

STATE OF SOUTH CAROLINA

VOLUME II OF II

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AARON VAN HENDRIX,

APPELLANT

APPELLATE CASE NO 2016-000208

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS
ARE ON FILE WITH THIS COURT:
State’s Exhibits 1, 2, 3, 4, and 5 (unredacted videos of forensic interviews)**

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1 fourteen years of age at the time "the victim
2 was under sixteen years of age." We have no
3 doubt as to the age of the child. And you
4 have to "willfully and lewdly committed a
5 lewd or lascivious act with the intent of
6 arousing or gratifying the lust, passions or
7 sexual desires of the actor or the child."

8 And this particular charge is for
9 Younger Sister, the five-year-old. And, again,
10 that statute uses a lot of language that the
11 Judge is going to go over with you. But it
12 uses a lot of language to say if you touch
13 someone under the age of sixteen with the
14 intent of arousing your sexual desires or
15 sexual pleasures.

16 Younger Sister was five years old. It was
17 obvious she was not articulating herself very
18 well. In the interview you could see that as
19 well. From everybody's personal experience,
20 you know the difference between a five-year-
21 old and a nine-year-old. All Younger Sister was able
22 to say was they touch her on a bad spot.

23 And as to the unlawful neglect just
24 to Stacy Riden the charge of unlawful
25 neglect. A defendant is guilty of unlawful

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1 neglect if they're the parent or guardian of
2 a child, which is not in dispute in this
3 case, and they place the child at
4 unreasonable risk of harm affecting the
5 child's life or physical or mental health or
6 safety. Or caused any bodily harm to the
7 child so that the life or health of the child
8 is in danger.

9 Willfully. This is for Stacy Riden
10 as to all her children. Sex in front of the
11 children. Sexually abusing the children.
12 Doing drugs in front the children. Possibly
13 exposing the children to sexually transmitted
14 diseases. Think of the mental health of
15 those children. For the rest of their lives,
16 this isn't over. Think about how this
17 affected the mental health of those children.

18 I also want to go over some
19 testimony of the people that got up on the
20 stand and testified. You remember in my
21 opening I mentioned the word credibility.
22 And that was an important aspect of this
23 case. If somebody testified and in the back
24 of your mind you're wondering, I want you to
25 pay attention to what they were saying. Ask

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1 yourselves why would this person lie? What
2 do they have to lose?

3 Aaron Hendrix testified. It's
4 really obvious. You ask yourself the
5 question, 'Well, why would this person lie?'
6 What does he have to lose? You expect him to
7 get on the stand and all of a sudden say,
8 'you know what, I did it, it happened.' He
9 had way too much to lose to do that.

10 He did say that he lived there. He
11 did say that he dated Stacy and he knew the
12 kids. And through cross-examination, he told
13 about the statement to Marvin Nix the
14 investigator. That the sisters, Jennifer and
15 Jessie, would come over there and one of them
16 was kind of crazy. It wasn't unusual for her
17 to have her shirt off. He also testified
18 that he dressed up in women's clothes.

19 Stacy Riden also testified. And,
20 again, what does she have to lose? Why would
21 she lie? And what did Stacy tell us? The
22 children are hers. She lived at that
23 address. Aaron Hendrix lived with her for
24 about a year.

25 I don't know if you remember but my

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1 first question to her was what kind of drugs
2 can you use a needle with? 'I don't know
3 what you're talking about.' Remember that?
4 First question. 'I don't what you'd use a
5 needle with.' And then fifteen minutes later
6 as I'm asking her questions, now all of a
7 sudden she's hanging out with the wrong
8 people to do drugs. And she gives me an
9 answer what kind of drugs are used with
10 needles.

11 She also testified that she knew her
12 father and her stepmother came to get the
13 children. What happened at that particular
14 time to make them come get the children?
15 And she didn't ask them to come get the
16 children. Who asked? The biological father,
17 Mark Lusk. We'll get to his testimony in a
18 minute.

19 He testified that this was supposed
20 to be temporary, the custody of the children
21 with her father and stepmother.

22 Remember earlier in her testimony it
23 was difficult to get somebody to watch the
24 children. And then all of a sudden the
25 biological father calls the parents -- excuse

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1 me -- calls the grandparents and they can
2 just take the children for good?

3 And we heard from Mark Lusk, the
4 biological father. An interesting guy. I
5 know a lot of people have drinking problems.
6 I understand that. He also testified that he
7 had seizures on occasions. He drinks until
8 he passes out. He didn't go so far as to
9 admit that he had blacked-out before, but I
10 would argue that if you admit you have a
11 drinking problem, that you have seizures,
12 that you drink until you pass out, that there
13 have also been times you might drink until
14 you black out.

15 And what else happens when you
16 drink too much? Your inhibitions go away.
17 You might do things you wouldn't normally do.
18 You might experiment with some drugs.

19 And what do we expect Mark Lusk to
20 come in here and say? 'Yeah, I saw all of
21 this happening and didn't do anything? Yeah,
22 I knew these people were touching my
23 children?' I mean, come on. What does he
24 have to lose? A lot if he came in here and
25 testified to that.

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1 But interestingly he did testify
2 that he also found a needle at that
3 residence; didn't he? I asked him to
4 describe it. He calls it a syringe needle.
5 What was a syringe needle doing over there?

6 Dr. Croswell testified. She was the
7 physician who examined the children, did the
8 physical examination, looking for signs of
9 abuse. And she mentioned a study called
10 Normal is Normal with regard to sexual abuse.
11 Meaning that in only -- I believe it was
12 three percent or less than three percent of
13 cases of sexual abuse do doctors find signs
14 of sexual abuse.

15 And why is that? She went into
16 detail about the tissues in the genital area,
17 specifically vaginal tissues heals very
18 quickly. But also if it was just digital
19 penetration and just oral sex, what type of
20 signs of abuse do we expect to find?

21 However, Dr. Croswell also testified
22 that in ^{Younger Sister} she found labial adhesions.
23 She described labial adhesions are the result
24 of, one, that age not having a lot of
25 estrogen plus some other event, some sort of

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1 inflammatory event. It could have been poor
2 hygiene, not wiping herself correctly or
3 irritated or not wiping after using the
4 restroom. It could have been that. An
5 accident, falling on something or it could
6 have been from trauma. It was not conclusive
7 but it was one of those things.

8 Now let's look at the testimony of
9 Older Sister and Brother . Now, if you
10 watched the children testify -- and I hope
11 you remember what I mentioned in my opening
12 about several core claims from the children:
13 Their mother pulling Older Sister's hair.
14 The children saw blood.
15 They were touched and they found a needle.
16 He would wear mama's shirt and he used to do
17 his nails all the time with mama's nail
18 polish.
19 He put a bra on his head and one where mama
20 wore hers.

21 And the reason I bring that up is
22 because if it was just from the child, it
23 might sound outlandish, like some of the
24 other things they're saying. But that was
25 corroborated by what Mr. Hendrix said and

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1 then by what Stacy Riden said.

2 What else about Aaron, Shauna
3 asked? 'He would play with us down here. He
4 would rub a long time and stick a finger in
5 the private area. One time mom was standing
6 there laughing.' About ten minutes and fifty
7 six seconds into that first video Older Sister
8 says 'mama used to pull my hair when I tried
9 to get up.' "Mama used to pull my hair when
10 I tried to get up."

11 Older Sister also said she was scared to
12 tell. And I'll go over that in a minute when
13 I talk about our expert's testimony, about
14 delayed disclosures and why children don't
15 tell people initially.

16 "Mama had to pull my hair down and
17 he started shaking because I was trying to
18 get up." Does that sound like something
19 somebody coached this child to say? 'Make
20 sure you say your mother pulled your hair and
21 as he was touching your privates, he was
22 shaking.' Are you serious? "Mama pulled my
23 hair and she was laughing." This isn't
24 something that I'm just saying over and over
25 again. These are the multiple times that

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1 this child has said that in those interviews.

2 "Why did you not tell anyone?"

3 'Mama and Aaron said don't tell anyone. They
4 took their medicine a lot. ^{Younger Sister} almost ate
5 it one time, I stopped it.'

6 'What did he touch you there with?'

7 "His hands."

8 'Where did his finger go?' "Right
9 here," and pointed to her privates.

10 "He was shaking. I was laying down
11 and Aaron was on his knees." Is this another
12 detail that she was told to say?

13 More testimony from Older Sister:

14 "Mama and Aaron made us put our mouths on
15 their privates and she grabbed the back of my
16 head like that." If you remember watching
17 the video, Older Sister actually puts her hands on
18 the back of her head.

19 And "we found needles in her car that had red
20 stuff on it."

21 "We had to touch Aaron's privates and put our
22 mouth on Aaron and mama's privates. We had
23 to. They forced us. They grabbed our head."

24 *How did you know to put your mouth down*
25 *there?*

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1 "They forced our head down there."

2 *When you put your head down there, what did*
3 *he do next?*

4 "He opened my mouth and put it on
5 him."

6 *What did it feel like?*

7 "It was furry."

8 *What part?*

9 "On top of it."

10 Just another detail that somebody told her to
11 say?

12 *What did it feel like in your mouth?*

13 "Weird."

14 What other experience has that child had to
15 compare this to?

16 *What did he say?*

17 "Do it. Do it. Do it. He opened my
18 mouth."

19 *Who else had to do it?*

20 ^{Younger Sister} and Brother. We had to do it
21 to mama too."

22 *How did you know to put your mouth on your*
23 *mom's private?*

24 "She told us to go toward it."

25 *What did you see?*

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1 "Hair."

2 That's an important distinction from the
3 previous question. The previous question was
4 what did it feel like? She said furry. And
5 later as describing the oral sex Shauna asked
6 what did you see? Hair. Again, that must
7 have just been another detail someone told
8 her to say? 'Make sure you say it felt furry
9 but you saw hair.'
10 *What did you have to do?*

11 "We had to suck on it. She told us
12 to do that. She said suck on it and bite
13 it."

14 *What was it like?*

15 "Squishy. One time Aaron was
16 messing with ^{Younger Sister} and Aaron got a big apple
17 to put in her mouth so she would not yell for
18 help."

19 They said, "don't tell or they will
20 kill us. Aaron and mama put their finger in
21 us. They never clipped their nails. They
22 cut us and it started bleeding."

23 What else is a child going to think
24 if her privates starts bleeding? May have
25 been cut before by something sharp. She sees

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1 the blood. Something sharp must have cut
2 her. It must have been her fingernail.

3 "We saw needles.. They had blood on
4 them. We were thinking they killed someone
5 or something. We put it on each other and we
6 did not know."

7 "They put their finger in us and
8 that's when we started bleeding."

9 "She put her finger in us and rubbed
10 us a very long time."

11 I know this is a lot but I'm going to
12 read every bit of it, (reading):

13 "She put her finger in us and rubbed
14 us for a very long time. We didn't like it.
15 We tried to yell. We pulled her hair because
16 we wanted her to stop. She put her mouth on
17 us too."

18 *Did you see them do anything?*

19 "The S-word, sex."

20 I hope you're asking yourselves which one of
21 those details that child was told to say.

22 On to Brother testimony. Brother
23 says unprovoked about the six-minute mark in
24 his first video, "Aaron and mama did bad
25 stuff to us. Pointed knives at us. They

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1 threatened to kill us. She hit us and one
2 time touched us in the front some -- and
3 said, touched us some in the privates."

4 You remember what that expert said
5 about how kids disclose things?

6 "She hit us. Touched us in the
7 privates and mama and Aaron was holding
8 Older Sister's hair down. Aaron was rubbing my
9 privates. He was grabbing my hand to do it
10 on him, but I would not let him. He would
11 poke us on the privates and rub it."

12 *Has anyone else ever touched your*
13 *privates?*

14 "Mama. She would rub it and poke
15 it. In mommy's room, mommy and Jessie, who
16 is the sister, was crossing their legs and
17 arms around each other and they were
18 kissing."

19 An interesting way to coach a child to
20 say they saw people having sex. Almost
21 sounds like the child isn't making it up at
22 all because he's using his own language.

23 *Who did you tell?*

24 "My grandmother."

25 *Did you tell anyone else?*

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1 "My papa and my aunt."

2 *Did you ever tell anyone else?*

3 He says "no, because they might
4 think it's weird."

5 Remember that chain that expert talked
6 about?

7 "Mama and Aaron said they will kill
8 us if we tell anyone. Mama and Aaron
9 would hold Older Sister's hair down. Aaron
10 held her hair down like this and poked
11 her in the privates. Aaron was digging
12 in my privates. He was wiggling my front
13 privates."

14 *Did he have you touch his privates?*

15 *How did it feel?*

16 "It felt weird. He touched Older Sister
17 and Younger Sister, privates and it started to
18 leak. Coming out of their privates and
19 on their legs."

20 Again, just another detail he was coached
21 to say? 'Not only did you see your
22 sister's bleeding from their privates,
23 but remember to say you saw it run down
24 their legs.'

25 THE COURT: All right. Let's wrap

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1 it up.

2 SOLICITOR JONES: Yes, sir. Your
3 Honor.

4 CLOSING STATEMENT CONTINUED

5 BY SOLICITOR JONES:

6 And there were a lot of allegations
7 and there are some core consistent claims
8 that I brought to your attention:

9 Hair pull.

10 Blood coming from their privates.

11 Saw a needle that had blood on it.

12 The expert testified about delayed
13 disclosure why kids don't tell immediately.
14 Some people wait until their adulthood to say
15 anything. Shame.

16 They don't want the person who did it to
17 get into trouble because it's someone they
18 love.

19 They don't want to interrupt their
20 family.

21 They're threatened to be harmed if they
22 say anything.

23 All of those things happened in this
24 case.

25 That expert didn't read these files.

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1 She didn't talk to these children.

2 Those are verifiable examples of what
3 happens to children who are abused sexually.

4 And in the two videos, the defense
5 attorneys made a big deal about this, where
6 the children gave a little bit of information
7 initially. They disclosed more information
8 during their medical exams and they had to
9 come back for another interview. Just like
10 the expert said, in the process of disclosure
11 a tentative stage where they tell just a
12 little bit of information, test the waters
13 and see what happens.

14 Those threats that their mother and Aaron
15 made to them did not happen. They did not
16 kill them. So then we tell a little bit
17 more.

18 And finally Mark Riden testified,
19 the father of Stacy Riden. He testified that
20 his daughter told him she didn't remember
21 this but if it did happen, it was because of
22 the drugs. Why would he come in here and say
23 that? Why would he make that up? Why would
24 he make that up when we have all of this
25 other evidence of needles and drug abuse?

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1 Is it just a big coincidence?

2 And as to the 'someone coached these
3 children in order to get custody' -- one, why
4 would they need to accuse Aaron Hendrix to
5 get custody of children that aren't his? He
6 was with these children for a year, maybe.
7 He's not the biological father. He's not the
8 stepfather. He has no claim to these
9 children. Why would they accuse an ex-
10 boyfriend of doing this if their goal was to
11 get custody? That doesn't make any sense.

12 Another thing about custody, where
13 was Stacy Riden? Her father and her step-
14 mother didn't need to make these accusations
15 to get custody. They had the children,
16 didn't they? They had the children.

17 And when these allegations were made
18 -- law enforcement told you they were made on
19 December 29th. Law enforcement looked for
20 Stacy. The first time they were able to talk
21 to her was January 30th. That was somebody
22 not related to this case at all.

23 And then Marvin Nix the investigator
24 on this case couldn't find her after that.
25 You don't think there are other avenues to

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1 gaining custody of children with a mother
2 like that? There are a whole lot easier than
3 ruining three children's lives by telling
4 them to get on that stand and say all this
5 stuff about their mother.

6 It like I said before. We're going
7 to go home today and try to forget about
8 this. But this isn't over for those
9 children.

10 As to reasonable doubt the Judge is
11 going to give you a charge explaining what
12 reasonable doubt is. That was a really nice
13 board that the defense attorney brought over
14 here that hand nothing to do with what the
15 Judge is going to tell you. He's going to
16 tell you what the law is. One thing the
17 judge is going to say as to reasonable doubt
18 is there are very few things in this world
19 that we know with an absolute certainty. In
20 criminal cases, the law does not require
21 proof that overcomes every possible doubt.
22 Beyond reasonable doubt is a very serious
23 thing. I'm not saying that. The Judge is
24 going to elaborate on it.

25 I also want you to remember when you

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1 were sworn in as a jury and the clerk swore
2 you in, you took an oath. Remember that?
3 And you didn't swear to look for reasonable
4 doubt. You swore to tell the truth. Because
5 if reasonable doubt is here, you wouldn't
6 have to look for it. It would be so big you
7 couldn't stop thinking about it. But that's
8 not what you're thinking about. Because the
9 reasonable doubt is not here.

10 I leave you with this. As I was
11 preparing to close in this case, I kept
12 thinking about when I was a little kid I
13 would go fishing with my grandfather on a
14 regular basis. It was fun for me because I
15 was, you know, seven, eight, nine years old
16 going fishing. My grandfather would always
17 want to get serious and tell me some life
18 lesson that he wanted me to remember. I
19 didn't remember all of them but there's that
20 I do. He looked at me and said "Christopher,
21 remember if you don't discipline yourself,
22 one day somebody's going to do it for you."
23 And today is the day for Stacy Riden and
24 Aaron Hendrix.

25 THE COURT: All right. Everybody

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1 stand up. Everybody okay for me to go
2 ahead and do the charge? It's probably about
3 fifteen to twenty minutes. So if anybody
4 needs a break we can take it now. But
5 otherwise, we'll go forward -- (jurors stand
6 and stretch). All right. Everybody take
7 your seat.

8 All right. This is the charge on
9 the law. And this is -- and after I give you
10 the law, you'll go back to your jury room and
11 you will actually, you can begin discussing
12 the case.

13 I realize the nature of these
14 charges you're going to be discussing stuff
15 among yourselves. Some of these type things
16 that you wouldn't talk with, with your
17 closest friend much less eleven other
18 strangers. But that's the nature of these
19 charges so it's very important for both, for
20 all sides that you carefully discuss things
21 and you consider the charges and all of the
22 information you've heard here in the
23 courtroom.

24 All right. As I indicated, there
25 are two sets of indictments. There's two

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1 Defendants.

2 There's the indictments against
3 Stacy Riden. There's criminal sexual conduct
4 with a minor first degree. And I will go
5 into the elements of each of these. And
6 there's two separate indictments for that.
7 There's criminal sexual conduct with a minor
8 third degree is a separate charge. And
9 unlawful conduct toward a child. So you have
10 four indictments for Stacy Riden.

11 Then for Aaron Hendrix he has
12 indictment for criminal sexual conduct with a
13 minor first degree and we've got two of those
14 and one criminal sexual conduct with a minor
15 third degree. And again, I'll go through the
16 elements of those in a minute.

17 I want to stress to y'all very
18 importantly that these indictments should not
19 be considered in any way by you of any guilt
20 or any inference like that for either of
21 them. These are merely the papers which
22 brings these charges before a court. Each
23 indictment charges a separate criminal
24 offense as to each Defendant, okay?

25 But the State has the burden of

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1 proof beyond a reasonable doubt as to each
2 element on each indictment for each
3 Defendant. And that's important for you to
4 remember.

5 The fact that the Defendants have
6 been arrested and they've indicted them, been
7 indicted on these charges, that's not to be
8 considered by you because still the burden is
9 on the State to prove beyond a reasonable
10 doubt. And if they don't meet that burden, I
11 will discuss with you in a few minutes, then
12 you are to find the Defendant as to that
13 indictment not guilty. So there's no
14 presumption by the indictment itself.

15 As I indicated, there are two
16 separate defendants in this case and multiple
17 indictments. You're to consider each of
18 these separately. The case of each defendant
19 and the evidence and law concerning the
20 defendant should be, you know, considered
21 separately and individually, each indictment,
22 as to each defendant. And when I go through
23 the jury verdict form with you, it kind of
24 gives you kind of an outline of how to do
25 that.

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1 You can find one defendant guilty
2 and one not guilty. Your decision on one
3 should not control your verdict on any other
4 indictment or as to the other defendant. You
5 are to consider each defendant and each
6 indictment totally independent. They're not
7 connected and should not sway you on one or
8 the other.

9 When more than one person is charged
10 with a crime and the evidence warrants it,
11 you may convict one and acquit the other.
12 You can acquit on one indictment for one
13 Defendant and acquit on the other. Again, it
14 depends on what your view of the testimony
15 and the evidence is.

16 As to each defendant, you will
17 consider the evidence and the law as I
18 instruct you. And then you will write, again
19 -- I will go through the actual verdict form
20 with you. And you have to make a decision as
21 to each indictment.

22 Now, one of the real important kind
23 of premises of our criminal system is that
24 everybody comes in this courtroom with the
25 presumption of innocence. And that's not

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1 merely just a legal term or just something
2 made for TV-land. That's a very strong
3 presumption. That's the basis for both our
4 state and federal constitution. And what
5 that does is a person comes in presumed
6 innocent, that puts the burden on the State.

7 The State has to prove beyond a
8 reasonable doubt each element of the charge
9 beyond a reasonable doubt.

10 It's not up to the defendants in any
11 way to prove that they're innocent of these
12 charges.

13 The presumption of innocence stays
14 with that person until you have determined
15 that the State has met their burden beyond a
16 reasonable doubt and that they're guilty of
17 the charge. If you don't determine that,
18 then that presumption of innocence prevails
19 and a person is to be not guilty.

20 The presumption of innocence is
21 often referred to it's like a robe of
22 righteousness placed around the shoulders of
23 a defendant. And until that robe has been
24 stripped on that particular indictment on
25 that particular defendant by you, the jury.

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1 So it's a substantial right until you have
2 been satisfied that the evidence meets the
3 burden of the State.

4 You've heard a lot about reasonable
5 doubt. What is reasonable doubt? Reasonable
6 doubt is the kind of doubt that would cause a
7 reasonable person to hesitate to act.

8 Proof beyond a reasonable doubt is
9 proof that leaves you firmly convinced of the
10 defendant's guilt.

11 There are very few things in this
12 world that you can know with absolute
13 certainty. In criminal cases, the State does
14 not have the burden to prove to you with
15 absolute certainty or remove every possible
16 doubt. But if based on your consideration of
17 the evidence you're convinced, firmly
18 convinced that a defendant is guilty of the
19 crime(s) for which they are charged, then you
20 must find the defendants guilty of that
21 criminal charge.

22 But on the other hand you find that
23 there's a real possibility that the defendant
24 is not guilty, then you must give the
25 defendant the benefit of the doubt as to that

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1 charge and find him/her not guilty.

2 You and I play -- you, the jury and
3 me as the Judge, we have two distinct roles
4 in this process.

5 As you've seen it's my responsi-
6 bility to preside over the trial, to rule on
7 the evidence, to give you the law which apply
8 to this charge.

9 You are the sole judge of the facts.
10 You are to consider the evidence that was
11 properly admitted and make a determination of
12 what the facts are.

13 I, as the Judge, cannot have any
14 input whatsoever as to the facts of the case.
15 If anything I did throughout this trial
16 inferred or made you think that I was
17 commenting on the facts or had an opinion as
18 to the facts, please disregard that because
19 it's not -- it's your province to be the sole
20 judge of what the facts are.

21 So you are to consider only the
22 testimony and exhibits. I believe we only
23 actually have -- the only exhibits outside
24 the testimony were the videotapes themselves.
25 But you are to consider everything that was

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1 properly before you.

2 Also, as indicated, my duty is to
3 charge you on the law. Now, you took an oath
4 to follow the law that I have given you.
5 It's not what you think the law is, not what
6 you think the law should be, something you
7 may have picked up from TV or something like
8 that but the law is what I tell you. This is
9 the law of the case. This is the law that
10 you must apply when you go back in your juror
11 room and begin deliberating.

12 In every case that's tried -- again,
13 you're the exclusive judge of those facts.
14 And you are to consider this carefully for
15 the benefit of both parties.

16 You know, again, just because
17 something I did makes you think I have an
18 opinion of the facts, that is not the case.

19 As a juror it's your duty to weigh
20 the effect, the value, the weight and the
21 truth of all of the evidence that was
22 presented to you during this trial.

23 In addition to the types of
24 evidence, the testimony and exhibits, there's
25 two types of evidence: direct and

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1 circumstantial evidence.

2 Direct evidence is testimony of a
3 person who claims to know something, actual
4 knowledge of a fact, such as an eyewitness.
5 It is evidence which immediately establishes
6 that fact.

7 Circumstantial evidence is a little
8 different. It's where a proof of a chain of
9 events or circumstances to prove the fact, is
10 evidence which immediately establishes
11 collateral facts from which the main fact may
12 be inferred. It is based on more of any
13 inference than it is personal observation.

14 The law makes no distinction as to
15 the weight or value of circumstantial
16 evidence versus direct evidence. You are to
17 consider all evidence and give it the weight
18 that you feel is appropriate. There's no
19 different burden on direct or circumstantial
20 evidence. It is still evidence that is
21 before you. And you are to give it the
22 weight and the credibility and the value that
23 you think is appropriate under the
24 circumstances. And after weighing all the
25 evidence if you are not convinced of the

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1 guilt of the defendant to these charges, then
2 you must find the defendant not guilty as to
3 those charges.

4 A very important part of your role
5 as a juror is to determine the credibility or
6 the believability of the witness or
7 witnesses. Credibility simply means
8 believability. It becomes your duty to
9 analyze and to evaluate the evidence and
10 determine which evidence convinces you of its
11 truth.

12 In determining the believability of
13 witnesses who have testified in this case,
14 you may believe one witness over several
15 witnesses or you may believe several
16 witnesses over one witness. You may believe
17 part of the testimony of a witness and reject
18 the remaining part or you may reject the
19 whole part or accept the whole part. You may
20 believe the testimony of a witness and you
21 may consider whether any witness has
22 exhibited to you any interests or bias or
23 prejudice or other motive in the case. And
24 that's based on your own experience and your
25 own common sense as to what weight or value

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1 to give to each of the witnesses that
2 testified and as to their credibility.

3 I think there were two, maybe three
4 different individuals that were qualified as
5 experts. And at that point, I also charged
6 you on how you were to consider an expert
7 witness and their testimony. But I want to
8 review that with you.

9 The rules of evidence ordinarily
10 does not permit a witness to testify as to
11 opinions or conclusions. An exception of
12 this rule is when someone has been designated
13 as an expert witness, a witness who either by
14 education, experience has some expertise in a
15 particular art, science or in their field or
16 profession, and they're called upon to make
17 an opinion as to relevant material matters in
18 their field, may state the reasons for their
19 opinion.

20 You should consider any expert
21 opinion received in this case like any other
22 evidence. You give it the weight that you
23 feel is appropriate. Now, if you decide that
24 the opinion of an expert witness is not based
25 on sufficient educational experience or you

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1 conclude that reasons given to support that
2 opinion are not sound or the opinion is
3 outweighed by other evidence, then you may
4 disregard that opinion entirely.

5 Again, it's up to you to determine
6 what weight or value to give that testimony
7 of that expert witness. And it's not to be
8 given any greater weight than any other
9 witness simply because he or she was
10 determined to be an expert.

11 Further, you're not required to
12 accept an expert's opinion even though it is
13 not contradicted.

14 Now, I also need to give you a
15 charge on testimony of children since it was
16 involved in this case. During this trial,
17 you've heard testimony from children. When a
18 witness is a child you must determine, as
19 with any other witness, whether that
20 testimony is believable.

21 In deciding believability you may
22 consider not only matters that I've already
23 discussed with you about weighing credibility
24 of witnesses, but you may also consider the
25 age of the child. The child's ability to

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1 observe and remember facts. And the child's
2 ability to understand and answer questions.

3 Because young children may not fully
4 understand what is happening here, it is up
5 to you to decide whether the child or
6 children understood the seriousness of
7 appearing as a witness at this trial.
8 Whether the child or children understood the
9 questions, whether the child or children had
10 a good memory, and whether the child or
11 children understands the difference between
12 lying and telling the truth.

13 In addition, young children may be
14 influenced by the way that questions are
15 asked. It is up to you to decide whether the
16 child or children understood the questions
17 asked and give it the weight that you feel is
18 appropriate.

19 Now I'm going to discuss with you
20 the elements of the charges that are listed
21 on the indictments. The first one is first
22 degree criminal sexual conduct with a minor.
23 And as indicated there are two indictments as
24 to each defendant of that charge.

25 The defendants have been charged

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1 with first degree criminal sexual conduct
2 with a minor. The State must prove beyond a
3 reasonable doubt as to each charge and each
4 element that the defendant from that
5 indictment engaged in sexual battery with the
6 victim.

7 A sexual battery is defined as
8 sexual intercourse, cunnilingus, fellatio,
9 anal intercourse or any intrusion however
10 slight of any part of a person's body or of
11 any object into the genital or anal openings
12 of another person's body, except when the
13 intrusion is accomplished for medically-
14 recognized treatment for diagnostic purposes.

15 The State must then prove beyond a
16 reasonable doubt that the victim was less
17 than eleven years old at the time of the
18 sexual battery.

19 If you have a reasonable doubt that
20 the State has met its burden on the proof on
21 the elements on first degree criminal sexual
22 conduct with a minor, then you should also
23 consider the lesser included offense of
24 sexual conduct with a minor third degree.

25 Now, in this case you have two

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1 charges for criminal sexual conduct first
2 degree for each defendant.

3 In addition you have the charge
4 separately against each defendant of criminal
5 sexual conduct third degree. That's
6 concerning one of the victims.

7 But you can also, when you're
8 considering the criminal sexual conduct first
9 degree, there's a principle known as lesser-
10 included offense. And this is where you may
11 determine that the State has not met its
12 burden on each element of first degree. So
13 you must then consider as to those two
14 indictments, well they didn't meet the burden
15 as to first degree criminal sexual conduct,
16 did they meet the burden of the lesser
17 included offense or of third degree?

18 So that's under the principle for
19 those two what's called lesser-included
20 offenses. And the elements of lesser
21 included third degree, criminal sexual
22 conduct third degree is if an actor is over
23 the age of fourteen years and the actor
24 willfully and lewdly commits or attempts to
25 commit a lewd or lascivious act upon with the

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1 body or its parts of a child under sixteen
2 years of age with the intent of arousing,
3 appealing to or gratifying the lust, the
4 passions or sexual desires of the actor or
5 the child.

6 When considering this charge "lewd"
7 means obscene, lustful, indecent or
8 lecherous. Lascivious means tending to
9 incite lust, lewd, indecent, obscene or
10 tending to deprave the morals in respect to
11 sexual relations. And, again, my outline on
12 the verdict form will help you go through
13 that a well.

14 If you have any reasonable doubt as
15 to whether the State has shown all of the
16 elements of the lesser included-offense you
17 must find the defendant on those indictments
18 not guilty.

19 There's also an indictment as to
20 Stacy Riden for unlawful conduct toward a
21 child. And there's a separate set of
22 elements that the State must prove beyond a
23 reasonable doubt. The State must first prove
24 beyond a reasonable doubt that the defendant,
25 Stacy Riden, had charge or custody of the

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1 child or children, was the parent or guardian
2 of that child or children or was responsible
3 for the care and support of the child.

4 A person responsible for a child's
5 welfare includes, of course, the child's
6 parent, guardian or foster parent. An
7 operator, employer or caregiver of a public
8 or private residential home, institution,
9 agency, or daycare center or adult who
10 assumed the role for responsibility of a
11 parent or guardian.

12 The State must prove beyond a
13 reasonable doubt that a defendant who is
14 charged with unlawful conduct placed the
15 child in unreasonable risk of harm affecting
16 the child's life physical or mental health or
17 safety. Unlawfully or maliciously did or
18 caused to be done any bodily harm to the
19 child so that the life or the health of the
20 child is in danger or likely to be in danger,
21 or willfully abandoned the child.

22 So those are three -- any of those
23 three, the State has to prove in order for
24 you to meet their burden on the charge of
25 unlawful conduct toward a child.

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1 Abandon. The definition of
2 "abandon" means that the defendant willfully
3 deserted the child or willfully surrendered
4 physical possession of the child without
5 making adequate arrangements for the child's
6 needs or continuing care of the child.

7 A "child" is defined as a person
8 under the age of eighteen.

9 All right. Mr. Foreman, I am going
10 to at this time, I'm going to hand a draft of
11 this verdict form to you. There's two
12 separate verdict forms.

13 First of all, as to each indictment,
14 I have listed the initials because, you know,
15 and if you have any questions about that
16 after you get back there for the initials,
17 BL, ML, and Kinloch, representing the
18 children.

19 Let's start off with the verdict
20 form for Stacy Riden. And, again, the top
21 part is just the caption of the case and
22 indictment number.

23 The first one is as to the charge of
24 first degree sexual conduct with a minor, ^{Brother}
25 And the indictment number 2015-224: 'We, the

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1 jury, unanimously find the Defendant, Stacy
2 Carol Riden..." -- you need to check one of
3 these, okay.

4 Don't infer anything by the order.
5 They have to be in some order. But you
6 either check on that one guilty of first
7 degree criminal sexual conduct with a minor
8 or, if you do not feel that the State has met
9 their burden as to that charge, then that's
10 where you drop down to the lesser included
11 offense and you must determine whether the
12 State has met its burden of the lesser
13 included offense of third degree criminal
14 sexual conduct with a minor. And if you find
15 that on that particular indictment as to
16 victim ^{Brother} then you must find them not
17 guilty.

18 Next, the statute requires that you
19 determine why -- if you find that she is
20 guilty of first degree criminal sexual
21 conduct, the very first one, you make
22 specific findings of which one of the sexual
23 batteries apply. And that's because the
24 statute requires that on this. And there's
25 three: cunnilingus, fellatio, and any

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1 intrusion however slight into any part of his
2 genitals or anal openings or any object being
3 inserted into his genital or anal opening.

4 Then you go to the next indictment
5 as to the charge of first degree criminal
6 sexual conduct with a minor, ^{Older Sister} And, again,
7 you make the same analysis there. You start
8 off with the analysis as to the first degree
9 criminal sexual conduct. If you don't think
10 the State's met its burden, drop down to the
11 lesser-included offense. And then if you
12 find that they have not met the burden there,
13 then it's not guilty. But if you find that
14 they have, the State has met its burden, then
15 you would check the appropriate blank.

16 Then, again, since we're talking
17 about first degree criminal sexual conduct,
18 the State requires that you make a specific
19 finding as to one or more of the sexual
20 batteries that apply.

21 Then the third one there is third
22 degree criminal sexual conduct with a minor
23 ^{Younger Sister} And now that one you don't have a lesser
24 included offense because that is the lesser
25 included offense. And that is if you feel

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1 the State has met its burden then you find,
2 then you check the guilty box. If you find
3 that the State has not met its burden then
4 you check not guilty.

5 And then the final charge as to
6 Stacy Riden, that is unlawful conduct towards
7 a child. And, again, this one does not have
8 a lesser-included offense. It's either
9 guilty of unlawful conduct toward the child
10 if you find the State has met its burden as
11 to each element of that or you find they have
12 not, it's not guilty.

13 When you have reached a unanimous
14 decision on each of those four elements, you
15 have to check one of the boxes for guilty or
16 not guilty. And then make specific findings
17 on two of them if appropriate. And then once
18 you've done each of those, then you would
19 date it and sign it on the back page.

20 The analysis for Aaron Hendrix is
21 the same. It is pretty much identical --
22 well, it is identical except for it does not
23 have the final indictment as to unlawful
24 conduct of a child.

25 The first one is the first degree

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1 criminal sexual conduct with a minor, ^{Brother} as
2 the victim. And it has the same reanalysis
3 there.

4 The second charge, first degree
5 criminal sexual conduct with the victim, NL.
6 And you have the same analysis there.

7 And then the final is the third
8 degree, which is -- does not have a lesser
9 included offense. It's third degree criminal
10 sexual conduct with a minor ^{Younger Sister} And then you
11 must check either guilty or not guilty.

12 Again, once you've made the
13 determination there, you would sign in the
14 space as foreperson and date that, okay?

15 Now, it's very important that, you
16 know -- and like I said I think that the way
17 the verdict form is set out it will kind of
18 help you with your discussion.

19 It is the foreperson's duty is to
20 lead the discussion. But when you make the
21 final decision -- your decision has to be
22 unanimous. That means all twelve of you have
23 to agree on the verdict on each indictment,
24 okay? It's not 'well, the majority of us
25 feel this way' and all of that. It's all

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1 twelve, unanimous decision.

2 And unfortunately, and let me just
3 explain to the alternates. Your role in this
4 matter has been very important because if
5 something had happened to one of the other
6 jurors, they weren't able to make it, got
7 sick. Sometimes we've gotten into trials and
8 they realize like, 'oh, I know one of the
9 parties or one of the witnesses' and we've
10 had to excuse that juror. If we didn't have
11 an alternate then the trial would be -- we'd
12 have to start over. So it's very important.
13 And I know that you've sat here very
14 diligently for the last three days, but
15 you're not allowed to participate in the
16 deliberation. But, again, I don't want you
17 to think that your role was not very serious
18 in this matter.

19 All right. What we'll do now is I'm
20 going to send you back to your jury room but
21 I don't want you to deliberate quite yet.
22 Leave the verdict form there on the jury
23 rail.

24 I've got to talk with the attorneys
25 and make sure that there's nothing that I

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1 missed on the charge or something I told you
2 incorrectly. And if so, I will bring you
3 back out. If I have given you everything
4 that I need to and there are not any changes,
5 then what I will do is have the bailiff bring
6 you the verdict forms, okay?

7 He's going to exchange those verdict
8 forms for the alternates. At that point, the
9 alternates will step out of the jury room.

10 At that point, you can begin your
11 deliberation.

12 If you have any questions at any
13 time, Mr. Foreman, I'll ask that you write
14 them down. You should have paper and pen in
15 your room. You write a note, date it and
16 sign your name and you give it to the
17 bailiff. The bailiff will bring it to me.
18 And then I will let you know how I need to
19 respond to that, okay? If you have any
20 questions or anything like that, then you
21 need to knock on the door and let the bailiff
22 know.

23 Now, once you have completed your
24 deliberations and y'all have come up with a
25 unanimous verdict as to each indictment, at

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CHARGE BY THE COURT

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1 that point, you will knock on the door and
2 let the bailiff know. And then you will
3 await further instructions from us. So with
4 that being said, again, I'm going to ask
5 everybody including the alternates to go back
6 in your jury room at this time. Wait for the
7 signal of the jury verdict forms to release
8 the alternates. At that point you can
9 finally begin discussions about the case.
10 And again, if you'll retire to your jury
11 room.

12 (JURY OUT AT 3:30 P.M.)

13 THE COURT: All right. Any
14 objections, exceptions from the State on the
15 charge?

16 SOLICITOR JONES: Nothing from the
17 State, Your Honor.

18 THE COURT: Any objections,
19 exception or additions from Defendant Riden?

20 MS. HORLBECK: No, sir.

21 THE COURT: Okay. From Defendant
22 Hendrix?

23 MR. WARDER: No, Your Honor.

24 THE COURT: All right.

25 MS. HORLBECK: Regarding the

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JURY IN DELIBERATION

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1 exhibits, I did want to make sure that
2 the videos were not going back.

3 THE COURT: Right. We're not
4 going to send those back. If they do decide
5 they need to review them, then we'll bring
6 them out here since there are portions
7 redacted.

8 All right. If I could have -- hand
9 those verdict forms to the bailiff. All
10 right. If you will -- let's make sure we've
11 got the -- let me look at it right quick.
12 Let me make sure that you don't have two.
13 All right. Yeah. That's good. All right.
14 And ask the alternates to come out and I'll
15 be glad to speak with the alternates.

16 (JURY IN DELIBERATION @ 3:52 P.M.)

17 (ALTERNATE JURORS EXCUSED)

18 THE COURT: All right. We will be
19 at-ease until further notice.

20 (COURT IN RECESS)

21 (NOTIFIED OF JURY QUESTION @ 4:50 P.M.)

22 (DEFENDANT RIDEN PRESENT)

23 (DEFENDANT HENDRIX PRESENT)

24 THE COURT: We have a note from
25 the jury asking if they can have the

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1 transcripts of the testimony. I am writing a
2 note back that says "we do not have
3 transcript but can replay any portions of
4 testimonies that you request." And that's
5 all we can really do with that. Is that
6 agreeable with everyone?

7 SOLICITOR JONES: That's fine with
8 the State, Your Honor.

9 MR. WARDER: Yes, Your Honor.

10 MS. HORLBECK: That's fine.

11 THE COURT: All right. My
12 response is, "We do not have transcripts but
13 can replay portions of testimony requested in
14 the courtroom." Because I want to make sure
15 they understand it's in here and not back
16 there.

17 All right. Any objections to that
18 from the State?

19 SOLICITOR JONES: Nothing from the
20 State, Your Honor

21 THE COURT: Any objection to that
22 from the Defendant Riden?

23 MS. HORLBECK: No objection from
24 Ms. Riden.

25 MR. WARDER: No, Your Honor.

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1 THE COURT: All right.

2 (SO MARKED AS COURT'S EXHIBIT 2)

3 (RESPONSE DELIVERED TO JURY ROOM)

4 (COURT IN RECESS)

5 (NOTIFIED OF JURY QUESTION @ 5:15 P.M.)

6 (DEFENDANT RIDEN PRESENT)

7 (DEFENDANT HENDRIX PRESENT)

8 THE COURT: We have another
9 question about -- I believe in light of this
10 question that I probably need to bring them
11 out and just read the statutes or the charge
12 that I read to them previously.

13 COURT REPORTER: That's Court's
14 Exhibit 3, Your Honor.

15 (SO MARKED AS COURT'S EXHIBIT 3)

16 THE COURT: The portion that talks
17 about first degree sexual conduct with a
18 minor, third degree, and then unlawful
19 neglect of a child. I'm just going to read
20 that portion.

21 Tell the jury we need to bring them
22 out here to do that, please?

23 BAILIFF: Yes, sir.

24 (JURY IN @ 5:15 P.M.)

25 THE COURT: All right. Ladies and

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1 gentlemen, the question we have is, "Can we
2 get a description of first and third degree
3 criminal sexual conduct with a minor as well
4 as unlawful conduct towards a child?"

5 And, of course, we can't send that
6 back there to you. We need to do it on the
7 record. So what I was going to do was review
8 that portion of my charge that discussed the
9 elements of those three charges. Is that
10 what you're looking for?

11 FOREPERSON: Yes, sir.

12 THE COURT: All right. Okay.
13 We'll start off with -- and all I'm reading
14 is just the elements here, (reading:

15 *Criminal sexual conduct with a*
16 *minor first degree, the actor engaged in*
17 *sexual battery with the victim and the victim*
18 *was less than eleven years of age.*

19 *The statute defines "sexual battery"*
20 *as sexual battery as sexual intercourse, oral*
21 *sex, anal sex, or any intrusion however*
22 *slight into the genital or anal openings of*
23 *another person.*

24 So that's the criminal sexual
25 conduct with a minor, first degree.

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1 Criminal sexual conduct with a minor
2 third degree is the actor or the defendant is
3 over fourteen years of age and the victim is
4 under sixteen years of age and the actor
5 willfully and lewdly commits a lewd or
6 lascivious act with the intent of arousing or
7 gratifying the lust, passions or sexual
8 desires of the actor or the child.

9 Criminal sexual conduct with a minor
10 third degree is essentially touching someone
11 under the age of sixteen with the intent of
12 arousing your sexual desire, your sexual
13 passions or that of the child.

14 So those are the elements of first
15 degree criminal sexual conduct and third
16 degree. And the State has the burden of
17 proving as to each element of those charges
18 beyond a reasonable doubt.

19 Then the other charge is unlawful
20 conduct toward a child, (reading):

21 The State must prove beyond a
22 reasonable doubt that a defendant who is
23 charged with unlawful conduct placed the
24 child in unreasonable risk of harm affecting
25 the child's life physical or mental health or

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1 *safety. Unlawfully or maliciously did or*
2 *caused to be done any bodily harm to the*
3 *child so that the life or the health of the*
4 *child is in danger or likely to be in danger,*
5 *or willfully abandoned the child.*

6 Would that cover what the elements
7 you're looking for?

8 FOREPERSON: Yes, sir.

9 THE COURT: All right. At this
10 point then if you'll retire back to your jury
11 room and continue deliberations and just let
12 us know if you have any additional questions.

13 (JURY OUT @ 5:20 P.M.)

14 THE COURT: All right. Are there
15 any exceptions or objections from the State?

16 SOLICITOR JONES: Nothing from the
17 State, Your Honor.

18 THE COURT: Any exceptions or
19 objections from Defendant Riden?

20 MS. HORLBECK: No, sir.

21 THE COURT: Defendant Hendrix?

22 MR. WARDER: No, Your Honor.

23 THE COURT: All right. We'll be
24 at-ease until we hear further.

25 (COURT IN RECESS)

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1 (NOTIFIED OF JURY QUESTION @ 5:40 P.M.)

2 (DEFENDANT RIDEN PRESENT)

3 (DEFENDANT HENDRIX PRESENT)

4 THE COURT: This note is just,
5 "Can we have another verdict form?" They
6 filled in the wrong blank and just want
7 another form printed. I mean, what I'm going
8 to do is send them -- I have two copies. I'm
9 just going to send them two blank. I don't
10 know which ones they did. I'm just going to
11 send them two blank verdict forms back. And
12 then we can question them on that when they
13 get in here to make sure it's correct.
14 Any problems with that from the State?

15 SOLICITOR JONES: Nothing from the
16 State, Your Honor.

17 THE COURT: Anything from
18 Defendants?

19 MS. HORLBECK: No.

20 THE COURT: Of course I left them
21 on my desk, my copies.

22 COURT REPORTER: That note would be
23 Court's Exhibit 4.

24 THE COURT: All right.

25 (SO ENTERED AS COURT'S EXHIBIT 4)

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1 THE COURT: Would anybody -- would
2 y'all like to -- these are the two. These
3 were my copies that I used while I was going
4 through them. There's nothing on them.
5 They're just a blank -- anybody want to
6 review them?

7 SOLICITOR JONES: No, sir.

8 THE COURT: All right. Okay.

9 (COURT IN RECESS)

10 (NOTIFIED OF JURY QUESTION @ 6:15 P.M.)

11 (DEFENDANT RIDEN PRESENT)

12 (DEFENDANT HENDRIX PRESENT)

13 THE COURT: Another note. On this
14 one the foreman says they found a typo in our
15 verdict form. And what it is, is on the one
16 for Aaron on part three it does not have a
17 blank for Guilty and one for Not Guilty. In
18 reprinting, we did not catch that. So we
19 will reprint it with the appropriate blanks
20 and send that back so that they can check and
21 blank and not have to write it in. Here is
22 what we will send back if you want to look at
23 it, (counsel review). Any objections to
24 that?

25 MR. WARDER: No, sir.

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1 THE COURT: We didn't catch that.
2 Should have had something for them to check,
3 so we will send this back. Luckily, our
4 foreperson is smarter than we are. Any
5 objection from the State?

6 SOLICITOR JONES: Nothing from the
7 State, Your Honor.

8 THE COURT: Anything from
9 Defendant Riden. I know it doesn't affect
10 you.

11 MS. HORLBECK: No objection.

12 THE COURT: Defendant Hendrix?

13 MR. WARDER: No objection.

14 THE COURT: All right. Send this
15 back and tell them this is the final.

16 COURT REPORTER: You want me to
17 mark this?

18 THE COURT: Yes.

19 COURT REPORTER: The prior note was
20 Court's Exhibit 5.

21 (SO ENTERED AS COURT'S EXHIBIT 5)

22 COURT REPORTER: This is Court's
23 Exhibit 6.

24 (SO ENTERED AS COURT'S EXHIBIT 6)

25 THE COURT: All right. We'll be

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1 at ease until we hear from the jury.

2 (COURT IN RECESS)

3 (JURY NOTIFICATION @ 6:25 P.M.)

4 (DEFENDANT RIDEN PRESENT)

5 (DEFENDANT HENDRIX PRESENT)

6 THE COURT: All right. It's my
7 understanding we have a verdict. All right.
8 We're going to bring the jury out.

9 Again, I want to caution everyone to
10 just remain seated at this point. I don't
11 want any outburst. We have deputies here
12 that will take anybody out that gets
13 disruptive. This is not the time. This has
14 been a very difficult for all sides. So I
15 would ask that everybody keep their
16 composure.

17 (JURY IN @ 6:25 P.M.)

18 THE COURT: Mr. Foreman, I under-
19 stand you've reached a verdict?

20 FOREPERSON: Yes, sir.

21 THE COURT: If you'll hand it to
22 the clerk for his review.

23 FOREPERSON: (Tenders).

24 CLERK: (Tenders verdict form to
25 the judge)

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1
2 THE COURT: (Upon review). All right.
3 Publish the verdict.

4 CLERK: This is the State of South
5 Carolina versus Stacy Carol Riden, indictment
6 numbers 2015-GS-39-223, 224, 225, and 226.

7 As to the charge of first degree
8 criminal sexual conduct with a minor, ^{Brother}
9 indictment number 2015-GS-39-0224, (reading):
10 *"We, the jury, unanimously find the*
11 *Defendant, Stacy Carol Riden, guilty of first*
12 *degree criminal sexual conduct with a minor.*
13 *We, the jury, unanimously do find the*
14 *Defendant committed the following acts upon*
15 *BrotherFellatio."*

16 As to the charge of first degree
17 criminal sexual conduct with a minor, ^{Older Sister}
18 indictment number 2015-GS-39-225, (reading):
19 *"We, the jury, unanimously find the*
20 *Defendant, Stacy Carol Riden, guilty first*
21 *degree criminal sexual conduct with a minor.*
22 *We, the jury, unanimously find that the*
23 *Defendant committed the following acts upon*
24 ^{Older Sister} *Cunnilingus and any intrusion however*
25 *slight into any part of her genitals or her*

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1 *anal openings or any object being inserted*
2 *into her genital or anal openings."*

3 As to the charge of third degree
4 criminal sexual conduct with a minor, ^{Younger Sit}
5 Indictment number 2015-GS-39-226, (reading):
6 "We, the jury, unanimously find the
7 Defendant, Stacy Carol Riden, guilty of third
8 degree criminal sexual conduct with a minor."

9 As to the charge of unlawful conduct
10 towards a child, indictment number 2015-GS-
11 39-223, (reading): "We, the jury,
12 unanimously find the Defendant, Stacy Carol
13 Riden, guilty of unlawful conduct towards a
14 child."

15 This is the State of South Carolina
16 versus Aaron Van Hendrix.

17 As to the charge of first degree
18 criminal sexual conduct with a minor, ^{Brother}
19 Indictment number 2015-GS-39-22, (reading):
20 "We, the jury, unanimously find the
21 Defendant, Aaron Van Hendrix, guilty first
22 degree criminal sexual conduct with a minor.
23 We, the jury, unanimously do find the
24 Defendant committed the following acts upon
25 ^{Brother} Fellatio and any intrusion however

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1 *slight into any part of his genital or anal*
2 *openings or any object being inserted into*
3 *his genital or anal openings."*

4 As to the charge of first degree
5 criminal sexual conduct with a minor, ^{Older Sister}
6 indictment number 2015-GS-39-227, (reading):
7 *"We, the jury, unanimously find the*
8 *Defendant, Aaron Van Hendrix, guilty of first*
9 *degree criminal sexual conduct with a minor.*
10 *We the jury unanimously do find the Defendant*
11 *committed the following acts upon* ^{Older Sister}
12 *Cunnilingus and any intrusion however slight*
13 *into any part of her genital or anal openings*
14 *or any object being inserted into her genital*
15 *or anal openings."*

16 As to the charge of third degree
17 criminal sexual conduct with a minor, ^{Younger Si}
18 indictment number 2015-GS-39-228, (reading):
19 *"We, the jury, unanimously find the Defendant*
20 *Aaron Hendrix guilty."*

21 Is this your verdicts and still your
22 verdicts so say you all by raising your right
23 hands.

24 (JURORS UNANIMOUS AFFIRMATIVE RESPONSE)

25 CLERK: Thank you very much.

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1 THE COURT: All right. Anything
2 else from the jury from the State?

3 SOLICITOR JONES: Nothing from the
4 State, Your Honor.

5 THE COURT: Anything from
6 Defendant Hendrix?

7 MR. WARDER: No, Your Honor.

8 THE COURT: Anything on behalf of
9 Defendant Riden?

10 MS. HORLBECK: No, Your Honor.

11 THE COURT: All right. Ladies and
12 gentlemen, thank you for your service. I
13 know this was very difficult trial. Y'all
14 spent a lot of time listening to the evidence
15 and I do appreciate that.

16 At this time I'm going to ask that
17 you go back to your jury room. And you're
18 free to go. If anybody would like to stay
19 around or have any questions of me, I'd be
20 glad to answer anything you have.

21 (JURY DISMISSED @ 6:30 P.M.)

22 THE COURT: Let me just step back
23 here with the jury right quick. Have you got
24 the sentencing sheets ready?

25 SOLICITOR JONES: Yes, sir, Your

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1 Honor.

2 (JURY RELEASED)

3 (DEFENDANT RIDEN PRESENT)

4 (DEFENDANT HENDRIX PRESENT)

5 THE COURT: All right. Are we
6 ready for sentencing everyone, on behalf of
7 the State?

8 SOLICITOR JONES: The State's ready,
9 Your Honor.

10 THE COURT: Defendants, would
11 y'all come forward.

12 (DEFENDANT RIDEN AND COUNSEL APPROACH)

13 (DEFENDANT HENDRIX AND COUNSEL APPROACH)

14 THE COURT: All right. I'll be
15 glad to hear from you?

16 MS. HORLBECK: Judge, I don't
17 have a lot to add. I think you've gotten a
18 good sense of the facts and we've heard from
19 the jury. We just ask that the Court
20 consider the minimum in this case.

21 THE COURT: All right. Anything
22 on the State on behalf of Ms. Riden?

23 SOLICITOR JONES: Your Honor, Ms.
24 Riden has one pending charge with our office.
25 That would be it as to her actual record.

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1
2 But I would ask that the sentence reflect
3 that the children need substantial time to go
4 through their adolescence and through their
5 adulthood without having to worry about Ms.
6 Riden being in public and to send a message
7 to the children that what happened to them is
8 unacceptable in this community and that she
9 will be punished for it.

10 And at the appropriate time, Ms.
11 Roper would like to read something on --
12 would like to speak on behalf of the victims.

13 THE COURT: Yeah. Let me hear
14 from both of them, then I'll hear from them
15 on behalf of the victims.

16 SOLICITOR JONES: Yes, sir.

17 THE COURT: All right. Mr.
18 Warder, I'll be glad to hear from you on
19 behalf of your client.

20 Again, I'm sorry. I'll be glad to
21 listen to Ms. Riden too.

22 MS. HORLBECK: Judge, I would add
23 a little bit more about her work history.
24 She had a long, long career at McDonald's.
25 She worked her way up. Started off at the

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1 bottom. And then she was a department
2 manager. She worked for them for -- it was
3 over a decade, I believe -- and did quite
4 well. After that job ended she worked for a
5 short time for Jardon Plastics. I think they
6 had to let her go. She worked for them
7 through a temp agency. And the temp agency
8 let her go because of these charges that were
9 pending. But we just ask Your Honor to take
10 that into consideration as well.

11 THE COURT: All right. Mr.
12 Warder.

13 MR. WARDER: Your Honor, my client
14 had no criminal record at this time, Your
15 Honor. He's worked most of his life. He's,
16 in many respects, you know, a fine young man.
17 This case has obviously been a big blemish
18 upon his record and the jury has found him
19 guilty now. And if you gave him the minimum,
20 it's a substantial sentence. Eighty-five
21 percent carries with it, of course. Plus all
22 of the other, registration factors and GPS

23 THE COURT: All right. Mr.
24 Hendrix, I'll be glad to hear from you?

25 MR. WARDER: Nothing at this time,

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IMPOSITION OF SENTENCES

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1 Your Honor.

2 THE COURT: All right. I'll be
3 glad to hear form the victim advocate.

4 MS. ROPER: Your Honor, the
5 victims' family has asked me to address the
6 Court on their behalf and on behalf of
7 Older Sister, Brother, and Younger Sister

8 Your Honor, they would just respect-
9 fully ask that Your Honor sentence the
10 defendants to the maximum amount of time
11 possible. These victims will live with the
12 actions of these Defendants and the removal
13 of their innocence for the rest of their
14 lives. Thank you.

15 THE COURT: All right. Anything
16 else from anybody?

17 SOLICITOR JONES: Nothing from the
18 State, Your Honor.

19 MS. HORLBECK: No, Your Honor.

20 MR. WARDER: No, sir.

21 THE COURT: And we would go on the
22 record. On behalf of Ms. Riden and Mr.
23 Hendrix, as I'm sure your attorneys have told
24 you, that you have ten days in which to
25 appeal this verdict or this sentence. Just

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1 to make sure that we have that on the record.

2 All right. As to Stacy Riden, 2015-
3 225, criminal sexual conduct first degree.

4 The sentence of the Court is committed to the
5 State Department of Corrections for twenty-
6 five (25) years.

7 On the 2015-224, that is that you
8 also committed to the State Department of
9 Corrections for a term of twenty-five (25)
10 years. That's to run concurrent.

11 On 2015-226, that's criminal sexual
12 conduct third degree, that you will be
13 committed to the State Department of
14 Corrections for fifteen (15) years, to run
15 concurrent.

16 Also all those will be on the
17 registry.

18 As to unlawful neglect of child,
19 that's 2015-223, that's ten (10) years, to be
20 consecutive.

21 A total of thirty-five years.

22 On Aaron Hendrix, 2015-229, criminal
23 sexual conduct first degree. The Defendant
24 shall be committed to the Department of
25 Corrections for twenty-five (25) years.

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1 Sexual registry. Will have credit for the
2 time served up to this point.

3 On 2015-227, that's a criminal
4 sexual conduct first degree. That's twenty-
5 five (25) years to run concurrent.

6 And on 2015-228, criminal sexual
7 conduct third degree. The sentence of the
8 Court is committed to the Department of
9 Corrections for twelve (12) years and that's
10 to be consecutive.

11 Good luck to you.

12 (TRANSCRIPT CONCLUDED)

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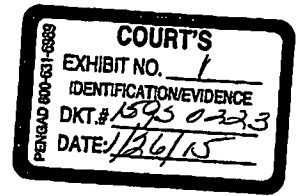
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Chris Jones
Thirteenth Circuit Solicitor's Office
Pickens, SC



Re: Requested Redactions
State vs. Riden

Dear Chris,

I propose the following redactions to the forensic videos in this case:

Older Sister Interview of 2/19/14

- 1) Redact from start of interview to 10:26 so that the start point would be with the counselor asking "What else about Aaron"
- 2) Redact from around 15:50 "Because they were slapping and stuff...to "Like they used to slap each other and me and Brother and ^{Younger Sister} were staring with our mouth open 16:09
- OK 3) Redact 22:53 "And one time, Brother wanted me to tell..." to "Brother told Grandma that it happened and that's what he told me to tell y'all"
- 4) Redact 36:30 to 45:34
- 5) Redact everything ^{Older Sister} says she saw Aaron/Mom do to Brother and ^{Younger Sister}
- OK 6) Redact everything ^{Older Sister} says she saw Aaron/mom make Brother and ^{Younger Sister} do to Aaron/Mom

Older Sister Interview 4/11/14

- OK 1) Redact from beginning of interview to 2:34
- OK 2) Redact 25:30 to 28:28
- OK 3) Redact 34:57 to 39:10
- OK 4) Redact 43:43 "Mom and Jessie used to be in jail once because they stole a car"
- 5) Redact 45:10 to 45:30 "We only talk about things that are real - " to ^{Older Sister} saying everything she told was real .

ok-6) Redact 49:24 to 50:05" Jessie and Billy had a camera..."

7) Redact 50:28 to end "Did anyone tell you to say these things..."

8) Redact everything ^{Older Sister} says she saw Aaron/Mom do to ^{Younger Sister} Brother and

9) Redact everything ^{Older Sister} says she saw Aaron/mom make ^{Younger Sister} Brother and do to Aaron/Mom

Brother Interview 3/11/14

1) Redact from beginning to 6:10 "The all ran away? Okay and that was all when you were living with your mom and Aaron?"

2) Redact 10:35 "Once Momma had pills..." to 11:16 where Shauna asks "To eat?"

3) Redact 23:28 "And with beer..." to 23:51 "...And Daddy let ^{Younger Sister} drink beer"

4) Redact 36:10 "and um does Daddy have his own house or does he live with mommy" to 37:23 "Bradley?"

5) Redact "Is there anything we talked about that's not real" 50:58 to 51:29

6) Redact everything ^{Brother} says he saw Aaron/Mom do to ^{Older Sister} and ^{Younger Sister}

8) Redact everything ^{Brother} says she saw Aaron/mom make ^{Older Sister} and ^{Younger Sister} do to Aaron/Mom

Brother Interview 4/11/14

1) Redact 32:15 to 39:02

2) Redact 49:25 to end of ^{Brother} describing all the drawings

3) Redact 52:40 to 53:22

4) Redact 54:45 to end

5) Redact everything ^{Brother} says he saw Aaron/Mom do to ^{Older Sister} and ^{Younger Sister}

6) Redact everything ^{Brother} says he saw Aaron/mom make ^{Older Sister} and ^{Younger Sister} do to Aaron/Mom

^{Younger Sister} Interview

1) Redact from beginning of interview to 5:04

2) Redact from 11:00 to 11:45

3) Redact everything ^{Younger Sister} says she saw Aaron/Mom do to ^{Brother} and ^{Older Sister}

4) Redact everything ^{Younger Sister} says she saw Aaron/mom make ^{Brother} and ^{Older Sister} do to Aaron/Mom

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2016-000208

THE STATE,

Respondent,

vs.

AARON VAN HENDRIX,

Appellant.

AFFIDAVIT

Personally appeared before me, Christopher L. Jones, who being duly sworn, attests to the following:

I.

I am an Assistant Solicitor in the Thirteenth Judicial Circuit Solicitor's Office in Pickens County, South Carolina.

II.

I was present and served as the prosecutor for the State of South Carolina during the trial of Appellant Aaron Van Hendrix on January 25, 2016, through January 28, 2016, including when State's Exhibits # 1, # 2, # 3, and # 4, which are recordings of forensic interviews of the victims, were admitted into evidence and played for the jury.

III.

When played for the jury, portions of those recordings were redacted.

RECEIVED

MAR 20 2017

APPELLATE DEFENSE

IV.

The Honorable Perry H. Gravely served as the trial judge for the Appellant Aaron Van Hendrix.

V.

I wrote an affidavit dated February 27, 2017 regarding the redacted portions of the videos admitted into trial. Subsequently, I found notes from the trial that were taken in chambers as the Judge ruled what portions were to be redacted. I also found notes used when publishing the videos to the jury that indicated what time ranges were to be redacted.

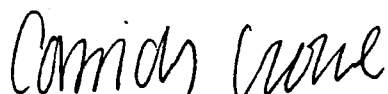
VI.

To the best of my knowledge and experience, the attached document truly and accurately reflects notes taken in Judge's chambers concerning the portions of the recordings that were redacted during trial, and notes used when publishing the videos to the jury.

WHEREFORE, the undersigned hereby certifies that the above is true to the best of his knowledge and recollection. I have this day been provided a copy of this Affidavit and hereby acknowledge receipt thereof.


CHRISTOPHER L. JONES
Assistant Solicitor, Thirteenth Judicial Circuit

SWORN to before me this 14 day of MARCH, 2017.


Notary Public for South Carolina

My Commission Expires: June 9, 2026

800-

#912-9:18 - she got fired

Chris Jones
Thirteenth Circuit Solicitor's Office
Pickens, SC

Re: Requested Redactions
State vs. Riden

Dear Chris,

7:40 - He used to wear ^{mom's} clothes

I propose the following redactions to the forensic videos in this case:

Older Sister Interview of 2/19/14

- redact parts abt gen. treatment?*
- 1) Redact from start of interview to 10:26 so that the start point would be with the counselor asking "What else about Aaron"
 - 2) Redact from around 15:50 "Because they were slapping and stuff...to "Like they used to slap each other and me and Brother and ^{Younger Sister} were staring with our mouth open 16:09
 - 3) Redact 22:53 "And one time, Brother wanted me to tell..." to "Brother told Grandma that it happened and that's what he told me to tell y'all" *22:53-23:39*
 - 4) Redact 36:30 to 45:34 - *any part that DS or police said*
 - 5) Redact everything ^{Older Sister} says she saw Aaron/Mom do to Brother and ^{Younger Sister}
 - 6) Redact everything ^{Older Sister} says she saw Aaron/mom make Brother and ^{Younger Sister} do to Aaron/Mom
- 4-

Older Sister Interview 4/11/14

- 1) Redact from beginning of interview to 2:34 - FF nothing
- 2) Redact 25:30 to 28:28 - where was daddy - then etc
- 3) Redact 34:57 to 39:10 - FF nothing
- 4) Redact 43:43 "Mom and Jessie used to be in jail once because they stole a car"
- 5) Redact 45:10 to 45:30 "We only talk about things that are real - " to ^{Older Sister} saying everything she told was real.

I don't redact

NL

1-3:43 - ~~4:10~~ 4:10

*343-602

4:40-4:49 - soap in mouth so they wouldn't tell me

4:59 - she would slap us all time
Supt 6:02

602 - how old when you lived w. grandma

7 - bk DS might take us

DS came + she made us clean

7:11 - pulls my hair a lot - hurt us

redact abt accusing father

- deny* 6) Redact 49:24 to 50:05 "Jessie and Billy had a camera..."
- deny* 7) Redact 50:28 to end "Did anyone tell you to say these things..."
- deny* 8) Redact everything Older Sister says she saw Aaron/Mom do to Brother and Younger Sister
- deny* 9) Redact everything Older Sister says she saw Aaron/mom make Brother and Younger Sister do to Aaron/Mom

Brother Interview 3/11/14

redact abt dog running away

- deny* 1) Redact from beginning to 6:10 "The all ran away? Okay and that was all when you were living with your mom and Aaron?"
- deny* 2) Redact 10:35 "Once Momma had pills..." to 11:16 where Shauna asks "To eat?"
- redact* 3) Redact 23:28 "And with beer..." to 23:51 "...And Daddy let Younger Sister drink beer"
- redact* 4) Redact 36:10 "and um does Daddy have his own house or does he live with mommy" to 37:23 "Bradley?"
- deny* 5) Redact "Is there anything we talked about that's not real" 50:58 to 51:29
- deny* 6) Redact everything Brother says he saw Aaron/Mom do to Older Sister and Younger Sister
- deny* 8) Redact everything Brother says she saw Aaron/mom make Older Sister and Younger Sister do to Aaron/Mom

Brother Interview 4/11/14

- redact* 1) Redact 32:15 to 39:02
- redact* 2) Redact 49:25 to end of Brother describing all the drawings *redact abt stuff abt dad*
- deny* 3) Redact 52:40 to 53:22
- redact* 4) Redact 54:45 to end *what gma said*
- deny* 5) Redact everything Brother says he saw Aaron/Mom do to Older Sister and Younger Sister
- deny* 6) Redact everything Brother says he saw Aaron/mom make Older Sister and Younger Sister do to Aaron/Mom

Younger Sister Interview

- 1) Redact from beginning of interview to 5:04
- 2) Redact from 11:00 to 11:45
- 3) Redact everything Younger Sister says she saw Aaron/Mom do to Brother and Older Sister
- 4) Redact everything Younger Sister says she saw Aaron/mom make Brother and Older Sister do to Aaron/Mom

NL 2-19

9:15
Kylie Heedy
old towel

1 ~~3:43-6:02~~ ✓; 9:12 ✓ 9:18 ✓3 ~~22:53-23:39~~ ✓4 ~~40:09-40:32~~ ✓ 40:55-41:03 ✓ 42:52-44:10 ✓~~36:29-37:24~~ ~~39:15-40:03~~

16:50

Apple in
Kylie

NL 4-11

8:210

1 ~~0-2:34~~ ✓2 ~~25:30-28:28~~ ✓3 ~~34:57-39:10~~ ✓

45:12 ✓

4 ~~40:42-42:27~~ ~~43:44-44:01~~ ~~45:59-46:17~~ ✓45:35-~~45:53~~ 45:53 ✓

6 49:24-50:05 ✓ 52

11:40

Suck +

5th

Sewsky

BL 3-11 Knife

BL 4-7 or 23

~~5:55-6:42~~ ✓~~32:15-39:02~~ ✓~~23:28-23:51~~ ✓~~43:45-44:30~~ ✓~~36:10-37:23~~ ✓~~49:25-52:40~~

38:45

54:45 - what gma said

pointing +
laughing

The portions indicated below were redacted from each video.

Older Sister interview dated 2/19

1. 3:43-6:02
2. 9:12-9:18
3. 22:53-23:39
4. 36:29-37:24
5. 39:15-40:03
6. 40:09-40:32
7. 40:55-41:03
8. 42:52-44:10

Older Sister interview dated 4/11

1. 00-2:34
2. 25:30-28:28
3. 34:57-39:10
4. 42:27-45:12
5. 45:35-45:53
6. 49:24-50:05

Brother interview dated 3/11

1. 5:40-6:42
2. 23:28-23:51
3. 36:10-38:45

Brother interview dated 4/7

1. 32:15-39:02
2. 43:15-44:30
3. 49:25-52:40
4. 54:45 to end of tape

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on

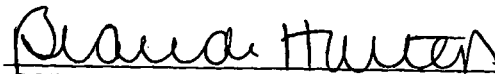
JUN 09 2015

the Grand Jurors of Pickens

County present upon their oath:

That AARON VAN HENDRIX did in Pickens County, between the dates of 12/25/2011 through 12/25/2012, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, ^{Younger Sister}, a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-03-0655(C) 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.



SOLICITOR

BAR # 77844

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

5/12/2014

ARREST WARRANT NUMBER

2014A3910300220

ACTION OF GRAND JURY

TRUE BILL

FILE

JUN 09 2015

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

C. [Signature]

Foreperson of Petit Jury

Date: 1-28-2016

DOCKET NO. 2015-GS-39- 0228
BBH

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2015

THE STATE

vs.

AARON VAN HENDRIX

Indictment for

3661

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655(C)

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

JUN 09 2015

the Grand Jurors of Pickens

County present upon their oath:

That AARON VAN HENDRIX did in Pickens County, between 12/25/2011 through 12/25/2012, commit a sexual battery on Brother., 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.

Banda Hutten

SOLICITOR

BAR # 77844

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

5/12/2014

ARREST WARRANT NUMBER

2014A3910300219

ACTION OF GRAND JURY**TRUE BILL****DATE****JUN 09 2015***[Signature]*
Foreperson of Grand Jury**VERDICT**

Guilty

C. [Signature]

Foreperson of Petit Jury

Date: 1-28-2016

DOCKET NO. 2015-GS-39-

BBH

0229

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2015

THE STATE

vs.

AARON VAN HENDRIX

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 **JUN 09 2015** the Grand Jurors of Pickens
County present upon their oath:

That AARON VAN HENDRIX did in Pickens County, between 12/25/2011 through 12/25/2012, commit a sexual battery on ^{Older Sister} 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.

Brenda Hunter
SOLICITOR BAR # 77844

WITNESSES

Terry Marvin Nix

Pickens County Sheriff's Office

5/12/2014

ARREST WARRANT NUMBER
2014A3910300218

ACTION OF GRAND JURY

TRUE BILL

FILED

JUN 09 2015

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

C. Fred Becerra

Foreperson of Petit Jury

Date: 1-29-2016

DOCKET NO. 2015-GS-39-^{BBH}

0227

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2015

THE STATE

vs.

AARON VAN HENDRIX

Indictment for

0385

**CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE**

VIOLATION § 16-03-0655(A)(1)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens
STATE VS.Aaron Van Hendrix

AKA:

Race: WHITE Sex: M Age: 27DOB: SS#:

Address:

City, State, Zip: Easley, SC 29640DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: SEX/ Criminal Sexual Conduct with Minor 3rd Degree - U/16yrs & actor over 14yrsin violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

78892Jones, Christopher L.SC Bar#DefendantAttorney for DefendantSC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 180 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: 1/28/16
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.Clerk of Court/ Deputy Clerk Harold P. WhiteCourt Reporter: Deborah Garrison

SCCA/217 (03/2011)

Presiding Judge Judge Code: 2755Sentence Date: 1/28/16

580

STATE OF SOUTH CAROLINA

COUNTY OF Pickens
 STATE VS.
Aaron Van Hendrix

AKA: _____
 Race: WHITE Sex: M Age: 27
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: Easley, SC 29640
 DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Sex, Crim Sex Cond, 1st Deg W/Min <11 Yr

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3900229

A/W#: 2014A3910300219

Date of Offense: 12/25/2011

S.C. Code § : 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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 ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

78892

Jones, Christopher L.

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: 1/25/16

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Deborah Garrison

SCCA/217 (03/2011)

Presiding Judge

Judge Code: _____

Sentence Date: 1/28/16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Pickens

VS.

Aaron Van Hendrix

AKA:

Race:

Sex: M

Age: 27

DOB:

SS#:

Address:

City, State, Zip: Easley, SC 29640

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Sex, Crim Sex Cond, 1st Deg W/Min <11 Yr

INDICTMENT/CASE#: 2015GS3900227

A/W#: 2014A3910300218

Date of Offense: 12/25/2011

S.C. Code § : 16-03-0655(A)(1)

CDR Code #: 0385

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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 Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

78892

Jones, Christopher L.

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: 1/28/16☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 137.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

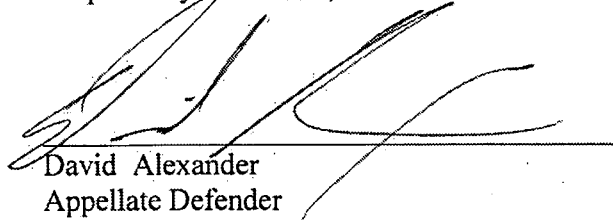
2755

1/28/16

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,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

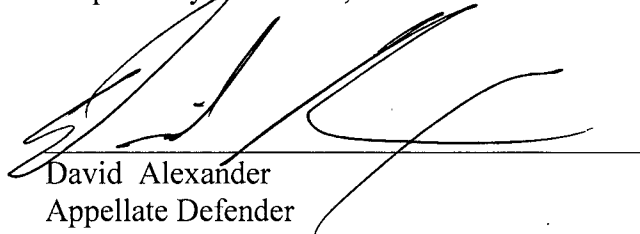
ATTORNEY FOR APPELLANT

This 18th day of January, 2018.

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,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of January, 2018.

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SC Court of Appeals