Young. What is your occupation?

20 A I work for Pickens County EMS.

21 Q All right. And where do you live?

22 A I live here in Pickens.

23 Q And how are you related to the victim, Minor ?

24 A Minor is my niece by marriage. She -- we have full
25 custody of her. However, she's not my biological

1 daughter, but she's my daughter.

2 Q And did she refer to you ---

3 A Yes, ma'am.

4 Q --- as mom?

5 A Yes.

6 Q How long have you known her?

7 A I've known her family for probably 15 years. I've
8 known -- seen her, you know, in passing since she was
9 little, but we didn't get close until she was probably 8,
10 9 years old.

11 Q And what is your relationship with her now?

12 A We're pretty close. She tells me anything and
13 everything.

14 Q And you said that you have full custody of her. And
15 I know we talked about this with Minor a little bit, but
16 how many years have y'all had her in your custody?

17 A We've had her almost two years.

18 Q How many other kids do you have?

19 A Three.

20 Q And how old was she when she started living with
21 you?

22 A She was 9.

23 Q Now, when you first got her, did she elicit any sort
24 of strange behaviors?

25 A She -- she did. She was acting like mama to her

1 brothers, which we had custody of for a while, and to our
2 younger children as well.

3 Q Okay.

4 A She would use the restroom on herself and not tell
5 nobody about it. She would stay away from men in
6 general. She would cling more to women for a long time.

7 Q And did she have any odd behaviors with the other
8 children as far as the things she would do to them?

9 A Nothing other than trying to be mama to them. She
10 wanted to cook and do everything for them, and we had to
11 tell her, you know, "That's our role. You're a child."

12 Q And how was she doing in school when she came to
13 live with you?

14 A She wasn't doing good at all. She was being held
15 back due to the lack of not going to school in the third
16 grade. That's why she's only going to the fifth grade,
17 so the sixth grade this year. We now have got her help
18 in school. They've got her on a plan to help her now.
19 She still can't read and write very well.

20 Q And this might seem a little repetitive, but I just
21 want to ask you how close you guys are. Are you close
22 enough where you can tell each other -- be very open with
23 each other?

24 A Yes. She knows that I have basically an open-door
25 policy. Anything she wants to know or needs to know, she

1 comes to me and asks me and we'll talk about it.

2 Q And did she end up disclosing sexual abuse to you?

3 A Yes, ma'am.

4 Q And how did that come about?

5 A We were actually going down the road to get
6 something to eat in Clemson before my husband went to
7 work, and she was riding along with me. The other kids
8 were with him. And she asked me, she said, "Mom, can I
9 tell you something?"

10 And I said, "Yes."

11 She said, "You told me that I could talk to you
12 about anything."

13 I said, "Yes."

14 And she said, "Well, a long time ago," she couldn't
15 give me an exact date, she told me that Jake had done
16 this to her. I asked her why she had not told anyone,
17 and she said that ever since her grandmother died, which
18 was the beginning of 2012, that she never had anybody to
19 talk to because she used to tell her everything. And
20 till she got to our house, which was probably a couple
21 months after she had been there, she didn't tell anybody.

22 Q And after you found out, what actions did you take?

23 A I called her DSS caseworker immediately, told her
24 exactly what Minor had told me. The caseworker
25 proceeded to call in other people for Minor to talk to.

1 Q And you, as a parental figure in her life, what type
2 of trauma has she experienced because of it?

3 A She's been diagnosed with PTSD.

4 MR. CANTRELL: Objection, Your Honor. We're getting
5 into areas that are not her qualifications and to
6 hearsay, to what she's been diagnosed with and what other
7 people have said about her.

8 THE COURT: Go ahead. Come on up.

9 (WHEREUPON, a bench conference was held off the record.)

10 BY MS. LANDSVERK:

11 Q Other than the diagnosis, can you tell me of other
12 things that you noticed she was going through?

13 A She was having nightmares at nighttime and wake up
14 crying, would come in there and get me. She would have
15 panic attacks that I'd have to talk her out of. She was
16 very insecure of her surroundings. She was always glued
17 right to my hip.

18 Q Would you say that she's that kind of person now
19 that she's -- she comes across as a little skeptical
20 because of everything she's been through?

21 A She's gotten better. She still has days to where
22 she's that way. But the medication that she's been put
23 on, she's doing a lot better.

24 Q Okay. Good. Did you personally do anything to try
25 to cope -- try to help the situation?

1 A We have put surveillance cameras around our house
2 that we have access with our cell phones Minor is
3 allowed to look at any time that she feels insecure.

4 Q Okay. Why did you put -- that wasn't the road I was
5 going down, but why did you put surveillance cameras?

6 A Because she was scared, and she was scared at night.
7 Any time she would think somebody was coming to -- she
8 said that people were going to come get her if she told
9 anything. She was very scared because she was told not
10 to say anything.

11 Q So worried about what would happen to her?

12 A Yes.

13 And I also took a protective caregivers class
14 through DSS and the Julie Valentine Center to try to help
15 her -- help myself know how to help her.

16 Q And did you find that class helpful?

17 A Yes, ma'am.

18 MS. LANDSVERK: That's all the questions I have for
19 you. Please answer anything from Mr. Cantrell.

20 CROSS EXAMINATION

21 BY MR. CANTRELL:

22 Q Ms. Young, how long after Minor was removed from
23 her home was she placed with you?

24 A It was less than two months. We had to go through
25 certain classes and stuff before we could get her.

1 Q And are you aware that her removal was based on
2 physical abuse by her mother?

3 A Yes, I was. I was aware that there was two
4 different reasons.

5 Q But the original removal was because of physical
6 abuse by her mother?

7 A To her brother, yes.

8 Q And she was there and witnessed it?

9 A No. Minor was not there.

10 MS. LANDSVERK: Objection, Your Honor. It's
11 irrelevant to this -- to the case.

12 THE COURT: I think it's relevant. I'm going to
13 overrule.

14 BY MR. CANTRELL:

15 Q Did Minor indicate she witnessed any abuse?

16 A Not to me she hasn't. She was actually staying with
17 her grandfather that she said she had been staying with
18 shortly after the camping trip.

19 Q So you're saying she went to her grandfather's how
20 soon after this camping trip?

21 A She -- she didn't know how long. She said it wasn't
22 long. She would stay with him all the time. She didn't
23 want to go home.

24 Q Now, do you -- you don't know how long she would
25 have been at somebody else's house or how long she was at

1 her mother's house?

2 A No, no. We didn't talk to them.

3 Q And you're not aware of any physical abuse that she
4 suffered?

5 A None other than what she has come out and said and
6 what the doctors have diagnosed her with.

7 Q But I'm talking about did she disclose to you any
8 other physical abuse?

9 A No.

10 Q And you do believe she tells you everything?

11 A Everything that comes up that she wants to talk
12 about, yes, sir.

13 Q Do you think she's selective or chooses what she
14 tells you?

15 A No. When she feels comfortable, she tells me stuff.
16 I don't pry anything out of her. She just openly talks.

17 Q Have you seen her -- I know it's been a while, but
18 did you see her when she was around her mother before she
19 came to live with you?

20 A Not a lot before she came to live with me. Her
21 mother's father had a house beside mine. And they would
22 come up on occasions, but her mother wouldn't let her
23 come down to our house.

24 Q Did she cling to her mother, to Kristy?

25 A No. No, she did not.

1 Q So she started clinging when she was -- got to your
2 house?

3 A Yes.

4 Q How soon after she moved into your house did she
5 start doing that?

6 A It took her -- it took her several -- a few -- a
7 couple months. Basically, she watched my kids and just
8 sort of tagged along with them.

9 Q And when she came to your home, I guess it goes
10 without saying, you did everything to make her
11 comfortable and happy and protected?

12 A Yes, sir.

13 Q As best you know, how long was it after she came to
14 live with you that you had this conversation in the car
15 with her?

16 A I want to say it was probably a couple months after
17 I had her. Maybe a month and a half to two months.

18 Q When did she start exhibiting some of these other
19 physical issues like wetting herself or that sort of
20 thing?

21 A We noticed that immediately when she come into the
22 home. She would hide them, and we would either find them
23 in the bathroom or in her bedroom under her bed.

24 Q She was how old at the time?

25 A She was 9.

1 Q Now, were you aware of an occasion when she was in
2 school but she got in trouble on the bus? Was that after
3 she was with you?

4 A No. That was before -- before she was with us. She
5 hasn't been in any trouble since she's been with us.

6 Q Are you aware of such a situation?

7 A No, sir.

8 Q And maybe the last question.

9 A Okay.

10 Q She related back her -- some of her insecurities to
11 her grandmother dying?

12 A She was very close to her grandmother. Her
13 grandmother died in January of 2012. I know she would
14 stay with them a lot during the week and on the weekends,
15 but she didn't tell me if she told her everything. She
16 just -- it was before any of this took place.

17 Q But that's what she brought out to you that this
18 related back to --

19 A She would always talk to her grandmother, yes.

20 Q Did you see Minor very much about the time that her
21 grandmother passed away?

22 A I seen her probably about every weekend or every
23 other weekend. They would always have breakfast down
24 there at her grandmother's. And we would go down there,
25 and she would always be there.

1 Q Did you see or observe the impact of the
2 grandmother's death on her when it happened? Were you
3 around at that time?

4 A No, I wasn't. I mean, I seen her occasionally, but
5 not -- I mean, I seen her at the funeral, but not nothing
6 where she was -- she was just playing with the other kids
7 most of the time.

8 Q So she -- after her grandmother passed when you saw
9 her, everything was okay?

10 A Uh-huh.

11 MR. CANTRELL: No further questions. Thank you.

12 THE COURT: Anything further?

13 MS. LANDSVERK: Nothing further.

14 THE COURT: Thank you, ma'am. You may step down.

15 THE WITNESS: Thank you.

16 MS. LANDSVERK: Your Honor, the State would like to
17 call Travis Young.

18 THE COURT: Mr. Young, please come around and be
19 sworn, Sir.

20 WHEREUPON,

21 TRAVIS YOUNG,

22 After first having been duly sworn, testified as follows:

23 THE CLERK: Sir, if you would, have a seat and state
24 your name for the record, please.

25 THE WITNESS: Travis Young.

DIRECT EXAMINATION

BY MS. LANDSVERK:

Q Good afternoon, Mr. Young.

A Good afternoon.

Q What is your occupation?

A I work at Michelin Tire.

Q What do you do at Michelin?

A I'm what they call a poly bailer [phonetic]. I run the whole department -- or all the jobs in the department.

Q Okay. And do you -- where do you live?

A Here in Pickens.

Q And how do you know the victim, Minor ?

A That is my niece.

Q Okay. And are you married to Dawn Young?

A Yes, ma'am.

Q And are you related to -- how are you related to Minor ? Biological or blood related as parents?

A Yes. The -- her -- my sister is her mother.

Q And do you keep in contact with your sister?

A I do not.

Q Why not?

A We currently have a no-contact order through Family Court, and I know -- and I don't have no use for the way she done the kids. I have no use for that.

1 Q And how long have you known Minor ? Since she was
2 born?

3 A Since she was born.

4 Q Okay.

5 A I was in her life a good bit when she was born. And
6 then Kristy moved around and was all over the place, so
7 there's a time span that I really didn't have a whole lot
8 to do with her.

9 Q And at what point did you start seeing her more?

10 A My sister had moved back to Six Mile, so she was at
11 my grandmother's a lot more. So when I went to my
12 grandmother's, I would see her there.

13 Q And what is your relationship like with Minor ?

14 A Now it's pretty good. We get along pretty well.

15 Q And how long has she been living with you and Dawn
16 and the kids?

17 A I believe it will be two years in August.

18 Q Okay. And when she first came to you, were there
19 any behaviors that kind of struck you as odd about her
20 that you hadn't noticed about her before?

21 A Yes. As my wife mentioned earlier, the using the
22 bathroom on herself. It was the number two.

23 Q So she wasn't just wetting her pants?

24 A No.

25 Q There was more?

1 A She was -- it was -- yeah. Number two.

2 And she was having nightmares. I didn't see a whole
3 lot of that because I work 12-hour swing shifts, so my
4 wife's seen more of that than I did.

5 Q And did she experience any panic attacks?

6 A I seen one of them that she had in her bedroom.

7 Q And now that you and Dawn have been made aware of
8 what she's going through, what have you done to help her
9 cope?

10 A We got her to see the counselors that she needs to
11 see. As stated before, we had the surveillance cameras
12 put in. We'll get her on medication.

13 MS. LANDSVERK: Thank you. That's all the questions
14 I have for you. Please answer anything from
15 Mr. Cantrell.

16 MR. CANTRELL: No questions, Your Honor.

17 THE COURT: All right. Thank you very much. Sir,
18 you may step down.

19 MS. LANDSVERK: The State would like to call
20 Jennifer Stehl.

21 THE COURT: All right. Ms. Stehl, come to the
22 stand.

23 WHEREUPON,

24 JENNIFER STEHL,

25 After first having been duly sworn, testified as follows:

1 THE CLERK: If you would, have a seat and state your
2 name for the record, please.

3 THE WITNESS: Jennifer Stehl.

4 DIRECT EXAMINATION

5 BY MS. LANDSVERK:

6 Q Hi, Ms. Stehl. What is your occupation?

7 A I am a foster care supervisor at Pickens County
8 Department of Social Services.

9 Q Okay. And how long have you been with DSS?

10 A I've been there seven years.

11 Q So it's safe to say that you were working in 2014?

12 A Yes.

13 Q Okay. And at that time in 2014, were you there when
14 there was an ongoing investigation with Kristy Young and
15 Jacob Hendricks?

16 A Yes.

17 Q And when were the children removed from their home
18 in 2014?

19 A The children were removed on August 7, 2014, and
20 then they re-entered foster care again after they had
21 gone to live with a relative. And they re-entered care
22 December 17th of 2014.

23 Q Okay. So as far as them staying with the foster
24 family, why did they end up moving from the foster family
25 to where she is now with the custody with Dawn and

1 Travis?

2 A She moved to the relative. We did a home study.
3 There were some concerns when she was in foster care, and
4 we completed a home study on the aunt and uncle and
5 transferred custody to the aunt and uncle on September
6 10th of 2014.

7 Q Okay. And were there any activities in the foster
8 family home that were alarming and they called you about?

9 A Yes. The foster parents reported that Minor had
10 been looking up porn when she was at the foster home.
11 She was caught looking up porn on an iPad that had been
12 given by the school. And there had additionally been a
13 concern that she had been humping another foster child in
14 the home at that foster home.

15 Q So it sounded like the foster family did not want to
16 continue down that road, I guess?

17 A Right.

18 Q Okay. So how old was Minor at that time when she
19 was with the foster family?

20 A She would have been -- she would have been 9 years
21 old.

22 Q Okay. And how long was it after she was living with
23 Dawn and Travis that DSS was contacted about the abuse --
24 sexual abuse?

25 A She was living with them for approximately a month

1 and a half when we found out about the sexual abuse.

2 Q And what did DSS do after that time?

3 A We made a report to law enforcement, and we
4 initiated a new investigation based on the sex abuse
5 allegation.

6 MS. LANDSVERK: Thank you. That's all the questions
7 I have for you. Please answer anything from
8 Mr. Cantrell.

9 CROSS EXAMINATION

10 BY MR. CANTRELL:

11 Q Were there any other concerns during foster care
12 other than what you've related to us? You said there
13 were concerns about foster care. You mentioned the iPad
14 and that sort of thing. Were there any other concerns
15 that were brought to your attention?

16 A Not related to Minor , no. The humping the other
17 foster child was a concern.

18 Q Sure. Were there concerns related to her siblings,
19 to Minor 's siblings, or was it something unrelated to
20 Minor ?

21 A Yeah. No. There were no other concerns.

22 Q For Minor or her siblings?

23 A Right.

24 Q Going a bit further and ask you, did any of those
25 concerns with other issues in that home involve any sort

1 of sexual behavior?

2 A In Minor 's foster home?

3 Q Yes.

4 A I'm sorry. I don't understand. The -- we had the
5 concern with Minor looking up the porn in the home, and
6 then we had the concern about Minor humping the other
7 child in the foster home as well.

8 Q All right. I understand that. But I thought you
9 said there were some other concerns in that home. Did I
10 misunderstand?

11 A Those were the concerns that we had in that foster
12 home.

13 Q No other concerns in the foster home other than
14 these two with Minor ?

15 A And then something else that Minor admitted as well
16 to the caseworker at that time.

17 Q And what was that?

18 A That she admitted ---

19 MS. LANDSVERK: Your Honor, objection. It's
20 hearsay.

21 MR. CANTRELL: We've listened to an awful lot of
22 what Minor said to people, including caseworkers.

23 THE COURT: Overrule. I'll allow it.

24 THE WITNESS: That she admitted to seeing her
25 parents have sex.

1 BY MR. CANTRELL:

2 Q Did she indicate any specifics of that or just that
3 she saw them having sex?

4 A Just that she saw them having sex.

5 Q And did this come up about the time she's looking at
6 the porn?

7 A Yes. It was reported at the same time.

8 Q Now, was -- are you aware of any incident involving
9 porn other than there in the home?

10 A She additionally -- Minor was caught looking up
11 porn one other time.

12 Q And that was where?

13 A When she was in the home of Dawn and Travis.

14 Q In the home of Dawn and Travis she was looking at it
15 also?

16 A Yes. She was caught looking it up. She looked up
17 the word "hot sex."

18 Q Now, are you aware of anything involving a school
19 bus incident?

20 A Yes.

21 Q Okay. Tell us about that.

22 A That school bus incident is when she was looking at
23 the pornography on the iPad.

24 Q Okay. So it wasn't in the home. It was on the
25 school bus?

1 A Right.

2 Q I'm sorry. If you would repeat for me, about how
3 long was Minor in the home before you learned anything
4 about the camping trip or anything like that?

5 A Approximately a month and a half.

6 Q And she went into their home December 14, 2014?

7 A She remained in their home -- so she went into their
8 home on September the 3rd of 2014, and she remained in
9 their home consistently. The sibling children came back
10 into foster care.

11 Q Where were her brothers during this time?

12 A Her brothers were placed with her at the relative's,
13 and then they re-entered foster care.

14 Q I'm sorry. When was that?

15 A The brothers re-entered foster care December 17th of
16 2014.

17 Q So they left the home with Minor in December of
18 '14?

19 A Yes.

20 Q Have they been back in that home since then?

21 A No.

22 Q Does she visit or see her brothers?

23 A Yes. They were doing sibling visitations.

24 Q Now, were they placed with family members? Does she
25 see other family when she sees them or are they still in

1 foster care?

2 A They're still in foster care.

3 Q The last question, make sure I'm straight, so she
4 was together with her brothers from September to December
5 of '14, and then they were removed?

6 A Correct. And they were placed back in foster care.

7 MR. CANTRELL: Thank you. No further questions.

8 THE COURT: Any further questions?

9 MS. LANDSVERK: That's all. Nothing further.

10 THE COURT: Thank you very much, ma'am. You may
11 step down.

12 MS. LANDSVERK: Your Honor, the State would like to
13 call Detective J.B. Kelley to the stand.

14 THE COURT: Detective Kelley, would you please come
15 around to be sworn, sir.

16 WHEREUPON,

17 J.B. KELLEY,

18 After first having been duly sworn, testified as follows:

19 THE CLERK: If you would, have a seat and state your
20 name for the record, please.

21 THE WITNESS: J.B. Kelley.

22 DIRECT EXAMINATION

23 BY MS. LANDSVERK:

24 Q Detective, where do you work?

25 A Pickens County Sheriff's Office.

1 Q Okay. And what do you do there?

2 A I am presently an investigator in the Special
3 Victims Unit.

4 Q Okay. And how long have you been doing that?

5 A Approximately nine years now. I've been at the
6 Sheriff's Office for 38 years, but the last
7 approximately nine years I've been in the Special Victims
8 Unit.

9 Q And so you remember investigating a case involving
10 Jacob Hendricks in November of 2014?

11 A I do.

12 Q Okay. And can you tell me how your initial
13 investigation started?

14 A Our office received a referral from the Pickens
15 County Department of Social Services of the alleged child
16 sexual abuse of Minor by Jacob Hendricks.

17 Q Okay. And what was the first thing you did in the
18 case? Do you remember?

19 A Well, right off the bat, of course, when we receive
20 a report like this, we begin the investigation. I began
21 to attempt to locate Jacob Hendricks.

22 Q Okay. And did it take you a little while to find
23 him or did you find him right away? Can you tell me
24 about that process?

25 A No. It took a while because once we learned where

1 he was supposedly working, like at the Venesky Paving
2 Asphalt Company, we went there. They informed us that he
3 did not show that day, that he had called and said his
4 grandmother was sick and he wouldn't be to work.

5 So then we went from there to the relative's house
6 where he was ---

7 MR. CANTRELL: Your Honor, I would anticipate more
8 hearsay, and I would object to any hearsay testimony.

9 THE COURT: All right. Well, if it comes up, you'll
10 have to call it.

11 BY MS. LANDSVERK:

12 Q And just remember as far as what Mr. Cantrell is
13 saying, that if anything that anybody else told you,
14 can't say. So -- but, please, tell me about your
15 investigation.

16 A Well, basically, we went to several relatives' house
17 and found one of his relatives that had his phone -- his
18 -- Jacob's name in their cell phone but didn't have a
19 number attached. I used that cell phone to call Jacob's
20 number and told him -- identified myself and I needed to
21 speak to him immediately and left my number. I received
22 no response for days. And finally, on December 12, 2014,
23 I learned that he was going to be present here at the
24 Pickens County Courthouse. I came here and located him,
25 took him to an office with his consent to talk to him

1 about the allegations.

2 Q Okay. And when you met him in the office at the
3 courthouse, what was the first thing you did before you
4 even started talking with him?

5 A Immediately I advised him of his Miranda rights.

6 Q Okay. And was anybody else there with you?

7 A Yes. Investigator Lee Cribb with the Pickens County
8 Department of Social Services.

9 Q And were all three of you in this office together
10 with nobody else there?

11 A Yes. It was the three of us.

12 Q Okay. And was the defendant under arrest at this
13 time?

14 A No, he was not.

15 Q Was he handcuffed?

16 A No, he was not.

17 Q Was he free to leave?

18 A Yes, he was.

19 Q Okay. And can you give me an idea of what the
20 physical surroundings of the office were, how big it was,
21 what there was in the office? I just want to get an idea
22 in my mind.

23 A Well, since -- since we were in the investigative
24 stage, we asked permission to use one of the local
25 offices here within the courthouse. It's probably a

1 14 by 16 room. It had a desk in it and a chair of the
2 individual's whose office it was. And then as you walk
3 in the door to the right, if this would be my right where
4 the bailiff's sitting, there was a big round table with
5 several chairs around it right by the doorway. And
6 that's where I asked him to have a seat.

7 And at that point in time, that's when I produced
8 the Waiver of Rights form. And I read them to him, and
9 then I asked him to initial to ensure that each right
10 that I had read to him, that he understood.

11 Q Okay. Since you're talking about that, I'm going to
12 go ahead and bring the real deal to you. I'm giving you
13 what is listed as State's Exhibit Number 2. So can you
14 tell me what that form is?

15 A This is the Pickens County Sheriff's Office Waiver
16 of Rights form we use.

17 Q And what does it have with it?

18 A Date, time, it lists each right, has where the
19 individual that we are questioning signs their name,
20 their date of birth, Social Security number and a phone
21 number, and it has a place for me to witness or someone
22 else to witness.

23 Q Okay. Can you go through the rights that are listed
24 on that form?

25 A The first one is, "Before we ask you any questions,

1 you must understand your rights. You have the right to
2 remain silent. Anything you say could be used against
3 you in court. You have a right to talk to a lawyer for
4 advice before we ask you any questions and have him with
5 you during questioning. If you have no money to pay a
6 lawyer's fee, the Court will appoint one to represent you
7 without cost if you wish. If you decide to answer
8 questions without a lawyer present, you still have the
9 right to stop answering at any time. You also have the
10 right to stop answering at any time till you talk to a
11 lawyer."

12 And then beneath the heading of Waiver Rights, it
13 reads, "I have read this statement of my rights. I
14 understand what my rights are. I am willing to make a
15 statement, answer questions. I do not want a lawyer
16 present at this time. I understand and know what I'm
17 doing. No promises, threats have been made to me, no
18 pressure, coercion of any kind has been used against me."

19 After I read those -- read those to him, as you can
20 see the blanks on each side, I asked him to read each
21 right that I had read to ensure what I had told him was
22 really on the paper and asked him to put his initials by
23 each one, and then if he wished to waive his rights, to
24 sign at the bottom, which he did.

25 Q Now, on that form, there's a witness signature on

1 there. What signature is that?

2 A My own signature.

3 Q Okay. And has this form been altered in any way,
4 shape or form since this was signed?

5 A It has not.

6 MS. LANDSVERK: Okay. Your Honor, at this time, the
7 State would like to move this into evidence.

8 MR. CANTRELL: No objection at all, Your Honor..

9 THE COURT: All right. Is that State's 1?

10 MS. LANDSVERK: It's actually State's 2, Your Honor.

11 THE COURT: State's 2 without objection.

12 (WHEREUPON, State's Exhibit No. 2 was admitted into
13 evidence.)

14 MS. LANDSVERK: And technically, I think it was in
15 evidence from pretrial, but I wanted to go ahead and put
16 it in one more time to be sure.

17 BY MS. LANDSVERK:

18 Q Now, can you tell me how long you guys were talking?

19 A 10 to 15 minutes.

20 Q Okay. Was the defendant denied access to a
21 telephone?

22 A No, he was not.

23 Q Denied access to food?

24 A No.

25 Q Denied access to a drink?

1 A No.

2 Q And a regular drink, what I call a drink is what I
3 meant by that.

4 Were any threats or promises made ---

5 A No, ma'am.

6 Q --- in exchange for his testimony?

7 All right. So at that time, did the defendant speak
8 with you?

9 A Yes, he did.

10 Q Okay. And what did he tell you?

11 A Basically, I informed him of the allegations and I
12 asked him about Minor going with him camping. He
13 said that she did. It was a yearly tradition that they
14 celebrated Ethan Galloway's birthday party and that he
15 had taken her with him and they had went to the
16 campground and had been celebrating as a family with
17 other family members the -- his cousin's birthday party.

18 I asked him when they went camping, did he sign for
19 the campsite where they were staying. He said he did
20 not. He said that one of his other relatives did, that
21 he didn't know which one, that either it could have been
22 Robert Galloway, Eli Galloway, David Galloway, Brandy
23 Galloway, or Robert's wife, or Ted Galloway, who was age
24 17 I found out, Brooke Jackson, Eli's girlfriend, that
25 they all were there. He didn't remember which one that

1 had signed to rent the camp space, but he remembered they
2 all were there celebrating his cousin's birthday. That
3 was a tradition. They always went out to the campground
4 and celebrated his cousin's birthday.

5 Q And did he tell you that it happened two years
6 before that time? When did you speak with him? What
7 date did you speak with him?

8 A The day I spoke with him was December 17, 2014.

9 Q Okay.

10 A He indicated -- you know, you're talking about two
11 and a half years ago because I asked him about in 2012,
12 and that's when I learned it was a yearly tradition that
13 they celebrated -- family got together and celebrated
14 Ethan Galloway's birthday. So I had talked to him about
15 that.

16 Q What is Ethan's relationship with Jacob?

17 A He said at the time that Ethan was his cousin.

18 Q His cousin. He was a younger child?

19 A Yes. And I believe he told me at the time when the
20 family gathered, he thought it was for Ethan's 9th
21 birthday, he thought. But there again, he said it's been
22 two and a half years.

23 Q Okay. So the defendant placed himself at that
24 campsite ---

25 A Yes.

1 Q --- with the victim? Okay.

2 And after you met with him, did you arrest him at
3 the time or was he allowed to go?

4 A No. I did not arrest him because he said -- had
5 another appointment to go to, and he said he hadn't had
6 much sleep that night and that he needed to go to talk to
7 the other people that he was supposed to be talking with
8 at the time I asked him to talk with me.

9 Q Did you feel like you had more investigation to do?

10 A Yes, I did.

11 Q Okay. So who did you speak with then?

12 A After talking to him, I -- there had been another
13 hearing here, and Kristy Young had been here at the
14 courthouse also with myself and investigator Lee Cribb
15 with the Pickens County Department of Social Services,
16 talked to her here at the courthouse about the incident,
17 did she know anything about Minor going camping with
18 Jacob Michael Hendricks in 2012. And she remembered it.
19 She said that Jacob Hendricks wanted her to go, but she
20 was pregnant and it was right before she was supposed to
21 have her baby in September. And she was having sickness
22 so that she didn't want to go, so she allowed Minor to
23 go with Jacob Michael Hendricks. And that was the only
24 time that she had ever allowed him to go -- her to go
25 camping with him.

1 Q Okay. And at that time, were you able to try to at
2 least figure out what time during the summertime that
3 took place? I knew you were curious as to when they were
4 there, that sort of thing.

5 A Ms. Young thought it was around July 13th. She said
6 that -- you know, she also said it was a yearly tradition
7 for the family to celebrate Ethan's birthday camping, and
8 that's kind of the time frame that I was given.

9 Q Okay. So what did you do after you got kind of that
10 July time frame?

11 A After I talked to her, then I made contact with Bill
12 Powell, who is the superintendent of Pickens County Parks
13 and Recreation at the campground. I sent him an e-mail
14 requesting assistance, that I needed to meet with him and
15 check for registration for campsites in the summer of
16 2014 to see if we could locate any of these names that
17 have been provided to me by Mr. Hendricks so we can check
18 and see if, in fact, they were present And so I can
19 establish jurisdiction, you know. I had the alleged
20 offense, but I did not know where the jurisdiction would
21 lie, which campground.

22 Did talk with Mr. Powell at the campground, met with
23 him the next morning. He had come, that night, did a
24 tedious research before I met with him, and he had come
25 up with the records indicating dates that he had found

1 after going through numerous records for those years.
2 And he came up with the dates of where these individuals'
3 names given had signed earlier in the year, some of them
4 paying for campsites for the summer months. So we were
5 able to establish -- basically confirm that the family
6 unit had been staying during the summer months at the
7 county park.

8 Q Okay. And which park was this?

9 A Mile Creek, the county's own park that's run by the
10 county.

11 Q In Pickens County?

12 A In Pickens County, yes.

13 Q And did you find any information much later on in
14 the case about anything on the camping registration
15 forms?

16 A Yes. Just recently we were informed it came as --
17 as information as far as from the defense of other family
18 members also being there, but they were the same family
19 members on previous dates also at the campground.

20 Q Okay. So I am going to -- so in the end they had a
21 couple different times they went to that campground?

22 A That's correct.

23 Q And one of those times was with the birthday
24 celebration, one of the times was when the victim and the
25 defendant were there?

1 A Yes.

2 Q Okay. I am handing you State's Exhibits 3 and 4,
3 and can you tell me what 3 is?

4 A Yes. 3 is the registration that was taken by the
5 campground. The date says 1/15, which had been 2012,
6 according to Mr. Powell. Ted Galloway and T Range
7 reserved campsite 49 and 50.

8 Q So at first that was pulled, did you recognize Ted
9 Galloway's name? Is that why that was pulled?

10 A Yes. It was one of the names that had been given to
11 me by Jacob Hendricks.

12 Q Was to who was with him?

13 A Yes.

14 Q Okay. And then when you found other information
15 saying actually there were a few other times during that
16 summer they were there, you got these other records here.
17 And what do the other records state, basically?

18 A Well, if I can finish with the first. They showed
19 that the first record I referred to, Exhibit 3, they were
20 there from June the 30th through July the 7th, then
21 through July the 21st through July the 28th, and June the
22 30th through July the 14th.

23 On these records here, they're dated May 4, 2012,
24 Robert Galloway, which is one of the names that was given
25 also by the defendant for 5/4/2012 and June 13, 2012,

1 where Robert Galloway had reserved campsites there for --
2 the departure date would have been 5/6 and 6/17, so from
3 6/13 to 6/17, and then from May the 4th until May the
4 6th.

5 Q Okay. With all that information, you had proof that
6 the family did, in fact, stay at the campground ---

7 A Yes. Now I do, yes.

8 Q --- during the summer -- right. During the summer
9 at several different times.

10 A Yes.

11 Q So after -- I guess real quickly to finish up my
12 questions with this, are these altered in any form?

13 A Not to my knowledge, no.

14 MS. LANDSVERK: Okay. Your Honor, the State would
15 like to enter these exhibits into evidence.

16 THE COURT: They're in evidence.

17 (WHEREUPON, State's Exhibit Nos. 3 and 4 were admitted
18 into evidence.)

19 BY MS. LANDSVERK:

20 Q And as far as these registration forms are
21 concerned, once you determined that there had been, in
22 fact, registration by the family, what actions did you
23 take?

24 A Once I established jurisdiction, then I requested
25 what we call a forensic interview with the Julie

1 Valentine Center in Greenville where we sent the child,
2 which you've previously heard testimony. We have a
3 forensic interview done with the child. And I go to the
4 forensic interview, and there's a room where I can
5 observe and monitor the things that are said. And I did
6 that, and I found that what the child said was
7 consistent.

8 Q Okay. Well, I think that's it as far as the
9 forensic interview because we'll get into that when the
10 forensic interviewer gets on the stand. We can talk with
11 her and listen to the video. So I won't go into too many
12 questions on that just because we have other people that
13 will be able to testify to it.

14 Was there anything else in your investigation that
15 you did not discuss that you want to discuss?

16 A The only thing was after I gathered enough what I
17 felt was probable cause, I presented the case to the
18 magistrate who issued the arrest warrant based on the
19 probable cause that I had presented as far as the abuse
20 that had occurred to Minor by Jacob Michael
21 Hendricks.

22 MS. LANDSVERK: Okay. Thank you. That's all the
23 questions I have for you. Please answer any from
24 Mr. Cantrell.

25 ///

CROSS EXAMINATION

BY MR. CANTRELL:

Q Lieutenant Kelley, let's go back to your interview with Jacob Hendricks. He did indicate to you that he never got in the tent with Minor ?

A Yes. He said he stayed up drinking all night, that he was not -- he didn't go in the tent with her. He drank all night long until the next morning.

Q And he also told you that his son -- her brother Blake was there, and he slept in the tent also?

A He did say that Blake was there. And he said that he was the one, if anybody was in the tent, it was him.

Q And later you talked to Kristy Young, and she's the one that told you she thought that this would have happened in July of 2012; is that right?

A Yes. She said that because she was pregnant and he wanted her to go and it was a yearly tradition, she thought it was around July 13, 2012.

Q Now, you've explained most of this. The simple fact is, you went and received a receipt that showed that a Galloway had reserved some campsites in July of 2012 at that point in time. Is that the receipt you got then?

A Well, I've got from July the -- the dates that I gave, July the 12th, June the 30th through July the 7th, July the 21st through July the 28th, June the 30th

1 through July the 14th.

2 Q And based on that information, when you took your
3 probable cause to the magistrate, you secured a warrant
4 alleging that an incident took place on July the 13th --
5 on or about July 13, 2012; is that correct?

6 A On or about, yes.

7 Q And as has already been discussed, is it safe to say
8 we now know that was not the date that this could have
9 happened or that this camping trip took place?

10 A Well, from talking to other family members, I
11 learned also that they celebrated sometimes early and
12 sometimes late, not exactly on the birthday. So then in
13 further checking, yes, we did discover the other dates of
14 the other exhibit that I testified to.

15 Q And full disclosure, it was the defense that
16 provided that information, is that correct ---

17 A That's correct, yes.

18 Q --- to get to -- to secure the correct dates of any
19 camping trip?

20 A Of all camping trips, yes.

21 Q Now, the fact of the matter is, you don't know what
22 date these allegations date back to, do you, exactly, the
23 exact date?

24 A I know the approximate. That's why the warrant
25 reads "on or about."

1 Q Well, you are aware that the charging papers have
2 been amended to show a much broader range of time? Are
3 you aware of that?

4 MS. LANDSVERK: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. CANTRELL: Nothing further at this time. Thank
7 you, Your Honor.

8 THE COURT: Anything further for this witness?

9 MS. LANDSVERK: Nothing further.

10 THE COURT: Thank you, sir. You may step down.

11 You want to call your next witness? I'll tell you
12 what. Hold on, before you do that, we've been going for
13 a little while. Why don't we take a short break. Let's
14 take about a ten-minute break. Please have no
15 conversation about the case. If you need anything while
16 you're back there, just let the bailiffs know, okay? So
17 we'll take about ten minutes.

18 (WHEREUPON, the jury exits the courtroom at 3:36 p.m.)

19 (WHEREUPON, a recess is taken at 3:36 p.m.)

20 THE COURT: All right. Are we ready to proceed?

21 MS. LANDSVERK: We are, Your Honor. And we wanted
22 to discuss with you really quickly two things ---

23 THE COURT: All right.

24 MS. LANDSVERK: --- we thought of while you were on
25 break.

1 go tell her she can leave?

2 THE COURT: Yeah. Do that so she doesn't have to
3 hang around.

4 (Pause in proceedings.)

5 THE COURT: Bring the jury in, please.

6 (WHEREUPON, the jury entered the courtroom at 4:22 p.m.)

7 THE COURT: Folks, I know you're curious as to
8 whether or not the judge needs a new watch, but I
9 apologize for that ten-minute break turning into a 30- or
10 40- minute break. But I don't know if any of y'all know
11 Judge Welmaker who used to be a Circuit Court judge up
12 here, and he retired. But he came to see me, and I just
13 hadn't seen him in a long time, so I apologize for taking
14 that much time.

15 We're ready to proceed. If you recall, when we took
16 the break, we were on the State's case, and so we're
17 going to pick up where we left off and recognize the
18 solicitor for the State's next witness.

19 MS. LANDSVERK: Thank you, Your Honor. The State
20 would like to call Deputy Adam McJunkin to the stand.

21 THE COURT: All right. Deputy, come around to be
22 sworn, sir.

23 WHEREUPON,

24 ADAM MCJUNKIN,

25 After first having been duly sworn, testified as follows:

1 THE CLERK: If you would, have a seat and state your
2 name for the record, please.

3 THE WITNESS: Adam McJunkin.

4 DIRECT EXAMINATION

5 BY MS. LANDSVERK:

6 Q Mr. McJunkin, what is your occupation?

7 A Deputy sheriff.

8 Q Okay. And where do you work?

9 A Pickens County Sheriff's Office.

10 Q And how long have you worked there?

11 A Approximately five and a half years on road patrol,
12 nine total with the office.

13 Q Okay. And were you working the night, do you
14 remember, back to December 31, 2014?

15 A Yes, ma'am.

16 Q Okay. And do you remember trying to locate the
17 defendant Jacob Hendricks?

18 A Yes, ma'am.

19 Q Can you tell me about your involvement in trying to
20 locate him?

21 A Yes ma'am. We received a anonymous call stating
22 that he was at, I believe it was, Ruhima [phonetic]
23 Road. That's within Pickens County. So myself and
24 another deputy responded out there to try to locate him.

25 We began knocking on the door, at which time we

1 didn't get an answer; however, we could hear a rumbling
2 in the residence. I knocked on the back door, and the
3 door came open slightly so we could see some cigarette
4 smoke in there. So I announced my presence, and a female
5 met us at the door. We asked him -- or I asked her if
6 anyone else was in there, and she -- she stated there
7 was. So we located the defendant under -- under her bed.

8 Q Okay. So did you try calling his name and he didn't
9 come?

10 A Yes, ma'am.

11 Q And where -- what bed was he under? How far did you
12 have to go to find him?

13 A It was -- it was a bedroom. The door -- the rear
14 door that I was at was attached to a kitchen, and then
15 the bedroom that he was in was off of the kitchen.

16 Q And what did you do once you saw him under the bed?

17 A I told him to come out with his hands up, and he
18 complied.

19 Q All right. And what did you do after that?

20 A We placed him in handcuffs and took him to the
21 detention center ---

22 Q Okay.

23 A --- where he was served the arrest warrant.

24 MS. LANDSVERK: Thank you. That's all the questions
25 I have for you. Please answer anything from the defense.

CROSS EXAMINATION

BY MR. CANTRELL:

Q When you got in the house, did you call Mr. Hendricks and did he come out from under the bed, or did you have to move the bed or drag him out or anything?

A We didn't really use -- have to use force to get him out. However, the bed was -- it was pretty low, so he had to push the bed off of him to climb out. But he -- once we announced -- you know, was in the room, he came out.

Q So he got himself out from under so you could place him under arrest?

A Yes, sir.

MR. CANTRELL: That's all I have. Thank you.

THE COURT: All right. Thank you very much, sir. You may step down.

THE WITNESS: Thank you, sir.

THE COURT: All right. Ladies and gentlemen, I think the next witness that the State would be calling could possibly be a somewhat lengthy witness. It's almost 4:30, and I try to -- as long as we can still, you know, be able to get a case in on time, I try to keep kind of regular business hours, if I can, to make it easier on you folks as well as the court personnel here. So I think if we took that next witness, it would carry

1 WHEREUPON,

2 ROBIN SMITH,

3 After first having been duly sworn, testified as follows:

4 THE CLERK: Thank you, ma'am. If you would, have a
5 seat and state your name for the record, please.

6 THE WITNESS: My name is Robin Smith.

7 DIRECT EXAMINATION

8 BY MS. LANDSVERK:

9 Q Good morning, Ms. Smith.

10 A Good morning.

11 Q What is your occupation?

12 A At present I'm a counselor with the GIFT Counseling
13 Center for Wellness, and that's in Greenville.

14 Q And how long have you been there?

15 A I've been there for about a year.

16 Q And where did you work prior?

17 A Prior to that, I worked at the Julie Valentine
18 Center in Greenville.

19 Q Okay. And what did you do at the Julie Valentine
20 Center?

21 A Primarily, my function at the center was to be a
22 forensic interviewer.

23 Q Now, I want to go into what a forensic interview is,
24 go into the details of that. Before I do, I just want to
25 get a little bit on your education background.

1 A Okay.

2 Q Can you tell me what certifications you have and
3 give me some information on your degrees?

4 A Sure. I have a master's degree from Clemson
5 University in counseling education. That's under their
6 mental health program at Clemson. I also am a licensed
7 practicing counselor for the State of South Carolina.

8 Q Great. Okay. So as a forensic interviewer at the
9 Julie Valentine Center, what was your job?

10 A Following training with ChildFirst of South
11 Carolina, that's who trains interviewers in the state, I
12 was assigned the position of forensic interviewer. And
13 that's basically following a protocol of asking children
14 questions. It's fact-finding. It's nonbias and it's
15 semi-structured to gain information about any possible
16 abuse -- abuses that may have occurred.

17 Q All right. And how are forensic interviews used to
18 find out whether or not there's been child abuse?

19 A The protocol that the ChildFirst teaches -- was
20 teaching at that time was RATAAC. It was derived from
21 Cornerstone Advocacy Center in Minnesota. And RATAAC is
22 an acronym for the protocol that you follow when you do
23 the interviewing: R for rapport building; then the A for
24 anatomy identification; the T, touch inquiry; the A for
25 the abuse scenario; and then the C for closure.

1 Q Okay. And at that time, did you ever have an
2 opportunity to meet with Minor ---

3 A I did.

4 Q --- during a forensic interview?

5 A I did.

6 Q Okay. And normally, do you have -- do you tell the
7 child of the guidelines before they start the
8 interviewing, or do you give them an idea of how the
9 interview is going to begin? Can you just kind of set us
10 up on what you would do.

11 A Well, once the child comes in, you do explain the
12 rules of the room. And you want to create as comfortable
13 an environment as you can for the child. And, you know,
14 the rules of the room are, you know, you explain what
15 you're doing, you explain that you -- you tell them that
16 you're doing a video, you tell them that it's going to be
17 recorded, you tell them there may be other people
18 watching while I do the interview. You explain the rules
19 of the room, and the primary rule of the room is that,
20 you know, everything in that room that we talk about is
21 about things that really happened.

22 Q Are there any parents or guardians in the room with
23 you?

24 A No. They're not.

25 Q And where is the interview usually conducted?

1 A There are two rooms at the Julie Valentine Center.
2 They consist basically of an easel and two chairs, and
3 there are two rooms like that at the center that are
4 used. And then there's another room that is set aside
5 separate from those rooms that are the viewing --
6 considered the viewing room.

7 Q And before you interview, is the child's family or
8 social history obtained?

9 A Yeah. We do. Prior to the interview of the child,
10 we get a little bit of information from parent,
11 caretaker, guardian.

12 Q What about medical history?

13 A With the medical history, if we do get medical
14 history, it's minimal, you know, and, of course, it's
15 coming from whoever the caretaker is. But as far as
16 medical history directly from a physician, I don't have
17 that.

18 Q And what type of questioning do you use when talking
19 to a child as far as leading or nonleading, suggestive?

20 A The RATAC protocol is -- it's narrative-based, and
21 you don't want to ask -- you know, it's not -- the
22 protocol is nonleading because you're trying to find the
23 facts. So it's nonleading questions. And, you know, you
24 start with open-ended questions and then, you know, it's
25 almost like a funnel, you know. You start with

1 open-ended and then possibly may have to ask some direct.
2 And what -- you know, and then, at some point, you may
3 have to do multiple choice. You hope to get what you
4 need from that open-ended.

5 Q And what date did you conduct the interview with
6 Minor ?

7 A That was November 24, 2014.

8 Q Do you know how old she was at that time?

9 A 9 years old.

10 Q And what agency referred her to you?

11 A It was Lieutenant J.B. Kelley with the Pickens
12 County Sheriff's Office.

13 Q And you spoke about this a little bit with the
14 question format, but what safeguards did you use when you
15 interviewed Minor to prevent any type of influence over
16 her?

17 A Well, again, it's fact-finding, it's open-ended
18 questions, you know. You want to make sure that you're
19 not leading the child or telling the child something, and
20 I think you even say that in the interview, you know.
21 You let them know that you'd be asking questions, and if
22 I get something wrong, let me know that I got it wrong
23 because my job is to make sure that I understand what
24 she's saying.

25 Q Did she relate to you anything about the time or

1 time frame in which the sexual assault happened?

2 A The only thing that she related was the weather.
3 She knew it was hot and breezy, so ---

4 Q And did she relate to you anything concerning the
5 place the sexual assault took place?

6 A Yes. She described it as a place that was for
7 camping where there were tents, and also that she saw --
8 she reported it to be little tents.

9 Q And did you document her disclosure to you in any
10 way?

11 A Yes. Following the interview, we do a brief report.
12 It's just a summary of the interview that we conducted.

13 Q And without going into any details, can you tell me
14 whether or not she provided you core and contextual
15 details of the sexual assault?

16 A She did.

17 MS. LANDSVERK: Okay. Your Honor, at this time, we
18 would like to publish the forensic interview video to the
19 jury. Mr. Cantrell will stipulate on the foundation of
20 bringing the video in based on the pretrial.

21 THE COURT: All right. So no objection to the
22 video?

23 MR. CANTRELL: No objection. It was all identified
24 yesterday.

25 THE COURT: All right. Folks, if, at any time,

1 during this process you need the volume turned up or
2 down, if you'll let us know, we can adjust that, okay?

3 (WHEREUPON, State's Exhibit Number 1, a video, was
4 played in open court.)

5 BY MS. LANDSVERK:

6 Q Okay. Ms. Smith, I just have one more question for
7 you I didn't ask you before. How many of these forensic
8 interviews do you give, when you were at least a forensic
9 interviewer, a year, would you say?

10 A A year? Well, I was there approximately a year and
11 nine months, and I did approximately 200 interviews.

12 Q And is there anything else? I guess one question I
13 have, the second question, is there anything else that
14 happened during the interview that you wanted to tell me
15 about that we did not discuss already?

16 A No.

17 MS. LANDSVERK: Okay. Thank you. That's all the
18 questions I have for you. Please answer anything from
19 Mr. Cantrell.

20 THE COURT: Cross?

21 CROSS EXAMINATION

22 BY MR. CANTRELL:

23 Q Just a few questions. Let me just start at the end
24 there. Are you aware of any report or follow-up
25 investigation about this day care incident?

1 A No, sir. I'm not aware of anything.

2 Q So after this interview, you don't know of anything
3 else that would have been done or you did not do anything
4 yourself?

5 A No, sir. I'm not informed of -- of anything.

6 Q Pardon me?

7 A I'm not -- I wasn't informed of any -- anything that
8 would have happened following that.

9 Q And you did not file a report about this with
10 anyone?

11 A No, sir.

12 Q A couple questions from the beginning of your
13 testimony ---

14 A Yes, sir.

15 Q --- if you don't mind. Sorry. Let me find my note.
16 Prior to the Julie Valentine Center, did you conduct
17 forensic interviews or is that the only place you
18 conducted them?

19 A That's the only place.

20 Q And what was your prior employment before the Julie
21 Valentine Center?

22 A The Greenville Police Department.

23 Q And how long were you with them?

24 A 26 years.

25 Q And what was your job there?

1 A When I retired, I was major over Support Division.

2 Q And did that training tie in any with your current
3 training, forensic interviewing and counseling?

4 A Well, while I was still employed with the police
5 department, that's when I acquired my master's in mental
6 health counseling.

7 Q And also, you mentioned that when you were at the
8 Julie Valentine Center, that at that point, they were
9 using -- or they were teaching the RATAC method?

10 A Yes, sir.

11 Q Are they still using that or has that changed -- has
12 that changed?

13 A It's changed. It's now -- now it's -- I think it's
14 RTRC, which is another acronym. It's still taught by
15 ChildFirst. Similar, but just a little bit different.
16 Still rapport, then you transition, and then you talk
17 about the rapport, you know, what you're there to talk
18 about, and then you have closure. So it's very similar.

19 Q But it is -- that has changed over to a different
20 method ---

21 A Yes it has.

22 Q --- since this interview?

23 And I did notice that when you left the room, you
24 came back and essentially said, "All right. Tell me all
25 about the camping trip." Now, is that part of the method

1 to, at some point, just ask for a total retelling of the
2 situation? Is that what would normally happen in this
3 method of interviewing?

4 A No, sir. What -- when I leave the room, I ask as
5 many questions as I can think about asking, you know, in
6 following that protocol. And so once I leave the room, I
7 go to where the observers are, which was Lieutenant
8 Kelley and I think someone from DSS and a coworker at
9 Julie Valentine Center. And if there's something that I
10 have missed or something they need more specificity on,
11 then I'll go back in the room and ask.

12 Q And I did notice that after that you were -- you got
13 more specific about date and where was this camp.

14 A Yes, sir.

15 Q So that was to -- that was to establish issues
16 regarding the date and time? Is that what you were doing
17 at that point?

18 A And where it occurred, where -- the location of the
19 lake or the campground.

20 Q Again, is that standard as far as a forensic
21 interview of a child in this situation?

22 A It's -- it's standard to go, and, you know,
23 typically, if it's law enforcement or DSS, in that
24 situation, I think it was a jurisdictional issue where --
25 where did this occur. And that would be standard to go

1 in and ask it, "Is there anything I missed? Is there
2 anything else that you would like for me to follow up
3 on?"

4 Q So that would be the point of those questions ---

5 A Yes, sir.

6 Q --- after you returned to the room?

7 A Yes, sir.

8 MR. CANTRELL: I believe that's all. No further
9 questions. Thank you.

10 THE WITNESS: Yes, sir.

11 THE COURT: Anything further?

12 MS. LANDSVERK: Nothing, Your Honor.

13 THE COURT: Thank you very much, ma'am. You may
14 step down.

15 THE WITNESS: Thank you.

16 MS. LANDSVERK: Your Honor, we just ask that
17 Ms. Smith just be relieved from the trial.

18 THE COURT: Any objection?

19 MR. CANTRELL: No objection, Your Honor.

20 THE COURT: Thank you, ma'am. You're free to go.
21 Call your next witness.

22 MS. LANDSVERK: Thank you, Your Honor. At this
23 time, the State would like to call Victoria Tate to the
24 stand.

25 THE COURT: Ms. Tate, if you would, please come

1 around to be sworn.

2 WHEREUPON,

3 VICTORIA TATE,

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

5 THE CLERK: Thank you, ma'am. If you would, have a
6 seat and state your name for the record, please.

7 THE WITNESS: My name is Victoria Tate.

8 DIRECT^{Min} EXAMINATION

9 BY MS. LANDSVERK:

10 Q Hi, Ms. Tate.

11 A Good morning.

12 Q Good morning.

13 What is your occupation?

14 A I'm a child therapist at Julie Valentine Center.

15 Q And how long have you been a child therapist?

16 A I've been a child therapist December 2007.

17 Q What type of professional licensing do you have?

18 A I have licensure as a professional counselor
19 authorized by the State of South Carolina.

20 Q And at the Julie Valentine Center, what types of
21 services do you provide in the child therapist role?

22 A The services that I provide are for children and for
23 families. I provide individual therapy, family therapy,
24 and group therapy in a protective type caregiver's group
25 for parents.

1 Q Okay. And you specialize in a certain type of child
2 or a child that's been in a certain type of situation?

3 A Yes, I do. I work primarily with children who have
4 been sexually abused.

5 Q And can you tell me a little bit about any courses
6 or seminars that you have taken in regards to child sex
7 abuse?

8 A Yes. If I can refer to my notes.

9 Q Sure.

10 A Okay. I've taken coursework on child sexual abuse,
11 which is given by the National Center for Child Traumatic
12 Stress. That was Sibling Sexual Abuse, a Parental and
13 Clinical Perspective; Mandatory Reporting Training; the
14 Impact of Trauma on Early Brain Development. Let's see.
15 And I've been involved with Project Best through the
16 Medical University of South Carolina. Okay. Screening
17 and Assessment for Trauma in Child Welfare Settings;
18 Trauma Informed, Understanding of Bullying; Mental Status
19 Exams; and Recognizing Domestic Violence Dynamics. And I
20 have several more.

21 Q That's great.

22 A Okay.

23 Q Thank you.

24 As far as any professional organizations are
25 concerned, are you involved in any that relate to child

1 therapy and child sexual abuse, that sort of thing, in
2 the community?

3 A In the community, I'm involved with a nonprofit
4 agency. That is Family Promise of Pickens County.

5 Q And as far as your experience goes in counseling
6 children with child sexual abuse, how many children would
7 you say at this point you've been able to counsel?

8 A Approximately 400 children.

9 Q And have you previously testified as an expert in
10 child sexual abuse counseling and treatment before in
11 court or just as an expert in general in court?

12 A I have through the Family Court system.

13 MS. LANDSVERK: Your Honor, at this time, the State
14 would like to offer Ms. Tate as an expert in child sexual
15 abuse counseling and treatment.

16 THE COURT: Would you like to voir dire the witness
17 as to those qualifications, sir?

18 MR. CANTRELL: Yes.

19 VOIR DIRE

20 BY MR. CANTRELL:

21 Q Now, you indicated you've been qualified in Family
22 Court?

23 A Yes, sir.

24 Q Have you ever been qualified in this court of
25 General Sessions?

1 A This court here?

2 Q Or any court of General Sessions.

3 A No, sir.

4 Q And I was writing and I might have missed something
5 so I might ask you to repeat. Can you tell me again what
6 your degrees -- what degrees you have received?

7 A Yes. I have a master's of arts in counseling from
8 Webster University.

9 Q A master's of what?

10 A Arts in counseling.

11 Q And how long ago did you receive that?

12 A I received that 1998.

13 Q And how long have you been a child therapist at
14 Julie Valentine Center?

15 A Since December of 2007.

16 Q And tell me one more time your licensing.

17 A A licensed professional counselor authorized by the
18 State of South Carolina.

19 Q And does that licensure include any -- or any
20 indication of a specialty, or is it simply -- which it
21 certainly is well deserved, but does it include any
22 specialty or is it a general licensed professional
23 counselor?

24 A It's -- I'm trying to figure out how to best answer
25 you. It's a licensure that if you're going to practice

1 counseling, that the State requires you have an
2 internship, you have to get a certain number of hours to
3 meet that licensure, you're given that credential as a
4 licensed professional counselor intern. And then after
5 the two-year period of meeting the board's requirements,
6 then it converts to a full licensure as a licensed
7 professional counselor.

8 Q That will be the process that all licensed
9 professional counselors in the state would have to go
10 through to acquire that certification?

11 A Yes, sir.

12 MR. CANTRELL: No further questions at that point,
13 Your Honor.

14 I would suggest or object on the basis that the
15 education, which is certainly extensive, is not in the
16 area for which she is being asked to be a specialist or
17 an expert. There has been some training after her
18 degrees, but nothing that would, I think, rise to the
19 level of an expert witness for the purposes of General
20 Sessions court.

21 THE COURT: All right. Solicitor, would you like to
22 weigh in on that?

23 MS. LANDSVERK: Yes, Your Honor. Would you like me
24 to go into a long aspect at this time or should we
25 discuss this matter of law? Or do you mind if we go

1 ahead and go into it? It's a cited case, a case in the
2 statute.

3 THE COURT: Let's do this. Let me get the jury to
4 step back in the jury room. It's probably time for a
5 short break anyway.

6 Please don't have any conversation about the case.
7 If you need anything while you're back there, let the
8 bailiffs know, and I'll bring you back out shortly, okay?

9 (WHEREUPON, the jury exits the courtroom at 11:00 a.m.)

10 THE COURT: Yes, ma'am.

11 MS. LANDSVERK: Thank you, Your Honor.

12 It's State v. Brown, 411 S.E. 332. It's a 2015
13 South Carolina Court of Appeals case. This is kind of a
14 general rule, so this is a rule that's across the board
15 on expert cases. But an expert is allowed to present
16 expert testimony to the fact finder when a scientific,
17 technical or other specialized knowledge will assist the
18 trier of fact understand the evidence or determine a fact
19 in issue. Expert testimony may be used to help the jury
20 determine a fact in issue based on the expert's
21 specialized knowledge, experience or skill and to which
22 the subject matter falls outside the realm.

23 And, Your Honor, to tell you that, obviously, is the
24 main rule I know you know, but in this case, we believe
25 that, based on Ms. Tate's experience, she is qualified as

1 a sexual abuse counselor because she has met with so many
2 victims or children of sexual abuse. She testified that
3 she has met over 400 in the last nine years. And
4 specifically, that is her specialization at the Julie
5 Valentine Center. There are several different therapists
6 at Julie Valentine, and obviously, that's the main call
7 of the -- of Julie Valentine is to work with victims and
8 families of sexual abuse. But that's her area that she
9 specializes in. So although she doesn't necessarily have
10 a degree that specializes herself, she had that main
11 licensing for a counselor. She has worked in this field
12 for a number of years, and we believe that it's important
13 that that's part of the process in determining that she
14 can be an expert.

15 THE COURT: All right. I'm familiar with State vs.
16 Brown. I have a copy of that before me here.

17 I'm going to overrule the objection and allow
18 Ms. Tate to be presented as an expert in the field. But
19 the Court there in Brown indicates that an expert may not
20 be a specialist in a particular branch, but the Court
21 must find that the proffered expert has indeed acquired
22 the requisite knowledge and skill to qualify, and I think
23 that she has certainly done that, and that's been brought
24 forth in her testimony. So I'm going to allow her to
25 testify as an expert in that field.

1 MS. LANDSVERK: Thank you, Your Honor.

2 THE COURT: The jury is out. So why don't we take
3 this opportunity as well if we need -- anyone needs to
4 take a break, let's just take a few minutes, and we'll do
5 that while the jury's out, okay?

6 So, Ms. Tate, you may step down, and if you need to
7 take a break, you're just not allowed -- well, you
8 haven't started your testimony, but you're not allowed to
9 talk to anyone about your testimony.

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: All right.

12 (WHEREUPON, a recess is taken at 11:04 a.m.)

13 THE COURT: All right. Is the State ready to
14 proceed? Is the State ready to proceed?

15 MS. LANDSVERK: I'm ready, Your Honor.

16 THE COURT: Is defense ready?

17 MR. CANTRELL: Yes, Your Honor.

18 THE COURT: All right. Let's bring them in, please.

19 (WHEREUPON, the jury entered the courtroom at 11:38 a.m.)

20 THE COURT: All right. Picking up where we left
21 off, folks, I'm going to overrule the objection as to
22 Ms. Tate being qualified as an expert witness and I'm
23 going to allow her to testify.

24 Is this the first expert witness we've had in this
25 case?

1 MS. LANDSVERK: It is, Your Honor.

2 THE COURT: Folks, let me explain just briefly.
3 Under our law and procedure, typically, a witness is not
4 allowed to testify as to their opinions about things.
5 They are allowed to testify as to facts, things that
6 they've seen, observed and experienced. However, there's
7 an exception to that rule for witnesses that are
8 classified or qualified as what we call an expert
9 witness.

10 An expert witness is someone who, because of their
11 education, experience and training, has become an expert
12 in a particular field. And an expert is allowed to
13 testify to what they've observed and what they've done,
14 and then they're also allowed to take that next step and
15 give their opinion based upon that examination and what
16 they've done. And so that's the difference -- the main
17 difference between a lay witness and an expert witness is
18 an expert witness is allowed to give their opinion.

19 What I would tell you is this. The law makes
20 absolutely no distinction between the credibility or
21 believability of an expert witness versus a lay witness.
22 You decide credibility and believability of all the
23 witness based upon your own criteria and what you
24 observed. You're not to give an expert witness's
25 testimony any more credibility than that of a lay witness

1 simply because they're an expert. You treat all
2 witnesses the way you feel that it is appropriate, and
3 you believe or disbelieve any witness based upon your
4 decision as each individual juror, okay?

5 So with that understanding, you may proceed with
6 your examination.

7 MS. LANDSVERK: Thank you, Your Honor.

8 DIRECT EXAMINATION (CONTINUED)

9 BY MS. LANDSVERK:

10 Q Mrs. Tate, when was Minor first referred to you for
11 counseling?

12 A She was referred in the month of March 2015.

13 Q Okay. And how many therapy sessions have you had
14 with her?

15 A I've had approximately 90 therapy contacts with
16 Minor

17 Q Okay. And do you normally see a child that many
18 times?

19 A Generally, I will see a child approximately 50
20 times.

21 Q Okay. And why so many more times in this case?

22 A Minor 's trauma symptoms were clinically
23 significant. It appeared that she was in imminent
24 danger, and she had issues regarding involvement from --
25 from caretaker -- from her mom.

1 Q Okay. Can you expand on that a little bit as far as
2 she had extra issues with her mother or ---

3 A Yes. She came to see me for an assessment, and that
4 date that she came for that assessment was on
5 March 24, 2015. She was in the custody of her aunt Dawn
6 Young. And at that first meeting, she was very anxious,
7 very fearful, was clinging onto her aunt, excessive
8 crying, and just stating that she was very afraid.

9 I finished that assessment because she was so -- so
10 anxious that I needed to get her to be calm so that she
11 could come back to therapy and that she would feel more
12 comfortable with me and eventually feel more comfortable
13 being in the room with me by herself.

14 She had an assessment again on April 20, 2015, and
15 at that time, Minor reported that she was extremely
16 scared to come to therapy. She disclosed to me during
17 that session about an incident of abuse with Mom's
18 boyfriend. And during that time, she said that her mom
19 did not want her to tell what was going on. And I
20 learned from DSS, as she was still having visitation with
21 her mom, which was contributing to her holding back
22 information that I needed to help her.

23 Q Did she tell you when she disclosed the abuse where
24 it happened?

25 A She told me that it happened at camp.

1 Q Okay. And can you tell me just briefly what her
2 concerns were with her mother? What was her mother
3 trying to do to her as far as the sexual abuse?

4 A Minor told me that her mom had told her to forget
5 about it, to not mention Jake's name anymore, and to just
6 forget that the abuse had happened. And Minor shared
7 with me that she was terrified of both of them.

8 Q Okay. Well, in her therapy sessions, what were some
9 of your treatment goals for her?

10 A The treatment goal, I used the trauma focused
11 cognitive behavioral therapy model, and what that model
12 addresses are symptoms arising from the abuse event
13 itself.

14 With her, the first sessions were assessment, then
15 it was psychoeducation to help the child and the
16 supportive caregiver understand what abuse was, reasons
17 why it happens to children, and trauma symptoms that
18 result from it. Minor and her caregiver had expressed
19 concerns about the anxiety, about her having nightmares,
20 and also about her feeling that people were stalking her
21 when she was going into public settings. She had a lot
22 of fear about coming out, and in particular going to like
23 school events. I think she had played baseball, things
24 like those types of events, and she was scared that she
25 was being stalked by persons who were trying to persuade

1 her to not further tell information in therapy sessions.
2 And with the model -- so that was one thing that we
3 addressed.

4 Then we addressed relaxation skills, because every
5 time she came in, she was very jumpy, she cried
6 excessively, she had very negative emotions about
7 herself. She thought she was to blame for what had
8 happened, and she wanted to know how she can get her mom
9 to love her again, how she could get Jake to not be mad
10 at her, and just to feel happier again.

11 In one session, she had shared with me that before
12 the abuse, she was a happy person, and then after the
13 abuse, she said that she no longer had feeling. She said
14 she could not feel, and that to feel happy, she didn't
15 know how to feel happy.

16 Q As far as her trauma symptoms, were her trauma
17 symptoms consistent with someone who is potentially
18 sexually abused?

19 A I would say that her trauma symptoms were consistent
20 with being sexually abused. And I use the rating scale,
21 which is called the trauma symptom checklist for young
22 children. And all of her scores -- and can I read where
23 they were ---

24 Q Sure.

25 A --- in the areas that they were clinically

1 significant and required clinical intervention?

2 And I'm just going to read this part here. Minor
3 was treated for trauma symptoms consistent with sexual
4 abuse. She had high levels of sexual distress fearing
5 that males wanted to touch her private parts. She had
6 difficulty sleeping due to reoccurring nightmares about
7 being sexually abused. Minor felt she was terrorized by
8 her mother to not disclose any additional information
9 about the abuse in the home and at the camp with -- with
10 Jacob. Minor disclosed that her mother let her go alone
11 to the camp with Jacob.

12 Minor 's symptoms were rated clinically significant
13 in the following areas: depression, posttraumatic stress
14 intrusion, posttraumatic stress avoidance,
15 disassociation, and sexual concerns.

16 Minor 's progress was slow. She practiced
17 relaxation skills, using them when she felt stressed and
18 to prepare for tests at school. She also had memory
19 problems where she was having difficulty concentrating on
20 her schoolwork, and that is consistent with trauma
21 symptoms there. And with that, she -- her grades dropped
22 lower, and she would have flashbacks in school as well.

23 Q If you have anything else to add, please do.

24 A Okay. And she began to open up and describe feeling
25 terrorized by her mother and Jacob. She was worried what

1 would happen to her if she returned home. And around the
2 month of June 9, 2015, Minor informed me that she was
3 being watched by someone in public settings. And when I
4 assessed it and spoke with her DSS worker, we did learn
5 that her mom and Jacob had a friend who was watching her
6 at softball, so it ---

7 MR. CANTRELL: Objection, Your Honor. Probably need
8 to address this outside . . .

9 (WHEREUPON, a bench conference was held off the record.)

10 THE COURT: Folks, I'm going to get you to step back
11 into the jury room. I'll bring you right back out. Let
12 me deal with an issue of law here, and we'll get you back
13 in a minute.

14 (WHEREUPON, the jury exits the courtroom at 11:53 a.m.)

15 THE COURT: All right. Mr. Cantrell?

16 MR. CANTRELL: Your Honor, I have objected to the
17 response of the last question, more specifically that
18 there was -- I wouldn't call it an investigation, an
19 inquiry made and that Jake and the child's mother had had
20 someone go to her ball game to watch her. That
21 information was obviously elicited from some other
22 source. I had no way of knowing or being able to be
23 prepared that that may even come out because there had
24 been no written notice from this witness to review.

25 So first, of course, I believe that is hearsay. It

1 is an inappropriate testimony.

2 Secondly, I believe -- and that it should be
3 excluded, but more importantly, I guess the primary
4 motion is the jury has heard it now, and it cannot be
5 unheard, even though they can be told to disregard it.
6 And I think that is significant enough in this case, and
7 the testimony is significant enough that I would have to,
8 at this point, move for a mistrial because that is
9 prejudicial and more damaging than a curative charge to
10 the jury could address.

11 THE COURT: All right. Solicitor?

12 MS. LANDSVERK: Your Honor, to be quite honest with
13 you, Ms. Tate and I met and we reviewed what -- you know,
14 of course, what happened between her and Minor And we
15 didn't go in extreme depth. We did talk about several
16 different things except the last part about someone
17 potentially following her. I was -- the State was
18 completely unaware of. And had we known that was coming,
19 I would have stopped it.

20 But in light of that, I first want to respond to the
21 notes issue by Mr. Cantrell. And in State vs. Trotter,
22 it is a 1996 South Carolina Court of Appeals case, it
23 held that counselors' notes of interviews and
24 conversations with victims or the patient are privileged
25 and they're not discoverable under Rule 5.

1 THE COURT: I'm not concerned about that.

2 MS. LANDSVERK: Okay. I didn't know if that was an
3 issue.

4 So -- but as far as that, we can -- I mean,
5 obviously, we're fine with that being stricken from the
6 record. We do not think at this time it prejudiced the
7 defendant enough for it to be considered a mistrial. We
8 won't have to talk about it any further, and we will know
9 longer bring it up whatsoever. But that's where the
10 State's position is.

11 THE COURT: All right. I'm going to deny the motion
12 for a mistrial. However, I'm going to sustain the
13 objection as to the response to the solicitor's last
14 question. I'm going to strike that from the record,
15 order that the jury disregard that response. And I'm
16 going to take it a step further and explain to the jury
17 that that response was completely irrelevant to any
18 issues in this trial.

19 You're right, Mr. Cantrell. You can't make somebody
20 unhear something, but I think adding the additional
21 explanation that that's not an issue in this case, it's
22 irrelevant, I think would help -- goes to the fact that
23 it's not something for them to consider. And I'll also
24 explain to them that it's not to be considered in any way
25 in their deliberations.

1 MR. CANTRELL: Thank you, Your Honor.

2 MS. LANDSVERK: Okay.

3 MR. CANTRELL: I have the motion or the objection
4 noted for the record.

5 THE COURT: All right. It's certainly noted.

6 All right. Let's bring the jury back in, please.

7 (WHEREUPON, the jury entered the courtroom at 11:57 a.m.)

8 THE COURT: All right, folks. Thank you for giving
9 me that opportunity.

10 If you recall, Mr. Cantrell objected to the
11 witness's response to the solicitor's last question, and
12 not only has formed an objection to that response, but
13 has asked that it be stricken from the record. I agree
14 with him, and I'm going to sustain that objection.

15 The response of the witness to the solicitor's last
16 question is to be stricken from this record. It was not
17 responsive to any issue in this case that you're going to
18 have to decide, and so it wasn't relevant to any issues
19 in this case. So that response is stricken. When you go
20 back at some point in the future when you go back to
21 deliberate this case, that response to the solicitor's
22 last question is not a piece of evidence in this case and
23 you're not to consider it in your deliberations. Okay?

24 So, Solicitor, you may continue with your direct
25 examination.

1 MS. LANDSVERK: All right. Thank you, Your Honor.

2 BY MS. LANDSVERK:

3 Q Now, after we talked about her trauma symptoms and
4 what she's been through, can you tell me how counseling
5 does help to address some of these symptoms?

6 A It helps to address the symptoms, number one, with
7 the relaxation, providing her with positive, healthy
8 coping skills versus unhealthy, which would be, at one
9 point in therapy, she stated she wanted to do self-harm
10 to herself. And she had a plan of -- she was assessed
11 for self-harm, and we put a safety plan in place.

12 MS. LANDSVERK: Well, thank you. That's all the
13 questions I have for you.

14 THE WITNESS: Okay.

15 MS. LANDSVERK: If you would, just answer
16 anything ---

17 THE COURT: Mr. Cantrell, cross-examination?

18 CROSS EXAMINATION

19 BY MR. CANTRELL:

20 Q Ms. Tate, you reference the allegations or
21 statements about sexual abuse. Was one instance of
22 sexual abuse related to you?

23 A Yes, sir.

24 Q Would you tell me also what other incidents of abuse
25 were related to you in the home.

1 A She related that she and her brother were physically
2 abused.

3 Q And I think you indicated that -- or the reason for
4 her -- it appearing that -- or your belief or -- that she
5 was in imminent danger was because of her mother and
6 caretaker issues or some wording to that effect. Is that
7 what you said?

8 A She was concerned about returning back to her
9 mother.

10 Q She did not want to return back to her mother; is
11 that correct?

12 A No -- yes, sir. She did not want to return back
13 home.

14 Q And you indicated she had been terrorized by her
15 mother?

16 A Yes, sir.

17 Q So when she came to you, she had a lot of mother
18 issues or issues with her mother, correct?

19 A She came to discuss issues related to her sexual
20 abuse.

21 Q So when she came to you, there was no discussion or
22 no concerns about other behavior in the home or other
23 abuse by her mother or anyone else?

24 A That -- that came through later in the therapy.

25 Q So your focus when you got this case was because

1 somebody said she had been sexually abused?

2 A Yes.

3 Q And who referred her to you?

4 A She was referred by Pickens County DSS.

5 Q And your office is at the Julie Valentine Center?

6 A Yes, it is.

7 Q Did you know that she had had a forensic interview
8 at the time you met with her?

9 A Yes, I did.

10 Q Did you have that forensic interview or did you
11 witness it?

12 A No, sir.

13 Q Now, the symptoms that you have described, there's a
14 lot of them ---

15 A Yes, sir.

16 Q --- in this case. More than in most cases; is that
17 correct?

18 A It depends on the child.

19 Q How so?

20 A Some children may have more in anxiety. Others may
21 have some self-harm as well.

22 Q And how does that enter into it? Is that something
23 that is just individual to the child?

24 A What I use is a trauma symptom checklist for young
25 children to rate the level of intensity and to look at

1 where those symptoms are.

2 Q Do you look at where they could have come from or
3 where they could have originated?

4 A They generally originate from a traumatic event.
5 The test is designed to measure the impact of the trauma.

6 Q Of one trauma?

7 A It can be other traumas as well.

8 Q But when this was referred to you, you were focusing
9 on the one alleged trauma that had been brought out
10 previously at -- or alleged at the Julie Valentine
11 Center, the forensic interview; is that correct?

12 A Yes, sir.

13 Q So that's what your focus was?

14 A My focus was to address the sexual abuse. That was
15 the reason for the referral.

16 Q But then it expanded into a great deal more than
17 that, did it not?

18 A Yes, it did.

19 Q The symptoms, the diagnosis, the findings that you
20 have referred to and I've heard a lot of different
21 descriptions of it which leads us to understand that they
22 were significant issues for this young lady.

23 A Yes, sir.

24 Q Can those only be, in your professional opinion, the
25 only way a child can have those is through one incident

1 of sexual abuse?

2 A Yes, sir.

3 Q That's the only way this could happen, that a child
4 would have these reactions?

5 A From my experience with other children that had one
6 incident, yes.

7 Q And just to make sure I'm clear, everything you just
8 described can only be explained, in your mind, based on
9 this one incident of sexual abuse?

10 A For this particular child at the time I gave the
11 test, yes.

12 MR. CANTRELL: I have no further questions. Thank
13 you.

14 THE COURT: Anything further of this witness?

15 MS. LANDSVERK: Nothing further, Your Honor.

16 THE COURT: Thank you, ma'am. You may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Any objection to this witness, Ms. Tate,
19 being excused?

20 MR. CANTRELL: No objection, Your Honor.

21 THE COURT: Thank you very much, ma'am. You are
22 free to go.

23 All right. Ladies and gentlemen, it's just a
24 couple of minutes after 12:00. I think we'll break at
25 this time for lunch.

1 Continue to maintain your ability to remain fair and
2 impartial. Please have no conversation about the case
3 with anyone. Just take a break, let your mind relax and
4 enjoy your lunchtime. I ask, if you would, be back at
5 1:30, and we'll start back once everyone is returned.

6 Everyone else, please remain seated while the
7 members of the jury are excused.

8 (WHEREUPON, the jury exits the courtroom at 12:06 p.m.)

9 THE COURT: Is there anything we need to take up
10 before we break for lunch, folks?

11 MS. LANDSVERK: Nothing from the State, Your Honor.

12 MR. CANTRELL: Nothing, Your Honor.

13 THE COURT: You've got two more witnesses?

14 MS. LANDSVERK: I do. Yes, Your Honor.

15 THE COURT: How long do you think -- I'm not holding
16 you to it, but roughly ballpark ---

17 MS. LANDSVERK: I think maybe 30 minutes each, maybe
18 a little bit longer.

19 THE COURT: Does that include cross?

20 MS. LANDSVERK: Maybe not including cross. I don't
21 -- because -- yeah. I don't know how much he'll ---

22 THE COURT: Okay.

23 MS. LANDSVERK: --- ask. It'll take an hour for the
24 State's portion.

25 THE COURT: All right. Okay. Well, we'll then

1 start back at 1:30.

2 MR. CANTRELL: Thank you, sir.

3 MS. LANDSVERK: Thank you, Your Honor.

4 (WHEREUPON, a recess is taken at 12:08 p.m.)

5 THE COURT: Is the State ready to proceed?

6 MS. LANDSVERK: The State's ready, Your Honor.

7 THE COURT: Defense ready?

8 MR. CANTRELL: Yes, sir.

9 THE COURT: All right. Let's bring the jury in,
10 please.

11 (WHEREUPON, the jury entered the courtroom at 2:05 p.m.)

12 THE COURT: All right. Folks, I hope everyone had a
13 good lunch break. We're ready to start back.

14 If you recall, we were on the State's case, and
15 we'll continue there and recognize Ms. Landsverk for the
16 State's next witness.

17 MS. LANDSVERK: Thank you, Your Honor. The State
18 would like to call Dr. Kathy Waggett to the stand.

19 THE COURT: All right. Ma'am, if you would, please
20 come around to be sworn.

21 WHEREUPON,

22 KATHY WAGGETT,

23 After first having been duly sworn, testified as follows:

24 THE CLERK: If you would, have a seat and state your
25 name for the record, please.

1 THE WITNESS: My name is Dr. Kathy Waggett.

2 DIRECT EXAMINATION

3 BY MS. LANDSVERK:

4 Q Good afternoon, Dr. Waggett.

5 What is your occupation?

6 A I'm a physician specializing in psychiatry.

7 Q And how long have you been a physician?

8 A I've been a licensed physician in South Carolina
9 since 1984.

10 Q Okay. And where are you employed?

11 A At the Pickens County Mental Health Clinic.

12 Q How long have you been at the Pickens County Mental
13 Health Clinic?

14 A Since 2005.

15 Q And what specific types of services do you provide
16 at the clinic?

17 A I perform psychiatric medical evaluations and make
18 treatment recommendations and -- for -- and I prescribe
19 medication to individuals that require medications for
20 treatment of a psychiatric disorder.

21 Q Okay. And do you work with many children?

22 A Yes. I'm currently primarily seeing only children
23 three days per week at the clinic.

24 Q Can you talk to me a little bit about any courses or
25 seminars that you have attended in regards to child

1 psychiatry?

2 A Well, for over -- it's been probably over 14 years
3 I'm required -- in order to renew my license in South
4 Carolina to practice psychiatry, I'm required to obtain
5 over 20 hours of continuing medical education in
6 psychiatry each year. And ---

7 Q So that involves going to these courses then?

8 A Most of -- most of the continuing medical education
9 credits that I obtain are from journals that provide
10 continuing psychiatric medical education.

11 Q Okay. And does that relate to child psychiatry,
12 most of those?

13 A It's related to psychiatry including child
14 psychiatry.

15 Q And you told us that you were at the clinic since
16 2005. Have you been working with children at the clinic
17 since that time as well?

18 A Yes.

19 MS. LANDSVERK: Okay. Your Honor, at this time, the
20 State would like to offer Dr. Waggett as an expert in the
21 field of child psychiatry.

22 MR. CANTRELL: No objection.

23 THE COURT: All right. Without objection. She's so
24 qualified.

25 MS. LANDSVERK: Thank you, Your Honor.

1 BY MS. LANDSVERK:

2 Q Dr. Waggett, when was Minor first referred to you
3 for therapy?

4 A I first saw Minor on January 7, 2016.

5 Q Okay. And why -- what's the purpose of treating
6 her?

7 A She was referred by Victoria Tate to the Pickens
8 County Mental Health Clinic for an evaluation, and she
9 had her initial clinical assessment performed in December
10 by her counselor, Sharon Mimms, at the clinic.

11 Q Okay. And after meeting with Minor did you
12 diagnose her with any disorders?

13 A Yes. I diagnosed her with posttraumatic stress
14 disorder.

15 Q Okay. Otherwise known as PTSD?

16 A Right.

17 Q Can you explain to me what that disorder is?

18 A The -- first of all, their -- the individual must be
19 -- have had an exposure to a traumatic event such as
20 sexual abuse. And following the traumatic event, there
21 is a persistent re-experiencing or what is called
22 intrusion symptoms of the traumatic event. The person --
23 the individual may experience persistent distressing
24 recollections of the traumatic event. They may have
25 recurring distressing dreams related to the traumatic

1 event. Children may have frightening dreams and with no
2 recognizable content, and they also may -- a person may
3 experience what's called disassociative reactions, which
4 is also referred to as flashbacks where the individual
5 feels as if they -- the event -- traumatic event is
6 recurring.

7 There is a -- there may be avoidance of any stimuli
8 associated with the traumatic event. There may be --
9 there's usually negative alterations in their mood.
10 There may be a persistent negative mood state such as
11 persistent anger or fear, shame. They may have negative
12 cognitive distortions and negative beliefs about
13 themselves due to the trauma.

14 Q Okay. Well, Dr. Waggett, I'm going to take you now
15 to why you specifically diagnosed Minor . After hearing
16 about PTSD in general, why did you diagnose her
17 specifically with it?

18 A She reported that she was having frequent
19 recollections of the abuse. She also reported ---

20 Q Just real quickly, when you say "frequent
21 recollections of the abuse," what type of abuse are you
22 referring to?

23 A Of the sexual abuse.

24 Q Okay. You can proceed.

25 A And frequent nightmares of the sexual abuse.

1 Q And how does counseling in general help her cope
2 with these symptoms?

3 A Well, the recommended treatment is the trauma focus
4 cognitive behavior therapy. And it's a complicated type
5 of therapy, but it helps the individual learn stress
6 reduction techniques to handle the stress and the
7 feelings of -- associated with the traumatic events, and
8 the -- also there's gradual exposure to the traumatic
9 events in a controlled safe therapeutic environment so
10 that the child learns -- can gain mastery over their
11 feelings and -- associated with the trauma.

12 Q Well, did you prescribe her any medications?

13 A Yes. I started her on Zoloft.

14 Q Okay. And how does Zoloft help her?

15 A Zoloft is an antidepressant. It is in the -- it's
16 classified as a serotonin reuptake inhibitor.

17 Q What does that mean?

18 A Zoloft has been approved by the FDA for treatment of
19 posttraumatic stress disorder.

20 Q Dr. Waggett, let me ask, because we didn't go to
21 medical school, you've got to bring everything down for
22 us.

23 A Oh.

24 Q So we're going to kind of step back a little bit and
25 talk about the Zoloft in terms that a common person who

1 has not gone through medical school can understand it is
2 doing. Like how does that affect her mood and what does
3 that do to help her?

4 A Well, as I said, Zoloft is an antidepressant, and it
5 helps reduce depressive symptoms, it helps reduce
6 anxiety, and it helps -- it has been shown -- as I said,
7 it has been approved by the FDA for treatment of
8 posttraumatic stress disorder also, so it has been shown
9 to reduce symptoms of posttraumatic stress disorder.

10 Q Okay. And emotionally, does that change sometimes
11 the way she views things or does it affect that at all
12 after being on Zoloft?

13 A Not necessarily.

14 Q In your expert opinion, are her symptoms of PTSD
15 consistent with her history of sexual abuse?

16 A Yes.

17 MS. LANDSVERK: I think that's all the questions I
18 have for you. If you can, just answer any from
19 Mr. Cantrell at this time. Thank you.

20 THE COURT: Mr. Cantrell?

21 MR. CANTRELL: If it please the Court.

22 CROSS EXAMINATION

23 BY MR. CANTRELL:

24 Q Dr. Waggett, when is the last time you saw

25 Minor ?

1 A May 24, 2016.

2 Q Does she have any appointments scheduled at this
3 time?

4 A If she does, I don't know when they are.

5 Q Now, looking at some records -- your records here, I
6 believe -- yeah, your records, I see a report service
7 date April 13, 2016. And under the heading of Medical
8 Decision-Making, then Diagnosis, that indicates that the
9 diagnosis is first posttraumatic stress disorder; is that
10 correct?

11 A That's correct.

12 Q Second listed there is unspecified anxiety disorder;
13 is that correct?

14 A That's correct.

15 Q The next listed diagnosis is child physical abuse --
16 child physical abuse, correct?

17 A That's correct.

18 Q The next listed is child sexual abuse?

19 A That's correct.

20 Q And then also listed, child neglect?

21 A That's correct.

22 Q So for those to be there as part of the diagnosis,
23 each and every one of those were considered by you or
24 dealt with by you in your treatment of this young lady,
25 correct?

1 A Well, we use -- we usually list the types of abuse
2 if -- that there is -- we do have that information that
3 we list the types of abuse that have been reported.

4 Q And all of those are a part of her examination, her
5 treatment, her program with you or her treatment process;
6 is that correct?

7 A Correct.

8 Q And just to make sure I'm right, you actually got
9 into this -- got -- started treating Minor , on this
10 specific referral from Ms. Tate; is that correct?

11 A That's correct.

12 MR. CANTRELL: No further questions. Thank you.

13 THE COURT: Anything further?

14 MS. LANDSVERK: Nothing further.

15 THE COURT: All right. Thank you very much, ma'am.

16 MS. LANDSVERK: Your Honor, at this time, the State
17 would like to call Shauna Galloway-Williams to the stand.
18 WHEREUPON,

19 SHAUNA GALLOWAY-WILLIAMS,

20 After first having been duly sworn, testified as follows:

21 THE CLERK: Thank you, ma'am. If you would, have a
22 seat and state your name for the record.

23 THE WITNESS: Shauna Galloway-Williams.

24 ///

25 ///

DIRECT EXAMINATION

BY MS. LANDSVERK:

Q Hi, Ms. Galloway-Williams.

Where are you employed?

A I'm the executive director of Julie Valentine Center.

Q Okay. And what services do you provide at the Julie Valentine Center?

A We are the child abuse and sexual assault recovery center, so we provide services related to prevention and education, investigation and treatment.

Q And would you please tell me a little bit about your educational background.

A I have a bachelor's degree in psychology from Winthrop University and a master's degree in counseling from Clemson University.

Q And how long have you been the executive director at Julie Valentine Center?

A I've been the executive director there for seven years.

Q And have you held any other position since you received your last degree?

A Yes. I received my master's degree in 2000. At that time, I -- well, prior to that time, I was working with the Department of Mental Health, so I have almost

1 19 years experience -- or going on 20 years now of
2 experience in the field of mental health assessment and
3 treatment. In 2001 I began working specifically with
4 children and families, and have been working primarily
5 with children and families who've been impacted by child
6 maltreatment since then.

7 Q And can you tell me about professional groups that
8 you are a part of that relate to this field?

9 A Sure. I'm currently serving on the board of
10 SCCADVASA, which is the South Carolina Association
11 Against Domestic Violence and Sexual Assault. I served
12 two terms on the board of directors for the South
13 Carolina Network of Children's Advocacy Centers. I
14 served one term as a board member for the South Carolina
15 Professional Society Against the Abuse of Children,
16 SCPSAC. I'm also a co-chair for the Silent Tears task
17 force. And I think that may be it.

18 Q Okay. How many presentations have you provided on
19 the topic of child sexual abuse?

20 A I've provided a number of presentations. Most
21 recently I presented at the Gundersen National Child
22 Protection Training Centers When Words Matter conference
23 specifically on the child maltreatment. On a regular
24 basis, I provide general training on child maltreatment,
25 recognizing and responding to possible allegations or

1 behaviors of sexual abuse. I was on the training team
2 that trained over 900 employees with the Greenville
3 County School District on that specific topic. I've also
4 conducted training at national trainings related to
5 working with non-offending caregivers.

6 Q And can you give me an estimate of how many children
7 who've been sexually abused that you've worked with over
8 the years?

9 A I have provided assessment and treatment to
10 thousands of children and families. I don't have a
11 specific number. Some I have seen purely for
12 assessments. Some I have worked with in therapy all
13 along. And I currently still facilitate a group for
14 non-offending caregivers of children who have been
15 sexually abused.

16 MS. LANDSVERK: Your Honor, at this time, the State
17 would like to offer Ms. Shauna Galloway-Williams as an
18 expert in child abuse dynamics.

19 MR. CANTRELL: No objection.

20 THE COURT: Without objection, she's so qualified.

21 BY MS. LANDSVERK:

22 Q Ms. Galloway-Williams, are you paid to be here?

23 A No.

24 Q Are you here because of a subpoena?

25 A Yes.

1 Q And do you know anything about the defendant, Jacob
2 Hendricks?

3 A I do not.

4 Q Have you ever seen him before?

5 A No.

6 Q Have you ever met the victim, Minor ?

7 A No.

8 Q Did you observe a forensic interview that she was
9 involved in?

10 A No.

11 Q Okay. So next I want to talk about a few issues
12 that come up in child abuse cases. The first of them is
13 grooming. And I want to ask you if you can explain to
14 the jury what "grooming" means.

15 A In terms of child abuse dynamics, grooming is really
16 the process of desensitizing or getting a child more
17 familiar with abuse or testing the waters with a child.

18 So what I mean by desensitizing them, if we think of
19 grooming in terms of sexual abuse, the abuse may not go
20 straight to penetration or oral sex. It may begin with
21 touching -- touching on top of the clothes and then
22 touching under the clothes and doing that in a way that a
23 child may not necessarily understand or perceive as
24 sexual abuse, and it may not clearly be sexual abuse yet,
25 and then waiting to see how the child responds.

1 Grooming also can be developing trust with the child
2 in other ways, developing a close relationship with them,
3 giving them gifts, giving them special attention, doing
4 things to develop that relationship with the child in an
5 effort to keep the secret or to keep the child from
6 telling about what may be happening.

7 Q In your expert opinion, would subjecting a child to
8 pornography or other sexual relations between the parents
9 fall in the category of grooming?

10 A That would be another example of desensitizing a
11 child to sexual behavior, introducing it to them either
12 visually or if they hear it or see it or be around it in
13 a way that they -- you know, that the offender has not
14 directly committed an act with them but has introduced
15 them to that behavior.

16 Q And you spoke on this a little bit, but I want to
17 ask you about it to expand on it a little. In your
18 experience, is it common for children to be abused by
19 family members and people in positions of authority that
20 they trust?

21 A Most children are abused by someone that they know,
22 they love and they trust. The vast majority of children
23 are abused by someone that's either a family member, a
24 family friend, someone in their -- in their world. It
25 could be a coach, a teacher, a caregiver. And usually,

1 that person is not only someone that's known, loved and
2 trusted by the child, but also known, loved and trusted
3 by the family and many times the community as well.

4 Q And how common is it for a child in a sexual abuse
5 case to not tell anybody about it right away and to delay
6 their disclosure?

7 A Yeah. We use the term "delayed disclosure," and
8 it's actually been named that because it's such a common
9 occurrence.

10 The vast majority of children do not tell right
11 after an abuse incident happens. They may delay that by
12 days, weeks, years. We know that many adults live into
13 their adult life not ever having told anyone about the
14 abuse that they experienced as a child..

15 Q And why would that be? Could you give me any
16 explanation?

17 A Sure. One of the number one reasons that children
18 and adults don't disclose about sexual abuse is fear.
19 They fear something happening to themselves or someone
20 else. That can be because they've actually been
21 threatened or told that something will happen to them, or
22 they may have witnessed or seen the offender do something
23 that frightens them or scares them.

24 The relationship that the child has with the
25 offender may also impact whether they tell or not. As I

1 said before, most times children know, love and trust the
2 person that has abused them, and that relationship, in
3 and of itself, makes it very hard for them to tell.
4 Oftentimes, they -- there are many positive things about
5 that relationship, and the negative thing is the abuse
6 itself.,

7 Children often feel responsible for the abuse that's
8 happened to them. Children are very egocentric
9 naturally, and so they believe that they're the cause of
10 everything. If a child's body responded to the abuse in a
11 way that either they recognize or the offender pointed
12 out to them as being a sexual response, then they may
13 feel even more responsible.

14 And, I mean, there are a number of other reasons,
15 but children also are uncomfortable and embarrassed to
16 talk about sex. Most adults are uncomfortable talking
17 about sex, whether it's a good or bad experience.

18 Children often don't have the language to share that,
19 they don't have a context within which to share that, and
20 it can be even more embarrassing for them to talk about
21 it.

22 Q Okay. Well, I guess, in tagging along more a little
23 bit about talking about the topic in general, is it
24 common when people get up on the stand or just talk to
25 another person they've never talked to before about

1 sexual abuse to leave out some of the details, or to skip
2 over things, or they remember things a little bit
3 differently?

4 A Well, when we talk about disclosure, we know that
5 that's a process. And so the timing of when they're
6 being asked questions, the type of questions that they're
7 being asked, those kind of things can impact what
8 information is shared.

9 So, for example, if a mother is asking her daughter
10 questions about the abuse, mom may be asking questions
11 looking, seeking different answers than the prosecutor
12 may be looking for or the investigator or someone else.
13 So it's often dependent on the situation, who's asking
14 the questions, the questions that are asked and the
15 timing of that. And certainly being on the stand for a
16 child or for an adult can be very anxiety provoking, and
17 that could potentially impact how the child discloses.

18 Q Well, how common is it for children not to remember
19 every detail of an event?

20 A Well, just with children or with adults, we would
21 expect that there may be some details that you may not
22 remember, even with events that you repeatedly do all the
23 time. I use the example of, you know, I go to the
24 grocery store every week. I park in about the same spot
25 every week. I go down the same aisles every week. But

1 if you ask me how much money I spent on August 2, 2011,
2 at the grocery store, I'm not going to be able to tell
3 you that detail. I could probably tell you in general or
4 kind of where I went. I wouldn't be able to tell you
5 everything that's in my cart, but I could probably tell
6 you that, you know, I had eggs, milk and bread because I
7 buy that every week.

8 It's the same kind of thing with reporting a story
9 that you may have reported previously or talking about an
10 experience. You may remember those core details, the
11 essential pieces of that story, and some of the other
12 details may vary or fall apart or maybe fall out of your
13 story, may not be told every time.

14 Q And, in general, is it your experience that children
15 lie? Can you talk about that?

16 A So children and adults lie, but children are not
17 sophisticated liars, meaning that children lie about
18 things to keep themselves out of trouble. You know, they
19 lie if you ask them if they ate the cookie out of the
20 cookie jar and they have crumbs on their face and it's
21 clear that they ate the cookie. You know, did you hit
22 your brother? No, but you know they hit their brother
23 because you saw them do it. They lie about things like
24 that. They're not sophisticated liars in the sense that
25 they can anticipate what the next question's going to be

1 and be able to answer that one in such a way that it fits
2 with the previous answers to the previous questions, and
3 they can't do that across different scenarios. So, you
4 know, if a child is asked questions by multiple people
5 and they are consistent every time with those core
6 details, that's what we would be looking for.

7 Q And are children usually able to communicate in the
8 same way that adults can?

9 A No.

10 Q Okay. And what are the most common types of family
11 situations in which children are abused sexually?

12 A So ---

13 Q I mean, can you go through maybe some risk factors
14 as far as children who might have more of a tendency in a
15 certain family to be sexually abused, and there may be a
16 child in another family where those risk factors aren't
17 apparent?

18 A Right. So there are some risk factors to being
19 abused. Children who have known behavioral and emotional
20 problems are at higher risk for being abused because
21 those children, when they do make an outcry, are often
22 not believed because they have been lying about other
23 things.

24 Children who are in single-parent households are at
25 higher risk of being abused. Not to say that single

1 parents are putting their children at high risk for being
2 abused, but what we know is that there is a higher risk
3 of children being abused in homes where there's a single
4 parent who has live-in partners.

5 We also know that children with developmental delays
6 or disabilities are at higher risk of being abused. And
7 we know that children that live in households where
8 there's substance abuse, drug or alcohol abuse, that
9 they're at higher risk of being abused and neglected.

10 Q Okay. And lastly, how common is it in a delayed
11 disclosure case where someone takes a while to tell what
12 happened to them for there to be no medical findings of
13 that abuse as far as physical findings, the location that
14 maybe they were abused?

15 A Right. Yeah. I certainly can't give an opinion --
16 a medical opinion.

17 Q Sure.

18 A But what we know is that nine times out of ten there
19 is no lasting injury from the type of sexual abuse that
20 is being committed on children, and a lot of times that
21 even if there was an injury that had been committed -- or
22 even if there was a lasting injury, the delay in
23 disclosure would impact whether or not that injury would
24 still be there. A lot of times, if there was an injury,
25 it would have already healed by that time.

1 MS. LANDSVERK: Thank you. That's all the questions
2 I have for you. Please answer anything from
3 Mr. Cantrell.

4 CROSS EXAMINATION

5 BY MR. CANTRELL:

6 Q Ms. Galloway-Williams, what would be indicators of a
7 false or untrue report?

8 A What would be -- what would be indicators of a false
9 or untrue report?

10 Q Yes.

11 A Well, if there were absolutely no consistencies
12 between what the child said and what had been reported,
13 you know. If they were just complete -- completely
14 unidentical reports from the child and the ---

15 Q So do you believe it would have to be 180 degrees
16 opposite for it to be an indicator of an untrue report?

17 A When we are evaluating or assessing children, what
18 we are looking for is core and contextual details or
19 consistencies among what they're saying. So it's really
20 not our job to determine whether a child is making a
21 false report or a true report. It's our job to report
22 the information that they're sharing with us, you know.
23 So we are documenting their statement as evidence.

24 Q Documenting as evidence; is that right?

25 A Well, in most cases when there's not medical

1 evidence in a case, the evidence is the child's
2 statement.

3 Q And back to the original question. As far as
4 specific indicators or specific information or statements
5 that would lead one to believe this was an untrue report,
6 is there nothing other than it would have to be
7 statements that are polar opposites of what was reported?

8 A You know, we would have to evaluate the entire case.
9 I mean, we would have to look at all of the evidence
10 presented, all of the information shared to evaluate
11 whether or not . . .

12 Q Is there any definable minimum number of
13 consistencies that you have to find to believe that there
14 are core and contextual elements to a report?

15 A A minimum?

16 Q A minimum -- is there a minimum number or minimum
17 percentage of information that you have to see before you
18 believe the information is there?

19 A Well, again, it's not our job to, you know, believe
20 or determine whether an allegation is true or false, and
21 there is no minimum number of core or contextual details.

22 When we look at a case, we generally have some
23 background information. We have the child's statement,
24 we have the statements of others. And typically, what
25 we're looking for with core details are who, what, how

1 something happened.

2 With children we know that when is a concept that
3 may be a little more challenging for them because time is
4 an abstract concept, and so they may not be able to tell
5 us with accuracy the date that something happened. So
6 when we're evaluating core and contextual details, we're
7 looking at it a little bit differently than you might be
8 asking me.

9 Q So is it accurate to say that if you find any
10 consistencies, you would believe that to be core and
11 contextual details sufficiently -- sufficient showings?

12 A No. That's not what I'm saying.

13 Q But there's not a way to quantify or tell us exactly
14 what gets you to that point. It's just something that is
15 there for the interviewer?

16 A Again, the end result of my work is not to determine
17 whether a child is telling the truth or not or whether
18 the child's allegation is false or true. So that's --
19 when you're asking me if there is a certain percentage of
20 consistencies or inconsistencies that are leading to an
21 end result, it's really not a relevant question because
22 I'm not getting to that end result, if that makes sense.

23 Q Well, I'm saying -- I'm asking about an end result
24 of a statement that there are core and contextual --
25 sufficient core and contextual information. That's the

1 end result ---

2 A Okay. So yes. If I'm -- if I'm indicating that a
3 child has provided core and contextual details about an
4 abuse event, there is not a specific percentage or number
5 of times that we would count to indicate that.

6 Q All right.

7 A Because there -- that could vary based on the
8 child's age and developmental level. It could vary based
9 on the amount of information we have with respect to
10 background information and any other corroborating
11 evidence. So there are a lot of factors that come into
12 play in addition to that child's statement.

13 Q And by the same token, that determination could not
14 take into account, number one, information that you had
15 not received or information that would come out later.
16 Basically, you're just going based on what you hear at
17 the time.

18 A If I'm providing an assessment of a child, I
19 certainly can't predict the future. So, no, I would not
20 have information that comes out after the child has met
21 with me unless, you know, we're discussing that later.
22 And sometimes that information may come into play later
23 if we're still evaluating a case. But basically, we have
24 the information that's before us, and that comes from
25 multiple sources, not just the child.

1 Q I think I kind of knew that you couldn't base it on
2 something you didn't know about. I guess that's what I
3 was saying.

4 Lastly, your testimony here today as an expert, as
5 you've been found to be well-qualified, has nothing to do
6 with the specifics of this case whatsoever; is that
7 correct?

8 A That's correct.

9 Q You know nothing about anything involving this case.

10 A I do not know the specifics of this case. I'm here
11 to provide information and education around the issue of
12 child abuse dynamics.

13 MR. CANTRELL: No further questions! Thank you.

14 THE COURT: Anything further of this witness?

15 MS. LANDSVERK: Nothing further from the State.

16 THE COURT: All right. Thank you very much, ma'am.

17 THE WITNESS: Thank you.

18 THE COURT: You're free to go.

19 Any objection to her being excused?

20 MR. CANTRELL: No, Your Honor.

21 THE COURT: All right. Thank you very much.

22 MS. LANDSVERK: Your Honor, at this time, the State
23 will rest.

24 THE COURT: All right. Ladies and gentlemen, the
25 State has rested their case, and what I am required to do

1 at the close of the State's case is take up some matters
2 of law. They're not lengthy. Fairly brief. So let me
3 take up these matters of law while you step back into the
4 jury room, and then we'll start back when you come --
5 when you return, okay? So please have no conversation
6 about the case, and I'll bring you back out shortly.

7 (WHEREUPON, the jury exits the courtroom at 2:43 p.m.)

8 THE COURT: All right. At this time, I'll take up
9 any motions at the close of the State's case.

10 MR. CANTRELL: Your Honor, renewing and subject to
11 all prior motions, I would move at this time for a
12 directed verdict in that the evidence submitted is not
13 sufficient to establish sufficient evidence to move
14 forward. We move for a directed verdict.

15 THE COURT: All right. I'm going to respectfully
16 deny that motion, Mr. Cantrell. I think it's a factual
17 issue for the jury to decide, and I think there is -- at
18 this stage, the Court is just concerned with the
19 existence of evidence, not necessarily the weight.

20 That's a jury issue. And so I think -- depending on how
21 the jury views the evidence, I think there is evidence in
22 the case that does require it to go forward.

23 Anything else? Any other motions or anything before
24 we ---

25 MR. CANTRELL: None for the defense.

1 At this time, I would advise the Court -- I would
2 like to take a couple minutes with my client during the
3 break, and also -- and I failed to do this during the
4 lunch break -- I need to set up this equipment to show
5 something on an overhead projector.

6 THE COURT: All right.

7 MR. CANTRELL: So I -- quite frankly, I need
8 somebody else to do that for me. But I need a minute or
9 two to get that set up.

10 THE COURT: Okay. Before we do that, if you don't
11 have any objection, let me just speak briefly with
12 Mr. Hendricks about his rights, and then I'll let you and
13 him, obviously, have further conversation as it relates
14 to that.

15 Mr. Hendricks, we've reached the portion of the
16 trial where the State has rested their case, and now
17 there's going to be a decision that -- and I know you've
18 already probably talked with Mr. Cantrell about this, but
19 you have a constitutional right both to testify as well
20 as to remain silent. And I just want to just go over
21 briefly with you those two rights, and then at that
22 point, give you and Mr. Cantrell a little bit further
23 time to talk about that.

24 First as to your right to testify, you certainly
25 have the right to testify in your own defense. If you do

1 that, of course, you have to answer questions from your
2 attorney, but you would also be required to answer
3 questions from the State's counsel. Do you understand
4 that, sir?

5 DEFENDANT HENDRICKS: Yes, sir.

6 THE COURT: Okay. And, now, I think we -- y'all got
7 to bear with me now because I had that first trial and I
8 don't want to -- did we already talk whether or not
9 Mr. Hendricks has any prior record that would be subject
10 to impeachment?

11 MS. LANDSVERK: Your Honor, we have not discussed it
12 at this time. He does have a prior record, though.

13 THE COURT: All right. Well, let's go over that
14 briefly here so that I can talk with Mr. Hendricks about
15 that.

16 MS. LANDSVERK: Okay. Your Honor, he has two
17 burglaries, burg thirds, 2014, and two grand larcenies.

18 THE COURT: Okay. Is that it?

19 MS. LANDSVERK: That's it.

20 THE COURT: Now, Mr. Hendricks, you understand that
21 if you were to take the stand -- and the question doesn't
22 have to come from the State. It can come from your
23 lawyer. But the bottom line is that either one of the
24 attorneys would be allowed to ask you whether or not it's
25 a fact that you have been convicted of these criminal

1 offenses in the past. Now, they would not be able to
2 question you as to any details about those convictions or
3 as to any sentence imposed on those convictions. They
4 would simply have the right to ask whether or not you've
5 been convicted of those offenses, and that would be the
6 end of the questioning as it relates to those. You
7 understand, sir?

8 DEFENDANT HENDRICKS: Yes, sir.

9 THE COURT: And, of course, you would be under oath
10 so you would be required to respond truthfully to those
11 questions. And so if you decided to testify, those are
12 the parameters that you have to testify.

13 You also have the right -- you and all defendants
14 who are charged with criminal offenses, you have the
15 constitutional right to remain silent. And if you chose
16 to do that, I would instruct the jury -- when I give them
17 the charge on the law, I would instruct them that it is
18 your constitutional right to remain silent, that you
19 carry no burden of proof in this case to prove anything,
20 that you're not required to prove your innocence, that
21 the burden of proof in this case rests upon the State.
22 The State has the burden of proof. You don't have to
23 prove anything.

24 And the fact -- if you chose to remain silent, the
25 fact that you chose to remain silent could not be

1 considered by the jury at all in their deliberations. As
2 a matter of fact, I would take it a step further and tell
3 the members of the jury that the fact that you chose to
4 remain silent could not even be discussed in the jury
5 room, that they're not to consider that in any way at
6 all; do you understand, sir?

7 DEFENDANT HENDRICKS: Yes, sir.

8 THE COURT: Okay. Mr. Hendricks, the thing about
9 the constitutional rights that are important that you
10 understand is this. You have an outstanding attorney in
11 Mr. Cantrell. I expect you to fully discuss with him
12 your rights regarding your right to testify or your right
13 to remain silent, get his thoughts or opinions. But when
14 the rubber meets the road, when it comes to a
15 constitutional right, it has to be your call, okay?

16 DEFENDANT HENDRICKS: Yes, sir.

17 THE COURT: He may have thoughts and opinions as to
18 what he thinks you should do, but the bottom line is it's
19 your call. He'll give you his best thoughts, his best
20 ideas, but it's your decision. It's not -- it's not a
21 trial strategy. It's your constitutional right, and
22 whether or not you wish to exercise it is up to you to
23 decide, okay? No one can force you, coerce you in any
24 way to do either one, either to testify or to not
25 testify, okay?

1 DEFENDANT HENDRICKS: Yes, sir.

2 THE COURT: So understanding all those things, we're
3 going to take a little bit of a break, let you talk with
4 Mr. Cantrell about that.

5 (Pause in proceedings.)

6 THE COURT: All right. Folks, we'll be at ease for
7 just a few minutes.

8 (WHEREUPON, a recess is taken at 2:51 p.m.)

9 THE COURT: Mr. Cantrell, have you had an
10 opportunity to discuss with Mr. Hendricks his intentions?

11 MR. CANTRELL: Yes, I have.

12 THE COURT: All right. And what does he indicate he
13 wishes to do?

14 MR. CANTRELL: He wishes to testify.

15 THE COURT: All right. Mr. Hendricks, let me just,
16 very briefly, Mr. Cantrell has indicated to the Court
17 that you decided to exercise your right to testify,
18 correct?

19 DEFENDANT HENDRICKS: Yes, sir.

20 THE COURT: Has that been your decision, sir?

21 DEFENDANT HENDRICKS: Yes, sir.

22 THE COURT: Has anyone threatened you or forced you
23 or coerced you in any way to make that call?

24 DEFENDANT HENDRICKS: No, sir.

25 THE COURT: That's a decision that you've made of

1 your own free will, sir?

2 DEFENDANT HENDRICKS: Yes, sir.

3 THE COURT: All right. That's fine. We'll
4 certainly honor that decision, and whenever the time is
5 right, we'll let him do that, okay?

6 MR. CANTRELL: Thank you, sir.

7 THE COURT: All right. Is there anything we need to
8 take up then before we bring the jury back out, from the
9 State?

10 MS. LANDSVERK: Nothing from the State, Your Honor.

11 THE COURT: Defense?

12 MR. CANTRELL: Nothing from the defense, Your Honor.

13 THE COURT: All right. Let's bring them out,
14 please.

15 (WHEREUPON, the jury entered the courtroom at 3:04 p.m.)

16 THE COURT: All right, folks. Before we continue,
17 I'm going to handle an administrative matter here.
18 Mr. Van Hook, I'm going to ask you, if you would, sir, to
19 serve as the foreman of the jury.

20 FOREPERSON: Yes, sir.

21 THE COURT: I'll explain to you -- to everybody what
22 that entails. Folks, we have found over time that when
23 you deal with a group of folks, it's just much easier to
24 deal with one person on behalf of the group rather than
25 to have to deal with everybody individually. What I mean

1 by that is any time, if anybody on the jury has any
2 questions about anything, if you'll just let Mr. Van Hook
3 know, he'll write out that question and pass it to me. I
4 may just write back my response and send it to you, or I
5 may bring you back out as a panel and answer the
6 question. But that -- that's the main role of the
7 foreperson is to be the communicator between the jury
8 panel and the Court.

9 When you get the case for your consideration, I will
10 tell you that everybody must be present for the
11 deliberations. If anyone excuses themselves to use the
12 restroom or something of that nature, then, Mr. Van Hook,
13 you would want to stop the deliberations until that
14 person returns and then you would start back. And the
15 reason for that is probably clear. Everybody needs to
16 have the benefit of the conversation.

17 Your verdict in this case and in every case that's
18 tried in this court has to be unanimous. I tell you that
19 to say this. You're all equal members of the jury. No
20 one person's opinion or vote or thought is any more
21 important or any -- carries any more weight than anyone
22 else. So even though Mr. Van Hook is the foreperson,
23 because the verdict must be unanimous, all of you are of
24 equal value in your thoughts and your decisions with
25 regards to the case. And I'll give you a little bit of

1 instruction further when I give you the charge on the law
2 about considering each other's opinions and stuff. But
3 there's no one person whose thoughts or opinions carry
4 any more weight than anyone else. You're all equal
5 members of the jury.

6 So having said that, I've gone through everything
7 that I need to go through as far as the legal issues with
8 regards to the case at the close of the State's case, so
9 now we're ready to proceed, and I would recognize
10 Mr. Cantrell on behalf of the defense.

*11 MR. CANTRELL: Thank you, Your Honor. May it please
12 the Court.

13 THE COURT: Yes, sir.

14 MR. CANTRELL: I would ask that Jacob Hendricks step
15 up and be sworn.

16 THE COURT: All right. Mr. Hendricks, if you would,
17 please come around, sir, and be sworn.

18 WHEREUPON,

19 JACOB HENDRICKS,

20 After first having been duly sworn, testified as follows:

21 THE CLERK: If you would, have a seat and state your
22 name for the record, please.

23 THE WITNESS: Jacob Hendricks.

24 ///

25 ///

DIRECT EXAMINATION

1

2

BY MR. CANTRELL:

3

Q Jacob, how old are you?

4

A I'm 26.

5

Q And where are you from?

6

A I'm from Pickens.

7

Q Were you born and raised here in Pickens County?

8

A Easley.

9

Q Okay. All right. And what type of work do you do?

10

A Asphalt.

11

Q And how long have you been doing that?

12

A Since 2007.

13

Q Let's jump to one thing real quick. Jacob, when you testify, and you know that the jury has a right to know and it will come out if you've had any sort of criminal record, and the fact is, about three years ago you had some criminal charges; is that right?

14

A Yes, sir. I pled -- I pled guilty.

15

Q You pled guilty to two counts of grand larceny and two counts of burglary, correct?

16

17

A Yes, sir.

18

Q And you pled guilty in General Sessions court?

19

A Yes, sir.

20

Q Why did you plead guilty to those charges?

21

A Because I was guilty to doing them.

22

23

24

25

1 Q And at that point, you received a sentence and were
2 put on ---

3 A Yes, sir.

4 MS. LANDSVERK: Objection, Your Honor. Leading.
5 Leading question.

6 THE COURT: Sustain as to any sentence. Just move
7 on from that.

8 MR. CANTRELL: Okay.

9 BY MR. CANTRELL:

10 Q Were you sentenced at that time?

11 A Yeah. I was sentenced to probation.

12 Q All right, sir.

13 And let's let that lead into something else. You've
14 heard about testimony as to when you were arrested. They
15 found you in a house and you were under a bed.

16 A Yes, sir.

17 Q Is that true?

18 A Yes, sir.

19 Q And why did you do that? What were you concerned
20 about?

21 A I was -- I failed a drug test for my probation like
22 a couple weeks before, and I felt like that that's what
23 they were looking for me for. And I was just scared.

24 Q It turns out, was climbing under the bed the
25 smartest thing you ever did?

1 A No, sir.

2 Q But you heard the officer say that you came out and
3 you cooperated, you didn't -- no issues other than you
4 had to get out from under the bed; is that correct?

5 A Yes, sir.

6 Q And then did you find out that it had nothing to do
7 with probation?

8 A Yes, sir.

9 Q Was it, in fact, this charge that they were ---

10 A Yes.

11 Q --- arresting you for? Okay.

12 Had you known it was this charge, what would you
13 have done?

14 A I'd have turned myself in because, I mean, I ain't
15 -- I ain't guilty of it, sir. I wasn't being worried
16 about getting locked up for that.

17 Q All right. Okay. And that's when you were
18 arrested. We've already heard about the arrest. That's
19 when you were arrested on this charge, correct?

20 A Yes, sir.

21 Q Now, let's back up a little ways. When did you and
22 Kristy Young, Minor 's mother, get together?

23 A It was either the end of 2006 or the beginning of
24 2007.

25 Q And at that time, did she already have a child

1 Minor ?

2 A Yes, sir.

3 Q Did you and Kristy start living together at that
4 time?

5 MS. LANDSVERK: Objection, Your Honor. Leading.

6 THE COURT: All right. Sustain as to any leading.

7 BY MR. CANTRELL:

8 Q After you got together, where did you each live?

9 A We lived on . We got a place together.

10 Q Okay. So you both lived in the same house?

11 A Yes, sir.

12 Q And Minor lived there also?

13 A Yes, sir.

14 Q Did you and Kristy have another child at some point?

15 A Yeah. Blake was born three years after we got -- we
16 got together.

17 Q Okay. So what year was he born?

18 A 2010.

19 Q And since then, y'all have had another child also,
20 correct?

21 A Yes, sir.

22 Q And what's his name?

23 A Brantley

24 Q When was he born?

25 A He was born in, 2013.

1 Q 2013?

2 A Yes, sir.

3 Q So you and Kristy got together about 2007. How long
4 did y'all stay together?

5 A From the beginning of our relationship?

6 Q Yeah. For 2007, how long did y'all stay together at
7 that point?

8 A Probably six years, five years.

9 Q Were there separations after that along the way?

10 A There was after that. After that we started having
11 complications after about six years, yeah.

12 Q Okay. Let's be candid. During those six years,
13 were there problems between you and Kristy from time to
14 time?

15 A Nothing like major. Just maybe arguments or just
16 small stuff like that.

17 Q Now let's jump ahead, Jacob, to 2012. Do you
18 remember going on a camping trip with family in 2012?

19 A Yes, sir.

20 Q First of all, where was it? What campsite was it?

21 A It was Mile Creek.

22 Q Mile Creek here in Pickens County.

23 And do you remember what month it was?

24 A I really don't remember, but I just know it was
25 between May and June.

1 Q Now, when you were questioned about this, and we
2 heard that Lieutenant Kelley questioned you about it, at
3 that point, were you able to remember back when exactly
4 this camping trip occurred?

5 A No, sir.

6 Q How long after the camping trip was it before you
7 heard from Detective Kelley?

8 A It was at least -- let's see. It was at least two
9 years.

10 Q But you did tell him that you had been on a camping
11 trip in the summer of 2012, correct?

12 A Yes, sir.

13 Q Did you tell him who may have rented the campsite?

14 A Yes, sir. I just told him it was in one of my
15 cousin's name.

16 Q Now, let's back up and let you tell me what you
17 remember about the camping trip. How did you get to Mile
18 Creek?

19 A My -- my brother-in-law, he picked me up, him and my
20 sister and one of my nephews, they came picked us up at
21 the house.

22 Q All right. And did Kristy go?

23 A No, she didn't.

24 Q All right. Who did go on the camping trip?

25 A It was me, Minor and my son Blake.

1 Q And, now, did you have to take any equipment or was
2 all of the camping equipment, tents and other stuff
3 already there?

4 A No. They had all the tents there.

5 Q And when you say "they," who was there?

6 A Robert Galloway, Stephen Cain, Kristy Hendricks,
7 Brandy Galloway, Pamela -- I can't remember her last
8 name.

9 Q Pamela?

10 A Yeah. Pamela. And David Galloway and his -- his
11 wife and my cousin Eli Galloway and his girlfriend Brooke
12 Jackson.

13 Q Those were the adults that were there?

14 A Yes, sir.

15 Q Okay. And what about children? Who all was there?

16 A It was my nephews, it was Brayden and his little
17 cousin Peyton, Blake, Minor and Ethan was there, and my
18 -- my other little cousin Ted Galloway.

19 Q All right. Those were the children that were there?

20 A As far as I can remember, yeah.

21 Q Now, all but Ted -- were all but Ted 10 or 12 or
22 younger?

23 A Yes, sir.

24 Q All right. And Ted was how old?

25 A He was at least 13 or 14. I can't -- I'm not sure.

1 Q He was your cousin?

2 A Yes, sir.

3 Q Okay. But now he is -- has he since passed away?

4 A Yeah. He's deceased.

5 Q Okay. Were all of those people there when you
6 arrived except for those that were riding with -- you
7 were riding with?

8 A Yeah. They was all there. Well, Pam, she was just
9 -- she was just getting there, unloading her stuff in the
10 car when we got there.

11 Q How about the others?

12 A Yes. They was there.

13 Q And what -- do you remember approximately what time
14 you got there?

15 A I know it was at least like 1:00 in the afternoon
16 for sure, if not before. I just know it was in the
17 afternoon.

18 Q Okay. And tell us what sort of activities -- from
19 the time you got there, what sort of activities were
20 going on? What was everybody doing?

21 A We was just -- some -- some of us, we went out on
22 the boat. The neighbors had a boat, and they was letting
23 us tube. We was going out there and playing on the tube
24 and stuff.

25 Q What were the kids doing?

1 A They was just playing -- all playing in the water.
2 Ted and Ethan, they was fishing.

3 MR. CANTRELL: Permission to approach the witness,
4 Your Honor.

5 THE COURT: Yes, sir.

6 BY MR. CANTRELL:

7 Q Jacob, let me ask you if you recognize that picture
8 and those people.

9 A Yes..

10 Q Okay. Tell us who is in that picture?

11 A That's Minor , Brayden, Ethan and Peyton.

12 Q And can you tell me who that is?

13 A That's my son Blake.

14 Q And can you tell me who this is?

15 A That's me and my son Blake.

16 Q Okay. And do those appear to be pictures taken that
17 day?

18 A Yes, sir.

19 Q And do these pictures accurately reflect ---

20 A Yes, sir.

21 Q --- that day?

22 MS. LANDSVERK: Your Honor, at this time, the State
23 -- I object because we don't have foundation as to
24 whether or not he knows those are the pictures from that
25 date. He didn't -- said that -- he said he recognized

1 people in the photo. How do we know they're from that
2 time?

3 THE COURT: Because he testified.

4 MR. CANTRELL: I think I asked him that. I thought
5 I did.

6 BY MR. CANTRELL:

7 Q Were these accurately -- do these accurately reflect
8 that date?

9 MS. LANDSVERK: What date?

10 THE COURT: And he testified yes.

11 THE WITNESS: Yes, sir.

12 BY MR. CANTRELL:

13 Q And is this the date of the camp visit ---

14 A Yes, sir.

15 Q --- that we're talking about?

16 A Yes, sir.

17 THE COURT: Overruled.

18 MR. CANTRELL: And, Your Honor ---

19 THE COURT: Defense 1, 2 and 3?

20 MR. CANTRELL: Yes, sir.

21 THE COURT: All right. Defense 1, 2 and 3 is in
22 evidence.

23 (WHEREUPON, Defendant's Exhibit Nos. 1, 2 and 3 were
24 marked for identification and admitted into evidence.)

25 ///

1 BY MR. CANTRELL:

2 Q Was the campsite already set up as far as having
3 tables, chairs, tents and everything when you got there?

4 A Yes, sir. The only thing I had to help them with
5 was set the hammock up that I was going to be sleeping
6 in.

7 Q Let me hand you this and ask you to look at it. And
8 first, just tell me if you recognize what that is.

9 A Yes, sir. This is a layout of how that campsite was
10 set up.

11 Q This is just a drawing, but does it accurately
12 reflect the layout that day?

13 A Yes, sir.

14 MR. CANTRELL: Your Honor, I would offer this as
15 Defense Exhibit No. 4, I believe without objection.

16 MS. LANDSVERK: No objection.

17 THE COURT: Without objection, Defense 4 is in
18 evidence.

19 (WHEREUPON, Defendant's Exhibit No. 4 was marked for
20 identification and entered into evidence.)

21 MR. CANTRELL: And, Your Honor, with the Court's
22 permission, I would publish the picture on the overhead.

23 THE COURT: All right, sir. That's fine.

24 BY MR. CANTRELL:

25 Q Can you see that from there?

1 A Yes, sir.

2 MR. CANTRELL: And, Your Honor, if I can ask the
3 jury if they can see it or if you can ask them.

4 THE COURT: Folks, can everyone see that clearly
5 enough? Okay. All right.

6 BY MR. CANTRELL:

7 Q I mean, can you read the writing that's on it,
8 Jacob, so that you know what I'm pointing to?

9 A Yes, sir.

10 Q Okay. Let's just start with the simple part. What
11 is this (indicating) up here?

12 A That's the driveway where -- or the gravel road that
13 the campsite's on.

14 Q And let's -- is this what they consider up there a
15 primitive campsite, one without anything other than just
16 the ground set up for camping?

17 A Yes. That's correct.

18 Q And right here (indicating), what's that?

19 A That's the fire pit.

20 Q And is that a single fire pit for the entire
21 campsite?

22 A Yes, sir.

23 Q Let's move forward a little bit. This says "bank"
24 and then "beach" and then "water." Can you maybe expand
25 on that a little bit? What is this (indicating) here?

1 A This right there is -- right there in front of the
2 fire pit is probably like -- I remember it being about
3 maybe five or six foot from the edge of the bank, and
4 it's a drop-off. You've got to walk down to get on the
5 sandy beach.

6 Q All right. And then the beach, obviously, leads to
7 the water?

8 A Yes, sir.

9 Q Did you folks do any fishing that day?

10 A Yeah. Me -- me and Ted and Ethan, we fished a
11 little bit.

12 Q And where would you do your fishing?

13 A Down there -- we'd be down -- down the bank.

14 Q Down the bank on the beach area?

15 A Yeah. Just a little bit to the side away from --
16 because where -- where everybody's swimming, we was
17 fishing to the side.

18 Q To the side. Okay.

19 And did fishing -- I'm sorry. Did swimming take
20 place in the area in front of your campsite? Is that
21 primarily like where those pictures were?

22 A Yes, sir. We -- the kids swam right there in front
23 of us so everybody could be watching.

24 Q All right. And this says "picnic table"; is that
25 accurate?

1 A Yes, sir.

2 Q And, well, let's start with the tents. This
3 (indicating) is -- can you read that and tell us whose
4 tent that was?

5 A Yeah. That was Eli and Brooke's tent.

6 Q And this (indicating) one?

7 A That's Kristy and Stephen's tent.

8 Q We have over here, it looks like it says -- or it
9 says "ten-man tent." Whose was that?

10 A That's my cousin Robert Galloway's.

11 Q Did you come to find out that Robert is the person
12 that reserved the site?

13 A Yeah. At first I thought it was Ted Galloway, but
14 it is Robert Galloway.

15 Q I see a little tent up here or a little indication
16 up here (indicating). And can you tell me whose tent
17 that was?

18 A That's Ethan or Peyton's tent.

19 Q Okay. Approximately what age are they?

20 A At the time or now?

21 Q At the time.

22 A At the time -- let's see. He had to be 8, I think.
23 7 or 8.

24 Q And then look at this (indicating) one. And can you
25 tell me whose tent or who used this tent?

1 A That's where my son Blake and Brayden and Minor
2 slept.

3 Q Okay. And who's Brayden?

4 A Brayden is my nephew.

5 Q Okay. And who are his parents?

6 A Stephen Cain and Kristy Hendricks.

7 Q And it says "kid tent." Was this the tent that
8 those three were in?

9 A Yes, sir.

10 Q And when it says "kid tent," can you tell us, if you
11 remember, was it a reduced size or children's tent
12 type tent?

13 A Yes, sir. It was -- it was a small tent.

14 Q Okay. Now, as the day wore on, everybody's playing
15 and eating and that sort of thing. About when did it
16 come time for people to start turning in for the night?

17 A This -- right before dark, I mean, we -- we ate
18 supper, and I think we might have roasted marshmallows.
19 And about around -- about dark, everybody started lying
20 down.

21 Q When you say "everybody," you're talking adults,
22 too, or just the children?

23 A Just the kids. Some -- some adults stayed up. Some
24 of them, like my cousin, my cousin's wife, he -- they had
25 a newborn out there, so they was having to take care of

1 it.

2 Q Okay.

3 A And my Uncle David, he was out there with a -- with
4 a younger kid. But they ended up leaving that night.

5 Q Now, is there any lighting in this area or did you
6 have to bring your own lighting?

7 A Yeah. We had to bring our own lighting. If -- I
8 couldn't remember, they might have had streetlights up on
9 top of the road, maybe. If not, then there was no
10 lighting.

11 Q So did y'all have lighting in this area in some
12 parts of the area?

13 A Yeah. We had lanterns and a fire pit.

14 Q Okay. And were you able to see all of these
15 (indicating) tents ---

16 A Yes, sir.

17 Q --- from anywhere on this campsite?

18 A Yes, sir.

19 Q Now, did you go to bed after it got dark?

20 A No, sir.

21 Q Did Minor go to bed?

22 A Yes, sir.

23 Q And where did she go to bed?

24 A She went to bed in the tent with Blake and Brantley.

25 Q So in this kids tent, there were three children?

1 A Sir?

2 Q In this kids tent right here (indicating), there
3 were three children in there?

4 A Yeah.

5 Q Did they go to bed at the same time?

6 A Yeah. They all went and laid down at the same time.

7 Q After Minor went into the tent and laid down with
8 the other two, did she ever get up or come back out?

9 A No, sir.

10 Q Did Brayden, at least for the time being, stay in
11 the tent also?

12 A Yeah. Brayden, they did. Blake, he was in and out.

13 Q Tell us about Blake. Blake was a little less than 2
14 at the time?

15 A Yes, sir.

16 Q Tell us what Blake was doing from the time you put
17 him in the tent.

18 A I would put him in the tent, and he would stay maybe
19 five or ten minutes, and he would just come running out
20 back to the fire or wherever me and -- me and Ted was.

21 Q And was it necessary for you to get him back to the
22 tent?

23 A Yeah. Just take him back to the tent and put him
24 back in there and zip the tent back up.

25 Q And Minor and Brayden were in the tent at the time?

1 A Yes, sir.

2 Q Did that happen more than once?

3 A Yeah. It happened numerous of times.

4 Q And, in fact, were there occasions when somebody
5 other than you might take Blake back to the tent ---

6 A Yes, sir.

7 Q --- some of the other adults?

8 A Yes, sir.

9 Q Did there come any point in the night when Blake
10 just stayed out of the tent?

11 A Yes, sir.

12 Q Where did he stay?

13 A He -- he either sat in Pamela's lap near the fire,
14 or he was sitting with me.

15 Q At any time during the night, did Brayden leave that
16 tent?

17 A Eventually, he did.

18 Q Where did he go?

19 A He went -- he went and slept with his father.

20 Q That would be over here (indicating) in the tent
21 that's marked Kristy and Stephen?

22 A Yes, sir.

23 Q And let me back up and ask you, once Minor got in
24 the tent with Brayden and Blake, I believe you stated she
25 did not get out that night?

1 A No, sir.

2 Q When did she get out of the tent?

3 A It had been the next morning when all the kids woke
4 up.

5 Q At any point on this trip, did you climb in that
6 tent when there was nobody but Minor in there?

7 A No, sir.

8 Q Was there any time at the beginning of the night, at
9 least when they first went to bed, that Minor was in the
10 tent by herself?

11 A No, sir.

12 Q When you took Blake to go back into the tent and put
13 him back in, did you climb into the tent or did you place
14 him in the tent? How did you get him back in the tent?

15 A All I had to do was unzip the tent and he -- he
16 would crawl back in it.

17 Q Once all three children were in there, what sort of
18 space was left in that tent?

19 A Really no space.

20 Q Was this tent big enough for you to fit in ---

21 A No, sir.

22 Q --- even if you wanted to?

23 A No, sir.

24 Q What were you doing during the night?

25 A Me and my cousin, we was catfishing.

1 Q And was anybody else sitting out fishing or around
2 the fire pit during the night?

3 A Yes. Pamela was.

4 Q Anybody else sit out there for a portion of the
5 night?

6 A My cousin Robert, he did.

7 Q Did Robert eventually -- did he stay out there all
8 night or did he go ---

9 A He stayed out there until probably 4:00 in the
10 morning, maybe 3:00 or 4:00 in the morning.

11 Q All right. He was in the big ten-man tent up at the
12 top of the screen?

13 A Yes, sir.

14 Q So you and Ted, who unfortunately has passed away,
15 and Pam stayed out there all night fishing, talking,
16 whatever?

17 A Yes, sir.

18 Q Do you remember about what time folks started
19 getting up?

20 A I mean, I know my cousin Robert, he got up pretty
21 early because he cooked breakfast.

22 Q Do you remember when the children got up other than
23 Blake who was already up, I guess? But when did the
24 children start getting up?

25 A The kids started coming out of the tent probably

1 right after breakfast got done.

2 Q Did they get any breakfast?

3 A Yeah.

4 Q Do you remember -- have any idea who came out first
5 from which tent?

6 A I'm pretty sure it was Peyton and them, Peyton and
7 Ethan.

8 Q Do you remember about when Minor came out or
9 whether anybody else was still in their tents when Minor
10 came out?

11 A I really -- I really don't remember.

12 Q Did Minor eat breakfast?

13 A Yes, sir.

14 Q Now, did the kids stay around and play any more that
15 morning?

16 A Yes, sir. They -- they -- after they got done
17 eating, they went and played in the water.

18 Q That includes Minor ?

19 A Yes, sir.

20 Q And then when did Minor leave?

21 A Her mama came and picked her and Blake up. It was
22 probably after 11:00.

23 Q And by her mama, you mean -- you've got a sister
24 Kristy, but Kristy Young ---

25 A Kristy Young.

1 Q --- came and picked her up?

2 A Yes, sir.

3 Q And Blake left also?

4 A Yes, sir.

5 Q And did you then stay there at the campsite some
6 more?

7 A Yes, sir. I stayed another night.

8 Q Okay. Let's touch on one thing. You reported that
9 you said to law enforcement that you were there and got
10 drunk -- or drank a lot. That first night that we were
11 just talking about when you had Blake and Minor there,
12 did you drink too much or drink to excess?

13 A No, sir. It was the second night that I -- I was
14 drinking.

15 Q You had no children there that night?

16 A No, sir.

17 Q You drank more that night than you did the night
18 before?

19 A Yes, sir.

20 Q Now, after that, you and Kristy were still living
21 together at this time; is that correct?

22 A Yes, sir.

23 Q And do you remember approximately how long y'all
24 stayed together after that?

25 A I think we was together maybe about five -- five

1 months, three months.

2 Q Five more months after that?

3 A Yeah.

4 Q Along the way, based on what you've said about when
5 Brantley was born, that y'all discovered that Kristy was
6 pregnant?

7 A Yes, sir. I wasn't -- I wasn't staying with her
8 then.

9 Q And let's move forward a little bit further. Did
10 there come a time when DSS became involved with your
11 family?

12 A For ---

13 Q Sometime after -- after these allegations, did DSS
14 get involved with your family?

15 A I don't know what you mean by "family."

16 Q With you and Kristy.

17 A You're talking about Kristy Young?

18 Q Yes. Uh-huh.

19 A Yes. Yeah.

20 Q Okay. And what brought that about? What was DSS
21 out there for?

22 A She was out there -- I just had -- I just had got
23 out of jail.

24 Q On those other charges?

25 A Yeah. On another charges. I wasn't out but a day,

1 and the police showed up to the house and -- for to serve
2 eviction notice.

3 MS. LANDSVERK: Objection. What is the relevance to
4 the story about the mother?

5 MR. CANTRELL: Your Honor, it's leading into the
6 totality of the circumstances and the future occurrences,
7 future incidents.

8 THE COURT: I'm going to give you some leeway, but
9 you'll have to tie it together.

10 BY MR. CANTRELL:

11 Q And why was law enforcement at the house?

12 A Because she -- she was getting evicted.

13 Q You had not been there for a while?

14 A No. I was -- I was -- I was in jail.

15 Q You just got back.

16 A Uh-huh.

17 Q Okay. Did anything happen within the next day or
18 two after the eviction notice?

19 A Yes, sir.

20 Q What was that?

21 A She -- well, DSS come in the house and seen it was
22 messy and didn't have food in the house because she
23 supposedly wasn't been staying there. But anyways, we
24 had to go -- we have -- my mama got approved to be able
25 to be the caretaker of the -- of her kids and us. So we

1 went to Townville and we was supposed to stay there. And
2 we didn't stay there. We went to my brother's house that
3 night because I had to report to probation.

4 Q Okay.

5 A If you would look on it as -- it should be in the
6 record where I had to reschedule my probation meeting
7 because they was doing an eviction. So ---

8 Q So you were going to go the next day?

9 A Yeah. Because I had to get them to call my
10 probation and tell them what was going on.

11 Q So you did that, and you're going to your meeting,
12 but what happened before you could go?

13 A I pulled the car around front, and Kristy, she
14 thought I was taking the car, and we got in a big
15 argument. And she was trying to get the kids in the car.
16 She ended up smacking Blake in the face. And when I was
17 going -- when -- when I -- I got my sister to take me to
18 probation so I wouldn't be late, and my brother, he -- he
19 handled the situation and called the law on her and made
20 a report.

21 Q For assaulting Blake?

22 A Yeah.

23 Q And what action did DSS take at that time?

24 A They took the kids into custody.

25 Q And they've been either with DSS or someone else

1 since that time?

2 A Yes, sir.

3 Q But there was visitation that y'all were allowed for
4 some period of time with the children; is that right?

5 A Yes, sir. We -- we went up every other week on
6 Tuesdays. And let me remind you that we weren't together
7 after that point.

8 Q Y'all have not been back together since that time?

9 A No.

10 Q All right. Let's back up just a little bit. The
11 children were with you at Mile Creek. I think you said
12 you arrived at 1:00 on the first day?

13 A Yes, sir.

14 Q And they left at what time the next morning?

15 A It was after -- it was after 11:00.

16 Q And during that evening, were you ever in the tent
17 with Minor ?

18 A No, sir.

19 Q Did you ever do anything that would be considered
20 any type of inappropriate touching of Minor ?

21 A No, sir.

22 Q That night and the next morning, did Minor act, as
23 best you can tell, normal and happy and have fun?

24 A Yes, sir.

25 Q All right. Let me ask you a couple of other

1 questions. You heard on Minor 's interviews about
2 allegations of there being sex in the home in front of
3 the children. Did that ever happen?

4 A No, sir.

5 Q Is it possible the children were in your bedroom
6 from time to time -- in yours and Kristy's bedroom from
7 time to time?

8 A Yeah. They came in the bedroom, but not when
9 something like that was going on, no.

10 Q Was there ever any time when the children were in
11 your room and you and Kristy were in the room with no
12 clothes on?

13 A No, sir.

14 Q At any time, have you -- or you and Kristy had
15 inappropriate movies showing in front of the children?

16 A No, sir.

17 Q Y'all watch movies?

18 A Yes, sir.

19 Q And you watch movie on regular TV?

20 A Like movies in the TV? Like DVDs?

21 Q Well, first of all, just regular TV, regular
22 channels or cable channels.

23 A Yes, sir.

24 Q Have you watched any DVDs with the children?

25 A Yes.

1 Q Have there ever been any of those movies where there
2 was inappropriate conduct from the standpoint of --
3 unfortunately, these days that's hard to describe, but
4 from the standpoint of people with no clothes on doing
5 inappropriate things so that the children can see it?

6 A No, sir. And, I mean, Minor maybe seen like a
7 movie that was not really rated R, you know what I'm
8 saying? She watched like scary movies and stuff with her
9 mom, like but not -- not nothing like sexual or nothing
10 like that, no.

11 Q And did y'all talk about sex with Minor ?

12 A No, sir.

13 MR. CANTRELL: If it please the Court, just one
14 minute.

15 THE COURT: Yes, sir.

16 BY MR. CANTRELL:

17 Q Did you ever spank Minor with a belt?

18 A No, sir.

19 Q During the time y'all were together during those
20 years, were you sometimes responsible for discipline of
21 Minor or -- or Blake, for that matter?

22 A Yes, sir. If I ever have whooped them, it's just a
23 pop on the -- on the butt and maybe put them in their
24 room. That's it.

25 Q Did you ever -- or did you ever see Kristy grab

1 Minor by the hair or throw her to the wall or to the
2 ground or anything like that?

3 A No, sir.

4 Q Now, to be up front, there was some arguing, fussing
5 and some serious disagreements or arguments that y'all
6 had in front of the children; is that true?

7 A Yes, sir. We've argued.

8 MR. CANTRELL: Jacob, I don't have any further
9 questions right now, but answer any Ms. Landsverk might
10 have for you, okay?

11 THE WITNESS: Okay.

12 CROSS EXAMINATION

13 BY MS. LANDSVERK:

14 Q Hi, Mr. Hendricks.

15 A Hello.

16 Q So as you testified, it's true that you were at the
17 campground and you went camping with your family the
18 summer of 2012?

19 A Yes, ma'am.

20 Q Okay. And you testified that Minor was with you at
21 that time. You took her along for the ride?

22 A Yes. It was her and my son Blake.

23 Q Okay. And Blake. That's right. You mentioned
24 Blake.

25 Now, to your knowledge, Minor was 7 years old at

1 the time, right?

2 A Yes, ma'am.

3 Q And the kids went swimming that day, right?

4 A Yes, ma'am.

5 Q And you had a cookout that night, right?

6 A Yes, ma'am.

7 Q Did you have hot dogs to eat?

8 A We had cheeseburgers, hot dogs. I think they even
9 might have had some chicken on the grill.

10 Q Okay. You talked about you had marshmallows before
11 everybody went to bed.

12 A Yes, ma'am.

13 Q And you said that all three kids were in the tent,
14 Minor , Blake and Brayden, you said?

15 A Yes, ma'am.

16 Q Now, how old is Brayden?

17 A Brayden?

18 Q Or was he at the time?

19 A He's either a year -- a year younger than Minor or
20 a year older.

21 Q Okay.

22 A I'm really not sure.

23 Q Okay. So you're saying that you had a 2-year-old,
24 right, with -- Blake was 2?

25 A Yes, ma'am.

1 Q Okay. So you entrusted your 2-year-old in a tent at
2 night all by himself with a 7-year-old, maybe a
3 6-year-old?

4 A Trusted?

5 Q You trusted him with them in the tent. You just had
6 all of them together. You didn't have any adults in the
7 tent.

8 A No.

9 Q Okay. And then you testified that, at some point
10 during the camping trip, that Blake was going in and out.
11 He couldn't stay put just like -- it sounds like a
12 regular 2-year-old to me.

13 A Yes, ma'am.

14 Q Okay. And then Brayden, it sounds like he decided
15 to go stay with somebody else at one point in the middle
16 of the night. They were probably scared by themselves.

17 A No. It was -- he -- he couldn't get no sleep
18 because we was having to put Blake in and out of the
19 tent, so Stephen told him to go sleep with him.

20 Q Okay. And he testified to the fact that there was
21 no like actual like big lights around the campground once
22 it got dark out.

23 A No. We had lanterns hung up.

24 Q Okay. But you wouldn't want to have them too close
25 to that tent because then no one could sleep. Why would

1. you want to have lit lanterns next to tents where people
2. were sleeping, right?

3. A Yeah.

4. Q And you testified to the tent being pretty small,
5. right?

6. A Yes, ma'am.

7. Q Three kids were in there. It sounds like it could
8. have been pretty tight. Every once in a while Blake ran
9. out of the tent, Brayden left eventually. It sounds like
10. you said that Blake and -- or Blake ended up sitting with
11. Pam?

12. A Yes, ma'am.

13. Q Okay. Now, how tall are you?

14. A I'm 5'8".

15. Q 5'8"?

16. A 5'7", 5'8".

17. Q Okay. I'm 5'8". I have heels on. But I think that
18. you're shorter than I am.

19. A I'm not ---

20. Q Could that be true?

21. A It might be true.

22. Q Okay.

23. A I'm not sure.

24. Q How much do you weigh?

25. A I way -- now I weigh like 160.

1 Q 160?

2 A Yes, ma'am.

3 Q I can tell you, I weigh 140. I'm taller than you.

4 I have to say, I think I'm a little bit bigger than you
5 are, don't you think?

6 A Yeah.

7 Q Got a little bit more meat on me?

8 A Yes.

9 MR. CANTRELL: Your Honor, I think he's answered the
10 questions best he can. I would object to any further.

11 MS. LANDSVERK: Okay.

12 THE COURT: Sustained. Move on.

13 BY MS. LANDSVERK:

14 Q So it's safe to say that you're probably shorter, a
15 little bit smaller than the average male?

16 A I'd say average.

17 Q Okay. So fitting in that small tent would be a
18 little different for you as opposed to a larger male.

19 Now, you said that you failed a drug test for
20 probation?

21 A Yes, ma'am.

22 Q What kind of drugs do you do?

23 A Just -- I used to smoke weed.

24 Q Okay. So if I went to probation and asked them what
25 kind of test you failed when you tested positive, what

1 would they tell me?

2 A It's weed.

3 Q Are you sure about that?

4 MR. CANTRELL: Your Honor, I object again. He's not
5 on trial for drug possession.

6 THE COURT: Come on up.

7 (WHEREUPON, a bench conference was held off the record.)

8 THE COURT: Sustain the objection.

9 BY MS. LANDSVERK:

10 Q Okay. So now let's get to the pictures that were
11 brought up. Do you know who took the pictures that --
12 and I might pull them out for you. So you testified that
13 these were pictures that were taken. Got some cute kids.

14 A Uh-huh.

15 Q So do you remember who took those pictures?

16 A I'm not really sure who took the pictures of the
17 ones in the water, but I'm sure my sister took the
18 pictures of me and Blake.

19 Q Okay. Lastly, you gave -- when you spoke with
20 Detective Kelley, you gave him a list of people that were
21 there that night. And you listed several people,
22 obviously Robert Galloway, his wife. You talked about --
23 you said Robert, Eli, David Galloway, Brandy Galloway,
24 Ted Galloway, Brooke Jackson. And you never mentioned
25 Pam, and now you're telling me about Pam?

1 A I mean, it was years ago. It took me to remember to
2 even remember them. I just named some that I was
3 remembering right then when I talked to him. Like I say,
4 we only talked for 15 minutes.

5 Q Okay.

6 A I really didn't have much time to say who all was
7 there or think, so that's all I could remember at the
8 time.

9 Q Now, you testified that you pled guilty, I think
10 David actually said three years ago, but it was two years
11 ago in 2014, correct, to two counts of grand larceny? Is
12 that right?

13 A Yeah. Yes, ma'am.

14 Q Okay. And that you also pled guilty to two counts
15 of burglary?

16 A Yeah. It was all in the same -- at the same time,
17 same charge.

18 Q Okay. Now, is there a date on the back of those
19 pictures? You don't know?

20 A I'm not sure. I ain't looked at the back.

21 Q Oh, I guess that's what the -- okay. Just right
22 there, do you see a date? You didn't see a date on the
23 back of the picture?

24 A (Shakes head negatively.)

25 MS. LANDSVERK: All right. Okay.

1 THE COURT: Any further questions?

2 MR. CANTRELL: Just a couple of real quick
3 questions.

4 REDIRECT EXAMINATION

5 BY MR. CANTRELL:

6 Q The part right on the pictures, was there ever any
7 other time that these four -- to your knowledge, that
8 these four children were up there in the lake other than
9 the date we're talking about?

10 A No, sir.

11 Q Okay. And these other pictures are from that same
12 date?

13 A They're from the same date, same -- same place.

14 Q You were also asked about the -- where the tent was
15 and leaving the child alone. And I have no clue what I
16 did to turn this around, but we do have -- this is --
17 this (indicating) is the tent that Minor was in; is that
18 correct?

19 A Yes, sir.

20 Q And this (indicating) is the picnic table?

21 A Yes, sir.

22 Q Do you know or have any guess as to about how far it
23 would be from this tent to this picnic table?

24 A It's probably seven to eight feet.

25 Q All right. And then a little further over to the

1 fire pit?

2 A Yes, sir.

3 Q Because you wouldn't want the tent right up against
4 the fire pit.

5 A Yes, sir.

6 Q And then you folks were over this (indicating) way?

7 A Yes, sir.

8 Q And you mentioned Pam was up at the fire pit?

9 A Me and Ted, we was in front of the fire pit. We had
10 chairs set out there fishing because at nighttime we was
11 fishing out there. And Pam, she was sitting on the other
12 side when she had Blake.

13 Q So this tent, as far as being -- how far away would
14 this tent have been from where y'all were, where y'all
15 were sitting?

16 A I'd say maybe 15 -- 15 foot.

17 Q And over here (indicating) was Kristy and Stephen's
18 tent?

19 A Yes, sir.

20 Q About the same distance away, give or take a foot or
21 two?

22 A Yes, sir.

23 Q So if it was 10 or 15 feet away and it was not near
24 any hazardous fire, is that any further away than Kristy
25 may have been if she was in her bedroom and y'all were in

1 the living room at your house?

2 A No, sir.

3 MR. CANTRELL: And I don't have any further
4 questions, Your Honor.

5 Jake, you can step down.

6 THE COURT: All right. Thank you very much, sir.
7 You can step down.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MR. CANTRELL: Your Honor, can we approach for one
11 quick second?

12 THE COURT: Yeah.

13 (WHEREUPON, a bench conference was held off the record.)

14 MR. CANTRELL: Your Honor, I would ask that Pam
15 Aiken step up and be sworn.

16 THE COURT: All right. Ma'am, if you'd please come
17 around to be sworn.

18 WHEREUPON,

19 PAM AIKEN,

20 After first having been duly sworn, testified as follows:

21 THE CLERK: If you would, have a seat and state your
22 name for the record, please.

23 THE WITNESS: My name is Pamela Darlene Aiken.

24 ///

25 ///

DIRECT EXAMINATION

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BY MR. CANTRELL:

Q Pam, where do you live?

A I live in Easley.

Q And you work in Easley?

A I do.

Q Okay. Do you know this gentleman here?

A I do. I've known him for about 12 years.

Q And how do you know him?

A He is a cousin to my daughter's ex-husband.

Q And is her ex-husband present in the courtroom?

A He is.

Q Is that the gentleman in the white striped shirt?

A That's Robert. Yes, sir.

Q Now, in 2014, were they exes or were they still together?

A They were still together.

Q I'm sorry. In 2012, were they still together?

A They were still together.

Q Not together now?

A No.

Q And for that reason, do you see this gentleman nearly as often as you used too?

A I see him not as often as I used to, but I still see him quite often.

1 Q Let me take you back to 2012. And you and I have
2 talked about this before you were subpoenaed here,
3 correct?

4 A We did.

5 Q Let me take you back to 2012. Did you have occasion
6 to go to Mile Creek Park?

7 A We went there every year.

8 Q And that year, did you go up and see Mr. Hendricks
9 there?

10 A He was there. Yes, he was. He was there, his son
11 was there, his girlfriend's daughter was there, my
12 grandson was there, Peyton was there, and then I believe
13 there was one other child there.

14 Q Okay. And about what time did you get there?

15 A I got there that afternoon about 2:00.

16 Q And were all of the people you just named already
17 there?

18 A Pretty much everybody was there. I think some of
19 them came a little bit later.

20 Q And when you got there, how was the campsite set up?

21 A With tents and normal -- I mean, we always camped in
22 the -- the area where it's raw where they don't have the
23 campers and such.

24 Q Could it be the primitive area?

25 A Primitive area. Thank you.

1 Q All right. And were those things already -- all
2 already set up?

3 A They were.

4 Q Did y'all have food?

5 A We did.

6 Q Did you do any fishing?

7 A We did.

8 Q And what were the children doing?

9 A The children played in the water, they rode jet
10 skis, we fished, we ate. We -- we did a lot of things.

11 MR. CANTRELL: Your Honor, permission to approach
12 the witness.

13 THE COURT: Yes, sir.

14 BY MR. CANTRELL:

15 Q Let me ask you to look at these pictures and ask you
16 if you can identify those.

17 A I can.

18 Q And who took those pictures?

19 A I did.

20 Q And when you pulled up these pictures, were you able
21 to determine when they were taken?

22 A They were taken May 7, 2012.

23 Q That would be about the time of this camping trip?

24 A Yes, sir.

25 Q And so those are your pictures that you took. And

1 do they accurately reflect what you were taking pictures
2 of? Are they accurate pictures of what ---

3 A They are. The only picture that you don't have
4 there is Ted Galloway who passed away.

5 Q Okay.

6 A That's Robert's brother.

7 Q All right.

8 A And he was also present, and he was with us that
9 night as well.

10 Q Now, did you do some fishing?

11 A I did.

12 Q And did you eventually quit fishing and go to bed,
13 go to sleep or did you stay ---

14 A I did not.

15 Q What did you do?

16 A We stayed up all night, pretty much. Me, Ted and
17 Jacob stayed up with his son because his son didn't want
18 to sleep. And we fished and we played and his son sat in
19 my lap and we talked because he just didn't want to go to
20 bed. But mostly Jake and -- and Ted did a lot of
21 fishing. And I did a lot of playing with Blake.

22 Q All right. Now, do you remember children going to
23 bed that night?

24 A Most of the children did go to bed that night. My
25 daughter is -- was breast-feeding, so she did get up that

1 night, so she was up in the middle of the night.

2 Q And did the children all go to bed in their tents at
3 about the same time?

4 A Pretty much.

5 Q Did you see Minor go into her tent?

6 A Yes.

7 Q Was this what you might call a tiny tent or a kids
8 tent?

9 A It was.

10 Q And who else went into the tent -- in that tent to
11 sleep that night?

12 A No one.

13 Q Okay. Now, what about Blake?

14 A Blake didn't go to sleep. He sat in the -- he sat
15 in the -- the chair with me pretty much all night.

16 Q But was he in and out -- was that where he was
17 supposed to be sitting -- or supposed to be sleeping?

18 A That's where he was supposed to be sleeping, yes.

19 Q All right. And do you remember that Brayden was in
20 that tent any that night till maybe the middle of the
21 night?

22 A You know, I can't recall. Brayden may have been.

23 Q Okay. Once Minor went in the tent, did she get
24 back out that night?

25 A Not that I recall.

1 Q And when -- did you ever put Blake back in the tent
2 or try to?

3 A I did try to lay down with him one time, but he
4 didn't -- he wasn't ---

5 Q Now, was that tent big enough for you to lay in the
6 tent completely or was it too small for you to be in?

7 A No. I could lay in there completely.

8 Q And when Blake would come back out, did other people
9 try to put him back in?

10 A I think his dad tried to put him in once or twice
11 for about a minute, and he just wouldn't stay.

12 Q So he was busy all night long; is that ---

13 A He was a busy little -- he was a -- and the next
14 morning he still was busy.

15 Q Okay.

16 A Yes.

17 Q Now, where was Jacob during the night?

18 A Jacob was pretty much with me and Ted that night.

19 Q Doing what?

20 A Talking, fishing and playing with Blake, trying to
21 get Blake to settle down to try to get him to go to
22 sleep.

23 Q And he never did?

24 A He never did.

25 Q Did Jacob ever go into the tent and stay in the tent

1 with any of the children?

2 A No.

3 Q Were you sitting at that fire pit? Were you seated
4 where you could see if that had happened?

5 A Yes, I was.

6 Q And were you there all night long?

7 A Yes, I was. I was there for a week.

8 Q And for that matter, other than you trying to get
9 Blake to go to sleep, did anybody else go in that tent
10 and lay down other than a child or two?

11 A Not that I recall.

12 Q The next morning, when did everybody get up and
13 around?

14 A I think everybody got up about sunrise. That's when
15 Robert started cooking breakfast for everybody. And when
16 the smell of bacon started, everybody started getting up.

17 Q Did the children get up about that time or sleep a
18 little late? What did they do?

19 A Some of the kids slept a little bit later, but most
20 of the kids got up and they started -- you know, I mean,
21 I show them how to hook their fishes, and they -- they
22 rode jet skis and started playing. They were very much
23 into, you know, doing the activities that you do at the
24 lake.

25 Q Does that include Minor ?

1 A Yes. As a matter of fact, Minor came to me that
2 morning, and I fed her breakfast.

3 Q Okay. And she played -- did the fishing, played in
4 the water and everything?

5 A She did the same activities as the rest of the kids.

6 Q And do you remember, specifically, were these
7 pictures taken the day you got there or the next morning?

8 A They were taken throughout the whole week.

9 Q Now, if -- do you remember Minor leaving, though,
10 that next day?

11 A I believe the pictures that I gave you were taken on
12 the 7th. And I do remember Minor leaving, yes.

13 Q And, in fact, did Blake leave also with her?

14 A I don't remember if Blake left or not.

15 Q Okay. That's fine.

16 Was there any excessive drinking going on that night
17 with all the children there?

18 A I would say no, not excessive drinking. There was
19 probably some people drinking, but there was not
20 excessive drinking.

21 Q And when Minor left and Blake had later, he did if
22 you remember, were they happy and had they been having
23 fun as best you could tell?

24 A They were -- they were all -- I'm sorry. Yes, they
25 were all -- they were all happy and having fun just like

1 all the other children were. No child acted differently.
2 They all acted, you know, like they were having a blast.
3 I don't think they wanted to go home. I don't think
4 Minor wanted to go to home. She wanted to stay.

5 Q Is that right? That night, y'all had a fire going
6 in the fire pit?

7 A We did.

8 Q Did you have other lighting around the campsite of
9 some sort?

10 A We had some lanterns, gas lanterns.

11 Q And were you able to see the various tents from
12 where you were seated?

13 A Yes. I -- yes, I could.

14 Q And you were there from long before the children
15 went to bed ---

16 A Yes, I was.

17 Q And were there in the morning?

18 A I got there about 2:00, and I -- I was there for a
19 week. We were there for seven days.

20 Q That night, did Jacob Hendricks ever go inside the
21 tent where Blake, Minor and possibly Brayden were? Did
22 you ever see him go inside that tent, completely in and
23 stay in that tent?

24 A No.

25 MR. CANTRELL: Ms. Aiken, I don't have any other

1 questions, but answer any the solicitor may have.

2 THE WITNESS: Sure.

3 CROSS EXAMINATION

4 BY MS. LANDSVERK:

5 Q Hi, Ms. Aiken.

6 A Hi.

7 Q How are you doing?

8 A Good. How are you?

9 Q I'm good.

10 So you talked about lanterns around the campsite.

11 A Uh-huh.

12 Q Was there a lantern at the kids tent?

13 A The lanterns were hung all around because the tents
14 were placed, you know, where everyone could see all the
15 tents and the entrances to the tent.

16 Q Okay. So was it a pretty big area?

17 A It was a big area.

18 Q So like ---

19 A Well, not -- it wasn't a huge area.

20 Q Sure, sure. Are we talking like that (indicating)
21 end of the courtroom or the other end of the courtroom
22 maybe? Like different areas where people put their tent
23 and ---

24 A We had ---

25 Q --- a lot of stuff in there?

1 A Yeah. We had a few tents there. There was probably
2 enough room for four tents.

3 Q Okay.

4 A Four smaller tents.

5 Q And then there was a -- earlier mentioned a big
6 ten-person tent, so like where ---

7 A That's where my daughter was, yes.

8 Q So those are pretty big tents. I've seen those.

9 Okay. So could you say with 100 percent certainty
10 that you had your eyes on Jacob the whole night?

11 A (Nods head affirmatively.)

12 Q You could 100 percent?

13 A 100 percent certainty. Jacob talked to me all
14 night, me and Ted.

15 Q Even when you went to go lay down with Blake, you
16 were looking at Jake?

17 A For one minute, no, I was not.

18 Q And were you drinking at all that night?

19 A No, I was not.

20 Q Okay. Was anybody else drinking?

21 A There may have been some people drinking, but, you
22 know, not excessively.

23 Q Okay. Do you know if Jake was or not?

24 A I don't recall Jake drinking, no.

25 Q Okay.

1 A He had his son.

2 MS. LANDSVERK: All right. Thank you very much.

3 THE WITNESS: You're welcome.

4 THE COURT: All right. Anything?

5 MR. CANTRELL: No further questions, Your Honor.

6 THE COURT: Thank you very much, ma'am. You can
7 step down.

8 Any objection to this witness being excused?

9 MS. LANDSVERK: No objection.

10 THE COURT: All right. Ma'am, you're free to go or
11 stay, whatever you'd like.

12 MR. CANTRELL: Your Honor, I'd ask that Stephen Cain
13 step up and be sworn.

14 WHEREUPON,

15 STEPHEN CAIN,

16 After first having been duly sworn, testified as follows:

17 THE CLERK: If you would, have a seat and state your
18 name for the record.

19 THE WITNESS: Stephen Cain.

20 DIRECT EXAMINATION

21 BY MR. CANTRELL:

22 Q Stephen, where do you live?

23 A I now live in Easley.

24 Q And how are you related or how do you know Jacob
25 Hendricks?

1 A I've been with his sister now for 14 years.

2 Q And so you were aware of he and Kristy getting
3 together at some time years ago?

4 A Yes.

5 Q And let me clarify so I don't get confused and maybe
6 anybody else gets confused. Your wife is Kristy
7 Hendricks, correct?

8 A Yes.

9 Q And Kristy Young is Minor 's mother?

10 A Yes.

11 Q Okay. And I will try my best to -- I'll probably
12 just use the last names when I ask about one of the
13 Kristys to make sure we're not confusing anybody, okay?

14 A I won't get confused. Very different people.

15 Q I understand, but we've got other folks that don't
16 know them so we've got to make sure we keep them
17 straight.

18 Now, at the time of this camping trip that you've
19 heard discussed, Jacob and Kristy Young were living
20 together, correct?

21 A Correct.

22 Q And we've heard it testified that they had a son
23 named Blake; is that correct?

24 A Correct.

25 Q And they also had Minor in the home?

1 MS. LANDSVERK: Objection, Your Honor. Leading.

2 THE COURT: Sustained as to leading.

3 BY MR. CANTRELL:

4 Q Did Ms. Young have a daughter?

5 A She did have a daughter. Her name is Minor .

6 Q Did she live at home?

7 A She did live at home.

8 Q What's her name?

9 A Minor .

10 Q Okay. Now, do you remember going to Mile Creek camp
11 -- Mile Creek Park in May of 2012?

12 A I do.

13 Q Can you tell me how Jacob and Minor and Blake got
14 to the campground?

15 A I picked them up at their house and drove them
16 there.

17 Q All right. And who was with you?

18 A At that time, I believe it was me, I'm not sure that
19 if my Kristy was with us at the time or she was coming
20 from work. I can't remember that. But I do remember it
21 was me, my son Brayden, Blake and Minor and their -- we
22 wanted Kristy Young to go. She didn't want to go. She
23 didn't want to come out of the house too much. She
24 wasn't a house person. She didn't -- she didn't want to
25 go. Jake asked her to go. He actually wanted to go as a

1 family trip, but she wasn't having it. There was an
2 argument over which kids were going to go and, you know,
3 Jake said, "I'm taking my son." And Minor wanted to go,
4 and Minor begged to go, and therefore, we all went.

5 Q So she went. Okay.

6 And about what time do you think y'all got to Mile
7 Creek?

8 A As everyone else has stated, it's somewhere between
9 1:00 and 2:00. It's been a long time ago. I can't give
10 you an exact time. But -- but, I mean, it's around in
11 there.

12 Q Were most of the other people already there?

13 A Yeah. For the most part. For the most part.

14 Q You heard Pam testify she got there shortly after;
15 does that sound correct?

16 A That sounds correct.

17 Q Were the tents, was everything already set up when
18 you got there?

19 A I think the only tent that we may have had to set up
20 would have been -- I think we had one more of the --
21 Peyton -- the Peyton you keep hearing about, that is
22 actually my blood cousin that are all friends. I think
23 we had one tent that may have been -- had to have been
24 set up that he brought because he wanted to bring his own
25 tent. You know, most kids would, you know. So whether

1 it got set up or not, I can't remember because the
2 campsite was pretty much intact already.

3 Q All right. You've seen this diagram. You've been
4 in the courtroom. But does this reflect more or less the
5 layout of the campsite and the positioning of the tents?

6 A Yeah. It's more or less, yes.

7 Q And this (indicating) would be yours. Kristy and
8 Stephen, that's your tent, correct?

9 A Yes, yes.

10 Q And this says "Minor ," and it should say Blake, but
11 Blake's tent, right?

12 A Yes.

13 Q Is that correct?

14 A Yes.

15 Q What would you say is the distance between your two
16 tents?

17 A I'm going to say no more than eight feet. Enough to
18 where we were -- everybody knew that Blake was up and
19 down all night. I promise you that. It was close enough
20 for that.

21 Q And this picnic table, was it closer or further
22 away?

23 A Yeah. It was all -- it was all -- you could -- you
24 could unzip -- you could unzip, put your head out, and
25 you could pretty much see everybody, who was around, what

1 was going on.

2 Q All right. And the rest of the drawing is
3 relatively accurate; is that correct?

4 A Yeah. It's pretty accurate.

5 Q Now, when it came time for the children to go to
6 bed, did they all go to their tents at about the same
7 time?

8 A Yeah. About as much as you can get kids to do
9 anything all at the same time, yeah. I mean, we're
10 talking kids from 7 to 10 years old. But pretty much,
11 yes.

12 Q All right. And can you tell us what kids went into
13 this tent right here marked "kids tent"?

14 A There was a big old argument over who's going to
15 sleep with who, which kid was going to sleep with which
16 kid, but we settled on -- we settled on Ethan and Peyton
17 in a tent, we settled on Minor , my son Brayden and Blake
18 in that tent there that you're pointing at there, yes.

19 Q So did, in fact, those three get in that tent?

20 A They did.

21 Q Did Blake stay in it very long?

22 A Blake doesn't stay anywhere very long.

23 Q Okay. You've heard the testimony. Was he up and
24 down pretty much all night?

25 A Up and down very much, very quickly. Daddy, daddy,

1 daddy, daddy. Love his daddy.

2 Q Now, when Minor went in, was everything fine?

3 A Everything was fine.

4 Q Did she ever come back out?

5 A Not to my knowledge.

6 Q Did you ever see Jacob go get in that tent?

7 A Not to my knowledge. At that time, you know, as I
8 say, he was up and all that, and it's not like we went in
9 our tent and we got a lot of sleep. We were -- we were
10 camping. I mean, you know, I can sleep at home before I
11 got to go to work. We were camping, and, you know, you
12 could hear Jake, you know, get -- unzip that tent, put
13 Blake back in, "Love ya, buddy. Sit down and get some
14 sleep. Daddy's right here close by." And he knew his
15 daddy was close by, and that's why he didn't want to be
16 in that tent.

17 Q I got you. And that means that Blake was actually
18 awake to see everything all night long?

19 A Blake was up all night long. Never went to bed.

20 Q And where did Jacob stay during the night? If you
21 saw him during the night, where was he?

22 A He was -- when we go to the lake, Jake and I can
23 fish, Ted liked to fish. They were fishing around the
24 fire. They didn't waste any lake time. They wanted to
25 get their lake time in, you know. That's what we're

1 there for.

2 Q And did you see Pam over here (indicating) also?

3 A Yes. Pam.

4 Q But you did go to your tent to sleep some?

5 A Yes, yes.

6 Q Later in the night?

7 A Yes. It's probably -- I can't give you an exact
8 time, but I'm going to tell you it wasn't before 12:00.
9 It's not like I was going to bed 11:00, you know, early
10 or nothing trying to get ready for the next day. My
11 Kristy -- Kristy did go to bed early because she did have
12 to get up and go to work. My Kristy had to get up and go
13 to work the next morning, so she did go to bed a little
14 earlier than I did. Actually, she went to bed way
15 earlier than I did.

16 Q And when you got up, where was Jacob, Ted and Pam?

17 A I found them all by the fire right around the picnic
18 table areas.

19 Q And when the children got up, was everybody fine?

20 A Everything was good, a glorious day, great day, day
21 at the lake.

22 Q And did they all get out and play before some of
23 them had to leave?

24 A Yes. That was a trip that a lot of us -- you know,
25 we didn't get to take all the time. That was -- you

1 know, that was about one time a year, you know, the one
2 -- you know, we only got to get together and go to the
3 lake maybe, you know, once a year all together, you know.
4 That was our time.

5 Q And did the campsite have lanterns, tiki torches,
6 lighting of some sort?

7 A All around.

8 Q Did you have a concern about being able to see -- if
9 you were at your tent, being able to see other tents,
10 even the big ten-man tent? Could you see all of that?

11 A No. Again, I had a child there, too, so, you know,
12 it's we take care of our children.

13 Q I understand. But if you were at your tent, I'm
14 asking, could you see the other tent?

15 A Yes.

16 Q Did the lighting allow you to do that?

17 A I could -- you could see from -- you could see from
18 -- if you were at one end, you could see all the way to
19 -- you could see any tent that you needed to at any time.

20 MR. CANTRELL: Okay. All right. And I believe
21 those are all the questions I've got. Answer any the
22 solicitor may have.

23 CROSS EXAMINATION

24 BY MS. LANDSVERK:

25 Q Hey, Mr. Cain. So you've known Jake for a pretty

1 long time, haven't you?

2 A Uh-huh. Yes.

3 Q And you said that you were with his sister for
4 14 years now?

5 A Uh-huh.

6 Q Okay. Safe to say that you care a lot about Jake?

7 A Yes.

8 Q And you said that night that you all hung out, and
9 eventually you and Kristy did -- Kristy Hendricks did go
10 to sleep in your tent?

11 A I said Kristy went to sleep first. I went to sleep
12 sometime after.

13 Q Okay. So with that, you didn't have eyes on Jake
14 100 percent of the time?

15 A No.

16 Q So it's safe to say that you wouldn't be able to
17 tell us whether or not Jake went in with Minor or not
18 because you were asleep?

19 A I can't, no.

20 MS. LANDSVERK: Okay. All right. Thank you.

21 THE COURT: Thank you, sir. You may step down.

22 MR. CANTRELL: Your Honor, I ask that Robert
23 Galloway step up and be sworn.

24 THE COURT: All right. Mr. Galloway, if you'd
25 please come around to be sworn.

1 WHEREUPON,

2 ROBERT GALLOWAY,

3 After first having been duly sworn, testified as follows:

4 THE CLERK: If you would, have a seat and state
5 your name for the record, please.

6 THE WITNESS: Robert Galloway.

7 DIRECT EXAMINATION

8 BY MR. CANTRELL:

9 Q And, Robert, where do you live?

10 A Right now I currently live at White Oak Drive in
11 Liberty.

12 Q And how do you know Jacob Hendricks?

13 A He's my cousin. My mom and his mom are twin
14 sisters.

15 Q Oh. Okay. All right. And did you come to take a
16 camping trip to Mile Creek in May of 2012?

17 A I took two camping trips every year, one for my
18 wife's birthday and one for my oldest son's birthday.

19 Q Now, this trip in May, was it for anybody's birthday
20 in particular?

21 A It was for my wife's birthday, yes, sir.

22 Q Your wife's birthday?

23 A Uh-huh.

24 Q And is that the one that we've been hearing
25 discussed that these family members came to?

1 A Yes, sir.

2 Q All right. And what was the date?

3 A Her birthday is May 3rd. I believe we camped the
4 entire week of the 3rd, so it was like around the 1st to
5 the 7th, maybe the 2nd to the 8th. Somewhere in that
6 area.

7 Q And you made those reservations?

8 A Yes, sir.

9 Q And it is in what is called the primitive area ---

10 A Yes, sir.

11 Q --- of Mile Creek?

12 A P-10. P-9 or P-10 are the only two campsites I'd
13 ever camp on.

14 Q All right. Got you.

15 Now, do you remember Jacob and his two children
16 arriving there that day?

17 A Yes, sir. They got there that Friday because
18 everybody -- I work throughout the week. My wife stayed
19 out there with her mother. And I would go to work, and
20 then on the weekends when everybody showed up to actually
21 camp with us for the weekend.

22 Q Okay. And do you remember -- have any idea about
23 what time he got there?

24 A Jake got there before I got home from work that day.
25 Then I was doing drywall. I would knock off every Friday

1 at 3:00, so everybody was there by the time I actually
2 got off and got to the campsite myself. But everybody
3 was there when I got there around 3:30, 3:45.

4 Q Had the campsite been mostly set up earlier in the
5 day ---

6 A Oh, yes, sir.

7 Q --- or even earlier in the week?

8 A Yes, sir. I'd set it up earlier in the week.

9 Q And does this diagram pretty accurately reflect what
10 tents were where and what other items were where?

11 A Ethan and Peyton's tent was just a little bit closer
12 towards the -- Minor 's tent.

13 Q Down this way?

14 A Yes, sir. Because the ten-man tent was my tent. I
15 always -- I had to have room for my son's crib and all
16 that good stuff, so we always would turn my tent to
17 sideways so that people could use the bathroom behind my
18 tent and not be seen by anybody.

19 Q I've got you.

20 A So it was just a little bit closer to the --
21 Minor 's tent.

22 Q This one down here (indicating)?

23 A Yes, sir. Just a little bit closer. Not super
24 close, but just a little bit closer.

25 Q And otherwise, does that pretty accurately depict

1 the layout?

2 A Yes, sir. That was some of the flatter areas on the
3 campsite itself.

4 Q All right. And what would be the approximate
5 distance from this tent or the kid tent to this picnic
6 table?

7 A The entire campsite itself is no bigger than this
8 room, so you're looking at 8 to 10 feet between each and
9 every tent.

10 Q Okay. All right. And approximately the same, maybe
11 a little bit more to the fire pit?

12 A Maybe 11 at the most. But like I said, it's not
13 like it's a super huge ---

14 Q Okay.

15 A --- campsite, but, I mean, it's pretty big. But
16 there's bushes and trees scattered out.

17 Q Now, when the children went to bed that night, can
18 you tell us, did they all go to bed at approximately the
19 same time?

20 A Around the same time. The younger kids would --
21 we'd let them kind of wear themselves out, but I always
22 made my son Ethan go to bed around 10:00. And since him
23 and Peyton were sharing a tent, we made them go to bed
24 around the same time. Yes, sir.

25 Q And how about these (indicating) down here? About

1 the same time?

2 A That was up to Jacob considering they was there with
3 him. You know, if he wanted Minor to go to bed a little
4 bit sooner, that was up to him. But I know him and
5 Brayden -- or Minor and Brayden was going to sleep in
6 that tent because there was a huge argument about Peyton
7 and Ethan and Minor sleeping in the tent, and my wife
8 wouldn't allow that, 8 and 9-year-old kids -- or boys
9 sleeping with a 7-year-old girl. No.

10 Q So Minor and Brayden and Peyton were supposed to be
11 in this tent?

12 A Yes, sir.

13 Q How late did you stay up that night?

14 A I ended up staying up till around 3:30, 4:00 just
15 because I had worked that day and wanted to get some
16 fishing in of my own. So, you know, I stayed up sitting
17 around talking with Pam watching my fishing pole with
18 myself.

19 Q And where was -- where was Jacob during that time?

20 A We was all down on the beach. I would go up -- up
21 onto the actual campsite to help my wife with my
22 4-month-old son. At the time he was 4 months old.

23 Q Fishing was down at this (indicating) area?

24 A Yes, sir. I stayed over closer towards my tent
25 fishing so that I wasn't -- you know, I could just be

1 right there. If my wife had to get my attention, she
2 wouldn't have to holler and wake anybody up.

3 Q Okay. And so who -- when you went to bed, who was
4 still up?

5 A It was just me, Pam, my brother Ted who's passed
6 away now, and Jacob. And maybe -- I might have heard my
7 brother Eli and his girlfriend Brooke talking, but, I
8 mean, they was a little bit further away, so ---

9 Q Okay.

10 A But there's -- you know, there was other campers out
11 there. There's, you know, a lot of racket going on.

12 Q Okay. Now, where was Blake during this time?

13 A He was up and down. He drank some Mountain Dew that
14 my wife had gave him while Jacob was out on the boat.
15 And my wife didn't know that Blake wasn't supposed to
16 have Mountain Dew because I laughed about it because I
17 made a little joke of him jacked up on Mountain Dew. And
18 that's -- that kid just portrayed that commercial to a T.

19 Q Okay. So he was up. Was he still up when you went
20 to bed?

21 A Yes, sir. He was still up and down when I went to
22 bed.

23 Q And did the adults that were up share responsibility
24 with watching him or putting him back in the tent or
25 whatever needed to be done?

1 A I'm assuming that Pam and Jacob did because, you
2 know, they're fishing. Jacob, I'm sure, couldn't be
3 standing up on the bank and down on the beach with his
4 fishing poles, so I'm sure Pam did help out.

5 Q Once the children went to bed, did you ever see
6 Jacob go inside that kid tent?

7 A No. Jacob had no reason to go in any tent because
8 we had a hammock set up for him.

9 Q And do you know approximately what size this tent
10 was?

11 A The -- that was actually my son's tent. It was, if
12 I'm not mistaken, a 5 by 6 tent. All the tents on the
13 campsite was mine. I bought and paid for all of them,
14 which now that me and my wife have split up, we moved to
15 another state and have lost everything. But every tent
16 that was out there was mine except for the one that
17 Peyton brought, and that's the one that Ethan and Peyton
18 ended up sharing.

19 Q That would be up here (indicating)?

20 A Yes, sir.

21 Q This one (indicating) that Minor was in would have
22 been approximately 5 feet by 6 feet?

23 A Yes, sir. 6 -- 5 feet wide, 6 feet long, no higher
24 than 4 feet high.

25 Q And when all the kids went to bed, there was Blake

1 when he was in there, and Brayden and Minor ?

2 A Uh-huh.

3 Q Did you ever see Minor get up that night?

4 A No, sir. She actually fell asleep pretty quick is
5 what it appeared to me because she never came out.

6 Brayden would say, "Jake, come get him," or, you know,
7 I'm pretty sure Brayden is the one that was unzipping the
8 tent for Blake to get out because it's pretty rough for a
9 2-year-old to unzip a tent, you know.

10 Q Okay. And was Brayden still in that tent when you
11 went to bed, or had he ---

12 A No, sir. He had already gotten up and got in the
13 tent with his mama.

14 Q Okay. But when you went to bed, Jacob was fishing
15 down in ---

16 A Yes, sir. He was -- Jake -- when I decided to go to
17 bed, I'd already reeled my fishing pole in and was
18 sitting there drinking me one beer for the night. And
19 after I reeled my poles in, I drank my beer, and I went
20 to bed. Jake and Ted was still down on the beach, and
21 Pam was sitting at the picnic table with Blake.

22 Q And just, again, did you ever see Jacob inside that
23 kid tent?

24 A No, sir.

25 MR. CANTRELL: I don't have any further questions,

1 Robert. Answer any the solicitor may have.

2 CROSS EXAMINATION

3 BY MS. LANDSVERK:

4 Q Hi, Mr. Galloway.

5 A Hello.

6 Q So what is the age difference between you and Jacob
7 Hendricks?

8 A I'm 30 -- I'll be 33 in October, so there's roughly
9 around seven years between us, seven, eight years between
10 us.

11 Q And so you've obviously known him ---

12 A Yes, ma'am. I've known him his whole life.

13 Q --- a very long time since you're his cousin.

14 A I've known him his whole life.

15 Q Right. And you said that your wife was in the big
16 tent with a 4-month-old?

17 A Uh-huh.

18 Q And do you ever have an opportunity where you've
19 had to go help her or check on her to make sure she was
20 okay?

21 A Well, I mean, she would call my name and I would go
22 in there. And if she wanted to come out, she'd come out.
23 I would help with my son, you know.

24 Q Right.

25 A I have no issues helping with kids.

1 Q So -- okay. And you said you stayed up pretty late
2 that night?

3 A Yes, ma'am.

4 Q But at some point, you did decide you needed to go
5 to sleep?

6 A Around 3:30, 4:00 because it is -- it was always my
7 responsibility to do the cooking for everybody, so I
8 didn't want to be up all night and then me out there
9 trying to cook everybody's breakfast and mess everybody's
10 food up, you know.

11 Q Right. I can understand that.

12 A Get a little rest.

13 Q Right. So at that point, you knew that Blake and
14 Brayden were both out of the tent, out of Minor 's tent?

15 A Yeah. Brayden had already went and got in the tent
16 with Kristy and Stephen because Stephen had went to bed
17 before I went to bed.

18 Q Okay.

19 A Well, Brayden -- or Blake was sitting in Pam's lap
20 whenever I decided to go to bed. And I sit at the picnic
21 table and drink me one cold beer and went to bed.

22 Q Okay. All right. So is it safe to say since you
23 were, it sounds like, kind of in and out of the big tent
24 with your wife, and it sounds like you do a little
25 fishing, whatever else that night and then you went to

1 sleep, that you did not have eyes on Jacob Hendricks
2 100 percent of the time?

3 A No, ma'am. I did not. I mean, he's -- he was a
4 grown man. I don't -- I'm not going to sit and stare at
5 a grown man all the time.

6 Q Sure. Right.

7 A But at all points in time there was people with eyes
8 on the kids.

9 Q Okay. And at one point, Minor was in that tent by
10 herself when you went to sleep?

11 A Yes, ma'am.

12 MS. LANDSVERK: Okay. Thank you.

13 THE COURT: All right. Anything further?

14 MR. CANTRELL: Nothing further, Your Honor.

15 THE COURT: Thank you very much, sir. You may step
16 down.

17 MR. CANTRELL: Your Honor, if I can ask to approach.

18 THE COURT: Yeah.

19 (WHEREUPON, a bench conference was held off the record.)

20 THE COURT: All right. Folks, there are a couple of
21 more witnesses that couldn't be here this afternoon that
22 we'll start with in the morning. So for this afternoon,
23 it's about 4:30, we'll probably go ahead and adjourn a
24 little early this evening and we'll start back in the
25 morning at 9:30.

1 Please continue to maintain your silence on the
2 case. Ask your friends, family and loved ones to remain
3 patient, let them know that -- I can tell you this. I
4 think the couple of witnesses that we have in the morning
5 are -- it will be fairly brief, so I would anticipate
6 that probably sometime before lunch you'll have this case
7 for your consideration. So let your family, friends and
8 loved ones know this evening that if they could just be
9 patient for one more evening, that more than likely,
10 tomorrow, whenever you go home, you'll be able to share
11 everything with them because the case should be over by
12 that time. So -- but just let them know that you still
13 cannot discuss the case in any way.

14 Try to get a good night's rest, if you can. And if
15 there's nothing else, then I'll see you folks at 9:30.
16 Just be back up here at 9:30. Everyone else, please
17 remain seated. And the jury is excused.

18 (WHEREUPON, the jury exits the courtroom at 4:33 p.m.)

19 THE COURT: All right. Is there anything we need to
20 take up before we adjourn for the afternoon?

21 MS. LANDSVERK: Nothing from the State, Your Honor.

22 MR. CANTRELL: Nothing for the defense, Your Honor.

23 THE COURT: Okay. It looks like we're going to have
24 two, maybe three witness, whatever we have, but I think
25 it appears that they'll all be somewhat brief. And so I

1 anticipate that we'll -- that the charge -- now,
2 Mr. Hendricks is charged with the one count under that
3 indictment, correct?

4 MS. LANDSVERK: Yes, Your Honor.

5 THE COURT: So I've got the charge on the first
6 degree CSC with a minor. Well, you guys weren't here for
7 the benefit of the earlier trial. The charge is
8 essentially going to be the same other than it will just
9 deal with that one charge instead of the three the other
10 one had. But Mr. Hendricks did testify, so I'll take out
11 the language regarding -- the defendant's exercise of his
12 constitutional right to remain silent.

13 But I do -- just so y'all are aware, when it comes
14 to the burden of proof, I charge the "firmly convinced"
15 language. I don't use the "hesitate to act" language, if
16 that will help you in preparing your closings.

17 But what we'll do is this. Susan will get this in a
18 final form this evening, so the first thing in the
19 morning, if y'all want to come by the office, we'll have
20 a copy for you and you can look at it, and then if
21 there's anything we need to alter or mess with, we'll do
22 it. All right?

23 MR. CANTRELL: Thank you, Your Honor.

24 MS. LANDSVERK: Thank you.

25 THE COURT: All right. Court will be in recess till

1 9:30 in the morning.

2 (WHEREUPON, the trial was concluded at 4:35 p.m., to be
3 reconvened on Friday, July 29, 2016.)
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1 whole reason that we have alternate jurors.

2 And so -- let's see. So we've got Ms. Kloth and
3 Mr. Watson will now move from the alternate to the main
4 panel. So the 12 of you will proceed with this case.

5 When we rested yesterday for the afternoon, we were
6 still on the defense's case, and so we'll pick up where
7 we left right there and recognize Mr. Cantrell for the
8 defense's next witness.

9 MR. CANTRELL: Thank you. If it please the Court.
10 Your Honor, I would ask that Brayden Cain be sworn as a
11 witness. And he is out in the lobby.

12 THE COURT: All right. If you'd have him come
13 forward, please.

14 WHEREUPON,

15 BRAYDEN CAIN,

16 After first having been duly sworn, testified as follows:

17 THE CLERK: Please be seated. State your name for
18 the record.

19 THE WITNESS: Brayden.

20 THE COURT: Let me get you to do me a favor. If you
21 want to slide that chair up, go ahead and slide it on up.
22 Because I want you to be comfortable, okay? And just
23 like you did there where you're speaking into the
24 microphone, if you'll do that for me, then everybody can
25 hear you, okay? All right. Thank you, buddy.

DIRECT EXAMINATION

1
2 BY MR. CANTRELL:

3 Q Are you good like that? Okay.

4 And, Brayden, what's your last name?

5 A Cain.

6 Q And who is your father?

7 A Stephen.

8 Q And that's him sitting here; is that correct?

9 A (Nods head affirmatively.)

10 Q Is that your mama next to him?

11 A Uh-huh.

12 Q Okay. I'm going to ask you some questions, and
13 you're doing great. Just keep speaking up loud and
14 clear. Be sure and say "yes" or "no" out loud, okay?

15 And how old are you, Brayden?

16 A 10.

17 Q Now, let me ask you some questions that are a lot of
18 times asked of witnesses, and that is, you're going to
19 testify in this case, so do you know the difference in
20 telling the truth or telling a lie?

21 A Yes.

22 Q All right. If I told you that when you walked in
23 this courthouse this morning that it was just pouring
24 rain, would that be the truth or would that be a lie?

25 A Lie.

1 Q If I told you that it was a beautiful sunny day when
2 you walked in, would that be the truth or would that be a
3 lie?

4 A Truth.

5 Q And which of those is a bad thing to do?

6 A Lie.

7 Q All right. And we're just going to ask you to
8 answer questions and answer them truthfully to the best
9 of your ability, okay? Can you do that for us?

10 A Yes.

11 Q All right. Now, you said you were 10 years old?

12 A Uh-huh.

13 Q Now, let me start off by showing you this picture.
14 And tell me, is that you in this picture?

15 A Uh-huh.

16 Q Okay. Say "yes" or "no" please, okay?

17 A Yes.

18 Q Okay. And can you tell me if that is Minor in the
19 picture over here?

20 A Uh-huh.

21 Q Yes?

22 A Yes.

23 Q Okay. And two of your cousins?

24 A Uh-huh.

25 Q Okay. Now, do you remember being at the lake with

1 Minor and your other cousins?

2 A Yeah.

3 Q And was it a long time ago?

4 A Uh-huh.

5 Q Did you ever go to the lake at any other time when
6 Minor and Blake, her brother, were there other than the
7 time when this picture was made?

8 A No.

9 Q Okay. So that's the only time you went there?

10 A Yes, sir.

11 Q And what did y'all go there for? Were you camping
12 or just swimming? Or what all did you do?

13 A We got marshmallows and went swimming.

14 Q You got in the water?

15 A Uh-huh.

16 Q Okay. Did you stay there that night? Did you sleep
17 there?

18 A Yeah.

19 Q All right. Now, let me back up. When y'all were
20 playing, doing this in the water, did everybody seem to
21 be having fun and having a good time?

22 A Uh-huh.

23 Q Now, what about the next morning? Did y'all get
24 back into the water and play?

25 A I think so.

1 Q All right. And the next day, did everybody seem to
2 be having fun?

3 A Uh-huh.

4 Q Okay. Now, at night when it came time to go to bed,
5 did y'all go to bed after it was starting to get dark?

6 A Yeah.

7 Q Okay. Now, when you went to bed, what did you sleep
8 in? Did you sleep in a tent?

9 A Uh-huh.

10 Q Okay. Now, when you went to bed, who else was in
11 your tent?

12 A Minor and Blake.

13 Q And is Blake -- is this (indicating) Blake?

14 A Uh-huh.

15 Q Okay. Now, do you remember, did all three of you go
16 in the tent at the same time?

17 A Yes.

18 Q You did?

19 A No. Wait. Yeah.

20 Q You did?

21 A (Nods head affirmatively.)

22 Q Okay. You're sure?

23 A Uh-huh.

24 Q Okay. And do you remember who of the three of you
25 went to sleep first?

1 A Minor went to sleep.

2 Q Okay. And did Blake ever really go to sleep that
3 night?

4 A No.

5 Q Was he up and down a lot?

6 A Uh-huh.

7 Q Okay. And -- but you and Minor stayed in the tent
8 when you first went to bed; is that correct? Is that
9 right?

10 A Yes.

11 Q Now, later in the night after you had been asleep
12 some, did you get up and go to your parents' tent?

13 A Yes.

14 Q Was Minor still asleep then?

15 A Yeah.

16 Q Okay. And while Blake was up and down, did some of
17 the adults there have to bring him back into the tent?

18 A Yeah.

19 Q Did he get up and get back out again a lot of times?

20 A Uh-huh.

21 Q Okay. And then after -- in the middle of the night,
22 you got up and went to your parents' tent. Did you stay
23 in their tent and sleep the rest of the night?

24 A Uh-huh.

25 Q Okay. And then what did you do the next morning?

1 Do you remember?

2 A (Shakes head negatively.)

3 Q So just to make sure I understand, you and Minor
4 and Blake got in the tent at the same time that night to
5 go to sleep?

6 A Yeah.

7 MS. LANDSVERK: Objection, Your Honor. He's had a
8 lot of leading questions of the same thing, and ---

9 THE COURT: I know he's a young person, but you're
10 going to have to ask a nonleading question.

11 MR. CANTRELL: All right.

12 BY MR. CANTRELL:

13 Q And after y'all got in the tent, did anybody but
14 Blake get out until you got out? Are those the only
15 people that got out of the tent?

16 A Yeah.

17 Q Now, Jacob's your uncle, right?

18 A Uh-huh.

19 Q Did Jacob ever go inside the tent and stay or do
20 anything inside the tent other than to lay Blake back in
21 it?

22 A No.

23 MR. CANTRELL: I don't have any further questions,
24 Brayden. Answer any that Ms. Landsverk may have for
25 you.

CROSS EXAMINATION

1

2

BY MS. LANDSVERK:

3

Q Hi, Brayden.

4

A Hi.

5

Q How are you doing?

6

A Good.

7

Q Good. Well, I wanted to ask you about camping in
8 general. Do you like to camp?

9

A Yes.

10

Q And have you gone on a lot of trips with your family
11 camping?

12

A No. Not really.

13

Q Not really? Okay.

14

15

And have you ever gone to the campground -- Mile
Creek Park campground over there near the lake, the one
16 that y'all were at when Minor and Jacob were there?
17 Have you all gone back there since this happened?

18

A No.

19

Q You haven't gone back? Okay.

20

21

Well, that night you said that you slept in the tent
for a little while, right ---

22

A Uh-huh.

23

Q --- when you first got in there?

24

25

And did you decide that you couldn't get any sleep
because Blake was in and out, or were you sleeping?

1 A Yeah. Blake kept getting in and out.

2 Q Okay. And at some point in the night, you
3 eventually decided to leave, right -- leave the tent?

4 A Yeah.

5 Q And then you went to go sleep the rest of the night
6 with your parents?

7 A Uh-huh..

8 Q Okay. So you weren't in that tent the whole night
9 then?

10 A No.

11 MS. LANDSVERK: Okay. All right. Thank you.

12 THE COURT: All right thank you very much, sir. You
13 may step down.

14 MR. CANTRELL: Your Honor, I ask he be allowed to be
15 excused to go out to the lobby, anyway.

16 THE COURT: Yeah. He's free to go.

17 MR. CANTRELL: Thank you.

18 And, Your Honor, that concludes the case for the
19 defense.

20 THE COURT: All right. The defense has rested.

21 All right. Ladies and gentlemen, the defense has
22 rested their case, so just as I did at the close of the
23 State's case, at the close of the defense's case, I have
24 to take up matters of law. So I'm going to do that in
25 just a moment. And depending on how that goes, what I

1 anticipate, and we'll see, but I anticipate that after I
2 conclude these matters of law, that we'll be in a
3 position where you will begin to then hear from the
4 attorneys with their closing remarks.

5 So you're not there where you need to be yet. The
6 evidence is closed at this point. So when you go back
7 into the jury room, you're still under your restriction
8 not to discuss the case. But you're getting there.
9 You're pretty close. So while I take up these matters of
10 law, if you'd retire to the jury room, let me do that.
11 If you need anything, let the bailiffs know and we'll get
12 you back out here shortly.

13 (WHEREUPON, the jury exits the courtroom at 10:22 a.m.)

14 THE COURT: All right. I'll take up motions at the
15 close of the evidence.

16 MR. CANTRELL: Your Honor. At this time, I would
17 renew my motion for a directed verdict, as well as
18 renewing and observing all the prior motions that have
19 been ruled on. I would, again, renew my motion for a
20 directed verdict.

21 THE COURT: All right. I'm going to respectfully
22 deny that, Mr. Cantrell. You certainly have put
23 additional evidence into the record that the jury needs
24 to consider, but I still think it's a jury issue. It's a
25 factual issue that I think has to be resolved by the

1 jury, and I think there's evidence in the record,
2 depending on how the jury visits it, that would support a
3 verdict either way. And so I think it's a matter that
4 the jury has to decide.

5 Now, does the State have any reply or any rebuttal
6 witnesses?

7 MS. LANDSVERK: The State does not, Your Honor.

8 THE COURT: All right. Is there anything else that
9 we need to take up motionwise before I talk with you
10 about the charge?

11 MR. CANTRELL: None that I know of, Your Honor.

12 THE COURT: All right. I've given you a copy of the
13 charge. Again, it's -- in all candor, I don't know what
14 else we could charge. It's very simple. It's basically
15 the statute other than the boilerplate language regarding
16 reasonable doubt, expert witnesses, circumstantial
17 evidence, all those things.

18 Does the State have anything in particular or any
19 specific request to charge other than what's in there?

20 MS. LANDSVERK: I do not. And I'm not quite
21 finished yet. I have two pages to go. I don't think
22 I'll have any requests.

23 THE COURT: How about from the defense,
24 Mr. Cantrell?

25 MR. CANTRELL: No. Nothing, Your Honor.

1 THE COURT: All right. Is the State going to open
2 on the law or are you going to waive opening on the law?

3 MS. LANDSVERK: I'm going to waive opening, Your
4 Honor.

5 THE COURT: All right. Now, folks, I don't -- I
6 will say as a matter of course for me, I don't typically
7 limit attorneys on their closing arguments with regards
8 to time. I'm not above doing it, but I usually don't
9 because I usually ask that you understand the
10 complexities of human nature and of people who listen to
11 your presentation how long they can do that and still
12 maintain their attention span. I think it's relevant,
13 how long. Obviously, if a case takes two weeks to try,
14 it would probably require a little bit more closing than
15 one that took two days to try, simply not because of the
16 seriousness of the charge, but because of just the volume
17 of evidence that can be presented over a two-week period
18 versus a two-day period. So I ask you just to be aware
19 of that. I'll give you whatever time you need for your
20 closings, but if it gets to be excessive, I will probably
21 (demonstrating) -- you'll probably hear a knock or
22 something of that nature.

23 I'm going to give you a little bit of -- a few
24 minutes to gather your thoughts and everything, and then
25 we'll take about five, ten minutes and then we'll start.

1 And this won't be one of those typical Russo five or ten
2 minutes where we're going to start in 40 minutes. We're
3 going to start in a couple of minutes, okay? Because I'm
4 not even going to leave the bench. Y'all take whatever
5 time you need to gather your thoughts, and we'll just be
6 at ease.

7 (WHEREUPON, a recess is taken at 10:27 a.m.)

8 THE COURT: All right. Anything we need to take up
9 before we bring the jury out and proceed with closing
10 arguments?

11 MS. LANDSVERK: Nothing from the State.

12 MR. CANTRELL: Nothing from the defense, Your Honor.

13 THE COURT: All right. Let's bring the jury out,
14 please.

15 (WHEREUPON, the jury enters the courtroom at 10:38 a.m.)

16 THE COURT: All right. Ladies and gentlemen, I
17 thank you for giving me that opportunity to take up those
18 matters. We've done that and we're now ready to proceed.

19 And as I told you or as I suspected, we are to the
20 point now where we've reached the close of all the
21 evidence. All of the evidence that you're going to have
22 for your consideration in this case is in, and so the
23 evidentiary portion of the trial is over, it's closed.
24 The evidence will be the testimony from the witnesses
25 throughout the trial that have testified as well as the

1 exhibits which came in, and you'll have those exhibits
2 back in the jury room with you during your deliberations.

3 But we've reached the portion of the trial now where
4 the attorneys are going to have an opportunity to address
5 you with what they believe the evidence in this case has
6 shown or has not shown. It's their opportunity to argue
7 the facts and the evidence from their perspective.

8 As I told you about their closing arguments, with
9 regards to their opening -- excuse me, with their opening
10 statements, their closing arguments and what they share
11 with you in those closing arguments is not evidence. As
12 I told you, the evidence portion is closed. They are not
13 under oath still. They are simply this is their
14 opportunity to talk with you about what they think the
15 evidence in this case has shown. So it's important that
16 you listen carefully and give them your undivided
17 attention.

18 Once they've concluded their arguments or their
19 remarks to you, I will then give you the charge on the
20 law. That's when you'll have everything you need and you
21 can begin to discuss the case and deliberate the case.

22 All right? So, if you would, please pay close
23 attention and give the attorneys your attention as they
24 address you at their closing remarks.

25 Mr. Cantrell?

1 MR. CANTRELL: Thank you, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, sir.

4 CLOSING ARGUMENTS

5 MR. CANTRELL: And thank you.

6 Now, when you first came in here Wednesday near the
7 beginning of this case, basically, all you were told by
8 the Court was that Jacob Michael Hendricks was charged
9 with criminal sexual conduct with a minor in the first
10 degree. Ms. Landsverk and I got to stand up and tell you
11 a little bit about what we anticipated you would hear
12 from our individual perspectives, and then the real work
13 began. Now your job gets even more intense. You have to
14 take everything you've heard since Wednesday morning back
15 to that jury room and use that to reach a verdict.

16 You've heard that there's a presumption of
17 innocence. You've heard that the case must be proven
18 beyond a reasonable doubt, which is basically a lot of
19 different definitions for that. But it basically means
20 is you have to be firmly convinced that Jacob Hendricks
21 is guilty of that crime in order to return a verdict of
22 guilty. Otherwise, you return a verdict of not guilty.

23 I told you at the very beginning, not only does he
24 claim his right to be presumed innocent, but he told you
25 -- now he's told you he didn't do it. We're going to be

1 asking for a verdict of not guilty. For you to get
2 there, for you to take that journey from the beginning of
3 Wednesday morning till now to reach a verdict, you've got
4 a lot of different things to look at. You've heard a lot
5 of evidence and a lot of testimony.

6 I'm going to break it down into three areas that I
7 think you -- and would ask that you consider when you get
8 back to the jury room. And let's start with the first
9 area would be what Minor has said and done
10 throughout the period of these allegations. And I think,
11 quite frankly, you could even start back before the
12 allegations when she had a traumatic experience of losing
13 her grandmother. And she brought that up several
14 different times, that that was the beginning of some
15 initial trauma for her as well some other things that she
16 had gone through that are not related to Mile Creek Park.

17 But take into account her testimony, because you
18 heard her testify here, and you heard her statement on
19 video, and you've heard some other things about her and
20 about her treatment. And I would ask you to consider all
21 of that and take into account that this is something that
22 allegedly happened four years ago and that was not
23 charged until two years ago. So we know that everybody's
24 got to remember things, but, quite frankly, your decision
25 is based exclusively on what Minor said. It may

1 be filtered through some other people, but you have to
2 make your decision based on what Minor says and
3 whether you believe that it happened, do you believe that
4 that proves Jacob Hendricks did what they are alleging
5 that he did.

6 And there are a lot of different things. I'm not
7 going to insult you by reminding you of everything I
8 think you need to know. That's what you're here for.
9 You're here to remember things. I'm going to ask you to
10 remember a few things in particular because she testified
11 that she went into the tent alone with Jacob. And she
12 stayed in there, and Jacob did until he went to sleep,
13 and that she just stayed in there, and that she cried and
14 that sort of thing. But you've heard other testimony by
15 a number of witnesses that that could not be true, that
16 she and Brayden and Jacob got into that tent at -- all at
17 the same time, and she stayed there all night.

18 You heard her testify about what she alleges
19 happened to her. And she said in one scenario that Jacob
20 came in and reached into her pants and touched her. She
21 said in another setting here -- I believe in the forensic
22 interview said he reached into my pants, and here she
23 said he pulled her pants down. Now, those -- there can
24 be discrepancies, certainly, but not to, as you've heard
25 some of the terminology, core effects, something that

1 that's important, something that would be that memorable.
2 Those are very distinct contradictions.

3 She's a young girl, and the solicitor's going to
4 say, "Well, she can't remember everything exactly." But
5 the simple fact is, you've got to base your decision on
6 what the people do remember and how they remember.

7 And she gave conflicting testimony about that, and
8 basically said that she was in the tent with Jacob, and
9 everyone else says Jacob was never in the tent with her.
10 And you had Brayden who, obviously, had no reason to lie.
11 Certainly, this is his uncle. All the people that
12 testified except one were relatives, but that doesn't
13 mean they're lying. That means they're recounting for
14 you what they remember.

15 And 10-year-old Brayden remembers going into the
16 tent. He was not in here. He didn't hear what other
17 witnesses said. He recounted for you what he remembered
18 happening. I got into the tent at the same time Minor
19 did, and she went to sleep. And, no, I never saw Jacob
20 get into the tent. He got out later in the night. His
21 father said it was in the middle of the night, and that
22 directly conflicts with what Minor said.

23 I'm sorry. Let me back up and say I'm not about and
24 would not ever blame Minor for anything she has
25 said or done. I'm going to tell you that she's wrong.

1 I'm going to tell you that she's misremembering or just
2 not telling the truth in one shape, form or fashion. But
3 please, don't let it appear that I'm going to blame her.
4 She is the last person that should have had to be in this
5 courtroom. But it's not because of anything that
6 happened at Mile Creek. A lot of other things, but not
7 that.

8 So she is wrong. I believe she is wrong, and I
9 believe she's inaccurate. What she said is untrue for
10 one reason or another. Not her fault. But that does not
11 mean that she -- her testimony cannot be questioned, and,
12 in fact, should be.

13 Some of her other testimony about other incidences
14 were conflicting. She tried to talk about her parents
15 she said having sex with her in the room, but then when
16 she described it, it really wasn't quite that. Young
17 children -- and remember, she was 6 or 7 at the time, go
18 in her parents room all the time, a lot of times they're
19 in their rooms. And the fact the parents are on the bed
20 doesn't mean they're having sex, but to her it would
21 appear to mean that. But she also wasn't -- and she was
22 conflicted and didn't remember. One time she said they
23 had their clothes on here. One time she said they didn't
24 have their clothes on. Again, core contextual facts that
25 were inconsistent.

1 And she said, "Well, they talk about sex."

2 And then said, "How did they do that?"

3 She said, "Well, they just had sex, sex, sex, sex,
4 sex."

5 That is a confused 6 or 7-year-old trying to
6 remember or state something that really probably has no
7 basis in, in fact. But she, in her mind, there was
8 discussion of sex, but there really wasn't.

9 There was some mention of porn, pornography. And
10 when you listen to all of the testimony both off the
11 witness stand and in the video, the only pornography that
12 was involved was pornography that she pulled up. But she
13 kept blaming it on someone else. That is a real sore
14 spot for her, and I don't know why. We don't know why.
15 We never will. But that was an issue, and it was not
16 Jacob Hendricks that was involved in that at all.

17 And I submit to you it was not anything to do with
18 Mile Creek Park.. So many other things have gone on in
19 this young life that created these issues that we do not
20 know and will not know what brought it about, but it's
21 just if there is not a connection to Mile Creek Park,
22 which I submit there was not, there is no evidence of
23 guilt.

24 One thing that I believe is extremely important, and
25 I hope you do, that's what the jury room is for. Think

1 about how many times on the witness stand, from the --
2 from Minor from the other experts and what you heard up
3 there that mama was mentioned, mom was mentioned. There
4 does not appear to be much of any doubt that the issues
5 that Minor has start, begin and will end with her
6 feelings, beliefs and her treatment by her mother. Very
7 seldom in this case did you hear anything about Jacob
8 Hendricks other than for it to be alleged that he did
9 something at Mile Creek. Everything else from prior to
10 Jacob till way after Jacob and Minor 's mother were not
11 together focuses on her feelings, her recollections, her
12 remembrances about what went on with her mother.

13 Now I'd like to jump into the second area that I'm
14 going to ask you to consider when you get in the
15 courtroom, and that was I'm going to call it the expert
16 testimony. The judge will charge you on the law. I'm
17 not going to talk to you about the law because he's going
18 to tell you what the law is, and that's his area. What
19 he tells you the law is is what you take to be the law.

20 But he will tell you about experts and how they can
21 present their testimony and their opinions because they
22 are experts in a particular area. But what I'm going to
23 call it is a chain of experts, a chain of testimony.
24 Because we started with the forensic interview, which is
25 not an expert testimony. But the forensic interviewer

1 you saw on the video and her here is simply the person
2 that asked questions, interviewed Minor on the video to
3 come to court. But the chain started there, and I'm
4 going to jump ahead a little bit and say her job was to
5 ask questions and listen to information.

6 Well, I think it's important that she took a break,
7 the interviewer did, left the room. Minor 's doing her
8 coloring and her drawing, and then the interviewer comes
9 back in. From the witness stand, she told you that was
10 to elicit more information about time and place for
11 jurisdictional purposes. The people watching this video,
12 including the law enforcement and other individuals, so
13 she goes out and talks to them, and she comes back in to
14 ask questions only about where was it, which had been
15 asked before, when was it, which had been asked before.
16 Because she was trying to pinpoint information for
17 jurisdictional purposes, which would seem to me not to be
18 the primary important reason for having a forensic
19 interview. And I think that's kind of what she implied
20 when she started, but she ended up working on the
21 jurisdictional issues.

22 I think another key to that last two or three
23 minutes of the video was it wasn't until then, but it was
24 at that point that Minor mentioned another occurrence,
25 another incident, a day care incident. Nobody had heard

1 of that before, nobody had reported it before. And I
2 asked that interviewer, "What follow-up was done to
3 that?" And there was none. And I think that is
4 significant that she's -- Minor 's asked questions to
5 provide jurisdiction and to clear up evidentiary issues,
6 but the other just passes by. I don't believe there can
7 be a good explanation for that.

8 But back to the chain of experts. We have the
9 interviewer who referred Minor to Ms. Tate who referred
10 Minor to Dr. Waggett. The startling thing about
11 testimony of both of those professionals who were allowed
12 to give their expert opinions and were qualified before
13 they were allowed to do that, everything they testify,
14 every diagnosis they refer to they would say was based on
15 an incident of sexual abuse. That would be what I would
16 call tunnel vision. They started with the interview at
17 Julie Valentine Center and went to a counselor at Julie
18 Valentine Center, Ms. Tate, went to a doctor, a
19 psychiatrist who works with them.

20 But every diagnosis was because of sexual abuse. It
21 just really seemed even though they would have other
22 diagnosis for the purpose of their testimony, those were
23 disregarded or they weren't paying attention to those.
24 They didn't mention the primary reason for posttraumatic
25 stress disorder, and the other diagnosis was the fact

1 that Minor saw her mother slap her 2-year-old brother in
2 the head immediately before they were taken into DSS
3 custody. They didn't blame it on those things. They
4 didn't blame it on at least allegations that Minor made
5 that her mother would slam her up against the wall. It
6 was all focused on an alleged act of criminal sexual
7 conduct.

8 I would submit to you that's not logical, that's not
9 fair, and that's not appropriate in an effort to try to
10 prove any case other than one you've picked out ahead of
11 time. This young lady had issues that came from all
12 sorts of sources, and it is not her fault and it's wrong,
13 but it is just as wrong to ignore that when reaching a
14 diagnosis for the purposes of this case.

15 The other interesting thing about the forensic
16 interview, when we have what is called a blind expert,
17 that was the last expert you heard that does not know
18 anything about this case, but she was telling you and
19 giving you information on how to analyze or factors in
20 child sex abuse cases. And that she is a well-qualified
21 expert, she can tell you about that. But very simply,
22 she could not tell you what, if any, indicators there are
23 in the case that would show that the allegations are not
24 true. Doesn't mean they're malicious, vicious,
25 intentional lies, but they're not true. She didn't have

1 a real answer for it. Well, what do you see? What do
2 you see when there are false allegations or untrue
3 allegations? And she really didn't have an answer. She
4 kind of said, "Well, it's got to be that the victim
5 testifies or states polar opposite of what was alleged
6 before." She wants it to be black and white, but nothing
7 else is black and white. So she had no way, it appears,
8 to determine if something was untrue or unfounded.

9 But then also, when she had to tell you or explain
10 how they decide that a child is relating core and
11 contextual statements, she couldn't tell you how much it
12 took to be able to say, "Well, yeah, they are giving us
13 that." She couldn't tell you that. It's almost like,
14 well, it's just what we say it is.

15 And just, ladies and gentlemen, the testimony from
16 the forensic interview, from the experts doesn't really
17 say a thing. Doesn't really say a thing about Mile Creek
18 and Jacob Hendricks. It doesn't get you on the end of
19 that journey to be firmly convinced because Minor 's
20 testimony is suspect, and the expert's testimony is not
21 directly on point. Never got on point because, again,
22 I'm afraid that they were concerned about one incident to
23 the exclusion of these other incidents.

24 And I believe it was Ms. Tate that talked about all
25 the different issues that Minor had, but she didn't

1 discuss where they would come from other than one
2 incident of sexual abuse, which does not seem to be
3 believable or logical.

4 And another reason that not be believable or
5 logical, let's go to the third area of testimony that you
6 heard. And I ask you to analyze it all over the place.
7 I ask you to analyze all these others all over the place.

8 But the next area of testimony you heard is Mile
9 Creek Park. What happened? How was it set up? Who did
10 what? Well, quite candidly, and you heard this from the
11 very beginning, it was originally and for a long term
12 believed this took place in July, and that somebody named
13 Ted Galloway had set it all up, which ended up not being
14 true. And as you heard, the defense was able to
15 determine that it was not accurate. We found out at a
16 very late date when Jacob and his family actually did go
17 to the campsite, and that's what is before you here today
18 because we discovered that.

19 And the reason we discovered that and the reason
20 we're here for you today is we want the truth to come
21 out. And that is, you heard testimony that they went to
22 the campsite, everybody said everybody was having fun.
23 We've got a few pictures to show you what was going on.
24 And they did all the normal stuff that people do to have
25 fun. And then they did all the normal stuff that people

1 do when it's the end of the day and they're tired,
2 particularly the kids. They told them to go to bed.

3 And what happened as Minor went in the tent with
4 Brayden, who was very straightforward? What he
5 remembered, because it's the only camping trip that he
6 went on with Minor and Blake, he saw the pictures, he
7 remembered the trip, and he knows that he was in the camp
8 -- in the tent with his -- what he would consider his
9 cousins. And he told you what happened. You have adults
10 tell you.

11 And you'll be reminded they were family or they were
12 relatives. Well, they were. It's a family camping trip.
13 That will tell you the setup of the campsite, who was
14 where and who did what. And the simple fact is that
15 Jacob Hendricks did not and could not have done what is
16 alleged. Based on their testimony, he never went inside
17 the tent. And remember, we're talking about a little
18 tiny -- Minor called it a tiny tent. The others called
19 it a kids tent.

20 She testified that he got in there with her
21 completely and stayed there and went to sleep. It didn't
22 happen that way. That is just simply not true. And the
23 other people verified that. Jacob put Blake in and out
24 of the tent, set him in there. So did other people. But
25 he never got in the tent. Brayden verified that. The

1 other adults verified that.

2 Now, and you may be reminded of this, too, some of
3 these people were up all night. That includes Robert
4 Galloway, who testified he was up till about 4:00 and
5 Jacob never went to the tent -- never got in the tent.
6 I'm sorry. Brayden stayed up -- or stayed there about
7 half the night and went to his parents' tent. Jacob
8 never got in the tent. Stephen came, saw him till he,
9 Stephen, went to his tent at 12:00, 1:00 in the morning.

10 But then Jacob told you, Jacob stood up here, put
11 himself and his dirty laundry out in front of the whole
12 world that he did not go into the tent.

13 And then we have Pam Aiken who used to be but is no
14 longer a family member. She is the one that provided the
15 pictures because she had put them on Facebook way back
16 then because they knew she had them. And she is the one
17 that was there that was up all night long and knows that
18 Jacob was up out of the tent fishing all night long.

19 Now, was there a minute here or a minute there?
20 Possibly. But with those witnesses, there's no way that
21 Jacob got in this tent and stayed there, particularly
22 early in the evening when Minor first went to bed and
23 stayed there till he went to sleep. And Pam Aiken
24 verified that for you even better than the other
25 witnesses.

1 And just very simply, by the time Robert got back
2 up, Jacob was still out fishing. One other cousin that
3 was there, unfortunately, has passed away, and he's one
4 of the ones that Jacob stayed up with all night long.

5 There was lighting. It was dark, it was night, it
6 was at the camp at a lake, but there was lighting. There
7 was a big campfire, there were lanterns, tiki lights,
8 there was possibly a streetlight very close by. But the
9 tents were set up, the campsite was set up so that
10 everybody could see everything because they had children
11 there.

12 So the third area of testimony, what happened at the
13 campsite, there is Minor 's recollections, which I
14 believe are inaccurate or impaired a little bit because
15 she changed, and there's everybody else's that tells you
16 what is logical looking at the diagram, going by what
17 they all said including Brayden.

18 And that just brings us very simply full circle to
19 at the beginning you were told what Jake was charged
20 with, told you would hear evidence so you could make a
21 determination, render a verdict which speaks the truth.
22 And when you take all of that evidence into account, you
23 have to ask yourselves individually and collectively, is
24 it proved? Do I base a conviction of criminal sexual
25 conduct with a minor in the first degree, do I base that

1 on what I heard here?

2 I'm not firmly convinced that he did this.

3 Obviously, I don't believe you should be. Obviously, I
4 don't believe he did it. What's more important, my
5 beliefs are totally irrelevant, may be irrelevant right
6 now, but it's certainly irrelevant once you go out that
7 door. Yours are. What you figured out, what you
8 determined, what you heard, what you believe, and do you
9 believe that that allows you to convict this young man of
10 this charge.

11 We're all looking for justice in this case, everyone
12 in this room. I will tell you, I believe justice is
13 served for Minor because she is now in a safe home
14 where she is happy and well taken care of, and she did
15 not have that before DSS got involved in her case, which
16 was before any allegations, and has continued to be
17 involved, and that involvement escalated because of
18 things her mother did. So she is safe. She's in a good
19 place. She's better off than she has been in a long
20 time. So justice is served for Minor.

21 But there's another element of justice, the one you
22 are here about today. And for Jacob, it will not be
23 justice unless there's a verdict that is based not on the
24 age or the experiences or the trauma or the memory based
25 on age, experience or life experience, but based on

1 truth, based on fact, based on what you, the trier of the
2 facts, decide is the truth. It's not emotional, it's not
3 because of some sympathy for one party or the other.
4 It's based on pure, unadulterated evidence that has to
5 prove guilt beyond a reasonable doubt. And I just simply
6 have to ask you to return a verdict of not guilty because
7 it's not there. He didn't do it and the proof is not
8 there, so I do ask you to return a verdict of not guilty.

9 Thank you.

10 THE COURT: Thank you, Mr. Cantrell.

11 Ms. Landsverk?

12 MS. LANDSVERK: Thank you.

13 At the beginning of the trial I told you that some
14 children have a reason to be scared. And, unfortunately,
15 after listening to all of the witnesses and learning
16 about all the evidence in the case, you learn that to be
17 true, and that Minor was one of those children.

18 I also told you at the very beginning that there are
19 probably some things that you never planned on hearing or
20 wanted to hear in this case. It's true. Minor has been
21 through so much in her short life thus far. She has seen
22 a lot. Not only has she been physically abused and
23 neglected, she's been sexually assaulted.

24 The defendant, Jacob Hendricks, saw an opportunity.
25 When they went camping the summer of 2012 at Mile Creek

1 Park, he saw an opportunity when night fell. And it was
2 dark outside. He realized that Blake and Brantley were
3 no longer in the tent. You know from testimony that
4 Blake was on Pam's lap around the fire. Brantley decided
5 to leave and go to his parents' tent. So he knew Minor
6 was in that tent alone, vulnerable.

7 And Minor saw him as a parental figure in her life,
8 someone who probably should have been there to protect
9 her. But like a criminal in the night, he went in and he
10 sexually assaulted her. He went in and he took his adult
11 hands and put them inside her little body. He, according
12 to her, stuck them in her privates where she pees, and
13 then he messed with it.

14 She cried herself to sleep that night while he was
15 digitally penetrating her, and this is probably something
16 that she'll never forget for the rest of her life.

17 Now, after it happened, she had no one else to go
18 to. Of course, they were there at this site with his
19 family. Didn't seem like she was really close to anybody
20 there so she didn't have anybody to tell. And on top of
21 that, Jacob told her, "Don't you tell anybody." And she
22 had experienced, in the past, what he had done to her.
23 She had experienced bruises and marks all over her body,
24 so she was not going to tell anybody what happened based
25 on her experience with him.

1 Also, she really didn't have anybody to turn to at
2 home. Unlike you would hope most children would have,
3 she did not have a loving and supportive mother.

4 And, you know, we, by no means, say that these other
5 things didn't happen in her life. It absolutely did.
6 Now, we feel like they're even more of a reason why she
7 was a victim of sexual abuse because she did have so many
8 other terrible things going on in her life.

9 So she was kind of left to fend for herself in this
10 whole thing until that moment when DSS got involved
11 because of her mother. That is true, absolutely true.
12 Thank goodness that happened because she got to a safe
13 environment where she felt like she could disclose some
14 of what happened.

15 So what I'm going to do today is go through
16 basically what we heard, talk about each witness just a
17 little bit to kind of recap what happened. And first
18 off, I want to start with Minor .

19 You have to remember, this is an 11-year-old girl
20 who spoke about this extremely private incident in front
21 of a room full of strangers, and not only was this very
22 private, I think this would be such a difficult topic
23 even for an adult to talk about just to a random person,
24 not to mention a bunch of people staring at her that
25 she's never met before.

1 So, you know, when I think about someone her age,
2 she should be outside playing with kids doing her own
3 thing. She doesn't need to be here in the courtroom.
4 But she's here today because of what happened to her, and
5 she has a story to tell.

6 Now, in my experience doing these types of cases,
7 there are a couple different ways children react when
8 telling their story. On one hand, you know, you have
9 some people who are extremely emotional and who break
10 down, and then others who kind of freeze up. And in this
11 case, you know, I think Minor did a little bit of
12 freezing up. I think that when she got up there, she
13 tried to protect her heart, and she tried to cope with
14 what was going on. She knew that she had a story to
15 tell, she wanted to tell that story and then get out of
16 here with her head held high and not let it get to her to
17 let herself fall apart.

18 So I think, in general, as far as what -- you know,
19 I think, honestly, Minor probably has more to lose than
20 to gain while getting on the stand because you could
21 imagine an 11-year-old girl telling her story and having
22 to face the perpetrator staring at her while she's
23 telling all what's going on. Couldn't imagine how
24 frightening that would be.

25 Now, the next people you heard from was Dawn and

1 Travis. And her aunt Dawn first talked about the fact
2 that she -- once she was in the home with her for about
3 six weeks, she felt comfortable enough to disclose what
4 happened. And both her aunt and uncle talk about the
5 fact that as soon as she came into the home, there were a
6 lot of odd behaviors that they were kind of trying to
7 figure out what was going on with her.

8 And she was extremely afraid of Jake, and didn't
9 really know why. She was afraid that her mother would
10 come over and get her as well. And they later found out
11 it was because her mother had been badgering her trying
12 to get this story to change. So they put all sorts of
13 cameras up around the house to make her feel better.

14 They found out that she was going to the restroom in
15 her pants at 9 years old, both, without being too
16 descriptive, number one and number two at 9 years old.
17 It's pretty tough.

18 And she didn't want to be around men. She tried to
19 commit self-harm. So there are a lot of different
20 things. And, sure, some of these things may have been
21 because of the physical abuse, but I submit to you that's
22 not the only reason she was upset. It was absolutely
23 because she was also sexually assaulted. I think it was
24 a combination. I'm not trying to say it wasn't, but I
25 think that sexual assault absolutely was part of it. It

1 was part of that trauma.

2 And next you heard from Jennifer Stehl. She was the
3 DSS worker that came in to say -- kind of give us a
4 little bit of background about her being moved from the
5 home to a foster home and then to her aunt and uncle's
6 house. And she talked a little bit about the issues in
7 the foster home. She talked about the fact that the
8 foster family called, they weren't happy, apparently,
9 because Minor had been looking at pornography at their
10 house, and also she had apparently been humping other
11 children in the foster home.

12 Now, ladies and gentlemen, children like to mimic
13 people they're around, they like to mimic adults. So I
14 submit to you that she learned this from home. Where
15 else did she learn this? She's not going to see
16 pornography at school. And it sounds like there was
17 later maybe a school bus incident. I don't know exactly
18 what happened. But either way, this is a type of
19 behavior that she has learned. And the humping, you're
20 not going to see this at school or out in public. That's
21 not something that's a normal behavior.

22 Next up you heard from Detective Kelley, and he
23 talked about investigating the crime. You know, he first
24 went to talk to -- after he figured out the victim came
25 forward and she had her interview, he then decided before

1 he would do anything, he would talk to the defendant.

2 Ladies and gentlemen, the defendant put himself at
3 the crime scene. He said, "Yes. I went there with
4 Minor . I went there. I did go there with Blake as well
5 and my family members the summer of 2012." And he listed
6 out a bunch of names of people he went with.

7 So the first thing the detective did was go to the
8 campground to figure out did they really show up here.
9 He said somebody else there with him did the camping
10 registration.

11 So the first person he found was Ted Galloway. That
12 was someone that was listed in July. So he said, You
13 know what? This point after the victim described where
14 they were camping and the defendant saying, yes, we did
15 go camping, it all came together. And even the defendant
16 admitted at first thinking it was Ted Galloway. We later
17 find out that they were there a little bit earlier, maybe
18 a month or so earlier. Either way, we know they were
19 there. We ended up finding more registration forms other
20 times they went camping. But during the months of May
21 and the end of July, we know for a fact there was one
22 camping trip they were all there.

23 Now, next up we heard from Deputy McJunkin. He
24 talked about the fact that when he arrested the
25 defendant, he went to the door, nobody answered, he had

1 to kind of find his way in. Once he realized the back
2 door was open, he found out the defendant was hiding
3 under the bed. That says to me he felt guilty. He did
4 not want to be caught.

5 Next up we heard from the forensic interviewer. I'm
6 happy that you were able to see the interview because you
7 could see Minor two years younger kind of explaining the
8 event of what happened to her in an environment where she
9 didn't feel threatened or wasn't nervous. She was just
10 kind of able to talk with this woman who was a neutral
11 party about what happened to her. She boldly told her
12 that Jake touched her in her private area where she pees,
13 and she disclosed that Jake did, in fact, tell her mother
14 and that her mother didn't do anything when her mother
15 found out, so she was right. She couldn't go tell her
16 mother. As soon as she found out, her mother shrugged
17 her arms and said, "Oh, don't worry about it. Don't
18 worry about it."

19 Then she disclosed to Ms. Smith that there was
20 pornography in the home. She said that Jake and Kristy
21 and Jake and his friends were watching different movies
22 with people that were nude, on top of each other,
23 kissing, that sort of thing.

24 Also, she disclosed -- and by the way, this is the
25 very first time any of this had ever come out. DSS

1 didn't know about it. This was -- these were extra
2 issues that came out just in this interview also about
3 her being in the bed with Jake and Kristy having sex and
4 her talking about what was going on. The poor girl has
5 had to learn so much in her young life at 7 years old to
6 figure out what was going on.

7 And I think when I asked her about it on the stand
8 about the clothes issue, I really think she was
9 embarrassed. She didn't want to talk about it, you know.
10 She's also going into these awkward preteen years, and I
11 think that's just -- that's not a topic anybody wants to
12 bring up. But, in general, we know that she knows what
13 was going on. She explained at the time what had
14 happened when her mother was a little bit pressured a
15 little bit closer to the incident that they were, in
16 fact, naked and they were having sex in front of her.
17 And it kind of breaks my heart on top of that that there
18 was another little kid, Blake, who started crying and
19 fell off the bed and cried a little bit more, cried
20 himself to sleep on the clothes. And they didn't do
21 anything about it. They just continued on. They
22 continued going.

23 But in my mind, if they are willing to expose to her
24 pornography or just let her be in there while they're
25 having sex, why wouldn't Jake take it to the next level?

1 Why wouldn't he take it to the next step? She's seeing
2 all this.

3 The next person -- oh, and there's one last thing I
4 wanted to touch on. The defense brought up the fact that
5 in the interview there's another little boy that maybe
6 touched her. And, obviously, it sounded like it was an
7 innocent touching at a day care where a kid came up and
8 touched her inappropriately. I think Minor felt like at
9 the time, well, gosh, I've got to be completely open with
10 you and tell you everything that happened. That wasn't a
11 serious issue. So, obviously, nothing else was done
12 about it. I think he touched her on the top of her
13 clothes, she said, and then moved on and he got in
14 trouble. Just something that happened at day care, so
15 it's not something that we need to focus on here.

16 Next up you heard from Victoria Tate, therapist.
17 And the therapist met with her a lot, what we heard, and
18 she says she met with her more than she met with the
19 other patients or victims because of her trauma. She
20 felt like her trauma was more significant than a lot of
21 the other child abuse victims she had met with. And I
22 think she said she met with like 400 child abuse victims.
23 That's a lot of kids and a lot of experience in that
24 area.

25 And she told us that Minor 's symptoms were

1 consistent with that of sexual abuse. She talked about
2 symptoms of paranoia, self-harming, she talked about
3 depression, high anxiety. And in my mind, there is no
4 way that Minor can make up these symptoms. You know, I
5 think children can absolutely lie, but after a certain
6 point, how long does this lie continue? You know, I just
7 can't imagine how she could make up some of these things.

8 And, obviously, she's had a very troubled past, but
9 she couldn't make up the nightmares that she was having
10 specifically about sexual abuse. She couldn't make up
11 the recollections or flashbacks that she was having.

12 And that takes us right into the next witness,
13 Dr. Waggett, who talked about PTSD. And that's exactly
14 what PTSD is. You know, you think about the only real
15 experience I have with PTSD is hearing about war people
16 and talking about flashbacks, talking about
17 recollections. So I wanted her to explain that in her
18 pretty intense medical terminology that she gave us. But
19 those are some of the things that Minor was experiencing
20 that was directly related to the sexual abuse, things
21 that she could not make up.

22 And then, lastly, on my end we talked -- provided
23 Shauna Galloway-Williams, and how really she explained a
24 little bit of why she was there. I wanted to bring in a
25 neutral party that didn't know either group of people,

1 that didn't know the facts in the case to kind of give us
2 a little bit more insight on what we're dealing with
3 here. I mean, child abuse -- child sexual abuse is not a
4 topic that's readily discussed, I think, in society, and
5 it's nice to know a little information about that.

6 She first talked about grooming and how grooming is
7 when people try to normalize sexual behaviors, right?
8 And she testified that she would consider viewing
9 pornography and she would consider having a child be in
10 the same room as parents having sex, sees that even as
11 grooming. So this would normalize the behavior for the
12 child so when the extra -- you had the other sexual abuse
13 happened, it would be no big deal. The child's seen it
14 before.

15 And I don't know if you realize in the forensic
16 interview that Minor even brought up, she says, "Have
17 you seen anybody -- Jake do this to anybody else?"

18 And she said, "Well, no. No one except my mother."

19 Gosh. I mean, she has seen so much.

20 Next up, Shauna Galloway-Williams talks about
21 delayed disclosure. In fact, this is something that was
22 significantly delayed as far as when she told. She told
23 two years after it happened. Talked about how this is
24 extremely common in sexual abuse cases because, for many
25 reasons, one, for fear, fear of retaliation, fear that no

1 one will believe them. And that kind of fits perfectly.
2 She didn't realize how perfectly that fit. It's exactly
3 why Minor was fearful, the same thing exactly why
4 because Jake told her that she couldn't tell anybody.
5 She was scared of him, and also didn't think that her
6 mother would believe her.

7 Now, talking about the core and contextual details,
8 she did talk about how you can tell if someone was
9 telling the truth if they had consistent details, right,
10 of the story. And I submit to you that she told -- every
11 single person she told, she told the bulk of what
12 happened, she had the same story. Now, she may have left
13 out a few things like her brother Blake, she didn't
14 remember him being there. Well, obviously, that wasn't
15 significant in her memory. And as a 7-year-old, her
16 cognitive ability and her ability to remember some of
17 these things were just not completely developed yet. And
18 you never know. It's so many years beforehand she's
19 being questioned about this, and, gosh, I started
20 thinking about the last time I went camping a couple
21 years ago, and I couldn't even tell you the month. But
22 maybe I could think about the time of year, start to
23 narrow it down to some of the events that happened around
24 that time. But, I mean, there are a lot of things, I
25 think, that sometimes leave you after it's been so long,

1 especially if you were a child.

2 But I think, in general, the important thing is that
3 she told the same story to every single person she talked
4 to. Every time she told someone the story, it was the
5 same, exactly the same.

6 So now moving onto the defendant, you know, he got
7 up there and really talked about all the same things
8 happening that the victim did up until the sexual
9 assault. Everybody went camping, everybody had a good
10 time as far as swimming, they had a cookout, they talked
11 about doing marshmallows over the fire, and he even
12 admitted at one point that Minor may have been in the
13 tent alone, that both kids were outside of the tent and
14 he -- and that, obviously, she was by herself.

15 He talks about how he couldn't fit in the tent at
16 all, which I find kind of entertaining because when the
17 next witness got up and the first thing she talked about
18 was the fact that, you know, she was trying to help Blake
19 go in and out of the tent, trying to get him down. And
20 she's, "No. I laid down with him. Yeah. I could fit in
21 the tent with him. No problem." You obviously see that
22 the defendant is not a large man, so if he really wanted
23 to get in there, he's going to get in there.

24 And, you know, I think it's interesting that he
25 brought up the part about him failing a drug test with

1 probation. I mean, who's to say he wasn't on drugs at
2 the time this happened. I mean, gosh, who -- who are we
3 looking at here? Let's talk about the fact that he's had
4 a prior record. He's had two grand larcenies, two
5 burglaries. So if he's willing to break in somewhere,
6 take something that's over \$2,000 -- that's the
7 definition of grand larceny. It's got to be over two
8 grand. Then why in the world would he feel the need to
9 tell the truth today if he's willing to do those things?

10 Now, I submit to you that he is not credible. He is
11 not a credible person, and he is not to be believed.

12 Now, we talked about Pam again helping Blake out
13 going in and out of the tent. She said that she looked
14 at him, had eyes on him all night long. That's just not
15 possible. I don't -- I can't imagine all night long in a
16 dark camp area. I think she said it was like the size of
17 this room. This is a large area. So for her to see --
18 he said he was -- the defendant was fishing at one point.
19 She was around the campfire. She wouldn't be able to see
20 all the way out there. I mean, I don't care if you have
21 to have a lantern around you. It can only take you so
22 far.

23 Now, I thought it was interesting that both of his
24 relatives that were there, Stephen and Robert, both
25 admitted to going to sleep at night. They don't know for

1 a fact if really he could have ever gone in the tent.
2 For all they know, they were asleep. He probably did go
3 in there.

4 Now, Robert even admitted to saying when he went to
5 bed that Blake was out with Pam around the campfire and
6 that Brantley was over at his parents' tent. So he even
7 remembered once he went in there that she was by herself.

8 And, you know, defense talks about how details are
9 always the same. Well, I have to say, the details that
10 they presented weren't always the same here. They talk
11 about how everybody went on a Friday night, and as they
12 were getting ready to start off this seven-week camping
13 trip. So I looked at the calendar, and they later said
14 that May 7th was the date they took these pictures. I
15 went back to 2012, and the calendar for Friday says
16 May 4th. May 7th is a Monday. That time line just does
17 not make sense. I mean, they were absolutely there.
18 Maybe they were there over that weekend, but I just think
19 it's funny how everyone was like, "Oh, yeah, we went on a
20 Friday and this is what we did." Obviously, they don't
21 talk about this before they came in to testify.

22 But none of them realized that that May 7th date
23 wasn't even on the weekend. It was on a Monday. So I
24 find that very interesting.

25 And, you know, like I said, each of their memories

1 of the camp was a little bit different, but based on
2 their experience, it was okay. Everybody has a little
3 bit different experience. But, you know, I don't think
4 they truly knew what happened. They could not -- they
5 didn't have personal knowledge that he did not go in that
6 tent.

7 And the judge will, of course, give you the law in a
8 minute, and I won't be too much longer. But, obviously,
9 the State has the burden of proof, and I have to prove to
10 you beyond a reasonable doubt the defendant committed
11 this crime. And that means that you have to be firmly
12 convinced of his guilt. That doesn't mean all doubt,
13 like you can't have a single doubt in your mind this
14 happened. It does mean reasonable doubt. That's
15 something that you can't have any reasonable doubt, that
16 you have to be firmly convinced of his guilt.

17 Now, the law is, the judge will tell you, you know,
18 an actor engages in sexual battery against a victim under
19 the age of 11 years old. I told you earlier in opening
20 sexual battery actually has kind of a long list. You'll
21 get to see that, I think, maybe take it back to the jury
22 room with you, about many different ways that could be
23 satisfied for a sexual battery. And penetration is one
24 of them. Penetration into genital openings, however
25 slight, just the tiniest bit could satisfy this element.

1 And just a couple more things you need to remember
2 before you go in. This crime is a crime that happened in
3 secret, okay? It's not going to be -- the evidence that
4 we gave before you today is not like a burglary case
5 where you may have surveillance video, maybe the lock on
6 the door is broken or you have fingerprints because law
7 enforcement was called immediately to the scene. There's
8 a lot that goes on with this, and the most important
9 person that we had that came in here was the victim to
10 tell us what happened, and that is direct evidence. It's
11 her testimony on the stand, and then all of the people
12 afterwards that talked about her symptoms and things that
13 lined up was consistent with sexual abuse.

14 Now, when you go into the jury room, I really want
15 you to reach inside the soul of this little girl. And I
16 want you to remember how brave she was to stand before
17 you to tell this terrible story of what happened in her
18 life. And I want you to remember that the defendant
19 sexually assaulted her and performed these acts with the
20 intent of appealing to his own sexual desire. He didn't
21 think about anybody else but himself that night. And not
22 -- didn't think about the fact that she's going to have
23 to relive this for the rest of her life. And we ask that
24 the only verdict that you can return that is just is
25 guilty.

CHARGE ON THE LAW

THE COURT: Thank you, ma'am.

Ladies and gentlemen, when we started this trial, I told you at the beginning that you are the judges of the facts and I'm the judge of the law. So during the course of these proceedings, while the lawyers have been presenting to you the facts of the case for your consideration, it's been appropriate for me to be up there on the bench, out of the way and let that process proceed. But we've now reached the portion of this trial when you and I are in this together, me as the judge of the law and you as the judge of the facts. So I just think it's appropriate that I come down to be with you when I give you the charge on the law.

I'm going to read this verbatim. I'm going to try not to bore you by just reading to you, but I need to do that because I don't want to misquote anything or leave anything out.

Mr. Foreman and members of the jury, you have heard the evidence and the arguments from both parties. I am now going to explain to you the rules of law that you must follow and apply in deciding this case. When I have finished, you will go into the jury room. You'll begin your discussions which we sometimes call deliberations. Your decision must be based only on the evidence

1 presented here in this courtroom. You must not be
2 influenced in any way by either sympathy for or prejudice
3 against anyone.

4 The indictment charges the defendant, Jacob Michael
5 Hendricks, with one count of first degree criminal sexual
6 conduct with a minor. I remind you that the fact that
7 the defendant was arrested, charged and indicted in this
8 case is not evidence in this case and it cannot be
9 considered by you as evidence of guilt in this case, nor
10 does that indictment, in any way, create any presumption
11 of guilt in this case. The indictment, as I told you
12 when we started, is the formal written instrument which
13 contains the charge made against the defendant. An
14 indictment is the formal document by which a case is
15 brought into court.

16 Now, I'm going to give you a copy of these
17 instructions to have with you in the jury room to assist
18 you in your deliberations. During your deliberations,
19 you may refer to these instructions to guide your
20 decision-making. However, you must follow the law as I
21 explain it, even if you don't agree with it, and you must
22 follow all of my instructions as a whole. You must not
23 single out or disregard any of the instructions on the
24 law.

25 Now, the defendant has pled not guilty to this

1 charge, and that plea puts the burden on the State to
2 prove the defendant guilty. A person charged with
3 committing a criminal offense in South Carolina is never
4 required to prove him or herself innocent. I charge you
5 that it is an important rule of law that the defendant in
6 a criminal trial, no matter what the seriousness of the
7 charge may be, will always be presumed to be innocent of
8 the crime for which the indictment was issued unless
9 guilt has been proven by evidence satisfying you of that
10 guilt beyond a reasonable doubt. This presumption of
11 innocence does not end when you begin your deliberations,
12 but it accompanies the defendant throughout the trial
13 until you reach a verdict of guilt based on evidence
14 satisfying you of that guilt beyond a reasonable doubt.

15 The presumption of innocence is not a mere legal
16 theory. It's not just a legal phrase, but it is an
17 extremely important right that all defendants are
18 entitled to unless you the jury are satisfied from the
19 evidence of the defendant's guilt beyond a reasonable
20 doubt.

21 So what is a reasonable doubt in the law? Some of
22 you may have served as jurors in civil cases where you
23 were told that it is only necessary that a fact is proven
24 more likely true than not true such as by the greater
25 weight or the preponderance of the evidence. In criminal

1 cases, the State's proof must be more powerful than that.
2 It must be beyond a reasonable doubt. Proof beyond a
3 reasonable doubt is proof that leaves you firmly
4 convinced of the defendant's guilt.

5 Now, there are very few things in this world that we
6 know with absolute certainty, and in criminal cases, the
7 law does not require proof that overcomes every possible
8 doubt. If, based on your consideration of the evidence,
9 you are firmly convinced that the defendant is guilty of
10 the crime charged, you must find the defendant guilty.
11 If, on the other hand, you think there is a real
12 possibility that the defendant is not guilty, then you
13 must give the defendant the benefit of that doubt and
14 find him not guilty.

15 As I said before, you must consider only the
16 evidence that I have admitted into this case. Evidence
17 includes the testimony of witnesses and the exhibits that
18 were admitted, but anything the lawyers say is not
19 evidence and it is not binding on you.

20 You shouldn't assume from anything that I have said
21 that I have any opinion about any factual issue in this
22 case. Except for my instructions to you on the law, you
23 should disregard anything I may have said during the
24 trial in arriving at your decision about the facts. Your
25 own recollection interpretation of the evidence is what

1 matters. In considering the evidence, you may use
2 reasoning and common sense to make deductions and to
3 reach conclusions.

4 Now, there's two types of evidence which are
5 generally presented during the course of a trial. There
6 is direct evidence and there is circumstantial evidence.
7 Direct evidence is the testimony of a person who claims
8 to have actual knowledge of a fact such as an eyewitness.
9 Circumstantial evidence is proof of a chain of facts and
10 circumstances which indicate the existence of a fact.

11 Crimes may be proven by circumstantial evidence. To
12 the extent the State relies on circumstantial evidence,
13 all of the circumstances must be consistent with each
14 other, and when taken together, point conclusively to the
15 guilt of the accused beyond a reasonable doubt. If these
16 circumstances merely portray the defendant's behavior as
17 suspicious, then the proof has failed.

18 Now, the law makes absolutely no distinction between
19 the weight or the value to be given to either direct or
20 circumstantial evidence, nor is there a greater degree of
21 certainty required of circumstantial evidence than on
22 direct evidence. You should weigh all of the evidence in
23 this case. The State has the burden of proving the
24 defendant guilty beyond a reasonable doubt, and this
25 burden rests with the State regardless of whether the

1 State relies on direct evidence, circumstantial evidence
2 or some combination of the two.

3 Now, when I say you must consider all of the
4 evidence, I don't mean that you must accept all of the
5 evidence as true or accurate. You should decide whether
6 you believe what each witness has had to say and how
7 important that testimony was.

8 In making those decisions, you may believe or
9 disbelieve any witness in whole or in part. The number
10 of witnesses testifying concerning a particular point
11 doesn't necessarily matter. To decide whether you
12 believe any witness, I suggest that you ask yourselves
13 some questions. Did the witness impress you as one who
14 is telling the truth? Did the witness have any
15 particular reason not to tell the truth? Did the witness
16 have a personal interest in the outcome of the case, or
17 did the witness seem to have a good memory? Did the
18 witness have the opportunity and the ability to
19 accurately observe the things that he or she testified
20 to? Did the witness appear to understand the questions
21 clearly and answer them directly, or did the witness'
22 testimony differ from other testimony or evidence?

23 Now, keep in mind that a simple mistake does not
24 mean that a witness was not telling the truth as he or
25 she remembers it. People naturally tend to forget some

1 things or to remember them inaccurately. So if a witness
2 misstated something, you must decide whether it was
3 because of an innocent lapse in memory or an intentional
4 deception. The significance of your decision may depend
5 on whether the misstatement was about an important fact
6 or detail or about some unimportant detail.

7 Now, as I told you during the course of the trial,
8 the rules of evidence ordinarily do not permit witnesses
9 to testify to opinions or conclusions. An exception to
10 this rule exists for witnesses which we call expert
11 witnesses. A witness who, by education and experience,
12 has become an expert in some art, science, profession or
13 calling may state that opinion as to relevant and
14 material matter in which that witness claims to be an
15 expert and may also state the reasons for that opinion.

16 You should consider any expert opinion received into
17 evidence in this case, and like any other evidence, give
18 it the weight that you think it deserves. An expert
19 witness' testimony is to be given no greater weight than
20 that of any other witness simply because that witness is
21 an expert. Further, you're not required to accept an
22 expert's opinion even though it's not contradicted.

23 Mr. Hendricks is charged with first-degree criminal
24 sexual conduct with a minor. The State must prove beyond
25 a reasonable doubt that the defendant engaged in a sexual

1 battery with the victim. A sexual battery is defined as
2 sexual intercourse, cunnilingus, fellatio, anal
3 intercourse or any intrusion, however slight, of any part
4 of a person's body or of any object into the genital or
5 anal openings of another person's body except when that
6 intrusion is accomplished for medically recognized
7 treatment or diagnostic purposes.

8 The State must prove beyond a reasonable doubt that
9 the victim was less than 11 years old at the time of the
10 sexual battery. Consent, willingness, indifference or
11 ignorance on the part of the minor, if any, as to what
12 was taking place does not, in any way, affect the charge
13 of criminal sexual conduct with a minor because an
14 unmarried woman under the age of 14 cannot legally
15 consent to sexual intercourse.

16 Now, ladies and gentlemen, your verdict, as I told
17 you in this case, must be unanimous. In other words, you
18 all must agree on the verdict. Your deliberations are
19 secret. You will never have to explain your verdict to
20 anyone. Each of you must decide the case for yourself,
21 but only after fully considering the evidence with your
22 fellow jurors. So you must discuss the case with one
23 another and try to reach an agreement.

24 While you're discussing the case, don't hesitate to
25 re-examine your own opinion and to change your mind if

1 you become convinced that you were wrong. But don't give
2 up your honest beliefs just because others think
3 differently or simply to be in agreement with others.

4 A form of verdict has been prepared for you and will
5 be in the jury room. And, Mr. Foreman, it's in the front
6 cover of this notebook. This notebook will go back into
7 the jury room with you, and it's in the front cover.
8 Now, when you've reached a unanimous decision, you'll
9 just mark on the verdict form the decision of the jury
10 and then sign it as the foreperson.

11 If you should desire to communicate with me about
12 anything at any time, if you would, just write down that
13 message and pass it out to me and I will respond back to
14 you.

15 Now, the verdict form, it's a simple form. There's
16 an additional portion to it that I'll explain to you.
17 The verdict form, it's very self-explanatory, but the
18 charge is first-degree criminal sexual conduct with a
19 minor. The jury's -- your decision is either that the
20 defendant is guilty or not guilty of that offense. If
21 you find the defendant not guilty, then you'll just sign
22 the verdict form as the foreman and let the jury know --
23 or let the bailiff know you've reached a verdict.

24 If you find the defendant guilty, then you must go
25 down, and it's right here, and it says, "If you find the

1 defendant guilty," then there are three questions.
2 You'll have to answer one of those three. As I
3 instructed you when I gave you the instruction on the
4 law, it defined -- the law defines sexual battery as
5 either involving a sexual intercourse, involving anal
6 intercourse or involving intrusion by any part of a
7 person's body or object. And if you find the defendant
8 guilty, then you would have to place on the verdict form
9 which one of those items you found based upon the
10 evidence, okay?

11 Now I'm going to get you to step back into the jury
12 room. Do not begin your deliberations just yet. I mean,
13 I'm literally going to take just a moment to talk to the
14 attorneys to make sure that I've covered everything. If
15 there's anything I need to bring you back out about and
16 correct or add to, I will do that. If everything is
17 good, then I'll get these exhibits and this notebook, and
18 when you receive those items, that's your cue to begin
19 your deliberations, okay?

20 So please, go back and await these items.

21 (WHEREUPON, the jury exits the courtroom at 11:47 a.m.)

22 THE COURT: All right. Are there any objections or
23 exceptions to the charge by the State?

24 MS. LANDSVERK: No objection, Your Honor.

25 THE COURT: From the defense?

1 MR. CANTRELL: Your Honor, one issue I'd like to
2 present to the Court and ask probably in the form of an
3 objection and then a curative charge. During the
4 closing argument, the solicitor made a statement first
5 about the defendant's prior record, which I think she
6 would be entitled to, but I believe I understood her to
7 say that that evidence and prior record could be proof of
8 this crime. I believe she said something to the effect
9 if he would commit a burglary and a grand larceny,
10 something to the effect, well, he certainly would do
11 this.

12 We presented his record. That was legitimate. His
13 record was in the record, which I think had to be. But
14 only for the issue of credibility, not for -- and it
15 cannot be used as proof of this crime. I would request a
16 curative charge to the jury that his record is, in no
17 way, to be considered as proof of this crime or this
18 offense.

19 THE COURT: Let me say this. I agree with the
20 objection. It was improper argument. However, the rules
21 require that these objections be made contemporaneous at
22 the time of the alleged improper statement. And even
23 though they may be in closing argument or opening
24 statement, whenever they may come, they still must be
25 made contemporaneous.

1 This is not -- so number one, even though I agree, I
2 think I'm going to overrule your objection. It was not
3 made timely.

4 But the other thing, and this is just my thought --
5 well, my thoughts really don't matter. The law is what
6 matters. So I don't think I can give a curative
7 instruction, and it's only because of the timeliness of
8 the objection, not to the validity of it. So I'm going
9 to respectfully deny your motion.

10 MR. CANTRELL: And then secondly, to that was a
11 statement also about drug use, what kind of drugs would
12 he be using. I would ask that that be noted in the
13 record that I will object to that. I did not do it
14 contemporaneously. Quite frankly, it happened quickly
15 enough to where it came in as part of something that was
16 legitimate. It then became, I think, inappropriate, and
17 did not say it or make one at the time. So I understand
18 that. But I felt that it was -- I felt that it was going
19 to be proper to do it at this time.

20 THE COURT: All right. And I certainly will note
21 your exceptions, Mr. Cantrell. Respectfully deny those
22 motions.

23 Anything further with regards to the charge?

24 MR. CANTRELL: Nothing for the defense, Your Honor.

25 THE COURT: All right. Folks, if y'all would get

1 together with Susan to make sure that all the exhibits
2 that are there that need to go back, go back. If they're
3 all there, once everything's there, if y'all can take the
4 exhibits and the notebook and tell the jury to go ahead
5 and begin their deliberations.

6 And for Court purposes, we'll just be at ease while
7 the jury is deliberating. There's no need to bring the
8 alternates out because we don't have any alternates.

9 (WHEREUPON, a recess is taken at 11:51 a.m., and the jury
10 begins their deliberations.)

11 THE COURT: All right. Let's bring the jury in.

12 (WHEREUPON, the jury enters the courtroom at 1:28 p.m.)

13 THE COURT: I apologize for the delay. It wasn't a
14 delay with the court reporter in getting the testimony.
15 I had a bond matter and I thought it would be a brief
16 matter and it turned out to not be as brief as I had
17 hoped.

18 You had sent a message wanting to hear Aunt Dawn's
19 testimony. We're ready to play that for you.

20 Now, here's what I always tell juries who want to
21 rehear testimony. We will play back the testimony,
22 everything that you want. If you want to hear it from
23 start all the way to the end, we will play that. If, at
24 any time, you've heard what you want to hear and you're
25 ready to return to your deliberations, you just let us

1 know. But unless we hear different from you, we're just
2 going to let it play all the way through, okay? All
3 right.

4 (WHEREUPON, the testimony of Dawn Young was played back
5 for the jury.)

6 THE COURT: All right. Thank you very much.

7 (WHEREUPON, the jury exited the courtroom at 1:44 p.m.)

8 (WHEREUPON, a recess is taken at 1:44 p.m.)

9 THE COURT: All right. My understanding is that the
10 jury has reached a verdict. Folks, I don't know what
11 that decision is. I sit here just as you do. But I just
12 -- all I know is that whatever the verdict is, it needs
13 to be received in a professional manner. I realize that
14 these cases are always filled with emotion, and I
15 appreciate that, and I don't expect folks to be robots or
16 machines. But I do expect people to maintain a
17 professional image and a decorum.

18 The jury -- I never ask anybody to agree with the
19 jury's verdict. You're more than welcome to agree or
20 disagree with it. However, they deserve to have their
21 verdict received in a professional manner and an
22 appropriate manner. And I say that to tell you this. I
23 do not tolerate any outburst, whether it be for the
24 verdict or against the verdict. There's to be no --
25 there's to be no demonstration of approval or

1 disapproval. The jury's verdict just needs to be
2 received.

3 If there's any emotional outburst or anything that
4 would cause it to be disrespectful to the members of the
5 jury, then I'm just telling you now I'm going to hold you
6 in contempt of court and you're not going home. You're
7 going to go -- you're going to jail. So if you think
8 there's a chance that you might not be able to control
9 your emotions, do yourself a favor and just step out
10 while we receive the verdict. If you feel that you're in
11 good control of your emotions, then you're certainly
12 welcome to stay.

13 Is the State ready to receive the verdict of the
14 jury?

15 MS. LANDSVERK: Yes, Your Honor.

16 THE COURT: Defense ready?

17 MR. CANTRELL: Yes, Your Honor.

18 THE COURT: All right. Let's bring them in.

19 (WHEREUPON, the jury entered the courtroom at 1:59 p.m.)

20 THE COURT: All right. Mr. Van Hook, has the jury
21 reached a unanimous decision, sir?

22 FOREPERSON: Yes, sir.

23 THE COURT: If you would, please pass that to the
24 clerk. Thank you, sir.

25 All right. Madam Clerk, if you would, publish the

1 jury's verdict for me please, ma'am.

2 VERDICT

3 THE CLERK: In the case of 2015-GS-39-1613 [sic] the
4 State vs. Jacob Michael Hendricks, we the jury find the
5 defendant, Jacob Michael Hendricks, guilty of
6 first-degree criminal sexual conduct with a minor. The
7 sexual battery did involve intrusion by any part of a
8 person's body or by an object. Shane D. Van Hook,
9 foreman.

10 If this is your verdict and still your verdict, so
11 say you all by raising your right hand.

12 (WHEREUPON, all members of the jury raised their right
13 hand.)

14 THE CLERK: Thank you.

15 THE COURT: Thank you, ma'am.

16 Ladies and gentlemen, I want to thank you for your
17 service this week. Jury service can be tough, and it's
18 been a pleasure to work with you.

19 First of all, thank you for your patience. I hope
20 you've been patient. I don't know. You may go back
21 there in the back and give me a good tongue lashing,
22 which I probably deserve. I don't do the best with time.
23 I try to do that. I try to be respectful of your time.
24 Sometimes when I send you back there and tell you we're
25 going to take a ten-minute break, things happen out here

1 not to do with the case, but one time I had Judge
2 Gravelly came back and needed to have a talk with me, and
3 one time Judge Welmaker, who's retired from the bench,
4 came to visit and say hello, and I try to be respectful
5 of your time. I apologize for those breaks that took too
6 long, but everyone's been very patient or at least
7 appears to be.

8 One thing I do know, though, is that everyone has
9 paid close attention to the testimony and to the
10 evidence, because even though I have some things that I
11 do up here, I'm watching, and everyone seems to have been
12 very engaged throughout the process. And I thank you for
13 that.

14 As I told you when I gave the instructions on
15 Monday, you've earned an exemption now, and so if you get
16 called for jury service for the next -- the balance of
17 this year or the next two years thereafter and you want
18 to claim that exemption and not serve, you can do that.
19 But it does not mean you're not qualified to serve. So
20 if you do, in fact, get another jury summons and you wish
21 to serve, I would encourage you to do so.

22 If you need a work excuse, you can get that from the
23 clerk's office.

24 They will send you your check for your work this
25 week. And as I told the other folks when I excused them,

1 don't be offended by that check. It's not meant to
2 represent what we think your time is worth. Your time is
3 invaluable, and we apologize that we can't pay you what
4 it's actually worth. But jury service, it's just not a
5 paid job. It's a service that you give to your
6 community, and it's a very valuable service. So I want
7 to thank everyone for your service this week, and
8 especially on this case.

9 Now what I'm going to do is I'm going to excuse you,
10 and you're free to go. But I try to let jurors
11 understand that in just a few minutes, we'll be moving to
12 the sentencing portion, and I'll hear from both the
13 defense and the State with regards to that. And if you
14 want to be present for that, I'm going to excuse you for
15 right now, and if you'll just go and follow the bailiff
16 out, if you have left anything in the jury room, get
17 those things. But if you want to be present for that,
18 then you can come back into the courtroom back here if
19 you want to, and you can be present while we go over that
20 process. If you're ready to go home and want to do that,
21 you're certainly free to do that as well, okay?

22 So thank you again for your service, folks.

23 Everyone, please remain seated while the members of
24 the jury are excused.

25 (WHEREUPON, the jury exits the courtroom at 2:04 p.m.)

1 THE COURT: Mr. Van Hook, I'm going to let you get
2 with Madam Clerk because she's going to need your
3 signature on the indictments.

4 All right. At this time, I'll take up any motions
5 at the reading of the verdict. Any motions?

6 MR. CANTRELL: Your Honor, simply to renew any and
7 all motions that have been previously made and note the
8 objections on each.

9 THE COURT: All right, sir.

10 MR. CANTRELL: And we, of course, would move to have
11 a judgment of not guilty entered at this time.

12 THE COURT: All right. I will certainly note that,
13 Mr. Cantrell, that all your motions throughout the case
14 and exceptions to those are noted.

15 I think the jury is -- I think there was evidence in
16 the case, depending on the jury's view of the evidence,
17 that would certainly support the verdict that they
18 reached. I -- you know, when you consider to invoke that
19 13th juror doctrine, it really would need to be a
20 situation where the evidence was just contrary to the
21 jury's decision. And I think this was a case, as it
22 usually boils down to, and that is the credibility and
23 the believability of the witnesses, and I don't -- I
24 don't think it would be appropriate to override the
25 jury's decision based upon the evidence that was

1 presented. And so I'm going to respectfully deny the
2 motions.

3 Now, Solicitor, do you have a sentencing sheet?

4 MS. LANDSVERK: Your Honor, I just realized I didn't
5 have one with me, so my investigator has run down stairs
6 and is printing it as we speak.

7 THE COURT: Okay. I know some solicitors, it's a
8 superstition thing. They don't want to prepare a
9 sentencing sheet because they don't want to jinx -- don't
10 ever come up without a sentencing sheet. I'm not upset
11 at all. I'm just telling you we have some judges that
12 would be. Always have a sentencing sheet.

13 MS. LANDSVERK: I apologize, Your Honor.

14 THE COURT: I mean, when I used to be a prosecutor,
15 you know, it was part of my file. The sentencing sheet
16 was filled out except for the things that I couldn't fill
17 out, and it was in the file. So I would always do that
18 if I were you. But I don't need that for us to proceed.

19 MS. LANDSVERK: You know what, Your Honor? It's
20 right here.

21 THE COURT: Look at you. You're better than you
22 think.

23 MS. LANDSVERK: When you said "it's always in my
24 file," I was like, well, I always do an extra one just in
25 case. I didn't look there.

1 THE COURT: It wasn't something we had to have to
2 proceed, but, obviously, I'll need one at some point.

3 SENTENCING

4 THE COURT: Now, to everyone, as we move into the
5 sentencing phase, Mr. Cantrell, I'll obviously hear from
6 you. If there's anyone that wishes to address the Court,
7 I'll hear from them. Then with regards to the victims,
8 the same. I'll be more than happy to hear from anyone
9 that would like to address the Court.

10 A little bit different in this situation. As you
11 all are aware, the Court has no discretion as far as
12 sentencing goes. So even though I'm certainly absolutely
13 willing to listen to anyone who wishes to address the
14 Court, I think most of you understand that my hands are
15 tied.

16 Do we know -- do we know -- are any of them making
17 their way around? Okay. All right. I thought I would
18 maybe wait to see, but if they've all left, then we'll
19 just -- at this time, we'll proceed to sentencing.

20 MS. LANDSVERK: Your Honor, may we approach quickly?

21 THE COURT: Yeah.

22 (WHEREUPON, a bench conference was held off the record.)

23 THE COURT: All right. Mr. Cantrell?

24 And let me just say I certainly will hear from you,
25 Mr. Hendricks. If you wish to address the Court, I'm

1 more then happy to hear from you. You're not required
2 to, but if you choose to and you want to, be happy to
3 hear from you. I'll give you that opportunity. And then
4 if anyone else on his behalf . . .

5 And then, of course, Ms. Landsverk, if any victim --
6 member of the victim's family or anyone would want to
7 address the Court, I'll hear from them as well.

8 All right, sir.

9 MR. CANTRELL: And, Your Honor, quite candidly, I'm
10 going to -- and I think Jacob knows and understands this
11 -- I don't believe, even though Jacob himself deserves to
12 have a lot said, this charge, this trial and this
13 situation deserves to have a lot said, I quite honestly
14 believe we've said everything through the trial and
15 through the testimony, through our discussions with the
16 Court, and we all know that the sentence is set by
17 statute and the Court has no discretion. So ---

18 THE COURT: I guess I shouldn't -- I guess I
19 shouldn't say I have none. I think the statute is 25 to
20 30 -- I mean, excuse me, 25 to life. I just would never
21 consider life in this situation. So I'm bound because of
22 that.

23 MR. CANTRELL: I understand. And because of that
24 and the fact that we've had our say, we've presented
25 everything that we could possibly get before the Court,

1 and I think Jacob knows that, that we just very simply
2 would stand here before the Court for sentencing.

3 THE COURT: All right, sir.

4 Mr. Hendricks, is there anything you wish to share
5 with the Court?

6 DEFENDANT HENDRICKS: The only thing I've got to say
7 is that I know y'all offered me a plea for 8 to 10 or 15
8 at first, and I chose not to plead to that because I'm
9 not guilty. I'm innocent. I was just hoping you could
10 take it in consideration and have pity on me to maybe
11 less than 25.

12 THE COURT: Well, and I'm going to be candid, and
13 I'm saying this before hearing from the victim's family.
14 I would absolutely be open to that if I could. I'm -- my
15 hands are tied. Mr. Cantrell, I know he knows that, and
16 we made it pretty clear which is why we discussed the
17 possibility of a reduced charge. But it's not legally
18 within my ability to go below 25. The statute says not
19 less than 25, up to life, and no part of that can be
20 suspended, nor can probation be granted. So I appreciate
21 your request. I understand it completely. I just don't
22 have any authority.

23 DEFENDANT HENDRICKS: The only thing outside I have
24 to say is saying 25 to life, life would -- that's with or
25 without parole?

1 THE COURT: I'm not sure if that's -- if the life
2 sentence is without parole. This charge, it probably
3 would -- because you can't do an 85 percent on a life
4 sentence because you don't know what that is.

5 MS. LANDSVERK: Right.

6 THE COURT: But I think for the 25 years, I think
7 there is no probation or parole, but there is, I would
8 expect, 85 percent.

9 MR. CANTRELL: That's my belief, and that's what our
10 discussions have been.

11 THE COURT: Anything further from the defense?

12 DEFENDANT HENDRICKS: I just want to thank you
13 because it was -- I like you, you was a pretty good
14 judge, so you were a fair judge.

15 THE COURT: Thank you, Mr. Hendricks. And, listen,
16 I want to say this. I respect your character and, you
17 know, I guess only God knows the truth here, you, the
18 young girl and God know the truth. But you say you
19 didn't do this, and even though you were offered
20 substantially less time, you stood by your belief and
21 conviction, and I respect that. And as I said, I
22 certainly would consider those things if I was allowed
23 to. Unfortunately, I don't have that authority. So
24 thank you.

25 But I certainly appreciate, and I -- you know, the

1 thing is, you're a young man. And I know this may not
2 sound -- this may not be very comforting at all, but
3 you're going to have a lot of life left when you finish
4 whatever portion of this that you'll have to serve. And,
5 for example, I'd like to think I've got a lot more life
6 left. I'm 61. You're going to be much younger than me
7 when you finish this sentence. So I would encourage you
8 to not go -- because I can imagine it would be -- I can
9 imagine it would be easy to take the attitude of, well,
10 this might as well be a life sentence. I've heard people
11 say that before, well, might as well be a life sentence.
12 Well, it's not. And I would encourage you not to look at
13 it that way.

14 I would encourage you -- and I'll say this. We all
15 here know that there's a lot of bad things in prison
16 potentially, but there is a lot of good things in there,
17 too. And here's the thing. It's just like when you're
18 out on the street versus being in there. When you're out
19 on the street, all of us, we have decisions that we have
20 to make every day as we go through life. And whether or
21 not our life goes a certain direction is dependent upon
22 the decisions we make. If we make good decisions,
23 usually good things will occur. Sometimes we make bad
24 decisions. And when that happens, you know, we suffer
25 the consequences.

1 It's no different in the Department of Corrections.
2 There are good things and there are bad things in there.
3 If you're in there and you're making good decisions,
4 engage yourself in the things that are positive, get
5 involved in positive things that are in there, then, you
6 know, when you're done, when you finish this, you're
7 going to have a lot of life left, and you can come out,
8 and you can have a positive second half of your life. I
9 really encourage you to look at it that way and not look
10 at it as this is the end. And I hope you'll do that.

11 Anything from the victim's family?

12 MS. LANDSVERK: Yes, Your Honor. The victim
13 advocate, Grace Edwards, would like to speak on behalf of
14 the victim's family.

15 THE COURT: Sure. Ms. Edwards?

16 MS. EDWARDS: Thank you, Your Honor.

17 I'm here on behalf of Dawn and Travis Young as well
18 as Minor . They wanted me to let Your Honor know
19 that this -- they appreciate the Court's time, and they
20 wanted Your Honor to know that this is going to be a
21 lifelong effect for Minor . She'll remain medicated and
22 in therapy for a very long period of time. But they ask
23 that Your Honor please give the defendant significant
24 jail time.

25 THE COURT: Sure. To you guys -- what I shared with

1 Mr. Hendricks, I think it's good advice and I think it's
2 correct advice. In no way do I want to minimize what
3 Minor has been through. For her, I pray the same thing,
4 and that is that, you know, people say, well, she's going
5 to suffer from this for the rest of her life. I'm
6 hopeful and prayerful that she won't. I'm hopeful that
7 therapy and counseling will really help her get to the
8 other side of this and that she will be happy and
9 healthy.

10 I want to thank you folks that have given of your
11 lives to give her a good life. She, through no fault of
12 hers, found herself in a really bad situation and very
13 bad home situation, and you've selflessly given her a
14 chance at a good life. And so I certainly prayerfully
15 hope that that's what she's going to have.

16 And I'll say this. The solicitor and Mr. Cantrell,
17 we've talked about this. Maybe it's kind of -- I've got
18 to kind of be careful when I say what I have to say
19 because I don't want to ever come across that I minimize
20 what has occurred or overstate what has occurred, but I
21 would -- I'm going to sentence -- and I'm -- I'll
22 formally pronounce it in a moment, but I'm going to
23 sentence the 25 years. Had this been a situation --
24 which thank God it wasn't, but had this been a situation
25 that the abuse would have actually been forced sexual

1 intercourse, then this would be a life sentence for me.
2 And that's one judge speaking. The other judges may feel
3 differently. And I say that to say that because it
4 wasn't that, I'm considering this sentence. But also, I
5 believe that Minor has maybe a better chance of getting
6 to the other side of this thing and be healthy.

7 So all right. With regards to indictment
8 2015-GS-39-613, the sentence of the Court is that you be
9 committed to the State Department of Corrections for a
10 period of 25 years.

11 Do you have a number on how long Mr. Hendricks has
12 been in jail?

13 MR. CANTRELL: We did have, Your Honor, I think at
14 the first of the week.

15 THE COURT: Because he certainly is entitled to
16 credit for any time that he has served.

17 MS. LANDSVERK: Your Honor, we have a little over
18 18 months.

19 DEFENDANT HENDRICKS: I've been locked up since
20 December 31, 2014.

21 THE COURT: December 31, 2014. I've got a little
22 app here. Let's see. That's 576 days. That's through
23 today. You are being given credit for 576 days that you
24 have served.

25 Good luck to you, sir.

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

1/1/2015

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

DOB:

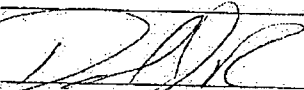
SS#

ACTION OF GRAND JURY

TRUE BILL

Date

APR 14 2015


Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-39-0613
CCL

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 14 2015

TERM 2015

THE STATE

vs.

JACOB MICHAEL HENDRICKS

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on APR 14 2015 the Grand Jurors of Pickens

County present upon their oath:

That JACOB MICHAEL HENDRICKS did in Pickens County, on or about the 13th day of July, 2012, commit a sexual battery on Minor, who was less than eleven years of age. This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Courtney C. Janssick
SOLICITOR

BAR # 100158

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Pickens

VS.

Jacob Michael Hendricks

AKA:

Race: WHITE 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

☒ CONVICTED OF or ☐ PLEADS

TO: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

INDICTMENT/CASE#: 2015GS3900613

A/W#: 2015GS3900613

Date of Offense: 7/13/2012

S.C. Code §: 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ARREST: Christina C. Jambour 100158

Landsverk, Courtney Connell

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 25 ~~days/months~~ years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ 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. Credit for 576 days Time Served☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$ 3.75
TOTAL	\$	\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Certified Copy

Harold P. Walker

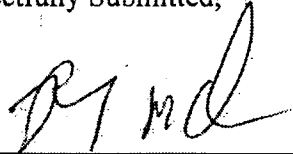
Clerk of Court
Pickens County, SC

Dated _____

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

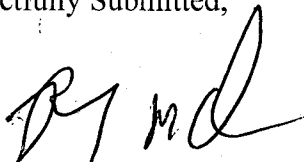
ATTORNEY FOR APPELLANT

This 29th day of December, 2017.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of December, 2017.