

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN ANTHONY SINGLETON,

APPELLANT

APPELLATE CASE NO 2017-001447

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON CASE NOS.
2017-GS-10-04602
2017-GS-10-03938
2017-GS-10-03937

STATE OF SOUTH)
CAROLINA,)
PLAINTIFF,) TRANSCRIPT OF RECORD
vs.)
JUNE 19-21, 2017
CHARLESTON, SC
JOHN ANTHONY)
SINGLETON,)
DEFENDANT.)

B E F O R E:

HONORABLE ROGER COUCH, JUDGE, AND A JURY.

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Official Court Reporter
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1 (STATE'S EXHS, photos, 1-8 were marked
2 and admitted for identification.)

3 (Whereupon the prospective jurors
4 entered the courtroom at 2:07 p.m.)

5 THE COURT: Ladies and gentlemen of the
6 jury, let me introduce myself to you. I know you
7 have been with Judge Jefferson this morning and
8 most of the morning. My name is Roger Couch. I am
9 a circuit court judge. My home is in Spartanburg,
10 South Carolina. It is my pleasure to be serving
11 this week in a one-week term of general sessions
12 court here in Charleston County. General sessions
13 court you may already be aware is the division of
14 the circuit court in which cases of a criminal
15 nature are tried, cases where a citizen has been
16 charged with the comission a crime.

17 We are about to begin the trial of the
18 State of South Carolina against John Anthony
19 Singleton. Before we begin the jury selection
20 process, I'm going to go over some information with
21 you about the case so that you can more fully
22 answer some questions that I'm going to ask you
23 that will apply specifically to this case.

24 I want to thank you very much for your
25 willingness to come forward and severe on the jury

1 this week. I know you got a subpoena. You felt
2 like you didn't have much choice but to be here,
3 but of course you have appeared voluntarily. And I
4 tell jurors every chance I get if it weren't for
5 citizens such as yourselves who are willing to come
6 forward and serve on jurors in our state, our
7 system of justice would not function as it was
8 designed to function by our forefathers in both the
9 constitution of this state and of the United
10 States. So I want to thank you for your appearance
11 and your participation this week in our system.

12 I have been presented with indictments
13 in the case. Let me explain the indictments or
14 informational documents. They bring the case into
15 the court. They inform this court of the charges
16 to be tried. They inform the Defendant of the
17 charges that have been lodged against him.

18 The indictments do not constitute
19 evidence. They cannot be used by a jury in any
20 fashion in determining whether someone is guilty or
21 innocent of a crime. Again, they are informational
22 documents. I want to go over them with you because
23 I want you to know what's alleged, when it was
24 alleged and the people that were involved allegedly
25 so that you will be able to more fully answer the

1 questions I'm going to ask in just a moment.

2 The first indictment that I'm going to
3 review with you is case number 2017-GS-10-4602.
4 That indictment is for the offense of criminal
5 sexual conduct with a minor in the second degree.
6 The indictment states in part that in Charleston
7 County, South Carolina, between August 5th of 2013
8 and March 8th of 2015 the Defendant, John Anthony
9 Singleton, date of birth of 1966,
10 did commit or assaulted with the intent to commit a
11 sexual battery upon a minor and the said victim is
12 Complainant, let me spell that for you,
13 Complainant, date of birth 2002 who was
14 14 years of age or less, but who was at least
15 11 years of age, to wit, cunnilingus in violation
16 of Section 16-3-655 (B) (1) and 16-3-656 of the
17 code of laws of South Carolina 1976 as amended
18 against the peace and dignity of the state and
19 contrary to the statute and such case made and
20 provided.

21 The second indictment is for lewd act
22 upon a child. This indictment states that in
23 Charleston County, South Carolina, between
24 January 1st of 2009 and June 17th of 2012 the
25 Defendant, John Anthony Singleton, date of birth

1 1966, who was over 14 years of age
2 did willfully and lewdly commit or attempt to
3 commit or lewd or lascivious act upon or with a
4 body or its parts of **Complainant** , date of
5 birth 2002, a child under 16 years of age
6 with the intent of arousing, appealing to or
7 gratifying the lust, passion or sexual desires of
8 the Defendant or the child in violation of
9 Section 16-50-140 of the code of laws of South
10 Carolina.

11 The final indictment is case number
12 2017-GS-10-3937. This is for criminal sexual
13 conduct with a minor in the third degree. This
14 alleges that in Charleston County, South Carolina,
15 between June 18, 2012, and March 8th, 2015, the
16 Defendant, John Anthony Singleton, date of birth

17 1996, who was over the age of
18 14 years did willfully and lewdly commit or attempt
19 to commit a lewd or lascivious act upon or with the
20 body or its parts of **Complainant** , date of
21 birth 2002, a child under 16 years of age
22 with the intent of arousing, appealing to,
23 gratifying the lust, passion or sexual desires of
24 the Defendant or the child in violation of
25 Section 16-3-655 (C) of the code of laws of South

1 Carolina 1976 as amended.

2 Now, those are the indictments. Again
3 I go over them with you for your information. I
4 will tell you the Defendant has pled not guilty to
5 those indictments and has requested a trial by
6 jury.

7 Now, I'm going to have the attorneys
8 involved in this case introduce themselves to you
9 as well in the case of defense I'll ask that the
10 attorneys introduce the Defendant to you to give
11 you some additional information. So the attorneys
12 for the State, if you would introduce yourself,
13 please.

14 MS. ELLIOTT: Good afternoon, ladies
15 and gentlemen. I'm Shannon Elliott. I'm an
16 assistant solicitor here in the Ninth Circuit.
17 Assisting me during this trial is Debbie
18 Herring-Lash who is also an assistant solicitor
19 here in Charleston County.

20 THE COURT: And for the Defendant?

21 MS. EHRLICH: My name is Megan Ehrlich
22 and I am an attorney at the public defender's
23 Office. Assisting me will be Taylor Seman. This
24 is my client, John Anthony Singleton.

25 THE COURT: Thank you very much, you

1 can be seated. Now, ladies and gentlemen, once we
2 complete the questioning we will be going through a
3 process of striking the jury. The attorneys are
4 entitled to a certain number of strikes by law in
5 selecting a jury. The information that you are
6 about to give me in answer to my questions that I'm
7 going to ask is important because the attorneys
8 will use that information in making their decisions
9 as to how to select the jury.

10 So it is very important that the
11 information you give me during this process is
12 truthful, it's honest and it's complete
13 information. For that reason it is necessary that
14 you be placed under oath at this time concerning
15 the responses that you are about to give to the
16 Court. I would ask the clerk to please swear the
17 jury panel.

18 (Thereupon, the prospective jurors were
19 sworn by the clerk.)

20 THE COURT: The record will reflect
21 that all jurors or potential jurors have been sworn
22 for purposes of my questioning. Now, we will
23 follow the same procedure that you are probably
24 used to by now. I will be asking you questions. I
25 will be asking you that you stand if you have a

1 response to the question. I will call on you
2 individually. I'll ask for your name and juror
3 number before I discuss your answer with me. That
4 will allow us later on if anybody were reading the
5 transcript of this proceeding to be able to
6 identify exactly who I am talking to at any given
7 time. So I will be asking you for your name and
8 number before we discuss any response you might
9 have to my questions.

10 My first question is is there any
11 member of the jury panel who has ever been related
12 by marriage or are you related by blood to the
13 Defendant, John Anthony Singleton? If that's true,
14 please stand.

15 (No response from jurors.)

16 Is there any member of the jury panel
17 who has ever had any close personal, social or a
18 business relationship with the Defendant, John
19 Anthony Singleton? If that's true, please stand.

20 (No response from jurors.)

21 Now, is there any member of the jury
22 panel who has ever been related by marriage or are
23 you related by blood to the alleged victim, Complainant

24 ? If that's true, please stand.

25 (No response from jurors.)

1 Is there any member of the jury panel
2 who has ever had a close personal, social or a
3 business relationship with the alleged victim,

4 **Complainant** ? If that's true, please stand.

5 (No response from jurors.)

6 Now, as to the attorneys that are
7 involved in this case, has any member of the jury
8 panel ever been represented by any of the attorneys
9 involved in the trial or have they ever appeared on
10 the other side of a legal matter from you? If
11 that's true, please stand.

12 (No response from jurors.)

13 Now, is there any member of the jury
14 panel who has ever been related by marriage or are
15 related by blood or have you ever had a close
16 social, business or a personal relationship with
17 any of the individuals who are here serving as
18 attorneys in this trial? If that's true, please
19 stand. Yes, ma'am. I will need your name and
20 number.

21 **PROSPECTIVE JUROR:** Alissa Collins. I
22 am No. 75. And I am married to Christopher Lietzow
23 who is an assistant solicitor.

24 **THE COURT:** I see. So you have some
25 familiarity with the attorneys involved here?

1 PROSPECTIVE JUROR: I recognized their
2 names.

3 THE COURT: I see. You don't consider
4 them close personal friends?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: Well, let me ask you this:
7 If you were selected to serve on the jury panel and
8 of course they are here to try the case, would that
9 fact affect your ability to be fair and impartial
10 to either side in the case?

11 PROSPECTIVE JUROR: No, Your Honor.

12 THE COURT: Thank you. Anyone else? I
13 am now going to go over a list of people who have
14 been identified to me as potential witnesses in
15 this case. The list is fairly lengthy. I will
16 apologize if I repeat anyone's names because
17 occasionally the names will appear on both the
18 lists that I have.

19 I will try to go over these in a couple
20 of steps so that we will try to keep the names
21 fairly fresh on your mind. The first list I have
22 is **Complainant**, Keoshia Ferguson, Iesha
23 Ferguson, Alexis Wade, Sasha Covington, Jerry
24 Jellico with the North Charleston Police
25 Department, Cameron Pippin with the North

1 Charleston Police Department, Jason Roy with the
2 North Charleston Police Department, Kevan Sherbine
3 with the Charleston County Sheriff's Office, Karen
4 Sams with the Department of Social Services, Ashley
5 Parker with the Department of Social Services, Ann
6 Abel-Hull with the Medical University of South
7 Carolina, Kate Austin with Dee Norton, Tonia
8 Mallette, M-A-L-L-E-T-T-E, with the Charleston
9 County 911 center, Carole Cambpell Swiecicki,
10 S-W-I-E-C-I-C-K-I, with the Dee Norton Child
11 Advocacy Center and Eric Jourdan of the Ninth
12 Circuit Solicitor's Office.

13 Now, as to the individuals that I just
14 identified as potential witnesses in this case has
15 any member of this jury panel ever been related by
16 marriage or are you related by blood or have you
17 ever had a close personal, social or business
18 relationship with any of those individuals? If
19 that's true, please stand. Sir, I will need your
20 name and number.

21 PROSPECTIVE JUROR: Juror No. 36, Keith
22 Borg. I have been professional colleagues with Dr.
23 Abel and Carole Swiecicki.

24 THE COURT: I see. If that person were
25 to be a witness in the case and you were on the

1 jury would that affect your ability to be fair and
2 impartial to both sides in this case?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Thank you, sir. You can be
5 seated. Yes, ma'am?

6 PROSPECTIVE JUROR: Donna Friedman,
7 Juror No. 133. I was in graduate school with Kate
8 Austin and also did part of my clinical training at
9 Dee Norton.

10 THE COURT: I see. Would that
11 relationship be such that if you were on the jury
12 and that person served as a witness in the case
13 that it would affect your impartiality toward
14 either side of the case?

15 PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: Thank you. You can be
17 seated. Anyone else? The next list of witnesses,
18 and again I apologize if there are -- I will try to
19 leave out any repeating witnesses. Wanda Blandy
20 with the South Carolina Department of Corrections,
21 Vicky King with the sheriff's office at the
22 detention center, and Jerry Jellico, North
23 Charleston Police Department, Jason Roy with North
24 Charleston Police Department, Alexis Wade who was
25 formerly with the Department of Social Services,

1 Deshonda Brown Vandike with the Department of
2 Social Services, Karen Sams with the Department of
3 Social Services, Elizabeth Linares, L-I-N-A-R-E-S,
4 with the Department of Social Services, Ashley
5 Parker with the DSS, Kelly Palm with DSS, Mary Jane
6 Ferguson, Harry Long who is with the Charleston
7 County Public Defender's Office.

8 Now, as to those individuals I just
9 named has any member of the jury panel ever been
10 related by marriage or are you related by blood or
11 have you ever had a close social, personal or
12 business relationship with any of the individuals I
13 just named as potential witnesses in the case? If
14 that's true, please stand.

15 (No response from jurors.)

16 PROSPECTIVE JUROR: Your Honor, I don't
17 have a personal working relationship --

18 THE COURT: I can't talk to you until I
19 get your name and number.

20 PROSPECTIVE JUROR: Denise Grant, 146.

21 THE COURT: Now I can talk to you.

22 PROSPECTIVE JUROR: I do work at the
23 City of North Charleston and know Jellico.

24 THE COURT: I see. Would that affect
25 -- is that relationship such that if Jellico were a

1 witness in this trial would that affect your
2 ability to be fair and impartial to either side of
3 the case?

4 PROSPECTIVE JUROR: No, sir, Your
5 Honor.

6 THE COURT: Thank you, ma'am,
7 appreciate that. Anyone else? Has any member of
8 jury panel or a member or your immediate family or
9 a close personal friend of yours ever been a victim
10 of a sexual assault? If that's true, please stand.
11 Start with you, sir.

12 PROSPECTIVE JUROR: No. 79, Aaron
13 Comstock.

14 THE COURT: Your situation.

15 PROSPECTIVE JUROR: My sister-in-law
16 around 20 years ago was affected by that at an
17 early age.

18 THE COURT: Now would that fact affect
19 your ability to serve on the jury as far as being
20 fair and impartial to both sides?

21 PROSPECTIVE JUROR: I don't believe so.

22 THE COURT: Well, I have to know for
23 sure. If you think there's a chance that it will
24 affect your ability to be fair and impartial --

25 PROSPECTIVE JUROR: It was very hard so

1 it quite possibly could.

2 THE COURT: I am going to excuse you
3 then from the trial of the case. You no longer
4 have to answer any questions. Please be seated.
5 Thank you, sir.

6 PROSPECTIVE JUROR: Juror No. 98,
7 Maeomee Devos. Both myself and my mother had
8 encounters with that.

9 THE COURT: Ma'am, would that fact
10 affect your impartiality if you were on the jury?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You can be seated. You
13 answered affirmatively; is that right?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you, ma'am.

16 PROSPECTIVE JUROR: Cynthia Easterlin,
17 114. My daughter was sexually assaulted when she
18 was in her 20's.

19 THE COURT: Would that affect your
20 ability to be fair and impartial if you were seated
21 on the jury?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Ma'am, I will excuse you.
24 You can be seated. Start with you, ma'am?

25 PROSPECTIVE JUROR: June Hirschmann,

1 168. Years ago my sister was sexually assaulted.

2 THE COURT: Would that affect your
3 impartiality if you were on the jury?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Thank you, ma'am. Name and
6 number?

7 PROSPECTIVE JUROR: Lindsey Keziah,
8 No. 200. I myself was affected.

9 THE COURT: Would that affect your
10 impartiality?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You can be seated. I will
13 excuse you from the trial. Sir, name and number.

14 PROSPECTIVE JUROR: Ian Schenkel, 325.

15 THE COURT: And your situation?

16 PROSPECTIVE JUROR: My girlfriend was
17 affected.

18 THE COURT: Would that affect your
19 impartiality if you were on the jury?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: I'm going to excuse you
22 from the trial. Thank you. Name and number?

23 PROSPECTIVE JUROR: William Werrell,
24 380. My nephew was assaulted.

25 THE COURT: And if you were on the jury

1 would that fact affect your impartiality?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Thank you, sir. You can be
4 seated. Name and number?

5 PROSPECTIVE JUROR: 59, Oralea Capers.
6 My nephew was sexually assaulted.

7 THE COURT: Would that fact --

8 PROSPECTIVE JUROR: This year, yes.

9 THE COURT: -- affect your ability to
10 be fair and impartial?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Okay. You can be seated,
13 ma'am. I'll excuse you. Anyone else? Now, has
14 any member of the jury panel or a member of your
15 immediate family or a close personal friend of
16 yours ever been accused of or charged with a sexual
17 assault? If that's true, please stand. Name and
18 number?

19 PROSPECTIVE JUROR: Gena Owen, No. 277.

20 THE COURT: Who was it that was
21 accused?

22 PROSPECTIVE JUROR: A close family
23 member.

24 THE COURT: I see. Would that fact
25 affect your impartiality if you were selected to

1 serve on the jury?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Ma'am, I'm going to excuse
4 you from the trial of the case. You can be seated.
5 Sir, name and number?

6 PROSPECTIVE JUROR: Johnny Cobb,
7 No. 72. My son.

8 THE COURT: Would that fact affect your
9 ability to be fair and impartial if you were seated
10 on the jury?

11 PROSPECTIVE JUROR: I think so.

12 THE COURT: Okay. I will excuse you
13 from the trial of the case. Sir, name and number?

14 PROSPECTIVE JUROR: 131, Paul
15 Francisco. College friend of mine was accused.

16 THE COURT: Would that fact affect your
17 impartiality in this trial?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: Thank you, sir. You can be
20 seated. Is there any member of the jury panel or a
21 member of your immediate family or a close personal
22 friend of yours ever been a victim of any violent
23 crime? If that's true, please stand.

24 PROSPECTIVE JUROR: Barbara Corbin,
25 No. 82.

1 THE COURT: Yes, ma'am?

2 PROSPECTIVE JUROR: My sister-in-law.

3 THE COURT: Okay. Would that affect
4 your impartiality in this matter?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Thank you, ma'am.
7 Can you tell me what was involved?

8 PROSPECTIVE JUROR: She attacked my
9 brother.

10 THE COURT: Thank you, ma'am. Has any
11 member of the jury panel or a close family member
12 or personal friend of yours ever been accused of
13 the commission of a violent crime? If that's true,
14 please stand. Ma'am, I think that answer would be
15 the same. Anyone else? Thank you.

16 Is there any member of the jury panel
17 or a member of your immediate family or a close
18 personal friend of yours who is currently
19 incarcerated or has previously been incarcerated in
20 a prison? If that's true, please stand.

21 PROSPECTIVE JUROR: Barbara Corbin, 82.
22 My brother has been for multiple.

23 THE COURT: Would that affect your
24 impartiality if you were seated on the jury?

25 PROSPECTIVE JUROR: I don't think, no.

1 THE COURT: Thank you, ma'am. Name and
2 number, ma'am?

3 PROSPECTIVE JUROR: Gena Owen, 277.
4 You already excused me.

5 THE COURT: I am sorry?

6 PROSPECTIVE JUROR: You excused me.

7 THE COURT: Then you don't have to
8 answer my questions any further. If I excuse you
9 then you no longer have to answer my questions.

10 Has any member of the jury panel ever
11 sat as a member of a jury in a criminal trial? If
12 so, please stand. Name and number?

13 PROSPECTIVE JUROR: Stephanie Fortner,
14 127.

15 THE COURT: Was that -- can you tell me
16 what the trial was about?

17 PROSPECTIVE JUROR: It was in the State
18 of North Carolina and it was a robbery.

19 THE COURT: I see. Now, would that
20 experience in any way affect your ability to be
21 fair and impartial if you were on this jury?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you, ma'am. You can
24 be seated. Is there any member of the jury panel
25 who has previously been a witness in a civil or a

1 criminal trial? If that's true, please stand.

2 PROSPECTIVE JUROR: Keith Borg, 36,
3 been a witness of fact.

4 THE COURT: Was that in a civil or
5 criminal trial?

6 PROSPECTIVE JUROR: Criminal trial.

7 THE COURT: Would that affect your
8 ability to be fair and impartial if you were seated
9 on the jury?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Thank you. Name and
12 number?

13 PROSPECTIVE JUROR: No. 231, Greg
14 Manthey. I worked for 30 years for federal law
15 enforcement.

16 THE COURT: I imagine you did do that
17 some. Would that affect your ability to be fair
18 and impartial if you were seated on the jury?

19 PROSPECTIVE JUROR: No, Your Honor.

20 THE COURT: Thank you very much. You
21 can be seated. Has any member of the jury panel or
22 a member of your immediate family ever had any
23 criminal charges adjudicated by or that might be
24 currently pending with the Charleston County
25 Solicitor's Office, that's the prosecution agency

1 in this county. If that's true, please stand.

2 (No response from jurors.)

3 Is there any member of the jury panel
4 who would have any difficulty in following the law
5 as charged to you by me the judge at the close of
6 the trial even if you disagree with the law as
7 stated to you? So if you would have any difficulty
8 in following the law as charged, please stand.

9 (No response from jurors.)

10 Is there any member of the jury panel
11 who has a personal, political or religious belief
12 or a conviction that would make it difficult for
13 you to sit as a juror in a criminal case in
14 judgment of another person? If you have such a
15 belief, please stand.

16 (No response from jurors.)

17 Has any member of the jury panel ever
18 had an experience with a law enforcement officer
19 such that it would have caused or affect your
20 ability to be fair and impartial to either side in
21 this case? If that's true, please stand.

22 (No response from jurors.)

23 Has any member of the jury panel or a
24 member of your immediate family ever been employed
25 by a law enforcement agency, either a civil law

1 enforcement agency or a military or government law
2 enforcement agency? If that's true, please stand.
3 Yes, ma'am?

4 PROSPECTIVE JUROR: Alisa Collins,
5 No. 75. My father was a police officer for
6 25 years and my husband is a solicitor.

7 THE COURT: Would that affect your
8 ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR: No, Your Honor.

10 THE COURT: Thank you. We will start
11 over her. Sir, name and number?

12 PROSPECTIVE JUROR: 231, Greg Manthey,
13 30 years in law enforcement.

14 THE COURT: I see. What agency were
15 you serving with?

16 PROSPECTIVE JUROR: Department of
17 Justice and U.S. Marshal's Office.

18 THE COURT: Would that your affect your
19 impartiality if you were seated?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR: Richard Pastva,
23 No. 281. My mother worked for the FBI.

24 THE COURT: Would that fact affect your
25 impartiality in the trial?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Thank you, sir. Ma'am,
3 name and number?

4 PROSPECTIVE JUROR: June Hirschmann,
5 168. My youngest daughter is in the Nashville
6 Police Department.

7 THE COURT: Would that affect your
8 impartiality if you were serving in the case?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Sir, name and number?

11 PROSPECTIVE JUROR: Charles Matthews,
12 240. My son is a special agent with the FBI. My
13 sister is a civil court judge in Houston.

14 THE COURT: Would those facts affect
15 your impartiality if you were seated?

16 PROSPECTIVE JUROR: No, Your Honor.

17 THE COURT: Thank you, you can be
18 seated. Has any member of the jury panel or a
19 member of your immediate family ever worked with or
20 volunteered with the Department of Social Services
21 or the guardian ad litem program? If that's true,
22 please stand. Name and number?

23 PROSPECTIVE JUROR: Sierra Jung,
24 No. 195. My father worked for DSS and was a
25 volunteer guardian ad litem.

1 THE COURT: Would that fact affect your
2 ability to be fair and impartial in the trial?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Thank you. Name and
5 number, ma'am?

6 PROSPECTIVE JUROR: Cheryl Novakcondy,
7 271. My husband is a lawyer and did the volunteer
8 guardian ad litem.

9 THE COURT: I see. Would that affect
10 your impartiality in the trial?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Thank you, ma'am. Is there
13 any member of the jury panel or a member of your
14 immediate family or close personal friends of yours
15 who either works or volunteers with the Dee Norton
16 Low Country Childrens Center? If that's true,
17 please stand. Yes, sir, name and number?

18 PROSPECTIVE JUROR: Keith Borg, 36. I
19 have several colleagues and friends who work and
20 volunteer there.

21 THE COURT: Would that affect your
22 impartiality if you were seated on the jury?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Thank you, sir. Is there
25 any member of the jury panel or a member of your

1 immediate family or a close personal friend of
2 yours who is a volunteer with a program known as
3 Darkness to Light? If that's true, please stand.

4 (No response from jurors.)

5 PROSPECTIVE JUROR: 195. Can you
6 repeat the question?

7 THE COURT: I said is there any member
8 of the jury panel or a member of your immediate
9 family or a close personal friend of yours who was
10 a volunteer or is a volunteer with a program known
11 as Darkness to Light?

12 PROSPECTIVE JUROR: Myself was not a
13 volunteer, but we were trained as educators in the
14 Darkness to Light program.

15 THE COURT: I see. Now, would that
16 affect your impartiality in the case?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Thank you, ma'am. You can
19 be seated. Yes, sir, name and number?

20 PROSPECTIVE JUROR: Steven Truschka,
21 365. Close personal friend used to work at
22 Darkness to Light and I also worked with him when I
23 used to be in maintenance.

24 THE COURT: Would that fact affect your
25 impartiality in this trial?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: You can be seated. Name
3 and number?

4 PROSPECTIVE JUROR: Alyssa O'Connor,
5 273. I was trained in Darkness to Light. I was
6 not a volunteer.

7 THE COURT: I see. Would that affect
8 your ability to be fair and impartial if you were
9 seated on the jury?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Thank you very much, ma'am.
12 Anyone else? Now, has any member of the jury panel
13 either gotten or received or become aware of any
14 information from any source such that it would have
15 caused you to either form or express an opinion or
16 a belief about any issue or matter that might be
17 involved in the trial of this case? If you have
18 gathered or gotten such information, please stand.

19 (No response from jurors.)

20 Is there any member of the jury panel
21 who is aware of a bias or a prejudice that you
22 might have either for or against either the State
23 or the defense in the case? So if you are aware of
24 such a bias or prejudice, please stand.

25 (No response from jurors.)

1 Is there any member of the jury panel
2 who served on the Charleston County grand jury
3 during any of the last five calendar years? If
4 that's true, please stand.

5 (No response from jurors.)

6 Is there any member of the jury panel
7 who is a member of or a contributor to any group
8 which has as its primary concern the promotion of
9 law enforcement or the protection of victims
10 rights? These groups would include but not be
11 limited to such groups as Mothers Against Drunk
12 Driving, Students Against Drunk Driving, Citizens
13 Against Violent Crime, the South Carolina Sheriff's
14 Association, the South Carolina Troopers
15 Association, or any victim advocacy groups? Now,
16 if you are a member of or a contributor to such a
17 group, please stand.

18 (No response from jurors.)

19 Does any member of this jury panel know
20 of any reason whatsoever why he or she could not
21 serve as a juror in the case with particular
22 emphasis being placed upon your ability to be fair
23 and impartial to both the State and the defense?
24 If you know of any such reason, please stand.

25 (No response from jurors.)

1 State, any additional questions?

2 MS. ELLIOTT: Judge, I didn't hear you
3 inquire about No. 9.

4 THE COURT: Well, we asked about if
5 they had ever been represented by any of the
6 lawyers involved in this case. They introduced
7 themselves as members of the public defender's
8 office.

9 MS. ELLIOTT: Yes, Your Honor.

10 THE COURT: So I felt like that
11 information had been covered. Any additional
12 questions from the defense?

13 MS. EHRLICH: No, Your Honor.

14 THE COURT: I will declare the
15 remaining members of the jury panel to be qualified
16 to serve as jurors in this case. What we are doing
17 right now is I'm going to direct the clerk to
18 prepare a list of your names. Once that list is
19 prepared it will be distributed among the court
20 personnel and we will begin to call your names in
21 the order that they appear on that form.

22 Now, when your name is called I'm going
23 to ask you that you come forward and stand right
24 here on that side of the lectern facing the door
25 there to the back of the courtroom. At that time

1 the attorneys will be in a position to exercise
2 their strikes. The State would have five, the
3 defense will have ten. And we will pick -- let me
4 ask the attorneys to approach briefly.

5 (Following proceedings were held at the
6 bench.)

7 THE COURT: I don't know how long you
8 expect the trial to go. Is one alternate
9 sufficient?

10 MS. ELLIOTT: Just for a precaution I
11 will ask for two.

12 MS. EHRLICH: Two.

13 THE COURT: Two. I don't know how long
14 it will go.

15 (End of sidebar conference.)

16 THE COURT: We will pick two
17 alternates, the State having one strike for each.
18 Defense having two strikes for each. If you have
19 any personal belongings that you brought with you
20 into the courtroom, when your name is called bring
21 those with you because if you are selected to sit
22 on the jury you are going to have to sit
23 immediately in the jury box. You won't be going
24 back to that seat. So don't leave your personal
25 belongings there at the seat. Bring them with you.

1 You got a jacket, a book or anything like that,
2 raincoat, whatever you might have. You may
3 proceed.

4 THE CLERK: Juror No. 14, Nissa
5 Zimmerman.

6 PROSPECTIVE JUROR: I'm 400.

7 THE CLERK: Yes. I am sorry. No. 400.
8 What say you for the State?

9 MS. ELLIOTT: Please seat the juror.

10 THE CLERK: What say you for the
11 Defendant?

12 MS. EHRLICH: Please excuse the juror.

13 THE CLERK: Ma'am, have a seat back in
14 the audience. You have been excused from the trial
15 of this case. Juror No. 168, June Hirschmann.
16 What say you for the State?

17 MS. ELLIOTT: Please present the juror.

18 THE CLERK: What say you for the
19 Defendant?

20 MS. EHRLICH: Please excuse the juror.

21 THE CLERK: Ma'am, have a seat back in
22 the audience. You have been excused from the trial
23 of this case. Juror No. 317, Ashley Sabo. What
24 say you for the State?

25 MS. ELLIOTT: Please present the juror.

1 THE CLERK: What say you for the
2 Defendant?

3 MS. EHRLICH: Please seat the juror.

4 THE CLERK: Ma'am, have a seat in the
5 jury box. You have been selected as a juror for
6 the trial of this case.

7 Juror No. 314, William Rudisill. What
8 say you for the State?

9 MS. ELLIOTT: Please seat the juror.

10 THE CLERK: What say you for the
11 Defendant?

12 MS. EHRLICH: Please seat the juror.

13 THE CLERK: Sir, walk up the ramp and
14 have a seat in the jury box. You have been
15 selected as a juror for the trial of this case.
16 Juror No. 3, Samuel Ague. What say you for the
17 State?

18 MS. ELLIOTT: Please present the juror.

19 THE CLERK: What say you for the
20 Defendant?

21 MS. EHRLICH: Please seat the juror.

22 THE CLERK: Sir, have a seat in the
23 jury box. You have been selected as a juror for
24 the trial of this case. Juror No. 121, Chantille
25 Finley. What say you for the State?

1 MS. ELLIOTT: Please present the juror.

2 THE CLERK: What say you for the

3 Defendant?

4 MS. EHRLICH: Court's indulgence.

5 THE COURT: Yes, ma'am.

6 (Off-the-record conference.)

7 MS. EHRLICH: Please excuse the juror.

8 THE CLERK: Ma'am, please have a seat
9 back in the audience. You have been excused from
10 the trial of this case. Juror No. 137, Laurie
11 Gerding. What say you for the State?

12 MS. ELLIOTT: Please seat the juror.

13 THE CLERK: What say you for the
14 Defendant?

15 MS. EHRLICH: Please seat the juror.

16 THE CLERK: Ma'am, have a seat in the
17 jury box. You have been selected as a juror for
18 THE trial of this case. Juror No. 133, Donna
19 Friedman. What say you for the State?

20 MS. ELLIOTT: Please present the juror.

21 THE CLERK: What say you for the
22 Defendant?

23 MS. EHRLICH: Please excuse the juror.

24 THE CLERK: Ma'am, have a seat back in
25 the audience. You have been excused from the trial

1 of this case. Juror No. 75, Alissa Collins. What
2 say you for the State?

3 MS. ELLIOTT: Please present the juror.

4 THE CLERK: What say you for the
5 Defendant?

6 MS. EHRLICH: Please excuse the juror.

7 THE CLERK: Ma'am, have a seat back in
8 the audience. You have been excused from the
9 trial. The Defendant has now used five of the ten
10 strikes. Juror No. 392, Holly Wilson. What say
11 you for the State?

12 MS. ELLIOTT: Please seat the juror.

13 THE CLERK: What say you for the
14 Defendant?

15 MS. EHRLICH: Please seat the juror.

16 THE CLERK: Ma'am, please head up the
17 ramp and have a seat in the jury box. You have
18 been selected as a juror for the trial of this
19 case. Juror No. 131, Paul Francisco. What say you
20 for the State?

21 MS. ELLIOTT: Please excuse the juror.

22 THE CLERK: Sir, have a seat back in
23 the audience. You have been excused from the trial
24 of this case. Juror No. 273, Alyssa O'Connor.
25 What say you for the State?

1 MS. ELLIOTT: Please present the juror.

2 THE CLERK: What say you for the

3 Defendant?

4 MS. EHRLICH: Please excuse the juror.

5 THE CLERK: Ma'am, have a seat back in
6 the audience. You have been excused from the trial
7 of this case. Juror No. 25, Dana Beltz. What say
8 you for the State?

9 MS. ELLIOTT: Please present the juror.

10 THE CLERK: What say you for the

11 Defendant?

12 MS. EHRLICH: Please seat the juror.

13 THE COURT: Ma'am, please walk up the
14 ramp and have a seat in the jury box. You have
15 been selected as a juror in the trial of this case.
16 Juror No. 28, Nancy Bergin. What say you for the
17 State?

18 MS. ELLIOTT: Please present the juror.

19 THE CLERK: What say you for the

20 Defendant?

21 MS. EHRLICH: Please seat the juror.

22 THE CLERK: Ma'am, have a seat in the
23 jury box. You have been selected as a juror for
24 the trial of this case. Juror No. 69, Patricia
25 Clark. What say you for the State?

1 MS. ELLIOTT: Please present the juror.

2 THE CLERK: What say you for the

3 Defendant?

4 MS. EHRLICH: Please excuse the juror.

5 THE CLERK: Ma'am, have a seat back in
6 the audience. You have been excused from the trial
7 of this case. Defendant now has three strikes
8 remaining. Juror No. 36, Keith Borg. What say you
9 for the State?

10 MS. ELLIOTT: Please present the juror.

11 THE CLERK: What say you for the

12 Defendant?

13 MS. EHRLICH: Please excuse the juror.

14 THE CLERK: Sir, have a seat back in
15 the audience. You have been excused from the trial
16 in this case. Juror No. 146, Denise Grant. What
17 say you for the State?

18 MS. ELLIOTT: Please present the juror.

19 THE CLERK: What say you for the

20 Defendant?

21 MS. EHRLICH: Please seat the juror.

22 THE CLERK: Ma'am, have a seat in the
23 jury box. You have been selected as a juror for
24 the trial of this case. Juror No. 240, Charles
25 Matthews. What say you for the State?

1 MS. ELLIOTT: Please present the juror.

2 THE CLERK: What say you for the
3 Defendant?

4 MS. EHRLICH: Please seat the juror.

5 THE CLERK: Sir, have a seat in the
6 jury box. You have been selected as a juror for
7 the trial of this case. Juror No. 156, Amie Hart.
8 What say you for the State?

9 MS. ELLIOTT: Please present the juror.

10 THE CLERK: What say you for the
11 Defendant?

12 MS. EHRLICH: Please present the juror.

13 THE CLERK: Ma'am, have seat in the
14 jury box. You have been selected as a juror for
15 the trial of this case. Juror No. 10, Mikaela
16 Andrews. What say you for the State?

17 MS. ELLIOTT: Please present the juror.

18 THE CLERK: What say you for the
19 Defendant?

20 MS. EHRLICH: Please seat the juror.

21 THE CLERK: Ma'am, have a seat in the
22 jury box. You have been selected as a juror for
23 the trial of this case. Juror No. 265, Stephen
24 Nabors. What say you for the State?

25 MS. ELLIOTT: Please excuse the juror.

1 THE CLERK: Sir, have a seat back in
2 the audience. You have been excused from the trial
3 of this case. The State has now used two of their
4 three strikes -- of the five strikes. Juror 127,
5 Stephanie Fortner. What say you for the State?

6 MS. ELLIOTT: Please present the juror.

7 THE CLERK: What say you for the
8 Defendant?

9 MS. EHRLICH: Please seat the juror.

10 THE CLERK: Have a seat in the jury
11 box. You have been selected as a juror in the
12 trial of this case.

13 THE COURT: I believe that's 12.

14 THE CLERK: Yes, sir.

15 THE COURT: We will now select
16 alternates. Alternate No. 1.

17 THE CLERK: Juror No. 355, Phillips
18 Stender. What say you for the State?

19 MS. ELLIOTT: Please excuse the juror.

20 THE CLERK: Sir, have a seat back in
21 the audience. You have been excused from the trial
22 in this case. Juror No. 128, Avis Foster. Any
23 challenges from the State?

24 MS. ELLIOTT: None.

25 THE CLERK: What say you for the

1 Defendant?

2 MS. EHRLICH: Please seat the juror.

3 THE CLERK: Ma'am, walk up the ramp and
4 please have a seat in the jury box. You have been
5 selected as a juror for the trial of this case.

6 THE COURT: Now selecting alternate
7 No. 2.

8 THE CLERK: Juror No. 195, Sierra Jung.
9 What say you for the State?

10 MS. ELLIOTT: No objection.

11 THE CLERK: What say you for the
12 Defendant?

13 MS. EHRLICH: Please excuse the juror.

14 THE CLERK: Ma'am, have a seat back in
15 the audience. You have been excused from the trial
16 of this case. Juror No. 125, Luisa Floyd. What
17 say you for the State?

18 MS. ELLIOTT: Please present the juror.

19 THE CLERK: What say you for the
20 Defendant?

21 MS. EHRLICH: Please seat the juror.

22 THE CLERK: Ma'am, please have a seat
23 in the jury box. You have been selected as a juror
24 for the trial of this case.

25 THE COURT: Thank you, madam clerk.

1 Any objections to the jury selection process from
2 the State?

3 MS. ELLIOTT: May we approach, Your
4 Honor.

5 THE COURT: Yes, you may.

6 (Following proceedings were held at the
7 bench.)

8 MS. ELLIOTT: We have no objection to
9 the jury selection. We do have two matters to
10 bring up about indictments before the jury is
11 sworn.

12 THE COURT: Okay. Do you have any
13 objection to the process?

14 MS. EHRLICH: No.

15 THE COURT: Okay.

16 MS. EHRLICH: I am more concerned with
17 the makeup of the jury pool.

18 THE COURT: I can't help
19 that.

20 (End of sidebar conference.)

21 THE COURT: The State has no objection
22 to the process; is that correct?

23 MS. ELLIOTT: That's correct, Your
24 Honor.

25 THE COURT: Defense have any

1 objections?

2 MS. EHRLICH: No, Your Honor.

3 THE COURT: All right. Ladies and
4 gentlemen, those who are not selected in the case
5 again I want to thank you for your cooperation with
6 this court this morning. Again, your service is
7 greatly appreciated. At this time the bailiffs
8 will be taking you back downstairs. I understand
9 perhaps that there is a jury to be picked maybe in
10 the civil case with Judge Newman; is that correct?

11 THE CLERK: Yes, sir.

12 THE COURT: So they will directing you
13 as to where to go next so thank you very much. You
14 are free to go at this time.

15 (Remaining jurors excused at 3:00 p.m.)

16 THE COURT: Ladies and gentlemen, you
17 have been selected as jurors in this case. Now,
18 there is a couple of things that I'm going to go
19 over with the attorneys before we actually start
20 the trial.

21 And I am going to allow you to step
22 back to the jury room while we do this and stretch
23 your legs. We have been going about an hour and so
24 I will let you have a short break at this time.

25 Now, every time you walk out of this

1 courtroom you are going to probably get tired of
2 hearing me say this. I'm going to direct you not
3 to discuss anything about this case even among
4 yourselves. We have gone to a lot of trouble to
5 pick a jury that has an open mind about the charges
6 and the people that were involved in this case. I
7 want you to keep that open mind throughout the
8 trial. I hope you realize that even the most
9 innocent conversation you might have with a fellow
10 juror or a family member or anyone of that nature
11 you may be discussing what the charges are about,
12 you may be discussing some of the people that are
13 involved in the case, and comments made by that
14 other person may begin to color your decision in
15 this case and at this point in time you haven't
16 heard the first word of testimony, you haven't seen
17 the first piece of evidence, you haven't heard
18 anything about the law to be applied in this
19 matter. So I hope you realize that those
20 discussions can be very detrimental to your having
21 an open mind about the case.

22 So I'm going to urge you please do not
23 discuss the case, anything about this case even
24 among yourselves until I ask you to begin your
25 deliberations. I will ask you to start those

1 deliberations once you have heard all of the
2 testimony, once you have all of the evidence to be
3 presented and I have charged you on the law to be
4 applied to the case.

5 So again, please don't discuss anything
6 about this case until I ask you to begin those
7 deliberations. So at this point the bailiff will
8 show you back to the jury room. It shouldn't take
9 long. We should have you back shortly.

10 (Thereupon, the jury exited the
11 courtroom at 3:02 p.m.)

12 THE COURT: State indicated you wished
13 to discuss something about the indictments.

14 MS. ELLIOTT: Yes, Your Honor. As you
15 read it I realized there was a scribner's error in
16 indictment 2017-GS-10-3937, the indictment for
17 criminal sexual conduct with a minor in the third
18 degree. It lists the Defendant's date of birth in
19 the body paragraph as 1996. He was in fact born in
20 1966.

21 THE COURT: I hesitated when I saw that
22 because I thought that other said 1966.

23 MS. ELLIOTT: So that was a scribner's
24 error. We would move to amend that indictment.

25 THE COURT: You wish to amend that?

1 MS. ELLIOTT: Yes, Your Honor.

2 THE COURT: Any objections to my
3 amending that on the indictment?

4 MS. EHRLICH: No, Your Honor.

5 THE COURT: All right.

6 MS. ELLIOTT: The other, Your Honor, is
7 as to the lewd act indictment which is
8 2017-GS-10-3938. We have had discussions with Ms.
9 Ehrlich previously about amending the indictment to
10 shorten the time frame. We know that the Defendant
11 was incarcerated for all of 2009 so we will move to
12 amend the indictment that the beginning --

13 THE COURT: Which number is this one?

14 MS. ELLIOTT: This is 2017-3938, the
15 lewd act upon a minor.

16 THE COURT: So you want to amend it so
17 that the beginning date would be January 1st of
18 2010.

19 MS. ELLIOTT: No, Your Honor. Actually
20 it would be September 1st of 2010.

21 THE COURT: Any objection to that
22 amendment?

23 MS. EHRLICH: No, Your Honor.

24 THE COURT: Any other amendments that
25 you propose?

1 MS. ELLIOTT: None, Your Honor.

2 THE COURT: All right. Before I bring
3 the jury back we will in the courtroom take about a
4 five-minute break and let everybody move around a
5 little bit. We will come back with my opening
6 comments and the -- your opening arguments.

7 MS. ELLIOTT: Thank you, Your Honor.

8 THE COURT: Court will be in recess
9 briefly. I will stay on the bench.

10 (A recess transpired.)

11 THE COURT: I got a note from one of
12 the jurors. I will ask the attorneys to approach
13 the bench. (Handing note to attorneys.)

14 MS. EHRLICH: She's talking about Mr.
15 Singleton? I have to ask him about it.

16 THE COURT: Okay. When he comes in
17 find out.

18 MS. EHRLICH: I will go talk to him.

19 THE COURT: That's fine. I'm going to
20 bring her in and ask her.

21 MS. ELLIOTT: Yes, Your Honor.

22 (Attorney confers with client.)

23 MS. EHRLICH: He said he doesn't know.

24 THE COURT: So he didn't work there.

25 MS. EHRLICH: I asked him if he heard

1 of it. He doesn't even know what Mason Prep is. I
2 asked if he ever attended the school and he said
3 no.

4 THE COURT: Thank you. I'm going to
5 bring her in anyway and inform her of that. Ma'am,
6 if you would bring in Juror No. 25, I believe it's
7 Dana Beltz. Thank you.

8 (Juror 25 brought to courtroom.)

9 THE COURT: Have a seat, ma'am. Thank
10 you very much. The bailiff handed me a note I
11 believe you wrote and the note says did he work at
12 Mason Prep. I assume you are referring to the
13 Defendant?

14 JUROR 25: Yes, sir.

15 THE COURT: All right. Ma'am, we have
16 inquired of him and he said he was not even aware
17 of what Mason Prep is. So I don't think he ever
18 worked there.

19 JUROR 25: Perfect.

20 THE COURT: Okay. Thank you. That
21 would not affect your service?

22 JUROR 25: No. Not at all.

23 THE COURT: You can have a seat back in
24 the jury room. Thank you, ma'am.

25 (Juror 25 left the courtroom.)

1 THE COURT: The note will be made a
2 court's exhibit for the record. State ready to
3 begin?

4 MS. ELLIOTT: We are, Your Honor.

5 THE COURT: Defense ready?

6 MS. EHRLICH: Yes, Your Honor.

7 THE COURT: Let's bring the jury in.

8 (COURT'S. EXH. 1, juror note, was
9 marked for identification.)

10 (Whereupon the jury entered the
11 courtroom at 3:15 p.m.)

12 THE COURT: Ladies and gentlemen, as
13 you come and go from the courtroom there are no
14 assigned seats in the jury box except for the two
15 alternates who have to sit in the back right
16 corner. So those are the only two assigned seats.
17 So just fill in the box as you come and go.

18 At this time I'm going to ask that you
19 take an oath concerning your duties as jurors. And
20 I'll ask the clerk to please administer that oath
21 and then we will discuss that and some other
22 matters concerning your service when we finish with
23 that. You may administer the oath.

24 (Thereupon the jury was sworn by the
25 clerk.)

1 THE COURT: The record will reflect
2 that all jurors have now taken their oath
3 concerning their responsibilities.

4 Now, at this time I'm going to go over
5 some matters with you. I am doing that so each of
6 us will better understand our roles and
7 responsibilities during the trial, the duties that
8 we have. I would suspect that for most of you this
9 is the first time you have served on a jury in a
10 criminal case from the answers I got during the
11 questioning. There weren't many people who had
12 jury experience in the group and that's fine.

13 But for those who have never been in
14 this situation before, I would suspect that most of
15 what you might know or have gathered about what
16 juries do or how they do it or how they behave you
17 might have learned from television shows you have
18 seen or movies you have watched, maybe a book you
19 read or something of that nature. Unfortunately I
20 don't even think they teach civics in school
21 anymore. They used to back in the day, but not
22 anymore. So I doubt you got much information about
23 juries and how they function at that time.

24 What you can probably tell from the
25 fact that on television they can have an event

1 occur and the case can be tried and all be ended in
2 the space of one hour and they can stop about four
3 or five times for commercials in the meantime.

4 What that might tell you is what they are really
5 interested in doing on television is entertaining
6 you. They are trying to keep your attention so you
7 will watch those commercials. They get paid by the
8 number of people to watch those commercials so they
9 want you to stick around and watch the whole show.

10 Now, what you are engaged in at this
11 time is intended for anything but your
12 entertainment. What you are involved in is a
13 fundamental matter of our governmental structure.
14 I hope you realize that if you were to take the
15 time to look around the world today at the
16 different governments that exist in other countries
17 besides this one you would find that in most of
18 those countries they do not allow citizens to
19 participate in any matter in the decision-making
20 processes that go on in their courts.

21 We are different. Our Constitution
22 guarantees every citizen the right to be tried by a
23 jury of their peers. That right to a trial by jury
24 first appeared in a legal document in the year
25 1215. And that was a place called Runnymede,

1 England. The king gave the citizens of England
2 that right, the right to be tried by their fellow
3 citizens rather than by a royal court. So you can
4 see that right has been around now for a little
5 over 800 years. Look around and see how many
6 things that man has created that has lasted
7 800 years. You won't find too many of them.

8 So our system is one that's been around
9 a long time. Certainly what man has created is
10 never perfect. But it's an effort to see that
11 justice is done between the parties that are before
12 this court because this courtroom is a place of
13 honor. It's dedicated to the protection and
14 preservation of citizens rights through those
15 constitutions that I just mentioned, the
16 Constitution of the state and of the United States.

17 It's a right that many Americans have
18 fought and died for. I hope it's a right we never
19 lose in this country, the right to be tried by our
20 fellow citizens in a court of law. I want to thank
21 you very much for your accepting this
22 responsibility with your service in this case. We
23 will do our best to try to see that we are -- we
24 intrude on your time as little as possible. But
25 this necessarily is going to take longer than an

1 hour on a TV show, I can tell you that.

2 Now, what I am telling now is not
3 intended to serve as a charge on the law. In a few
4 minutes -- at the end of the trial I will charge
5 you concerning the law. What I am telling you now
6 again is to give you an idea as what our
7 responsibilities are, what you're responsible for
8 in the trial so that we will be able to handle the
9 case in an orderly fashion.

10 Now, first of all, let me talk about
11 the lawyers. The lawyers are here to represent
12 their clients. They are here to present their case
13 before you. I'm sure they will do an excellent job
14 in presenting their case to you during this trial.
15 But first and foremost I want to point out to you
16 many laymen don't understand this, those lawyers
17 first and foremost are officers of this court. At
18 some point in time they appeared before this court,
19 they took an oath concerning their responsibilities
20 as an attorney and part of that oath is that during
21 this trial they will assist you in your search for
22 the truth in this case. For that reason you can
23 expect that the lawyers will act in a reasonable, a
24 professional and an ethical manner in the discharge
25 of their duties during this trial and I am going to

1 point out to you you just came in front of this
2 court. You just took an oath to decide the case
3 based upon the law and the evidence presented
4 during the trial. It is now your responsibility to
5 act in an ethical, a reasonable and a professional
6 manner in the discharge of those duties because at
7 the close of the trial it will be your solemn
8 responsibility to determine the guilt or the
9 innocence of the Defendant to the charges that were
10 brought in the indictment.

11 Now, I went over the indictments with
12 you earlier. I'm not going to go over them with
13 you again. I will do that at the close of the
14 trial when I charge you on the law. I think you're
15 aware of what the charges are in this case and I
16 indicated earlier to those indictments the
17 Defendant has pled not guilty and under our system
18 of justice that plea places the burden of proof in
19 this trial solely upon the State. It's the State's
20 responsibility to prove the allegations contained
21 in the indictment to you the jury by proof beyond a
22 reasonable doubt. And it will be your job at the
23 close of the trial to determine whether or not the
24 State has met its burden of proof.

25 Again, the indictments are simply the

1 informational documents that bring the charges into
2 the court. They do not represent evidence. They
3 can't be used by the jury as evidence of guilt or
4 innocence. They again simply inform us of the
5 charges to be handled in this case.

6 Now, as jurors your purpose here is to
7 find and determine the facts in this case. You
8 will find that every case tried in this court
9 before a jury, the jury is always the sole and
10 exclusive judge of the facts. It will be my
11 responsibility to preside over the trial. As part
12 of my duties I will have to rule occasionally on
13 the admissibility of evidence perhaps under the
14 rules of evidence that govern those things or I may
15 have to rule on the appropriateness of questions,
16 the way they are being asked because there are
17 rules that govern those things as well. So it will
18 be my responsibility to preside over the trial and
19 make certain rulings from time to time as we move
20 through the case.

21 I'm going to point out to you, though,
22 don't take from anything that I say or do during
23 this trial either now during my opening comments,
24 during my presiding over the trial or even during
25 my charge on the law to indicate to you that I have

1 an opinion one way or the other as to how you
2 determine the facts in this case. You know, the
3 law does not allow a judge an opinion concerning
4 the facts. I have no opinion as to how you should
5 determine the facts in this case. You are the sole
6 and exclusive judges of the facts. But, you know,
7 the same law that makes you the exclusive judge of
8 the facts makes me the exclusive judge of the law.
9 At the close of the law -- close of the case I will
10 charge you with the law to be applied in this case.
11 It is your obligation under the oath that you have
12 taken to apply that law exactly as I give it to you
13 to the facts as you determine the facts to be.
14 That will put you in a position to render a verdict
15 at the close of the trial.

16 Now, if you came into the courtroom
17 with an idea or opinion as to what the law is or
18 what the law should be, you should leave those
19 notions outside of the jury room because your task
20 under the oath that you took is to take the law
21 exactly as I give it to you and then apply it to
22 the facts as you determine the facts to be.

23 Now, you are going to determine the
24 facts in this case from the evidence that you hear.
25 And the only evidence in any case is the testimony

1 of witnesses who are sworn to tell the truth that
2 will testify from that witness stand right over
3 there and whatever documents or other evidence
4 comes into the record of the trial either through
5 that testimony or by agreements made between the
6 attorneys during the trial.

7 So you are only to consider the
8 evidence in the case under your oath, the testimony
9 of the witnesses and whatever comes into the record
10 through that testimony or by agreement.

11 Now, I will tell you it is very
12 important that you perform your duty of determining
13 the facts diligently and conscientiously because
14 under our system of justice ordinarily there's no
15 way to correct an erroneous determination of facts
16 made by a jury.

17 Now, I'm going to urge you as the trial
18 goes along that you try not to let your thoughts
19 wander. Try to pay attention to what goes on in
20 the courtroom. Pay attention to what's being said,
21 the way it is being said, how it is being
22 presented. I'm going to urge you to use your own
23 good common sense as this trial goes along in
24 making determinations as to what evidence you
25 choose to believe and what evidence you choose not

1 to believe. You know, if you think about it, every
2 single day of your life you make common sensical
3 decisions as to what you choose to believe and what
4 you choose not to believe. You do it sometimes
5 without even thinking about it. And you do that,
6 use your good common sense. That's what we call on
7 you to do in this courtroom. Use your good common
8 sense, pay attention to what's being said, apply
9 your common sense to the evidence that's being
10 presented. Be in a position to make a
11 determination as to the credibility or the
12 believability of the testimony that you hear in
13 this case. As the sole judges of the facts you
14 have the right to believe all of, part of or none
15 of what a witness testifies to. You can believe
16 one witness against all the others, you can believe
17 all the others against one. You're the sole judges
18 of the facts. That makes you the sole judges of
19 the credibility, believability, the effect, the
20 value and the weight that you give to the testimony
21 that you hear.

22 So listen to the testimony again
23 carefully. Try not to let your thoughts wander.
24 Be in a position to discuss those credibility
25 issues with your fellow jurors at the close of the

1 trial of the case.

2 Now, I'm going to caution you again I
3 have told you the only place you are going to hear
4 evidence is in this courtroom during the trial.
5 You will be going home this evening. We will allow
6 you -- you don't have -- you are not sequestered.
7 You won't be kept here overnight or anything like
8 that. But I will instruct you when you leave not
9 to try to gather any information about this case or
10 the people involved in this case from any source
11 outside of this courtroom. There is no evidence
12 outside of this courtroom. It would be a violation
13 of your oath to try to gather any information or do
14 independent research on your own in this case.
15 Don't attempt to get any information in the case.
16 I do not know if this case will be reported in the
17 media. They have the right to report on whatever
18 they choose to report on. Thank goodness we have
19 freedom of the press in this courtroom. But if you
20 were to see, listen to or watch a media report
21 about the case, again, it may contain information
22 that would not be admissible in a court of law as
23 evidence, therefore, it should not be considered by
24 you in reaching a verdict. So don't listen to,
25 watch or read any media reports about the case.

1 Again I will caution you, and I can't stress this
2 enough, don't discuss the case with anyone. Don't
3 allow anyone to discuss it with you.

4 One other factor. It's a crime in this
5 state for someone to try to improperly influence a
6 jury. So if someone were to call or bother you
7 about your service on the jury let us know that as
8 soon as possible. I can assure you I will turn it
9 over to the state law enforcement division. An
10 investigation will be done immediately. We will
11 take the appropriate action should anyone try to
12 contact you or influence your decision in this
13 case.

14 Now, I want to caution you about one
15 other thing about my job as the presiding officer.
16 From time to time in my making rulings on certain
17 issues that might come up if it's my belief that
18 the discussion I'm about to have with the lawyers
19 may go into an area that would not be admissible
20 into evidence that should not be put into the
21 record of the case, if I believe that discussion
22 might go in that direction, I will ask you to step
23 out of the courtroom while I have those
24 discussions. Don't think because I have excluded
25 you from the discussion that again that I am trying

1 to influence your decision on the facts.

2 Judges are described as the
3 gatekeepers. We decide what comes in under the
4 rules and what doesn't come in under the rules.
5 While I am making those decisions I may discuss
6 information about something that could not go into
7 the record under the rules. So I will be asking
8 you to step out so that you do not consider matters
9 that would not be admissible and are not in
10 evidence in the case. So it is just me doing my
11 job to see to it that you only consider properly
12 admitted into evidence under the rules of law that
13 either include or exclude that evidence from coming
14 into the record of the case. So don't be surprised
15 if I do that. I will always announce my ruling
16 once you come back into the courtroom so that you
17 can know what ruling I have made and we will then
18 proceed with the trial of the case. But don't take
19 that as an effort to somehow influence your
20 decision on the facts. You are the sole judges of
21 the facts and again I don't have an opinion as to
22 how you do that.

23 Now, the attorneys are going to be
24 given the opportunity to talk to you directly twice
25 during the trial, once at the beginning in an

1 opening statement and once after all the evidence
2 is presented they will sum up the evidence that you
3 have heard, they will ask you to draw certain
4 inferences from what you have heard from the
5 evidence. But I want to point out to you
6 statements made by lawyers in a trial are not
7 evidence in the case. The only evidence in any
8 case is the testimony of the witnesses who
9 testified from the witness stand under oath and
10 whatever comes into the record through that
11 testimony.

12 The statements of attorneys might be
13 helpful to you in some fashion in considering the
14 evidence, but in and of themselves statements made
15 by lawyers do not constitute evidence.

16 Also I am little bit peculiar. I don't
17 appoint a foreperson of the jury until I charge you
18 on the law. I do that for a reason. I want to
19 stress that reason to you right now. Sometimes I
20 believed when I first started doing this if I
21 appointed a foreperson at the beginning of the
22 trial some people on the jury might say well, that
23 must be the smartest person on the jury. I will
24 sit back and won't even pay attention. Whatever
25 the foreperson says we ought to do. I will go

1 along with that. I don't want that to happen. I
2 want you to know that for you to reach a verdict in
3 this case all 12 of you have to agree on the
4 verdict. It has to be unanimous. And until that
5 happens there is no verdict. So no one juror is
6 more important than any other juror on a case. You
7 are all important and all have to agree to the
8 verdict before it is the verdict of the jury.

9 I want all of you to think that you
10 might be the foreperson of the jury. You might be
11 the person I pick and one of you will be. And so
12 at the close of the trial during the charge I will
13 appoint the foreperson and that person's job will
14 be to preside over the discussions of the jury, to
15 communicate with me if there is questions that are
16 being asked that need to be responded to, that
17 person will record the verdict on a form I provide
18 at that time once the verdicts have been reached.

19 In the meantime, during the trial if
20 you have any difficulties, if you have any matters
21 that you think need to be reported to me about
22 what's going on, if there is something that comes
23 up that you think I need to be aware of, if you
24 will let the bailiff know they will get that
25 information to me and I will take care of that

1 directly with you. You don't have to go through a
2 foreperson to communicate with the Court. So I'll
3 appoint the foreperson at the close of the trial.
4 I haven't forgotten that detail. That's just the
5 way I do this because I can stress to you that all
6 of you are important in reaching the verdict and in
7 the outcome.

8 I want to be sure I haven't violated
9 any rights from my opening statements. Does the
10 State have any objection to what I have said thus
11 far?

12 MS. ELLIOTT: No, Your Honor.

13 THE COURT: Defense have any objection?

14 MS. EHRLICH: No, Your Honor.

15 THE COURT: All right. Now, ladies and
16 gentlemen, I mentioned at the beginning of my
17 discussion with you that the State has the burden
18 of proof in this case. While I will talk about
19 those concepts to you in great detail during the
20 charge on the law, what that means is the State has
21 the obligation to go forward first in its
22 arguments, followed by the defense, then the State
23 has the right to present its evidence to you first,
24 and then the defense has the right to present
25 evidence if they choose to do so. Then once all

1 the evidence has been presented again we will go
2 back and allow the attorneys to talk to you one
3 more time and they will talk and give their closing
4 arguments. Once the closing arguments have ended
5 that's when I charge you on the law and once I
6 complete that charge on the law the case is turned
7 over to you for your deliberations.

8 So it will be opening statements,
9 presentment of testimony, closing statements,
10 charge on the law and then deliberations. So those
11 are the steps we will go through as the trial moves
12 forward. So at this time the State may proceed
13 with its opening statement.

14 MS. HERRING-LASH: May it please the
15 Court.

16 THE COURT: Yes, ma'am.

17 MS. HERRING-LASH: Good afternoon,
18 ladies and gentlemen. **Complainant** is now
19 14 years of age. You heard her name mentioned
20 several times when the judge was reading out the
21 indictment. She lives now in North Charleston in a
22 home with her mother and her brother and several
23 other relatives. You will hear that this extended
24 family is very close. They do lots of outings,
25 gatherings together. They get together most

1 weekends perhaps. They play games. And they end
2 up staying late sometimes and spending the night at
3 each other's homes sometimes sleeping there if they
4 happen to get tired as the night goes on.

5 Back in mid or late 2010 Complainant's
6 mother's whose named Iesha Ferguson started a
7 relationship and got to know Mr. Singleton. She
8 had known him for a while. I think he had lived or
9 had known an uncle of hers, but he had been away.
10 Even when he was not in town they had like a pen
11 pal writing relationship. And they began to see
12 each other again and began this relationship.

13 He began to spend time with her family.
14 We are here because as he began to spend time with
15 the family he molested and assaulted Complainant

16 Now, she will explain to you she was
17 eight years old when he came to her life and when
18 he first touched her.

19 They had been over at an aunt's home
20 having a get-together and ended up just staying
21 there. He also stayed there that evening. This
22 aunt lived right around the corner from where
23 Complainant and her family lived. He had shortly after
24 moving back began living or staying with Complainant
25 and her family on Madden Drive which is in North

1 Charleston. She lived there with her mother, her
2 little brother, a cousin Keoshia whom she had been
3 taking care of since Keoshia was about five or six
4 years old, something like that, and sometimes an
5 Aunt Sasha Covington also stayed at that home.

6 Complainant will tell you that the touching happened on
7 more than one occasion. And on one night when she
8 was 11 years of age she and Keoshia and Sasha were
9 kind of staying up late hanging around talking
10 about stuff as girls on the porch and in the living
11 room.

12 And Mr. Singleton called Complainant into
13 the kitchen. She went in and he ended up pulling
14 her panties down and licking her on her private
15 area. When that was happening her cousin Keoshia
16 walked into the kitchen to get some water and saw
17 this. She kind of did a double take and then she
18 went out of the room.

19 Complainant follows her out and begged her
20 to please keep this a secret. They ended up
21 speaking with Sasha about it. Complainant also begged
22 Sasha to please keep it a secret. That may be hard
23 to understand, but Complainant was afraid. She didn't
24 know what would happen. She didn't know who would
25 believe her and also she, like most children the

1 biggest fear is being taken away from her mom. And
2 even kids hear about it happening at school so they
3 know that could be a possibility. So she really
4 didn't want anybody to talk about it.

5 Now, Keoshia was a child also. And she
6 did keep a secret. Sasha kept the secret. She
7 will say she did not want to violate a confidence.
8 It was the wrong thing to do. She should not have
9 kept that secret. But she did. And the touching
10 continued to go on. There was not another sexual
11 assault, but there was molestation and touching
12 that went on.

13 She ended up there. She called him
14 daddy. They are together a lot. By March the 7th
15 late or early hours March the 8th of 2015 Complainant
16 was in her room late, meaning early that morning
17 playing with her phone. Her mother found her and
18 the rule was that was not to be on her phone like
19 really late at night. So her mother yelled at her.
20 She got in trouble. They got into some trouble and
21 she blurted out you're yelling at me but you don't
22 yell at my stepdad for touching me. At first --
23 Iesha is her mom, at first didn't understand what
24 she had said, but another aunt who was staying
25 there did. Iesha became very upset. She called

1 and eventually talked to Keoshia who confirmed yes,
2 I did see this. She had Complainant call 911. Law
3 enforcement came out. The Department of Social
4 Services came out. The girls were both taken and
5 interviewed and we end up here today with the
6 Defendant charged. As you have heard, criminal
7 sexual conduct with a minor in the second degree is
8 one of the charges. And that is if a sexual -- if
9 a person commits a sexual battery, and I will
10 explain to you the definition of sexual battery,
11 with a victim who is 14 years of age or less whose
12 at least 11.

13 Complainant will tell you that she was 11
14 when that sexual battery occurred. And a sexual
15 battery is sexual intercourse, cunnilingus,
16 fellatio, anal intercourse or any intrusion,
17 however slight, of any part of a person's body or
18 any object into the genital or anal openings of
19 another person's body except when the intrusion is
20 accomplished for medical diagnosis.

21 Now, the sexual battery that we will be
22 referring to here is cunnilingus which is the oral
23 contact with the female private area, the female
24 vagina.

25 He is also charged with lewd act upon a

1 minor. It is unlawful for a person over the age of
2 14 to willfully and lewdly commit or attempt a lewd
3 or lascivious act upon or with the body or its part
4 of a child under 16 with the intent of arousing,
5 appealing to or gratifying the lust or passion or
6 sexual desires of the person or the child. This is
7 what you commonly think of as child molestation,
8 the rubbing and touching of private areas of the
9 child.

10 Now, he is also charged with criminal
11 sexual conduct with a minor in the third degree.
12 Now, when you look at that, you may notice well,
13 that's exactly the same thing that the lewd act,
14 that same statute. What happened was you will see
15 from the dates in June of 2012 the title of the
16 statute changed. It went from being called lewd
17 act to being called criminal sexual conduct with a
18 minor in the third degree. So we couldn't carry
19 over. The conduct carried over, but it had to be
20 another charge because of the law, the title really
21 of the laws changed. So that may be confusing to
22 you to have two indictments that read pretty much
23 the same, but that is why. The title just changed.

24 Now, in this case the evidence that you
25 hear will be the evidence that is presented on the

1 witness stand which will be the testimony. And
2 that is the only evidence you will have, is the
3 testimony of the witnesses. Complainant was taken to a
4 doctor and there was no trauma. But if you
5 remember what I had said that she said happened,
6 what she will tell you you wouldn't expect trauma
7 from fondling or licking that's especially gone on
8 a lot longer.

9 There won't be any forensic type
10 evidence. Usually you have DNA to prove someone
11 has been somewhere. Well, he lived there. He was
12 there the night the police came. Complainant never
13 ever explained or says there was any kind of
14 ejaculation or anything like that.

15 So you'll hear the evidence from the
16 witness stand that the witnesses say. The reaction
17 of children when they have been assaulted or the
18 people in their family are sometimes confusing and
19 hard to understand. But children don't always
20 tell. They often want things to be kept secret.
21 Often the family members would rather kind of
22 forget it and pretend like it didn't happen. This
23 is hard to believe. But it happens all the time.
24 It happened here. But Mr. Singleton had the
25 opportunity to do and did sexually molest and

1 assault Complainant And at the end of the case we
2 will ask you to find him guilty of those actions
3 that he took. Thank you.

4 THE COURT: Defense may proceed.

5 MS. SEMAN: May it please the Court,
6 Your Honor. Actions speak louder than words. This
7 case is about actions and words. It's about words
8 and actions. Specifically this case is about words
9 and actions that don't match. Words that tell you
10 one thing and actions that tell you another. The
11 State will call witnesses this week and those
12 witnesses will tell you about their words and they
13 will tell you about their actions. The State will
14 call Complainant Complainant will tell you a
15 story about some words that she spoke in anger on
16 March 8th, 2015. Complainant will tell you a story
17 about what she says her stepfather did to her.
18 Complainant will tell you that John inappropriately
19 touched her and that on one occasion he performed
20 oral sex on her. And then Complainant will tell you
21 about her actions when she said those words.

22 And those actions will tell you that
23 this did not happen. To back up her story, the
24 State will also call Keoshia Ferguson, Complainant's
25 cousin. Keoshia will tell you that she supposedly

1 witnessed this oral sex incident and Keoshia will
2 tell you that this happened long before March 8th,
3 2015. And then Keoshia will tell you about her
4 actions that she supposedly saw, what she said she
5 saw. And those actions will tell you that this did
6 not happen. The State will also call Iesha
7 Ferguson, Complainant's mom. She will tell you about
8 John and Complainant's relationship. She tell you
9 about her family life. She will tell you about the
10 arguments that she and Complainant had on March 8th and
11 she will tell you about those words that Complainant
12 spoke in anger.

13 And then she will tell you about her
14 actions since the day that Complainant spoke those his
15 words. And those actions will tell you that this
16 did not happen. The State will call other
17 witnesses today to back up their words that Complainant
18 spoke that night. Those witnesses will be doctors,
19 officers, professionals, maybe other family
20 members. But those witnesses will not be able to
21 explain away the actions taken by Complainant and her
22 family. The actions that help tell that they did
23 not and could not believe that John did this.

24 So what really happened on March 8th,
25 2015? On March 8th Complainant was 12. She would be a

1 teenager that August. And it was a Saturday night.
2 It was late. Past midnight and Complainant was in her
3 bedroom. Complainant was on her cell phone. Complainant
4 was breaking the rules. And all of a sudden her
5 mom walked in and her mom was angry because Complainant
6 was on her cell phone. Her mom was angry because
7 Complainant was breaking the rules. And all of a
8 sudden Complainant's mom took her cell phone away.
9 Twelve-year old Complainant had no cell phone on a
10 Saturday night. Twelve-year old Complainant was angry
11 at her mother. Complainant and her mother began to
12 argue. Complainant was angry. Complainant was not
13 listening. And in a moment of weakness Complainant's
14 mother hit her. Immediately remorseful Complainant's
15 mother walked away to cool down. And a few minutes
16 later she came back to talk to her daughter.

17 And it was in that moment that Complainant
18 said those words. Was in that moment that Complainant
19 told her mother that John had been touching her.
20 Complainant's mother was shocked. She was shocked
21 because she had never noticed anything
22 inappropriate between them before. She was shocked
23 because their relationship was a normal
24 parent/child relationship. She couldn't believe
25 what she was hearing. Because she knew that they

1 lived in a home with six people and three bedrooms.
2 And Complainant's mom knew that she herself was
3 disabled and did not work. And she knew that she
4 kept all three of her children with her at home.
5 When she recovered from her shock Complainant's mom
6 handed her a phone. And Complainant called 911. And
7 she said those very same words that she said to her
8 mom a few minutes earlier. John left the house
9 that night. Over two years later it's John's time
10 for justice. Because this is an important week for
11 John. This is an important week for John because
12 John is innocent. John did not do this. He did
13 not touch Complainant. He did not perform oral sex on
14 her. He did not do what they are saying he did.

15 We ask that you look past the words of
16 the witnesses to the actions that follow them. And
17 for those reasons we are confident that when you go
18 back to that jury room and you take with you your
19 common sense and the evidence that you have heard
20 and seen with your own ears and eyes and the law as
21 Judge Couch instructs you that you will find John
22 not guilty. Because actions speak louder.

23 THE COURT: State may call its first
24 witness.

25 MS. ELLIOTT: Thank you, Your Honor.

1 The State calls Complainant

2 Complainant

3 having been duly sworn, testifies as follows:

4 THE CLERK: Please state your first and
5 last name and spell your last name for the record.

6 THE WITNESS: Complainant

7 Complainant

8 DIRECT EXAMINATION

9 BY MS. ELLIOTT:

10 Q. Complainant, how old are you?

11 A. Fourteen.

12 Q. And what is your birth date?

13 A. 2002.

14 Q. Slow down a little bit for me. Say
15 that again?

16 A. 2002.

17 Q. And where do you go to school?

18 A.

19 Q. And is that where you are going next
20 year?

21 A. Yes, ma'am.

22 Q. What grade are you going?

23 A. 10th.

24 Q. And how much do you go to school?

25 A. Not that often. I am on home bound.

1 Q. Why is that?

2 A. Because of my health issues.

3 Q. Have you ever had trouble at school
4 with bullying?

5 A. Yes, ma'am.

6 Q. Is that part of the reason you don't go
7 to school?

8 A. No, ma'am.

9 Q. Other than going to school what do you
10 like to do for fun?

11 A. I don't know. Hang with my cousins.

12 Q. How many cousins do you have?

13 A. A lot.

14 Q. Let's talk about your family a little
15 bit. First of all, let's talk about something
16 that's a little hard. Where is your biological
17 father?

18 A. Deceased.

19 Q. And when did he pass away?

20 A. 2000 -- I think -- 7.

21 Q. Do you know how old you were when he
22 passed away?

23 A. Yeah. I was six.

24 Q. You were six. And how large is your
25 extended family?

1 A. It's a lot of us.

2 Q. There are a lot of you. Do you have a
3 lot of aunties?

4 A. Yes, ma'am.

5 Q. Are all the people that you consider
6 family family by blood?

7 A. No, ma'am.

8 Q. Explain that for us a little bit.

9 A. Some people are my cousins, things like
10 that.

11 Q. Would it be fair to say that auntie
12 refers more to a relationship than actually a
13 sister or a sister-in-law of your mom?

14 A. Um-hmm.

15 Q. Did any of those family members or
16 extended family members ever stay at your house?

17 A. Yes, ma'am.

18 Q. And when I say staying with you what
19 does that mean?

20 A. Living.

21 Q. Living with you?

22 A. Um-hmm.

23 Q. Did they ever visit and spend the
24 night?

25 A. Um-hmm.

1 Q. Had your family ever stayed with other
2 relatives?

3 A. Yes, ma'am.

4 Q. Who are some of those?

5 A. My Auntie Tanisha, Auntie Maline, my
6 cousin Missy.

7 Q. What are some things that your family
8 -- the big family does together?

9 A. Party, have cookouts.

10 Q. How often do you all have parties or
11 cookouts?

12 A. Every other month I guess.

13 Q. Every other month. Tell us a little
14 bit about these parties and cookouts. What happens
15 at those?

16 A. They have a pool. They cook on the
17 grill. Cake and ice cream. They dance. We got a
18 karaoke machine.

19 Q. Is it always at a particular relative's
20 house or does it sometimes change?

21 A. Sometimes change.

22 Q. Do you have a special name for these
23 get-togethers?

24 A. No, ma'am.

25 Q. Are they to celebrate anything in

1 particular or just an excuse to get together?

2 A. Both. Can be a party, birthday party
3 or just get together.

4 Q. Who are you living with right now?

5 A. My Auntie Tanisha.

6 Q. Is anyone else in the house with y'all?

7 A. Yes.

8 Q. Who all is in the house?

9 A. Her two kids, my little brother and my
10 mom and that's it.

11 Q. Who is John Singleton?

12 A. He was my stepdaddy.

13 Q. Did he ever live with you?

14 A. Yes, ma'am.

15 Q. Where did he live with you and your
16 family?

17 A. On Madden Drive.

18 Q. When you were living at Madden Drive
19 with John Singleton who else lived there?

20 A. Me, my mom, my little brother, my
21 cousin Keoshia, my granddaddy, my grandmother and
22 my auntie.

23 Q. And were they all living there all at
24 the same time or would people sometimes come and
25 go?

1 A. We all was living there at the same
2 time.

3 Q. Tell me a little bit about Keoshia.
4 How was she related to you?

5 A. She's my cousin.

6 Q. How long has she lived with you?

7 A. Since she was five years old.

8 Q. And is she older or younger than you?

9 A. Older.

10 Q. By how many years, do you know?

11 A. Huh-uh.

12 Q. Going back to John Singleton. Do you
13 remember how old you were when you first met him?

14 A. Yes.

15 Q. How old?

16 A. Eight.

17 Q. Do you remember when you first met him?

18 A. Yes, ma'am.

19 Q. Where were you?

20 A. On Ferrara Drive, my Auntie Tanisha's
21 house.

22 Q. You were on Ferrara Drive?

23 A. Yes, ma'am.

24 Q. And which aunt did you say it was?

25 A. Tanisha.

1 Q. And why were you at Tanisha's house?

2 A. I think that day we had a party for her
3 son Xavier I think.

4 Q. Your Honor, may I approach the witness?

5 THE COURT: You may.

6 BY MS. ELLIOTT:

7 Q. On the screen in front of you in a
8 second I'm going to show you what has already been
9 admitted as State's Exhibit 1. See it right there
10 appear on that screen. Do you recognize that
11 place?

12 A. Yes, ma'am.

13 Q. Where is that?

14 A. Ferrara Drive.

15 Q. And who lived there?

16 A. Tanisha.

17 Q. Does Tanisha still live there?

18 A. No, ma'am.

19 Q. Was this where the party was that you
20 were talking about?

21 A. Yes, ma'am.

22 Q. So tell me what this party involved
23 that day. You said it was a birthday party. Who
24 all was there?

25 A. My cousins, friends, my granddaddy.

1 Q. Which granddaddy?

2 A. My Auntie Sierra's dad.

3 Q. What did you call him?

4 A. Wigfall.

5 Q. Did he have like -- what's his first
6 name?

7 A. Lawrence.

8 Q. And anybody else that you remember
9 being there?

10 A. My mom and my little brother, my
11 cousin, Xavier, that's it.

12 Q. And did you say John Singleton was
13 there?

14 A. Yes, ma'am.

15 Q. What happened as the night progressed?

16 A. After eating the kids was in the house.
17 Me and my cousin, we went to take to --

18 Q. I am sorry. I am having such a hard
19 time hearing you. Can you speak a little louder?

20 A. They sent us in the house. We took
21 showers.

22 Q. Who is they?

23 A. Me, my cousin, Xaiver, and my little
24 brother. We all took our showers. After that my
25 cousin was in the living room. My cousin Shaheem

1 was in my little brother's room and I slept on the
2 couch.

3 Q. Was it normal after these parties for
4 you guys just to stay at the house where the party
5 was?

6 A. Yes, ma'am.

7 Q. So you went to bed in the front room on
8 the couch?

9 A. Um-hmm.

10 Q. Then what happened?

11 A. Someone came in the house. It was
12 John. He asked me to sit down. I brought my leg
13 up and he sat down next to me. He had a brown bag
14 and then in two seconds I go back to sleep. I felt
15 someone touching me. I look at him. I asked him
16 what he was doing and then he looked at me and
17 laughed. Then I went back to sleep.

18 Q. You said he was touching you. Where
19 was he touching you?

20 A. On my bum.

21 Q. Was that above or underneath your
22 clothes?

23 A. Under.

24 Q. What type of clothes were you wearing
25 that night?

1 A. A dress. It had Dora on it.

2 Q. Was that above or under your underwear?

3 A. Above.

4 Q. So what happened after that?

5 A. I go back to sleep. And then probably
6 like two minutes later he wake me up. He asked me
7 to come in. Then I got up and I went with him and
8 went somewhere else in the room where my granddaddy
9 was sleeping. So somehow I got on the floor and
10 then he was top of me. But while he was trying to
11 get on top of me he kicked my foot. My granddaddy
12 asked what was going on. He was like well nothing.
13 So I got up. I went to my mom and she didn't get
14 up. I went in both rooms. Nobody got up. So I
15 want and I just cried myself back to sleep.

16 Q. Where was your mother sleeping?

17 A. On the couch.

18 Q. In which room?

19 A. The front room.

20 Q. Was she on that couch when John touched
21 you while you were in that room?

22 A. Yes, ma'am.

23 Q. Do you know if she was awake or asleep?

24 A. She was asleep.

25 Q. How do you know she was asleep?

1 A. Because everybody in the house was
2 drinking.

3 Q. What about the other aunties that you
4 tried to wake up? Where were they?

5 A. In the other room.

6 Q. You said you tried to wake them up and
7 they wouldn't wake up?

8 A. Yes, ma'am.

9 Q. After what happened in the room where
10 your granddaddy Wigfall was and you ran out of
11 there, do you know where John went after that?

12 A. Huh-uh.

13 Q. Did you see him any more that night?

14 A. No, ma'am.

15 Q. Did you tell anyone that night what
16 happened?

17 A. No, ma'am.

18 Q. When was the next time that you saw
19 John Singleton?

20 A. The next day.

21 Q. Where was that?

22 A. On Madden Drive.

23 Q. And at some point in time did John
24 Singleton start living with you?

25 A. Yes.

1 Q. Did he ever touch you again?

2 A. Yes, ma'am.

3 Q. Can you tell me about one of those
4 times?

5 A. One night me and my cousin Keoshia and
6 Sasha was sitting outside having girl talk or
7 whatever and John came home. And he said hi and he
8 walked in the house. And like two seconds after
9 that he came back to the door and he said come in
10 here. We didn't know who he was talking about.
11 Keoshia was like me? And he said no, me. And I go
12 in the house. Then he was in the kitchen.

13 Q. Do you know why he was calling you in
14 the house?

15 A. Yes, ma'am.

16 Q. So he called you in the house. What
17 happened then?

18 A. I go inside the kitchen and he asked me
19 to pull my pants down and I told him no, and then
20 he goes if you don't pull your pants down I'm going
21 to tell your mom you been talking to them boys. My
22 mom didn't know I had a boyfriend. So he got on
23 his knees and he --

24 Q. I need you to slow down and speak up.

25 A. I walk in the kitchen and he said pull

1 your pants down. And I say no. He said if you
2 don't pull your pants down I'm going to tell your
3 mom that you talking with them boys. At the time
4 my mom didn't know that I had a boyfriend. So I
5 was scared, so I pulled my pants down. And he got
6 on his knees. He put his tongue on my stuff and
7 then two minutes after that my cousin Keoshia came
8 around the corner. And then John got scared. He
9 went to the cabinet like he was getting something.
10 And Keoshia walked back to the front door and then
11 I run and -- I pull my pants up. Then I ran to the
12 door and I begged them not to tell anybody.

13 Q. I want to talk about kind of the layout
14 where this happened, okay? So I'm going to show
15 you some more pictures. So I'm going to show you
16 what's already been admitted as State's Exhibit 2.
17 Do you recognize that place?

18 A. Yes, ma'am.

19 Q. Where is that?

20 A. Madden Drive.

21 Q. And that's where you were living with
22 your mom and Mr. Singleton and Keoshia and your
23 brother?

24 A. Yes, ma'am.

25 Q. And you said that you had been outside

1 talking to Sasha and Keoshia. Can we see where
2 that was in this picture?

3 A. Yes.

4 Q. Where was that?

5 A. On the front porch.

6 Q. So -- and is that the front door?

7 A. Yes, ma'am.

8 Q. I'm going to show you State's

9 Exhibit 3. Looking at that picture can you see the
10 front in this picture?

11 A. Yes, ma'am.

12 Q. Can you put an X on the front for me.

13 A. (Witness complies with request.)

14 Q. All right. And so what room are we
15 looking into?

16 A. The living room area.

17 Q. And the room where the photographer was
18 taking the picture, what kind of a room was that?

19 A. The front room.

20 Q. The front room. **Complainant** can you see
21 that little arrow? Can you push on that?

22 A. (Witness complies with request.)

23 Q. Can you hit the word clear.

24 A. (Witness complies with request.)

25 Q. Then hit the arrow again. I'm going to

1 show you State's Exhibit 8. What's that a picture
2 of?

3 A. The couch.

4 Q. What room was that couch in at your
5 house?

6 A. Living room.

7 Q. So if we were standing at the front
8 that we just saw in that last picture where would
9 that couch be?

10 A. In the living room.

11 Q. Would it be to the right, the left or
12 in front?

13 A. The left.

14 Q. I'm going to show you State's
15 Exhibit 4. What's that a picture of?

16 A. The dining room area.

17 Q. And so where is the front room in
18 relation to that if you were standing taking the
19 picture looking at that table? Where is the front
20 room compared to me?

21 A. Behind me.

22 Q. What is to my right?

23 A. The kitchen I think.

24 Q. Kitchen to the right or to the left?

25 A. I think it's to my left.

1 Q. To your left?

2 A. Um-hmm.

3 Q. I'm going to show you State's

4 Exhibit 5. What's that a picture of?

5 A. The kitchen.

6 Q. And what is on the right side of that
7 picture? What are we looking at? Look at the
8 screen in front of you. It would be easier.

9 A. The refrigerator.

10 Q. And what's to the left?

11 A. The stove.

12 Q. And what's behind that photographer
13 that was taking the pictures?

14 A. The dining room.

15 Q. We will come back to this picture in a
16 minute, but tell me what's shown in State's
17 Exhibit 6.

18 A. The refrigerator.

19 Q. And to the right is that that doorway
20 into the dining room again?

21 A. Yes, ma'am.

22 Q. And then this is State's Exhibit 7.
23 What is that a picture of?

24 A. The back door.

25 Q. And that's the stove we saw in the

1 other picture?

2 A. Yes, ma'am.

3 Q. Looking at State's Exhibit 5, where did
4 John Singleton have you stand when he called you
5 into the kitchen?

6 A. In front of the refrigerator.

7 Q. Can you mark on this where you think
8 you were standing.

9 A. (Witness complies with request.)

10 Q. What were you facing?

11 A. Him.

12 Q. If he hadn't been standing there would
13 you have been looking at the refrigerator or that
14 back door we just saw?

15 A. The back door.

16 Q. When he had you standing in front of
17 the refrigerator tell me what happened to your
18 clothes?

19 A. Came down.

20 Q. What came down?

21 A. My pants and my underwear.

22 Q. And what did he -- did you pull them
23 down or did he?

24 A. Him.

25 Q. He pulled them down. What did he do

1 once your pants --

2 A. Both of us.

3 Q. Once your pants were down what happened
4 then?

5 A. He licked my stuff.

6 Q. He put his mouth on your stuff?

7 A. Yes.

8 Q. What is your stuff?

9 A. My private area.

10 Q. Did he say anything while he was doing
11 that?

12 A. No, ma'am.

13 Q. What made him stop?

14 A. Keoshia.

15 Q. And how did Keoshia make him stop?

16 A. She walked in the kitchen.

17 Q. And what did he do when he saw Keoshia?

18 A. Went to the cabinet like he was trying
19 to get something.

20 Q. What did you do?

21 A. Run in the room.

22 Q. What about your clothes? What happened
23 to your clothes?

24 A. I pulled them up.

25 Q. And do you know how old you were, what

1 grade you were when this happened?

2 A. Ten.

3 Q. Do you know if you were in elementary
4 school or middle school?

5 A. Elementary.

6 Q. You were in elementary school.

7 MS. ELLIOTT: Court's indulgence for a
8 minute.

9 THE COURT: Yes, ma'am.

10 (Off-the-record conference.)

11 BY MS. ELLIOTT:

12 Q. Do you know what school you would have
13 been going to the next year?

14 A. Yes, ma'am.

15 Q. What school was that?

16 A. Middle.

17 Q. Had you started at Middle
18 yet?

19 A. Yes, I finished.

20 Q. When this happened had you started
21 there?

22 A. No, ma'am.

23 Q. Did John Singleton ever touch you any
24 other time?

25 A. Yes, ma'am.

1 Q. Can you tell me about another time,
2 please?

3 A. My mom was going to take a shower.

4 Q. Slow down so everyone can hear you.

5 A. My mom was going to take a shower so
6 she called me and she asked me can I go get her
7 soap and some tissue. Go to her room and --

8 Q. Whose room?

9 A. My mother's room. John was sitting on
10 my mom's side of the bed and I reached over him to
11 get the soap because she had a table that was
12 sitting right there with all her things on it. I
13 reached over to get the soap and he put his hands
14 down my shirt.

15 Q. He say anything when he did that?

16 A. No, ma'am, he didn't.

17 Q. Was that skin on skin contact or were
18 clothes in between his hands and your chest?

19 A. Skin on skin.

20 Q. What did you do when he did that?

21 A. I asked him to get off me and I moved
22 and I went to the rest room and gave my mom her
23 things.

24 Q. Were there any other times -- do you
25 know how old you were when that happened?

1 A. No, ma'am.

2 Q. Do you remember if you were in
3 elementary or middle school?

4 A. I think middle.

5 Q. Did touchings like that happen a lot?

6 A. Yes, ma'am.

7 Q. Does it make it hard to remember
8 exactly how old you were each time it happened?

9 A. Yes, ma'am.

10 Q. Can you tell me about any other
11 specific instances that you remember?

12 A. Yes, ma'am. Around the time it was tax
13 time. Sasha was filling out the tax papers for
14 him. And he called me into the room to delete
15 something off his phone.

16 Q. Can you tell me which room was this?

17 A. My mother.

18 Q. So he called into your mother's room?

19 A. Yes, ma'am.

20 Q. And then what happened?

21 A. He asked me to delete some videos off
22 his phone.

23 Q. And then what happened?

24 A. I got his phone from him and I deleted
25 the videos and then he asked me to get on top of

1 him and I told him no.

2 Q. Where was he in the room?

3 A. On the bed on my mom's side.

4 Q. Was he sitting or laying down?

5 A. Sitting and then he asked me to get on
6 top of him. I told him no and then he pulled me on
7 top of him. And then my Auntie Sasha come to the
8 room and when he saw her he pushed me off the bed
9 and my toe hit the brick in the room. I started
10 crying. Sasha came and asked what happened. I
11 didn't tell her.

12 Q. Sorry. You did or did not?

13 A. I did not. And then that's when
14 Keoshia came in. I was crying and I still didn't
15 tell her.

16 Q. Where were you crying that people saw
17 you and asked you what was going on?

18 A. In my room.

19 Q. Where were you in your room?

20 A. By my bed.

21 Q. Do you know when this happened?

22 A. Around tax time. I don't know.

23 Q. How close was it to when the police
24 were called?

25 A. I don't know.

1 Q. Do you remember how old you were?

2 A. No, ma'am.

3 Q. Your Auntie Sasha who was doing your
4 taxes, was she living at the house at that point?

5 A. Yes, ma'am.

6 Q. You say that you didn't tell Keoshia or
7 your mom or Sasha that day at tax time. Why not?

8 A. I don't know.

9 Q. When John had you pull your pants down
10 in the kitchen and Keoshia saw what happened, what
11 was her reaction after she saw that?

12 A. We left the room and we hugged each
13 other. We both cried.

14 Q. Did you ask her anything?

15 A. No, ma'am.

16 Q. Did y'all talk about telling or not?

17 A. Yes, ma'am, I told both don't tell
18 anybody.

19 Q. Do you know why you told them not to
20 tell anybody?

21 A. Huh-uh.

22 Q. Tell me about the night the police were
23 called.

24 A. John was in the house and I was in the
25 bed and on the phone. John came in the house and

1 came in the room. He said something to me. I
2 looked at him. I turned my head but then he came
3 back. I hang up my phone. I asked him to stop. I
4 walked to the other room.

5 My mom and Auntie Angela and my cousin
6 Sean all was there in the dining room just talking.
7 And then I went back in my room and then I was on
8 the phone. I called them back and we started
9 talking. And then it like 1:00 in the morning. My
10 mom came in the room because I had the door closed.
11 And she said why are you on the phone at this time
12 of the morning? And then I didn't say anything to
13 her. That's when she started yelling at me. So I
14 got mad. I was going to go out the door. I walked
15 to the kitchen.

16 Before I got to the kitchen I yelled
17 out and I said how you get mad because I'm on the
18 phone and you don't get mad at your boyfriend
19 touching me. She say what did you say? So I
20 didn't repeat it and my auntie repeated it for me.
21 And she is like okay, do what you got to do. She
22 went in the kitchen. She was behind John. And
23 then I don't know what them two did and then she
24 gave me the phone and was like do what you got to
25 do. That's when I called the police.

1 Q. Your mom said what?

2 A. Handed me the phone and she said do
3 what you got to do and I called the police.

4 Q. What happened after you -- when you
5 called the police?

6 A. John -- my mom was sitting with my
7 little brother, my auntie. My uncle was around the
8 corner. I went outside and talked to them on the
9 phone.

10 Q. Who did you talk to on the phone?

11 A. The police.

12 Q. Did the police ever come to your house
13 that night?

14 A. Yes, ma'am.

15 Q. Did they ask you questions?

16 A. Yes, ma'am.

17 Q. Did anyone else come to the house that
18 night that you remember?

19 A. Yes, the DSS lady.

20 Q. Did you have to talk to her too?

21 A. Yes, ma'am.

22 MS. ELLIOTT: Court's indulgence, Your
23 Honor.

24 (Off-the-record conference.)

25 BY MS. ELLIOTT:

1 Q. After talking to the police and DSS
2 what happened that night?

3 A. The police took John to the house and
4 that was it.

5 Q. Did you have ever to go give a
6 statement anywhere else?

7 A. Yes, to the low country place.

8 Q. Do you remember the name of the person
9 you talked to?

10 A. No, ma'am.

11 Q. And did you have to see any doctors or
12 anything like that?

13 A. Yes, ma'am.

14 Q. Since the night the police came have
15 you talked to John since then?

16 A. Couple of times.

17 Q. Why?

18 A. I don't know.

19 Q. Did you talk to him on the phone or in
20 person?

21 A. On the phone because he would call.

22 Q. Who was he calling?

23 A. My mom.

24 Q. Who would hand you the phone?

25 A. My mom.

1 MS. ELLIOTT: Court's indulgence.

2 (Off-the-record conference.)

3 BY MS. ELLIOTT:

4 Q. Do you know how much your mom talks to
5 Mr. Singleton on the phone?

6 A. Every chance she can get.

7 Q. How does that make you feel?

8 A. I don't know. I'm here.

9 Q. When he was living with you what did
10 you call John Singleton?

11 A. Daddy.

12 Q. What did he call you?

13 A. Daughter.

14 MS. ELLIOTT: Nothing further, Your
15 Honor.

16 THE COURT: You may cross-examine.

17 CROSS-EXAMINATION

18 BY MS. EHRLICH:

19 Q. Good afternoon, Complainant

20 A. Hi.

21 Q. You're 14 now, right?

22 A. Um-hmm.

23 Q. So you are a teenager and you got to
24 answer out loud so the court reporter can take it
25 down, okay?

1 A. Um-hmm.

2 Q. So you're a teenager now, correct? And
3 you like to do like regular teenager stuff, right?

4 A. Yes.

5 Q. Like be with your friends, right?

6 A. Um-hmm.

7 Q. Facebook, right?

8 A. Um-hmm.

9 Q. Be on the phone?

10 A. Right.

11 Q. Yes? And I think we can all agree that
12 this all came out when you were fighting with your
13 mom over the phone, right?

14 A. Yeah.

15 Q. Okay. And Ms. Elliott was asking you
16 questions about school and asking you questions
17 about how you have some medical problems, right?

18 A. Um-hmm.

19 Q. And because of your medical problems
20 sometimes you are not able to go to school,
21 correct?

22 A. Um-hmm.

23 Q. But when you don't go to school you're
24 at home with your mom?

25 A. Um-hmm.

1 Q. Right? Okay. And I'm sure those
2 health problems are hard on you, correct?

3 A. Um-hmm.

4 Q. And your mom takes real good care of
5 you, doesn't she?

6 A. Yes.

7 Q. She stays with you if you are sick?

8 A. Um-hmm.

9 Q. Right?

10 A. Yes.

11 Q. She takes you to your doctor's
12 appointments?

13 A. Yeah.

14 Q. And I think you sometimes go with her
15 to her doctor appointments?

16 A. Yes.

17 Q. And you got a little brother, I think
18 his name is Brother right?

19 A. Um-hmm.

20 Q. You call him what?

21 A. Brother

22 Q. Brother . He's got health problems
23 too, right?

24 A. Um-hmm.

25 Q. And so your mom takes him to the

1 doctor?

2 A. Yeah.

3 Q. And do you sometimes go with them to
4 those doctor's appointments too?

5 A. Um-hmm.

6 Q. So y'all are busy with the doctor,
7 right?

8 A. (Indicating.)

9 Q. Is that a yes?

10 A. Yes.

11 Q. And it must be hard for you at times to
12 not be able to go to school?

13 A. Yes, ma'am.

14 Q. You miss out on a lot?

15 A. Um-hmm.

16 Q. On your friends?

17 A. Yeah.

18 Q. And a lot of social stuff that goes
19 with being at school, right?

20 A. Um-hmm.

21 Q. I'm sure that that makes you sad
22 sometimes?

23 A. Yeah.

24 Q. Yes? Okay. And one of the ways that
25 you stay connected with those people is your phone,

1 right?

2 A. Yeah.

3 Q. So your phone is important to you,
4 isn't it?

5 A. Yeah.

6 Q. And it was important to you when you
7 were 12 too, right?

8 A. Yeah.,

9 Q. You testified today about an incident
10 that occurred in the kitchen on Madden Drive?

11 A. Yes.

12 Q. And you told the jury a little bit
13 about what you said happened that day?

14 A. Um-hmm.

15 Q. Right? When the police came that first
16 night you didn't tell them about the incident in
17 the kitchen, did you?

18 A. No.

19 Q. Okay. And you testified today that
20 your cousin is Keoshia, right?

21 A. Yes, ma'am.

22 Q. You testified today that Keoshia came
23 into the kitchen and saw something?

24 A. Yes, ma'am.

25 Q. When you spoke to the police officers

1 that first date when you called 911 and they came
2 to the house you didn't tell them that Keoshia had
3 seen anything, did you?

4 A. No.

5 Q. Okay. You also testified today that
6 you had talked to Sasha?

7 A. Um-hmm.

8 Q. About the stuff in the kitchen, right?

9 A. Yes, ma'am.

10 Q. And Sasha, is she related to you or
11 she's like a family friend that you call an auntie?

12 A. Family friend. She is my uncle's
13 girlfriend.

14 Q. Okay. And you testified today that you
15 had told Sasha about this and asked her not to say
16 anything?

17 A. Um-hmm.

18 Q. And when the police came you didn't
19 tell them that Sasha knew anything about that,
20 right?

21 A. Um-hmm.

22 Q. Let's talk a little bit about the
23 argument with your mom and the phone, okay?

24 A. Um-hmm.

25 Q. That night when you called the police

1 you were really mad, right?

2 A. Um-hmm.

3 Q. Is that yes?

4 A. Yeah.

5 Q. Okay. And you had gotten into trouble
6 I guess because there were rules in the house about
7 what time you can use the phone, what time you
8 can't, right?

9 A. Yes, ma'am.

10 Q. And you're not supposed to be on the
11 phone after like say 11:00?

12 A. Yes, ma'am.

13 Q. And you got caught on the phone?

14 A. Um-hmm.

15 Q. That's yes?

16 A. Yes.

17 Q. Okay. And your mom yelled at you about
18 this?

19 A. Yes.

20 Q. Correct? And she took the phone away?

21 A. Yes, ma'am.

22 Q. And I think at some point she maybe
23 popped you on the hand?

24 A. Never.

25 Q. She never popped you on the hand?

1 A. No.

2 Q. Okay. When your mom was -- you do say
3 though that your mom was yelling about this?

4 A. Um-hmm.

5 Q. And were you yelling back?

6 A. No.

7 Q. When your mom was yelling at you that
8 upset you, correct?

9 A. Um-hmm.

10 Q. Is that yes?

11 A. Yes.

12 Q. Okay. And you were kind stomping
13 around the house mad about it, right?

14 A. I wasn't stomping, but, yeah, I was
15 mad.

16 Q. You weren't stomping, you were just mad
17 and you told your mom I want to leave?

18 A. Yeah.

19 Q. Yes?

20 A. Yes, ma'am.

21 Q. And she wasn't going to let you leave,
22 right?

23 A. Yes, ma'am.

24 Q. And I think you even called one of your
25 aunties to try to get them to come get you?

1 A. Yes, ma'am.

2 Q. And your mom wouldn't let you leave
3 still?

4 A. Oh, I was going. My auntie was outside
5 waiting.

6 Q. So you were going?

7 A. Yes.

8 Q. Whether or not your mom said you can go
9 or not?

10 A. Yes.

11 Q. Were you still going back and forth
12 with your mom? Was your mom still yelling?

13 A. No.

14 Q. You weren't yelling at her? So you
15 were just going to leave and you were going to
16 leave because you were angry, correct?

17 A. Yes.

18 Q. At your mom?

19 A. Um-hmm.

20 Q. And I am sorry to keep asking you to
21 say yes or no, but she needs to be able to take
22 down what you're saying. So --

23 A. Yes, ma'am.

24 Q. You were angry. I am not trying to be
25 hard on you, I promise. When you said you were

1 angry at your mom and you were going to leave,
2 right?

3 A. Yes, ma'am.

4 Q. And that's when you made the statement
5 to your mom about John Singleton, correct?

6 A. Yes, ma'am.

7 Q. And at this point like you're real mad,
8 right?

9 A. Yes, ma'am.

10 Q. You called 911 and you are still mad?

11 A. Yes, ma'am.

12 Q. I think you told the Low Country
13 Children's Center lady I wanted to fight him?

14 A. Yes, ma'am.

15 Q. Now, I want to go back to you said
16 something happened in your mama's room, right?

17 A. Um-hmm.

18 Q. Something to do with a phone?

19 A. Yes, ma'am.

20 Q. And you testified today that Mr.
21 Singleton wanted you to delete videos off the
22 phone?

23 A. Yes, ma'am.

24 Q. When you spoke to the lady at the Low
25 Country Childrens Center you said that he wanted

1 help with his wi-fi, right?

2 A. Yes.

3 Q. And you are saying that he pulled you
4 onto his lap?

5 A. Yes, ma'am.

6 Q. And that's when your auntie came in?

7 A. Yes, ma'am.

8 Q. And that's Auntie Sasha?

9 A. Yes, ma'am.

10 Q. And during this whole thing you hit
11 your knee on a brick?

12 A. Um-hmm, my toe.

13 Q. You hit your toe on a brick and so you
14 run off to your room, right?

15 A. Yes, ma'am.

16 Q. And that's when you were sitting in the
17 corner?

18 A. Um-hmm.

19 Q. Upset?

20 A. Yes, ma'am.

21 Q. And that's -- you didn't tell Keoshia?

22 A. No, ma'am.

23 Q. Anything about this?

24 A. No, ma'am.

25 Q. She asked you, but you didn't tell her?

1 A. Yes, ma'am.

2 Q. And you didn't tell Sasha anything
3 about this?

4 A. Yes, ma'am.

5 Q. She asked, but you didn't tell her?

6 A. Yes, ma'am.

7 Q. And I think you told Low Country
8 Childrens Center that you thought this happened on
9 a Sunday because lots of people were at the house,
10 right?

11 A. Yes, ma'am.

12 Q. So your mom was there?

13 A. Yes, ma'am.

14 Q. Keoshia was there?

15 A. Yes, ma'am.

16 Q. Sasha was there?

17 A. Yes, ma'am.

18 Q. Your brother?

19 A. Yes, ma'am.

20 Q. And I think you have a godsister there?

21 A. Yes, ma'am.

22 Q. Her baby was there?

23 A. Yes, ma'am.

24 Q. People were in the front room?

25 A. Yes, ma'am.

1 Q. People were on the computer?

2 A. Yes, ma'am.

3 Q. Lot of people in the house?

4 A. Um-hmm.

5 Q. Okay. I'm going to ask you some
6 questions now about the day that you said you first
7 met Mr. Singleton that was at the house on Ferrara.

8 A. Um-hmm.

9 Q. That was someone's birthday party?

10 A. Yes, ma'am.

11 Q. And people were kind of partying?

12 A. Yes, ma'am.

13 Q. Celebrating?

14 A. Yes, ma'am.

15 Q. And it wasn't uncommon for y'all to
16 sometimes spend the night at whatever house y'all
17 had been celebrating at?

18 A. Um-hmm, yes, ma'am.

19 Q. So that night you were going to stay on
20 Ferrara?

21 A. Um-hmm.

22 Q. And before that you had never met John
23 Singleton before?

24 A. Never.

25 Q. And so that day when everybody was

1 figuring out where they were going to sleep you
2 ended up sleeping in the front room?

3 A. Um-hmm.

4 Q. And that's when you are saying
5 something happened in the front room?

6 A. Yes, ma'am.

7 Q. And that's the same day that you say a
8 couple of minutes later Mr. Singleton brought you
9 into another room?

10 A. Yes, ma'am.

11 Q. Where other people were sleeping?

12 A. Yes, ma'am.

13 Q. And your grandfather was sleeping in
14 there?

15 A. Yes, ma'am.

16 Q. And you're saying something happened
17 then or he tried to do something then?

18 A. Yes.

19 Q. But somebody woke up?

20 A. Um-hmm.

21 Q. That was your grandfather?

22 A. Yes.

23 Q. You didn't tell your grandfather
24 anything had happened?

25 A. No, ma'am.

1 Q. He was awake, right? He was awake?

2 A. He was asleep until John tripped over
3 his foot.

4 Q. Then he woke up, right?

5 A. Um-hmm.

6 Q. You didn't say anything then, right?

7 A. No, ma'am.

8 Q. That's when you testified about trying
9 to go tell other people, but nobody would wake up?

10 A. Um-hmm.

11 Q. And the next day you didn't tell
12 anybody about that, right?

13 A. Um-hmm.

14 Q. You did?

15 A. No, I didn't.

16 Q. Now, once you told your mom that Mr.
17 Singleton had been touching you, she was upset,
18 right?

19 A. Um-hmm.

20 Q. That's a yes?

21 A. Yeah.

22 Q. And she cried, right?

23 A. Yes.

24 Q. And she supported you throughout this
25 process, right?

1 A. Yes, ma'am.

2 Q. And I'm not trying to say anything, but
3 that's your only parent, right?

4 A. Yes.

5 Q. You don't have your dad?

6 A. No, ma'am.

7 Q. And your mom's support is important to
8 you?

9 A. Yes, ma'am.

10 Q. And I would imagine you are closer than
11 ever now?

12 A. Yes, ma'am.

13 Q. When people would be over and
14 celebrating it wasn't uncommon for people to be up
15 late into the night, right?

16 A. It was.

17 Q. It was common?

18 A. Um-hmm.

19 Q. So people could be up super late
20 depending on what kind of celebrating was going on?

21 A. Yes, ma'am.

22 Q. Now, this night that the stuff happened
23 in the kitchen you said that you were hanging out
24 with Sasha and Keoshia?

25 A. Yes, ma'am.

1 Q. On the porch?

2 A. Yes, ma'am.

3 Q. Talking about like girl stuff?

4 A. Um-hmm.

5 Q. And your mom at that point was already
6 asleep?

7 A. Yes, ma'am.

8 Q. And I think you told Low Country
9 Childrens Center that you think it was around 9:00
10 that this happened, sound right?

11 A. Yes, ma'am.

12 Q. But you were up, your cousin was up,
13 and Sasha was up, right?

14 A. Um-hmm.

15 Q. Now, at this point living in the house
16 is Sasha lived there, right?

17 A. Um-hmm.

18 Q. And you lived there?

19 A. Yes, ma'am.

20 Q. And Keoshia?

21 A. Yes, ma'am.

22 Q. And your brother?

23 A. Yes, ma'am.

24 Q. Your mom?

25 A. Yes, ma'am.

1 Q. Your granny?

2 A. Yes, ma'am.

3 Q. And your granny's name was Mary Jane?

4 A. Yes, ma'am.

5 Q. And your grandfather that was living
6 there?

7 A. Yes, ma'am.

8 Q. Different than Mr. Wigfall, right?

9 A. Yes, ma'am.

10 Q. And everybody was asleep but you, Sasha
11 and Keoshia?

12 A. Yes. And my granddaddy was not there
13 that night.

14 Q. Your granny and your granddaddy weren't
15 there?

16 A. Yes, ma'am.

17 Q. And you said that Mr. Singleton brought
18 you to the kitchen?

19 A. Yes, ma'am.

20 Q. Not any of the bedrooms?

21 A. Huh-uh.

22 Q. And not to the bathroom?

23 A. Huh-uh.

24 Q. And that he brought you right there to
25 the kitchen.

1 A. Yes, ma'am.

2 Q. And that's when you testified that you
3 were assaulted?

4 A. Yes, ma'am.

5 Q. Now, you also testified that Keoshia
6 came in?

7 A. Yes, ma'am.

8 Q. When she came in she didn't yell stop
9 or anything like that, right?

10 A. Huh-uh.

11 Q. She didn't like pull you out of the
12 room or anything?

13 A. No, ma'am.

14 Q. You testified today also that you told
15 Keoshia in your room?

16 A. We both shared the room.

17 Q. And not on the porch?

18 A. No, ma'am.

19 Q. So Keoshia never went outside of the
20 porch?

21 A. Yes. When she saw she went back
22 outside.

23 Q. Then did you go back out to the porch
24 too?

25 A. I was coming in.

1 Q. And that's when you said -- sorry, I am
2 confused. When you went to Low Country Childrens
3 Center didn't you tell them that y'all talked about
4 it on the porch?

5 A. No.

6 Q. Okay. So y'all didn't talk about it on
7 the porch?

8 A. No, ma'am.

9 Q. You talked about it in the girls
10 bedroom?

11 A. Yes, ma'am.

12 Q. And you said nothing was wrong?

13 A. Um-hmm. Well, I told her what
14 happened. I told Sasha. Keoshia knew because she
15 saw it.

16 Q. And then you just went to bed?

17 A. No, ma'am. We stayed up for a little
18 bit. That's when Sasha explained to me her story,
19 that she went through the same thing.

20 Q. Sasha told you her story?

21 A. Yes, ma'am.

22 Q. And said she went through the same
23 thing?

24 A. Um-hmm.

25 Q. So you felt like she was on your side?

1 A. I guess.

2 Q. And you called police on March 8th of
3 2015?

4 A. I don't remember the day. I know I
5 called the police.

6 Q. Do you know that you called the police
7 in March?

8 A. No.

9 Q. Okay. Do you remember going to Low
10 Country Childrens Center on March 25th?

11 A. Yes.

12 Q. And there were a couple of weeks in
13 between when you called the police and went to Low
14 Country Childrens Center, right?

15 A. I think so.

16 Q. And between when you called the police
17 and went to Low Country Childrens Center they
18 didn't make you leave your mom's house, right?

19 A. No, ma'am.

20 Q. And they didn't take you away from her,
21 right?

22 A. No, ma'am.

23 Q. And you still had contact with your
24 cousin Keoshia, right?

25 A. She lived with me.

1 Q. You saw her every day?

2 A. Um-hmm.

3 Q. And you also saw Sasha?

4 A. Yes.

5 Q. She was living there?

6 A. Um-hmm.

7 Q. You testified earlier that the DSS lady
8 came to your house the same day that the police
9 came, correct?

10 A. Yes, ma'am.

11 Q. And they questioned you about what had
12 happened?

13 A. Um-hmm.

14 Q. Right? And you didn't tell the DSS
15 lady about the stuff in the kitchen?

16 A. Yes, I did.

17 Q. So your testimony is that you did tell
18 the lady about what happened in the kitchen?

19 A. Yes, ma'am.

20 Q. The same night that the police came?

21 A. Yes, ma'am.

22 Q. It's also true that you didn't tell the
23 DSS lady that your cousin had seen anything in the
24 kitchen?

25 A. Yes, I did.

1 Q. So your testimony today is that you did
2 tell the DSS lady that Keoshia saw something in the
3 kitchen?

4 A. Yes, ma'am.

5 Q. The night that 911 was called you made
6 the call, correct?

7 A. Yes, ma'am.

8 Q. It wasn't your mom?

9 A. No, ma'am.

10 Q. Or your granny or Keoshia?

11 A. No, ma'am.

12 Q. Or your cousin Sasha?

13 A. No, ma'am.

14 Q. And I want to talk to you a little bit
15 about your anger.

16 A. What?

17 Q. Your anger. You were really upset when
18 you called 911?

19 A. Um-hmm.

20 Q. Right? And you went at one point to
21 counseling in 2011, right, for your anger?

22 A. I don't know.

23 Q. Problem like through school? Didn't
24 you have a school counselor that you would talk to
25 about your anger?

1 A. No.

2 Q. So you deny that you had a school
3 counselor?

4 A. Yes, I had a counselor because of this
5 problem right here.

6 Q. You know that that 2011 and 2012 you
7 were in counseling because of your behavior
8 problems at school?

9 A. Yes, ma'am.

10 Q. You deny that you ever talked to that
11 counselor about any sort of abuse?

12 A. No, ma'am.

13 Q. Because you deny that you ever saw a
14 counselor?

15 A. I saw her for this problem.

16 Q. Not talking about 2016. I am talking
17 about in 2011 and 2012.

18 A. I saw her in 2011 and 2012 yes, for
19 this problem.

20 Q. So you're saying -- I want to make sure
21 I understand you. You're saying that in 2011 and
22 2012 you told your counselor that that was going
23 on?

24 A. Yeah.

25 Q. So you think that you told your

1 counselor in 2011?

2 A. I didn't see my counselor for no anger
3 problems.

4 Q. I want to make sure I am clear though.
5 You went to counseling in 2011 and 2012 and you're
6 saying today --

7 A. If I did I saw a counselor for this
8 problem right here. I went there when I was in
9 middle school.

10 Q. So in 2011 you told the counselor about
11 the abuse?

12 A. Probably so.

13 Q. So are you saying that you don't have
14 an anger problem?

15 A. No.

16 Q. So in 2011 when you kept getting
17 written up at school for fighting, that wasn't
18 because you have an anger problem?

19 A. No, that's not anger. For fighting.
20 Everybody fight.

21 Q. Everybody fights?

22 A. Yep.

23 Q. And in 2014 when you got into a fight
24 with another student that wasn't because you had an
25 anger problem?

1 A. No.

2 Q. And when you pushed a teacher at school
3 that wasn't because you had an anger problem? I am
4 asking.

5 A. No.

6 Q. And in 2012 when you couldn't get your
7 art project back and screamed at your teacher and
8 ripped the art off the wall that wasn't because you
9 have an anger problem?

10 A. I don't remember that.

11 Q. You don't remember not being able to
12 get your clay fish back and screaming at the
13 teacher, kicking a trash can and ripping the art
14 off the wall?

15 A. No.

16 Q. So that never happened?

17 A. I didn't say that. I said I don't
18 remember if it did.

19 Q. And you deny that you have had
20 counseling at the school because you get angry when
21 you don't get your way?

22 A. No.

23 Q. No?

24 A. No, I never had no counseling.

25 Q. Okay. You deny that while you were in

1 counseling in 2011 and 2012 that you admitted to
2 having an anger problem?

3 A. I don't remember that part.

4 Q. You deny that you told your counselor
5 that you had problems yelling at teachers and
6 adults?

7 A. Yep.

8 Q. You deny that?

9 A. Um-hmm.

10 Q. And you deny getting in altercations at
11 school because you had an anger problem?

12 A. Yep.

13 Q. You deny that?

14 A. Um-hmm.

15 Q. And when your dad died that affected
16 you, didn't it?

17 A. Um-hmm.

18 Q. It was upsetting to you losing your
19 father, correct?

20 A. Yeah.

21 Q. And I would imagine especially this
22 time of year that's difficult for you to not have
23 him?

24 A. Yeah.

25 Q. Your relationship with John Singleton,

1 you started calling him daddy, correct?

2 A. Um-hmm.

3 Q. And do you still call him that?

4 A. Huh-uh.

5 Q. No? And when you were living in that
6 house your mom was the one who would discipline
7 you, correct?

8 A. Um-hmm.

9 Q. Not Mr. Singleton?

10 A. Huh-uh.

11 Q. Okay. Did he kind of stay out of it?

12 A. Depends on what it is.

13 Q. Did he sometimes take your side?

14 A. Um-hmm.

15 Q. After the allegations were made in
16 March you saw him in the neighborhood a few days
17 later, correct?

18 A. Um-hmm.

19 Q. Is that yes?

20 A. Yes, ma'am.

21 Q. And I think you spoke to him, correct?

22 A. He spoke to me.

23 Q. You just ignored him?

24 A. No, we talk.

25 Q. And you have talked to him some in the

1 last two years, correct?

2 A. Um-hmm.

3 Q. And I think you even wrote him a letter
4 one time?

5 A. No.

6 Q. No?

7 THE COURT: Ma'am, if you would, could
8 you move your hand? I am having a hard time
9 hearing you with that hand up there like that.

10 Thank you.

11 BY MS. EHRLICH:

12 Q. Your grandmother is Mary Jane Ferguson?

13 A. Yes.

14 Q. That's your mother's mother?

15 A. Yes, ma'am.

16 Q. And you told her that you only said
17 this about Mr. Singleton because you were mad at
18 your mom about that?

19 A. No.

20 Q. You deny making that statement?

21 A. Yes, ma'am.

22 THE COURT: You have to answer yes or
23 no. Is that yes, you deny?

24 A. Yes, I do.

25 Q. Thank you. So you deny telling her

1 about a month after the police were called that you
2 only said this because you were mad at your mom?

3 A. Yes, ma'am.

4 Q. Do you also deny telling your
5 grandmother after you came to the solicitor's
6 office one day that you didn't want to go through
7 this?

8 A. No, I did tell her that.

9 MS. EHRLICH: Court's indulgence.

10 THE COURT: Yes, ma'am.

11 (Off-the-record conference.)

12 BY MS. EHRLICH:

13 Q. I have a few for questions for you,
14 okay?

15 A. Um-hmm.

16 Q. In 2015 you had a DSS case worker who
17 was coming to see you making sure everything was
18 okay, right?

19 A. Yes, ma'am.

20 Q. Ms. Karen?

21 A. Um-hmm.

22 Q. And at one point you were angry that
23 she wouldn't let you see Mr. Singleton?

24 A. No, I was not angry.

25 Q. So you deny that?

1 A. Yes.

2 Q. Do you remember Ms. Karen coming up to
3 see you at the Walnut Drive house in 2015?

4 A. Yes, ma'am.

5 Q. And you ran out to her car and asked if
6 you could see Mr. Singleton?

7 A. No. My little brother asked.

8 Q. So you deny that you asked to see him?

9 A. Yes, ma'am.

10 Q. And you also called your case worker at
11 one point and left her a message on the phone,
12 right? You said that you wanted him to go home?

13 A. Who?

14 Q. Mr. Singleton?

15 A. I never say I wanted him to go home.

16 Q. You didn't say that you wanted him to
17 come home?

18 A. No, ma'am.

19 Q. You didn't say that you only said this
20 in anger?

21 A. No, ma'am.

22 Q. So you deny ever telling her -- leaving
23 her a message to that?

24 A. Yes, ma'am.

25 MS. EHRLICH: Court's indulgence.

1 THE COURT: Yes, ma'am.

2 MS. EHRLICH: No further questions,
3 Your Honor.

4 THE COURT: Redirect.

5 REDIRECT EXAMINATION

6 BY MS. ELLIOTT:

7 Q. Ms. Ehrlich was asking you about 2011
8 and 2012. You would have been about nine and ten
9 years old then, right?

10 A. Yes, ma'am.

11 Q. John Singleton was living with you
12 then?

13 MS. EHRLICH: Objection, Your Honor,
14 leading.

15 THE COURT: I will ask you not to lead
16 the witness.

17 BY MS. ELLIOTT:

18 Q. Who was living -- what males were
19 living with you in 2011 and 2012?

20 A. John and my grandfather.

21 Q. Which grandfather?

22 A. My grandfather Lee. He is deceased.

23 Q. And the incident that happened in the
24 kitchen, Mary Jane Ferguson who is your grandmother
25 and her husband, whatever his name is?

1 A. Lee Lawrence.

2 Q. Were they living with you yet at that
3 point?

4 A. Yes, ma'am.

5 Q. Were they in the house that night?

6 A. No, ma'am.

7 Q. Ms. Ehrlich asked you about talking to
8 DSS workers. Do you remember how many different
9 DSS workers you talked to about this?

10 A. I think there is two.

11 Q. Do you remember exactly what you told
12 each of them?

13 A. No, ma'am.

14 Q. Do you remember if you told the woman
15 at the Low Country Childrens Center what happened
16 in the kitchen?

17 A. Yes, ma'am.

18 Q. What happened first, what happened in
19 the kitchen or what happened on the cell phone that
20 Sasha walked in on?

21 A. I think the kitchen.

22 Q. Ms. Ehrlich was asking you about the
23 911 call you made. Do you remember what your
24 demeanor was like that night on the phone when you
25 were actually on the phone with 911?

1 A. No.

2 Q. Do you know what the word "demeanor"
3 means?

4 A. No.

5 Q. Let me see if I can ask this a
6 different way. What were your emotions like while
7 you were on the phone?

8 A. I don't know. I was crying and I
9 wasn't angry, but I was mad because he was trying
10 to deny it.

11 Q. You were mad because he was denying it?

12 A. Yes, ma'am.

13 Q. You told Ms. Ehrlich that you were
14 going to leave this night. Why were you going to
15 leave that night?

16 A. Because I didn't want to be there.

17 Q. Why didn't you want to be there?

18 A. I don't know.

19 Q. Was there anyone in that house you
20 didn't want to see anymore?

21 A. Yes.

22 Q. Who?

23 A. John.

24 Q. Explain to us what it would look like
25 to you if someone had an anger issue?

1 A. I don't know.

2 Q. Can you even define what that is?

3 A. Not really.

4 Q. When John was living with you what kind
5 of things would he provide for you?

6 A. Anything.

7 Q. Like what? Give me examples?

8 A. Shoes.

9 Q. Did he ever give you gifts?

10 A. Sometimes.

11 MS. EHRLICH: Objection, beyond the
12 scope of redirect.

13 MS. ELLIOTT: Judge, I think she went
14 into their relationship. I'm asking to expand on
15 that.

16 THE COURT: I will allow her to ask the
17 question.

18 BY MS. ELLIOTT:

19 Q. Did he ever give you gifts?

20 A. Yes, ma'am.

21 Q. Money?

22 A. Yes, ma'am.

23 Q. Were things always bad with John
24 Singleton or were there ever good times with John
25 Singleton?

1 A. It depends.

2 Q. What did it depend on?

3 A. When John go out and don't come back
4 until something like that, come back and there were
5 problems. They would argue.

6 Q. I want to know about your relationship
7 to him. What was it like when he was around you?

8 A. Good I guess.

9 Q. Were there ups and downs in that?

10 A. Sometimes, yeah.

11 MS. ELLIOTT: Court's indulgence.

12 THE COURT: Yes, ma'am.

13 (Off-the-record conference.) —

14 BY MS. ELLIOTT:

15 Q. Did anything happen between you and
16 John Singleton on the night that the police were
17 called that upset you?

18 A. Yes, when he touch my butt.

19 Q. Has this been easy coming to court and
20 talking about this?

21 A. No.

22 Q. Do you like talking about all the
23 things that John Singleton has done to you?

24 A. No, ma'am.

25 Q. Did you make this up because you were

1 mad at your mom?

2 A. No, ma'am.

3 Q. Ms. Ehrlich asked you if you and your
4 mom had gotten closer since this incident. Do you
5 remember what you told her?

6 A. Yes.

7 Q. You said what?

8 A. I said yes.

9 Q. Do you feel like you need to protect
10 her?

11 A. Um-hmm.

12 MS. ELLIOTT: Nothing further.

13 THE COURT: Recross?

14 MS. EHRLICH: No, Your Honor.

15 THE COURT: Ma'am, you may step down.

16 Thank you very much. Ladies and gentlemen of the
17 jury, we will break for the afternoon at this time.
18 As you leave the courthouse I told you that I would
19 give you some instructions. The instructions are
20 not to attempt to gather any information about the
21 case from any source outside of the courthouse.
22 Don't listen to, watch or read any media reports.
23 Don't discuss the case with anyone. Don't allow
24 anyone to discuss it with you. And if anybody
25 contacts you about your service please report that

1 as soon as possible to the court. We will start
2 again in the morning at 9:00. So the bailiff will
3 show you where to report back to. We should start
4 shortly thereafter so if you would please be in the
5 jury room at 9:00.

6 When you come back in the courtroom I
7 will be asking you if you have been able to comply
8 with my instructions. I hope everyone will be able
9 to report that you have. Hope you have a great
10 evening. See you in the morning at 9:00. Thank
11 you very much.

12 (Thereupon, the jury exited the
13 courtroom at 5:05 p.m.)

14 THE COURT: I believe the Defendant is
15 in custody at this time. He will remain in custody
16 during the trial. We will be in recess until 9:00
17 in the morning. Thank you.

18 (These proceedings were adjourned at
19 5:06 p.m., June 19, 2017, Charleston County, South
20 Carolina.)

21 * * * * *

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1 (Whereupon, the proceedings continue on
2 June 20, 2017, at 8:56 a.m.)

3 THE COURT: Good morning. I would ask
4 the attorneys to approach briefly. I received a
5 message from a juror.

6 (Hanging.)

7 (Off-the-record conference.)

8 THE COURT: Is the State ready to
9 proceed?

10 MS. ELLIOTT: We are, Your Honor.

11 THE COURT: Defense ready?

12 MS. EHRLICH: Yes, sir.

13 THE COURT: All right. Let's bring the
14 jury in, ma'am.

15 (Whereupon the jury entered the
16 courtroom at time is 9:07 a.m.)

17 THE BAILIFF: Jurors are all present,
18 Your Honor.

19 THE COURT: The record will reflect
20 that the jury has returned to the courtroom this
21 morning and I hope everybody had a good evening. I
22 told you that when you arrived I would be asking
23 you if you had any difficulty in complying with my
24 instructions thus far. So if any of you have had
25 any problems with complying with those

1 instructions, please stand. The record will
2 reflect that all jurors have been able to comply
3 with my instructions thus far. I received an
4 inquiry from you and I have discussed the matter
5 with the attorneys.

6 The first question that we had was do
7 we have an estimate as to how long we will be
8 serving as jurors for this case? And how long do
9 the attorneys anticipate the case lasting this
10 week? This particular case in talking with the
11 attorneys we anticipate being over sometime
12 tomorrow maybe after lunch, but things can change.
13 As I indicated, this is not television and so we
14 don't start on the hour and end on the hour, but
15 that's what we anticipate sometime through
16 tomorrow.

17 The next question was concerning your
18 difficulty in hearing. I, too, had some problems
19 with the witness yesterday, asked her to move her
20 hand, for her to speak more clearly. If any of you
21 are having trouble hearing a witness, if you will
22 just raise your hand and get my attention or one of
23 the clerks. They will be able to get ahold of me
24 and we can caution the witness. Since I don't sit
25 where you sit back there, ma'am, I can't tell

1 whether you can hear her or not or him or not. So
2 if you will just raise your hand, get our
3 attention. We will try to get them to speak up or
4 get a little closer to the microphone. But we do
5 have that problem from time to time with witnesses.
6 I don't know if it's the fact that that's a very
7 scary place to sit. I don't know what the problem
8 is, but that does happen occasionally. So just
9 indicate if you are having problems. We will do
10 our best to try to rectify that situation.

11 Now, the State was in the process of
12 calling its witnesses. You may call your next
13 witness.

14 MS. ELLIOTT: Thank you, Your Honor.
15 The State calls Sergeant Jason Roy.

16 THE COURT: Sir, come forward, please.

17 JASON ROY

18 having been duly sworn, testifies as follows:

19 THE CLERK: Once seated please state
20 your full name and spell your last name.

21 THE WITNESS: Jason Roy, R-O-Y.

22 DIRECT EXAMINATION

23 BY MS. ELLIOTT:

24 Q. Sergeant Roy, I will ask you to speak
25 up a little bit more when you answer the questions.

1 A. All right.

2 THE COURT: Probably lean forward
3 toward the microphone. Don't get right into it,
4 but that may help us a little bit. Your witness,
5 counselor.

6 BY MS. ELLIOTT:

7 Q. Thank you, Your Honor. Sergeant Roy,
8 where do you work?

9 A. North Charleston Police Department.

10 Q. And how long have you been with the
11 North Charleston Police Department?

12 A. A little over 16 years.

13 Q. And what is your rank?

14 A. Sergeant.

15 Q. And what is your role at the North
16 Charleston Police Department?

17 A. Currently I'm a sergeant on patrol on
18 the midnight shift.

19 Q. And what are your duties and
20 responsibilities as a sergeant for the patrol unit?

21 A. I handle the normal patrol duties as
22 normal patrolman, but also I supervise my team,
23 possibly other teams depending on manpower issues.
24 Respond to calls for service that require
25 supervisors to respond to, approve reports, things

1 of that nature.

2 Q. Currently what areas of North
3 Charleston do your responsibilities cover?

4 A. Currently I'm assigned to the north
5 bureau which is Ashley Phosphate up to like Ladson
6 Road area.

7 Q. Was that the area of your
8 responsibility on the night of March 8th, 2015?

9 A. That was part of it along with the rest
10 of the city.

11 Q. Why were you covering the whole city
12 that night?

13 A. On a normal night we have three
14 sergeants and a lieutenant. And if we have a
15 sergeant out for a sick leave, annual leave,
16 military leave, other sergeants fill in other
17 spots. So that night both -- the other two
18 sergeants were off so I had the whole city along
19 with the lieutenant.

20 Q. Did you respond to a call for service
21 on March 8th, 2015 related to John Singleton?

22 A. Yes, I did.

23 Q. What was the incident location?

24 A. It was Madden Drive.

25 Q. And is that in Charleston County?

1 A. Yes.

2 Q. And would that have been a part of your
3 normal supervisory area?

4 A. If I was patrolling in the north area,
5 no, but with me having to cover the whole city,
6 yes.

7 Q. What type of call were you responding
8 to on that night?

9 A. It was a forcible fondling.

10 Q. What's the protocol that the North
11 Charleston Police Department follows in responding
12 to a call for service like that?

13 A. Normally the initial officer, whichever
14 officer is close responds to the scene to gather
15 intel. That is one of the calls that a sergeant or
16 lieutenant does need to respond to. And then based
17 off of the incident if detectives need to be
18 notified, if crime scene needs to be notified, EMS
19 needs to be notified, depends on each incident.

20 Q. Were you the initial responding
21 officer?

22 A. Not that night.

23 Q. Who was?

24 A. It was Officer Pippin.

25 Q. Were you called to the scene by the

1 initial officer?

2 A. Yes, I was.

3 Q. And what did you do on scene?

4 A. I arrived I believe an hour later due
5 to other calls pending in the city. But upon my
6 arrival I met with Officer Pippin. He briefed me
7 on what transpired, who he talked to and what was
8 relayed and from there I decided DSS needed to be
9 notified and I contacted North Charleston dispatch
10 to have DSS get ahold of me.

11 Q. After you had DSS notified what did you
12 do?

13 A. I stood by until DSS came out to the
14 scene. At that time I explained to her what
15 transpired and she decided to start the safety plan
16 and I stayed on scene for her safety while she
17 handled all the paperwork she needed to handle.

18 Q. Did you ever interview Complainant

19 ?

20 A. No, I did not.

21 Q. Why not?

22 A. The initial officer already spoke with
23 her to get the brief summary of what happened. And
24 normally with sensitive cases like that we get an
25 initial report of what's going on and then we

1 forward it to our juvenile detectives. And so it
2 goes to the LCC, Low Country Childrens Center, so a
3 forensic psychologist can interview them or
4 somebody who has been trained.

5 Q. So you said that the responding officer
6 would have done a brief interview of the child.
7 Would he have done an in depth interview with her?

8 A. It all depends on how old the child is,
9 and depends on what all happens if they are
10 advising how they were fondled.

11 Q. What's the protocol?

12 A. Normally you want to investigate it,
13 but we don't get to the point where we are getting
14 into a too in depth interview where we ask too many
15 questions or we are not trained to handle. So a
16 lot would depend on that whether you contact
17 detectives or forward it on to LCC.

18 Q. Were you present while the social
19 worker was speaking to Complainant?

20 A. I was in the residence for her safety,
21 but I wasn't actually in the room that she was in.

22 Q. What happened to John Singleton that
23 night?

24 A. We established a safety plan for him to
25 be removed from the residence. At that time

1 another officer arrived on scene to transport him
2 to a relative's house away from the scene so he
3 would not be there.

4 Q. Why wasn't he arrested that night?

5 A. Based on the facts that we gathered
6 that night and normal protocol that's one of those
7 where we had no crime scene to focus on or
8 detectives respond to do the initial report. It
9 was forwarded to the juvenile detectives who are
10 trained for that, like I said, and back to LCC to
11 be able to be interviewed. And then he was
12 positively identified so that way he could be
13 followed for warrants down the road.

14 Q. Did you do any further investigation
15 that night?

16 A. The initial report was done which was
17 approved by me, then forwarded on to detectives for
18 follow up.

19 MS. ELLIOTT: Court's indulgence, Your
20 Honor.

21 THE COURT: Yes, ma'am.

22 (Off-the-record conference.)

23 MS. ELLIOTT: I don't have any further
24 questions at this time.

25 THE COURT: Thank you. Ms. Ehrlich,

1 you wish to cross-examine?

2 MS. SEMAN: Yes, Your Honor.

3 THE COURT: Your witness.

4 CROSS-EXAMINATION

5 BY MS. SEMAN:

6 Q. Good afternoon -- I guess it is
7 morning. Just kidding. Sergeant, I would like to
8 talk about with your investigation on March 8th.
9 So as part of any investigation when you arrive you
10 begin to gather information, right?

11 A. Correct.

12 Q. And you respond to a call and
13 immediately you start looking for any information
14 that you can find, right?

15 A. I spoke to the officer.

16 Q. You got information from Officer
17 Pippin?

18 A. Yes.

19 Q. And you also yourself look around,
20 right?

21 A. Yes.

22 Q. And you start to talk to people, right?
23 You didn't talk to anyone that night?

24 A. I talked to Officer Pippin and I spoke
25 with the DSS when --

1 Q. So you talked to Officer Pippin and you
2 talked to DSS?

3 A. Yes.

4 Q. And you didn't talk to anyone else that
5 night?

6 A. I might have spoke to the mother; I do
7 not remember.

8 Q. Okay. Because the mother might have
9 been a potential witness, right?

10 A. Correct.

11 Q. And you take notes about things that
12 you talk to potential witnesses about?

13 A. Correct.

14 Q. And you have to be careful to record
15 what you saw and what you heard when you talk to
16 potential witnesses?

17 A. Correct.

18 Q. Because recording your investigation
19 helps your memory, right?

20 A. Correct.

21 Q. And there's often a lot of time in
22 between when you talk to a witness and when you
23 come to court, right?

24 A. Yes.

25 Q. Like today it's two years later, right?

1 A. Correct.

2 Q. Plus you also work on more than one
3 case at a time? This is not the only case that you
4 handled that night I'm sure?

5 A. No, it was not.

6 Q. So it's really important for you to
7 write down anything that you learn from any
8 potential witnesses, right?

9 A. Correct.

10 Q. So let's talk about this case. In this
11 case you arrived on the scene on March 8, 2015,
12 around 2:00 in the morning, right?

13 A. It was actually I think 3:05.

14 Q. Okay.

15 A. Officer Pippin I believe arrived right
16 around 2:00.

17 Q. Okay. And he had already spoken with
18 Complainant at that point?

19 A. Correct.

20 Q. And you learned from Officer Pippin
21 that Complainant had made some accusations against
22 John?

23 A. Correct.

24 Q. And as you said on direct, nobody took
25 a witness statement of Complainant because that was

1 your protocol, right?

2 A. Correct.

3 Q. Because if you had it would have been
4 in your report, right?

5 A. Correct.

6 Q. And it wasn't in the report that y'all
7 wrote together?

8 A. Officer Pippin wrote the report.

9 Q. Okay. And you said that you might have
10 talked to Complainant's mother also, but you are not
11 sure?

12 A. Correct.

13 Q. But Complainant's mother told you -- I am
14 sorry. You did not take a written statement from
15 Complainant's mother?

16 A. Correct.

17 Q. Because if you had taken a written
18 statement it would have been in your report?

19 A. Correct.

20 Q. And it wasn't in the report?

21 A. Correct.

22 Q. And at some point you spoke to John or
23 was it Officer Pippin?

24 A. Officer Pippin.

25 Q. Nobody took a written statement from

1 John?

2 A. He had nothing to say.

3 Q. Okay. But nobody took a written
4 statement from him, right?

5 A. No, ma'am.

6 Q. Because if you had taken a written
7 statement it would have been in your report?

8 A. Correct.

9 Q. And it wasn't in your report?

10 A. Correct.

11 Q. Other people were also present when you
12 were there at 3:00 that morning?

13 A. There was other family members I
14 believe.

15 Q. Including Mary Jane Ferguson, Complainant's
16 grandmother?

17 A. Possibly. I can't remember.

18 Q. And her husband Lee?

19 A. Possibly.

20 Q. And someone named Amanda Cokley, right?

21 A. Possibly.

22 Q. And Keoshia Ferguson, Complainant's cousin?

23 A. Possibly.

24 Q. You did not speak to Keoshia Ferguson I
25 am guessing because you don't remember for sure if

1 she was there?

2 A. Correct.

3 Q. And you didn't take a written statement
4 from her?

5 A. Correct.

6 Q. Because if you had it would have been
7 in your report?

8 A. Correct.

9 Q. And it wasn't in your report, right?

10 A. Correct.

11 Q. And Mary Jane Ferguson, you didn't
12 speak with her either?

13 A. Correct.

14 Q. And you definitely didn't take a
15 written statement from her?

16 A. Correct.

17 Q. Because if you had it would have been
18 in your report and it wasn't in your report?

19 A. Correct.

20 Q. Amanda Cokley, you didn't speak with
21 her either? You didn't take a written statement
22 from her, right?

23 A. Correct.

24 Q. Because if you had it would have been
25 in your report?

1 A. Correct.

2 Q. It wasn't in your report?

3 A. Correct.

4 MS. SEMAN: I beg the Court's
5 indulgence.

6 (Off-the-record conference.)

7 BY MS. SEMAN:

8 Q. John was present when you arrived at
9 3:00 that morning, right?

10 A. Yes, he was.

11 Q. He had not left?

12 A. Yes.

13 Q. And he was living at that home, right?

14 A. Yes.

15 Q. The same one that you responded to that
16 night?

17 A. Yes.

18 Q. After ^{Complainant} accused John John left?

19 A. Correct.

20 Q. He left voluntarily?

21 A. Yes.

22 Q. He went to the home of a family member,
23 right?

24 A. Yes.

25 Q. An officer took him to that home?

1 A. Yes.

2 MS. SEMAN: No further questions, Your
3 Honor.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MS. ELLIOTT:

7 Q. Is Officer Pippin with the North
8 Charleston Police Department anymore?

9 A. No, he is not.

10 Q. Do you remember the demeanor of any of
11 the people that were on scene that night?

12 A. I remember some of the people appeared
13 to be intoxicated or at least you could smell
14 alcohol coming from their breath in speaking to
15 them.

16 Q. Do you remember who any of those people
17 were?

18 A. I believe was Mr. Singleton and the
19 wife.

20 Q. Do you remember where Mr. Singleton was
21 when you arrived on scene?

22 A. I believe he was standing outside. An
23 officer had him exit the residence and had him
24 waiting outside until my arrival along with DSS.

25 Q. Were officers with him the whole time

1 that you were there?

2 A. Yes.

3 Q. And how was he transported away from
4 the home?

5 A. He was placed in the back of a marked
6 cruiser and then driven to a family member's house.

7 Q. Did you actually take any notes that
8 night of the people you interacted with or the
9 scene?

10 A. There was no need to. There was -- no
11 one advised anything substantial to the case.
12 Officer Pippin got most of the information and the
13 only interaction I had was contact DSS which he
14 included in the report so...

15 Q. Who reviewed Officer Pippin's report?

16 A. I did. I'm the approving officer.

17 Q. And you were asked a lot by the defense
18 about who was there. You kept saying possibly. Do
19 you have any recollection of the exact names of the
20 people on scene that night?

21 A. No, I do not. I just know there was
22 several people at the residence.

23 MS. ELLIOTT: Nothing further, Your
24 Honor.

25 THE COURT: Wish to recross?

1 MS. SEMAN: I do, Your Honor. Beg the
2 Court's indulgence.

3 (Off-the-record conference.)

4 RECROSS-EXAMINATION

5 BY MS. SEMAN:

6 Q. As you have told us, Sergeant Roy, you
7 didn't write the report that night?

8 A. Right.

9 Q. So you are relying on another officer,
10 right?

11 A. Correct.

12 Q. Who wrote that report, Officer Pippin?

13 A. Yes, ma'am.

14 Q. And so you are basically relying on
15 whatever he wrote down, although you were the
16 approving officer of that report?

17 A. Yes. I review all the reports that
18 officers do underneath me.

19 Q. And as the approving officer you would
20 have added anything if you thought that the report
21 left out something?

22 A. Not for Officer Pippin. If I felt it
23 was substantial I would have done a supplement
24 report under the same case number.

25 Q. And that report doesn't contain

1 information about any other people that were in the
2 home that night, right?

3 A. Correct.

4 Q. Other than Mr. Singleton, Complainant
5 and Complainant's mother?

6 A. Correct.

7 MS. SEMAN: Thank you, Your Honor. No
8 further questions.

9 THE COURT: Sir, you may step down.
10 Thank you very much. Do you wish to excuse the
11 witness?

12 MS. ELLIOTT: Yes, Your Honor.

13 THE COURT: Any objections?

14 MS. SEMAN: No, Your Honor.

15 THE COURT: Sir, you are free to go.
16 Thank you very much. State may call its next
17 witness.

18 MS. ELLIOTT: The State calls Alexis
19 Wade.

20 ALEXIS WADE

21 having been duly sworn, testifies as follows:

22 THE CLERK: Please state your first and
23 last name and spell your last name for the record.

24 THE WITNESS: Alexis Wade, W-A-D-E.

25 THE COURT: Counselor, your witness.

DIRECT EXAMINATION

BY MS. ELLIOTT:

Q. Good morning, Ms. Wade. Will you tell us what you do for a living?

A. I currently work for the South Carolina Youth Advocate Program as the treatment coordinator.

Q. And what your duties and responsibilities for the South Carolina Youth Advocate Program?

A. I supervise and manage the therapeutic foster homes and the children in those homes.

Q. What type of educational background do you have to do that work?

A. I have an undergraduate from the College of Charleston in sociology and I have been working in the social worker field for about ten years now.

Q. Is that where you were working in March of 2015?

A. No.

Q. Where were you working then?

A. Charleston County Department of Social Services.

Q. And what were your duties and

1 responsibilities at the Department of Social
2 Services?

3 A. I worked in the preservation unit where
4 I worked with family and children creating
5 treatment plans to preserve children in their
6 homes.

7 Q. Do you remember being called to
8 Madden Drive on March 7th, 2015?

9 A. I do.

10 Q. What time were you called in?

11 A. I got the call at 3:27 a.m.

12 Q. Now, was call out a regular part of
13 your duties?

14 A. We were on call every -- rotated
15 between the workers so it was my weekend or week to
16 be on call.

17 Q. And why were you notified?

18 A. Because I was the on call worker.

19 Q. And what did you do once you arrived at
20 the house?

21 A. I met with the child and Mr. Singleton,
22 child in private and all the adults in the home.

23 Q. Did ^{Complainant} disclose to you a sexual
24 assault?

25 A. She did.

1 Q. When did she say that it happened?

2 A. She said that it happened the first
3 time which was eight years old. The second when
4 she was 10 or 11. And then the third occurred a
5 few weeks prior.

6 Q. And did she tell you where it happened?

7 A. She said the first one happened at a
8 family member's home, then the second occurred in
9 her home.

10 Q. What was Complainant's demeanor like when
11 you were talking to her that night?

12 A. She was calm and open to talking with
13 me. She was nervous about being taken away from
14 her mom, but she was open to talking and sharing
15 what had happened to her..

16 Q. Was this a forensic interview?

17 A. No.

18 Q. Were you trying to go into all of the
19 details?

20 A. No.

21 Q. Why not?

22 A. That's not my role. I'm not a forensic
23 interviewer so my job was to gather the information
24 that I could at that time. I got the basic info
25 and then not probe for more detail because I'm not

1 a forensic interviewer.

2 Q. Did you refer her to a hospital that
3 night?

4 A. No.

5 Q. Why not?

6 A. I staffed with my on call supervisor
7 and we decided to put a safety plan in place and
8 then all proper referrals and anything else that
9 needed to happen to be referred the next day.

10 Q. What is a safety plan?

11 A. Safety plan is a document that's put
12 into place to protect a child as they remain in
13 their home. A protector is identified and all the
14 adults sign an agreement to abide by those actions.

15 Q. Other than ^{Complainant} who else did you
16 talk to that night?

17 A. I met with mom and Mr. Singleton and
18 reviewed the safety plan. Mr. Singleton wasn't
19 able to sign it. He left prior to being able to
20 get him to sign it.

21 Q. What was ^{Complainant}'s mother Iesha's
22 demeanor like that night?

23 A. She was visibly upset, crying, learning
24 the allegations, very concerned, upset.

25 Q. Did you talk to anyone else?

1 A. I spoke with Ms. Cokley who was the
2 protector and briefly with Mr. Singleton.

3 Q. Did you talk to a Mary Jane Ferguson?

4 A. I did.

5 Q. Who was that?

6 A. That was a grandmother.

7 Q. What was her demeanor like that night?

8 A. She -- the officer that was there
9 thought she might have been under the influence.
10 She was able to collect Mr. Singleton's belongings
11 or a bag for him that night. And then she left.

12 Q. What were the conditions of the safety
13 plan?

14 A. It was to protect Complainant in the home.
15 Mr. Singleton was to have no contact with the
16 child. And Ms. Cokley and Ms. Ferguson were to
17 agree to restrain contact between the child and Mr.
18 Singleton.

19 Q. You talked about a protector. What's a
20 protector?

21 A. Someone who agrees to be in the home to
22 insure that those actions are being met. To make
23 sure Mr. Singleton didn't have contact with the
24 child, that mom was also not allowing contact with
25 the child, she is a third party there to protect

1 the child.

2 Q. Are there always protectors placed in a
3 home with a safety plan?

4 A. There is usually a protector that is
5 identified in the safety plan.

6 Q. Why was a protector put in place in
7 this incident?

8 A. Mr. Singleton was denying the
9 allegations. He agreed to leave the home. The
10 protector was there to just protect the child to
11 make sure she would be protected in that moment
12 until we could get more information, more details
13 the following day as an investigation starts.

14 MS. ELLIOTT: Court's indulgence.

15 THE COURT: Yes, ma'am.

16 (Off-the-record conference.)

17 MS. ELLIOTT: No further questions at
18 this time, Your Honor.

19 THE COURT: Thank you. Defense may
20 cross-examine.

21 CROSS-EXAMINATION

22 BY MS. EHRLICH:

23 Q. Good morning, Ms. Wade.

24 A. Good morning.

25 Q. When you working for DSS when you

1 respond to a scene like this your only real concern
2 is the child, correct?

3 A. Correct.

4 Q. And so when you put safety plans in
5 place that's the immediate kind of intervention
6 that DSS does until an investigation can occur?

7 A. Correct.

8 Q. So when you put in this safety plan,
9 there's no determination by you of what did or
10 didn't happen? It is just let's create a safety
11 plan until this can be investigated, correct?

12 A. Correct.

13 Q. And you spoke to -- you responded -- I
14 think you said you got a call at 3:27 in the
15 morning. You were there about 4:00 in the morning?

16 A. Yes, ma'am.

17 Q. You went straight to the Madden Drive
18 address, correct?

19 A. Correct.

20 Q. And there were a good number of people
21 at the house by the time you were there?

22 A. Correct.

23 Q. And as a case worker at the time you
24 would document what you saw and who was there in
25 your notes?

1 A. Correct.

2 Q. Which you did. You documented Mary
3 Jane Ferguson was there, right?

4 A. Um-hmm, yes.

5 Q. And you documented that Amanda Cokley
6 was there?

7 A. Correct.

8 Q. And I think you documented that there
9 were somebody -- Keoshia Ferguson there?

10 A. I believe so, yes.

11 Q. You made sure you included all the
12 people that you saw in the home because that's kind
13 of what you're doing when you get there, assessing
14 who is in that home, right?

15 A. Correct.

16 Q. Okay. And that helps you as a case
17 worker figure out who may need to be talked to
18 later, correct?

19 A. Correct.

20 Q. Figure out who the players in the house
21 may be?

22 A. Correct.

23 Q. And if necessary, if police get
24 involved they may communicate with you to get
25 additional information about what you did?

1 A. Correct.

2 Q. And who you talked to, right?

3 A. Correct.

4 Q. No detective contacted you about this
5 case after you responded, correct?

6 A. No.

7 Q. And as a case worker you don't do an
8 interrogation of people, correct, of any of the
9 witnesses?

10 A. No.

11 Q. You don't record like audio or video
12 recording interviews with people?

13 A. No.

14 Q. You just rely on your notes from
15 talking to them?

16 A. Correct.

17 Q. So there isn't some sort of nefarious
18 recording of you talking to Mary Jane Ferguson?

19 A. No.

20 Q. Or Complainant?

21 A. No.

22 Q. Or Iesha Ferguson?

23 A. No.

24 Q. And when you talked to Complainant you
25 asked her questions about why you were there or did

1 she just start talking to you? Do you remember?

2 A. I explained who I was. I was a DSS
3 worker, what my role was and why I was out here and
4 the call that I received. Asked her to explain her
5 side of the story, what was going on and that's
6 when she disclosed the abuse.

7 Q. When you were speaking to her as the
8 case worker you're trying to I assume not to lead
9 in her one direction or another, just let her talk
10 to you?

11 A. Correct.

12 Q. And that's -- you let the real
13 interview of her when she goes to Low Country
14 Childrens Center, correct?

15 A. Correct.

16 Q. And that's where she can get a forensic
17 interview by somebody who is trained on how to
18 interview a child in these circumstances?

19 A. Correct.

20 Q. And that interview would be recorded,
21 correct?

22 A. Yes.

23 MS. EHRLICH: Court's indulgence.

24 THE COURT: Yes, ma'am.

25 (Off-the-record conference.)

1 BY MS. EHRLICH:

2 Q. Ms. Elliott asked questions about
3 whether or not Complainant disclosed a sexual assault?

4 A. Yes.

5 Q. And you said that she had and that you
6 did not receive a disclosure about an assault in
7 the kitchen, correct?

8 A. I can't recall. She -- I'd have to
9 look at my dictation at what I have written down
10 from exactly what she said.

11 Q. Would you like me to get your
12 dictation?

13 A. Sure. If my memory is correct she
14 disclosed the first one happened at a family
15 member's home and second in her home. One of which
16 was in the bedroom, one was in the living room
17 area.

18 Q. Okay. And while you were on scene you
19 never became aware that there had been any
20 witnesses to any of this assault disclosed to you?

21 A. I was never told that.

22 MS. EHRLICH: Thank you.

23 REDIRECT EXAMINATION

24 BY MS. ELLIOTT:

25 Q. Were you the assigned case worker for

1 this family?

2 A. No.

3 Q. So after the night of the eighth did
4 you ever have any further interaction with them?

5 A. I entered my dictation the following
6 day, staffed with a supervisor and passed the case
7 off to the next person.

8 Q. Do you know who took over the case
9 next?

10 A. Looking in the notes I can't remember
11 who it was, but no, I had no control over who took
12 it or have any conversation with them.

13 Q. Can you explain to us a little bit
14 about how the process works when you would get
15 called out at night and then what could happen.

16 A. So I respond to a call and then the
17 following day I enter in -- the following business
18 day all my dictation, all my notes information. I
19 staff the supervisor, the on call supervisor. And
20 then possibly with a -- I can't remember if I
21 staffed with the actual worker staff. You staff
22 with whoever it is, you give all the information
23 that you have and then you step out.

24 Q. So another worker took over. Does that
25 worker have access to your notes from the initial

1 night?

2 A. Yes.

3 MS. ELLIOTT: Nothing further, Your
4 Honor.

5 MS. EHRLICH: No re-cross.

6 THE COURT: Ma'am, you may step down.
7 Wish to excuse the witness?

8 MS. ELLIOTT: Yes, Your Honor.

9 THE COURT: Any objection?

10 MS. EHRLICH: No.

11 THE COURT: Ma'am, you are free to go
12 at this time. Thank you for coming today. State
13 may call its next witness.

14 MS. HERRING-LASH: State would call
15 Karen Sams.

16 KAREN SAMS

17 having been duly sworn, testifies as follows:

18 THE CLERK: State your first and last
19 name and spell your last name.

20 THE WITNESS: Karen Sams, S-A-M-S.

21 THE COURT: Thank you. Your witness.

22 DIRECT EXAMINATION

23 BY MS. HERRING-LASH:

24 Q. Ms. Sams, where do you work?

25 A. Charleston County Department of Social

1 Services.

2 Q. And how long have you been there?

3 A. Nineteen years.

4 Q. What are your duties now at the DSS?

5 A. I'm an assessment worker for child
6 protective service.

7 Q. What were your duties back in March of
8 2015?

9 A. Assessment worker.

10 Q. And what does that mean?

11 A. We do the initial investigations on
12 cases that come in for child abuse and neglect.

13 Q. What kind of things do you get in cases
14 as you start to look at what you need to assess the
15 case?

16 A. Medical records, school records,
17 information from various people that are involved
18 or have been involved with the children or
19 relatives.

20 Q. And were you assigned this case
21 regarding Complainant ?

22 A. Yes, I was.

23 Q. When were you assigned this case?

24 A. March 9th, 2015.

25 Q. And do you get it immediately after the

1 worker that goes out on call?

2 A. I normally get it immediately unless it
3 comes in after hours. This happened to come in
4 after hours so I got it the next day.

5 Q. Okay. And so as part of that you began
6 your investigation?

7 A. Correct.

8 Q. What is the first thing that you did in
9 this case?

10 A. I met with the family probably about a
11 week after initial contact was made by the on-call
12 worker. Spoke with the family members. Just made
13 sure that the safety plan that had been put in
14 place was being carried out, talked to everybody
15 involved.

16 Q. And when you say the family members in
17 this case, who were you referring to?

18 A. Mom, a cousin that lived in the home.

19 Q. Do you remember her name?

20 A. Keoshia, I believe.

21 Q. And who else, I am sorry?

22 A. Brother younger brother.

23 Q. And what is your goal in working with
24 the family in this case?

25 A. To insure safety.

1 Q. And you mentioned a safety plan.

2 A. Correct.

3 Q. And you also mentioned that you get
4 school records?

5 A. Yes.

6 Q. Do you remember getting the school
7 records for Complainant ?

8 A. Yes.

9 Q. And as part of those school records
10 were you able to see when she went to different
11 schools?

12 A. Yes.

13 Q. And do you know when she went to
14 Middle?

15 A. She was there for all of six, seven and
16 eighth grade.

17 Q. Do you know what years that would have
18 been?

19 A. 2014 is when we became involved --
20 2015, sorry, so 2013, '14 and '15 school years.

21 Q. When she would have been at

22 A. Yes.

23 Q. And did you also as part of working
24 with this case meet with Complainant?

25 A. Yes, I did.

1 Q. And do you recall how many times you
2 met with her?

3 A. About once a month until the case
4 transferred.

5 Q. And where would you meet her?

6 A. These were at home or at school.

7 Q. And during those interviews -- do you
8 do forensic interviews?

9 A. No.

10 Q. But do you discuss the case with her?

11 A. Minimally. If they want to discuss it
12 we will listen mainly.

13 Q. And when you saw Complainant did she ever
14 tell you about a sexual assault?

15 A. She did.

16 Q. Did she tell you where it happened?

17 A. She mentioned at home.

18 Q. And did she tell you the time frame
19 that it occurred?

20 A. Not that I recall.

21 Q. Did you ask her those kind of details
22 about exactly when?

23 A. No.

24 Q. Now, did -- you also mentioned a
25 protector?

1 A. Yes.

2 Q. What is that?

3 A. That would be someone that would be put
4 in place in the home with a parent to insure safety
5 of the child if we had concerns, but the concerns
6 didn't rise to the level of moving the child out of
7 the home. We try and preserve the child in their
8 home setting.

9 Q. Is the protector there to insure that
10 the family doesn't let the accused person talk to
11 the child or get with the child?

12 A. That would be the ideal situation.

13 Q. And do you have to put a protector in
14 place a lot?

15 A. Yes.

16 Q. And why is that?

17 A. To insure that a parent follows through
18 with whatever we have requested them to do to keep
19 the child safe in their home.

20 Q. And were you as the DSS worker aware
21 that the mother was talking with him and allowing
22 the child to or giving the child the phone?

23 A. I was not aware that the child was
24 speaking with him on the phone until later on.

25 Q. And would that have been something the

1 protector should have prevented?

2 A. Yes.

3 Q. Do you know how long the protector was
4 involved in the family?

5 A. I was involved until it was September
6 the case transferred and there was still a
7 protector in the home at that time.

8 Q. Who was the protector?

9 A. There was two. I believe both were Ms.
10 Ferguson's sisters so it would have been the
11 child's aunts. It was one that was involved
12 initially upon initial contact and then she was not
13 able to stay and supervise so another aunt was put
14 in place.

15 Q. Did you interview the protector at any
16 point in time?

17 A. We don't interview her. We just let
18 her know and have her sign a safety plan agreeing
19 to what we are asking her to do such as not allow
20 the perpetrator into the home or allow mom to allow
21 contact.

22 MS. HERRING-LASH: Court's indulgence.

23 THE COURT: Yes, ma'am.

24 MS. HERRING-LASH: I think those are
25 all the questions I have, Ms. Sams. If you would

1 answer any that the defense have.

2 THE COURT: Defense may cross-examine
3 the witness.

4 CROSS-EXAMINATION

5 BY MS. EHRLICH:

6 Q. Good morning, Ms. Sams.

7 A. Good morning.

8 Q. I want to ask you a couple of questions
9 about the reporting of the abuse. As someone who
10 is employed with Department of Social Services I
11 know you've gotten probably countless hours of
12 training, correct?

13 A. Yes.

14 Q. And part of your training would be
15 training on who would be included as being a
16 mandatory reporter of abuse?

17 A. Yes.

18 Q. And your understanding of mandatory
19 reporters would be that if a child discloses abuse
20 to a counselor they will have to report that,
21 correct?

22 A. Yes.

23 Q. You testified a minute ago that you
24 weren't aware of Ms. Ferguson allowing Complainant to
25 speak to Mr. Singleton, correct?

1 A. Not in the very beginning. I did
2 become aware of it later on. I don't recall
3 exactly when though.

4 Q. Do you -- you did as part of your job
5 though go to home visits with them, correct?

6 A. Yes.

7 Q. And that would be to make sure that
8 everybody is complying with whatever plan was put
9 in place?

10 A. Correct.

11 Q. And you did a home visit in June of
12 2015, correct?

13 A. It was at the aunt's home on June 29th.

14 Q. You went to see her at the aunt's home.
15 And at that point did you learn that Complainant still
16 had not started counseling?

17 A. Yes.

18 Q. And you also did a home visit in August
19 of 2015, correct?

20 A. Yes.

21 Q. And at that point did you learn that
22 Complainant was still not in any sort of counseling?

23 A. Yes.

24 Q. And I believe you had a discussion with
25 her mother about the importance of starting

1 counseling?

2 A. I did.

3 Q. And the reason for her not starting
4 counseling is that the mom had not enrolled her in
5 counseling, correct?

6 A. That's correct.

7 Q. And your understanding was that the
8 child did not want counseling, correct?

9 A. That was what the mother and the child
10 had reported.

11 Q. Ms. Herring-Lash was asking you
12 questions about the record that you might get as
13 the case worker. The school records which you got?

14 A. Um-hmm.

15 Q. You also would have gotten any prior
16 counseling records for Complainant right?

17 A. If we were aware that she had any prior
18 counseling we would have requested records.

19 Q. And you did request those records,
20 correct?

21 A. I don't remember.

22 Q. Okay. Back to the mandatory reporting
23 question, had you learned as a case worker that a
24 prior counselor had been aware of any sort of
25 report of abuse you would have made the Court and

1 the solicitor's office aware of that, correct? If
2 you had got counseling records where a child had
3 disclosed abuse prior to 2015 you would have told
4 somebody, right?

5 A. I probably would have looked to make
6 sure it hadn't already been reported to us because
7 a lot of times it's already been reported and dealt
8 with.

9 Q. In this case you had no report against
10 John Singleton having abused Complainant being
11 made prior to 2015?

12 A. No, I didn't.

13 Q. And had you become aware that somebody
14 had not reported that who was a mandatory reporter
15 what would you have done?

16 A. Probably would have made a report of it
17 myself to our intake office.

18 Q. Right. And you have worked with DSS
19 for 19 years, right?

20 A. Right.

21 Q. You take this very seriously?

22 A. Yes.

23 Q. When you went to see the Fergusons in
24 2015 in March Complainant expressed a desire to see Mr.
25 Singleton, correct?

1 A. She did.

2 Q. And when you saw her in June of 2015
3 she expressed a desire to see him, correct?

4 A. She did.

5 Q. And you informed her no?

6 A. Correct.

7 Q. And then in August of 2015 you had
8 another conversation where she expressed a desire
9 to see him, correct?

10 A. In August?

11 Q. Yes.

12 A. Yes.

13 Q. And she became angry with you when you
14 said no?

15 A. Correct.

16 Q. And you also got a phone call at one
17 point from Complainant where she left you a message
18 being upset and wanting to see him and wanting DSS
19 to be out of her life, correct?

20 A. I don't recall if the phone call was
21 that she wanted to see him at that point. But she
22 did call leaving a message wanting DSS out of their
23 lives, yes.

24 MS. EHRLICH: Court's indulgence.

25 THE COURT: Yes, ma'am.

1 (Off-the-record conference.)

2 BY MS. EHRLICH:

3 Q. Ms. Sams, when you got the school
4 records you reviewed those records?

5 A. Yes.

6 Q. And were you aware of from reviewing
7 those records of problems that Complainant had in
8 school predating the report of the abuse?

9 A. Problems such as?

10 Q. Behavior?

11 A. Discipline, yes.

12 Q. Anger issues, correct?

13 A. Correct.

14 MS. EHRLICH: No more questions, Your
15 Honor.

16 THE COURT: Redirect?

17 MS. HERRING-LASH: Yes, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. HERRING-LASH:

20 Q. Ms. Ehrlich asked you about the
21 counseling referral that you made?

22 A. Yes.

23 Q. And no one ever following through while
24 you had the case?

25 A. Correct.

1 Q. Would it -- in your normal course of
2 dealing with families would you expect the child to
3 make the appointment to go to counseling or would
4 that be something that that parent should do?

5 A. The parent.

6 Q. And would the parent be the one
7 responsible for getting the child to counseling?

8 A. Yes.

9 Q. And you said that you had been at DSS
10 19 years?

11 A. Yes.

12 Q. Do you deal with sexual assault cases
13 or sexual abuse cases all the time?

14 A. Yes, I have.

15 Q. Now, Complainant you said asked several
16 times to see her father, she called Mr. Singleton
17 daddy?

18 A. Correct.

19 Q. Did you find that unusual?

20 A. No.

21 Q. Why not?

22 A. Children frequently do ask to see
23 perpetrators, especially if it is somebody they
24 consider a parent or somebody that's in a
25 relationship with their parent. It is not unusual.

1 Q. That's one of the reasons to have a
2 protector?

3 A. Correct.

4 Q. Because it often happens?

5 A. It does.

6 Q. Now, you talked with Complainant enough I
7 guess, correct me if I'm wrong, to get a little bit
8 of a read on her relationship with her mom?

9 A. Yes.

10 Q. And was she protective?

11 A. Of her mom? She was I guess you would
12 call it protective, guarded when it came to her.

13 Q. However you would call it if you could
14 explain what you mean?

15 A. Complainant felt bad that the whole
16 situation because --

17 Q. What do you mean bad?

18 A. Or guilty maybe that he was no longer
19 in the home. I think she felt guilty for what had
20 happened which is --

21 MS. EHRLICH: Objection, Your Honor,
22 calls for speculation. If she can say --

23 THE COURT: I will ask you to rephrase
24 the question.

25 BY MS. HERRING-LASH:

1 Q. You said that you had a good
2 relationship and a good opinion of what this
3 relationship was like?

4 A. Yes.

5 Q. And guarded. You were explaining.
6 Without assuming what was going on what did you see
7 or hear to have you form an opinion that Complainant
8 was guarded and protective of her mother?

9 A. Complainant when she would ask me if she
10 could see her dad, a lot of times it was as soon as
11 I had got done speaking with her mother. So I
12 walked out of the house or out of the room Complainant
13 would come right up and ask me can I see my dad.
14 If I said no she would just run off so it made me
15 assume she was asking for her mom.

16 Q. And you didn't find that unusual
17 because it happens a lot?

18 A. It does.

19 MS. HERRING-LASH: Court's indulgence
20 for one moment.

21 (Off-the-record conference.)

22 BY MS. HERRING-LASH:

23 Q. Did Complainant ever say -- you said that
24 you thought she felt guilty. Did she ever say
25 anything to you that led you to that conclusion?

1 MS. EHRLICH: Objection, hearsay.

2 MS. HERRING-LASH: I am not asking what
3 she said.

4 THE COURT: Sustained.

5 BY MS. HERRING-LASH:

6 Q. When was your last contact with the
7 family?

8 A. August 12th.

9 MS. HERRING-LASH: That's all the
10 questions I have, Ms. Sams. Thank you.

11 RE CROSS-EXAMINATION

12 BY MS. EHRLICH:

13 Q. You said that Complainant would ask to see
14 her dad and then just kind of run off?

15 A. Correct.

16 Q. But you noted in your notes from
17 August 2015 that she got angry when you said that
18 she couldn't see Mr. Singleton, correct?

19 A. One of the times she got angry.

20 Q. Correct?

21 A. Yes.

22 Q. Thank you.

23 THE COURT: All right, ma'am. You may
24 step down. Do you wish to excuse the witness?

25 MS. HERRING-LASH: Yes, Your Honor.

1 THE COURT: Any objection?

2 MS. EHRLICH: No, Your Honor.

3 THE COURT: Ma'am, you are free to
4 leave the courthouse if you would like. Thank you
5 very much. State may call its next witness.

6 MS. HERRING-LASH: Keoshia
7 Ferguson.

8 KEOSHIA FERGUSON

9 having been duly sworn, testifies as follows:

10 THE CLERK: Please state your first and
11 last name spelling your last name for the record.

12 THE WITNESS: Keoshia Ferguson,
13 F-E-R-G-U-S-O-N.

14 THE COURT: Counselor.

15 DIRECT EXAMINATION

16 BY MS. HERRING-LASH:

17 Q. Would you spell your first name for the
18 court reporter?

19 A. K-E-O-S-H-I-A.

20 Q. Keoshia, where do you live now?

21 A. .

22 Q. And who do you live with?

23 A. My mom.

24 Q. What is your date of birth, Keoshia?

25 A. .

1 Q. And are you in school now?

2 A. No.

3 Q. When did you graduate?

4 A. May 31st, 2017.

5 Q. So you just graduated?

6 A. Um-hmm.

7 Q. And sounds like your birthday was about

8 then too?

9 A. Yes.

10 Q. Do you have any plans for your future?

11 A. I'm going to go to a two-year college.

12 Q. Are you excited about that?

13 A. Um-hmm.

14 Q. Are you working right now?

15 A. No, ma'am.

16 Q. And you said you have been living with

17 your mom now?

18 A. Yes.

19 Q. How long have you been living with her?

20 A. Probably like five years now.

21 Q. And where did you live before you lived

22 with your mom?

23 A. With Complainant's mom.

24 Q. How long have you lived with her?

25 A. Since I was like four or five.

1 Q. And --

2 A. Years old.

3 Q. And what grade were you in when you
4 moved out of living with Complainant and Iesha?

5 A. Eleventh grade.

6 Q. So it hadn't been five years?

7 A. Yes.

8 Q. Okay. Now, when you lived with them do
9 you remember the first place y'all lived?

10 A. Yes.

11 Q. Where was that?

12 A. First place was on Iris Street.

13 Q. And what about after that, where did
14 y'all move?

15 A. Rucon.

16 Q. That's in North Charleston?

17 A. Um-hmm.

18 Q. And when y'all were on Iris and Rucon
19 who all lived with y'all?

20 A. Me, Complainant Iesha and our dad at the
21 time.

22 Q. And who was that?

23 A. Sean.

24 Q. And what was his last name?

25 A. Fuller.

1 Q. And is he deceased now?

2 A. Yes, ma'am.

3 Q. Do you know how long or what year it
4 was he died?

5 A. 2009.

6 Q. And where did y'all live after Rucon?

7 A. Madden.

8 Q. Madden?

9 A. Yes.

10 Q. And who all lived -- when you first
11 moved to Madden who all lived there?

12 A. Me, Complainant Iesha and little brother
13 Brother

14 Q. So by then Brother was born?

15 A. Um-hmm.

16 Q. And eventually did someone else move in
17 with y'all?

18 A. Yes.

19 Q. Who was that?

20 A. Sasha.

21 Q. And who is Sasha?

22 A. My aunt.

23 Q. Is she your real aunt or you call her
24 that?

25 A. I call her that.

1 Q. And did someone else also move in
2 there?

3 A. Not that I know of at the time.

4 Q. In the beginning. Eventually did
5 somebody else move in there?

6 A. Probably like a year later.

7 Q. Who was that?

8 A. Natasha.

9 Q. And who else lived there besides you,
10 Complainant Iesha, Brother and Sasha?

11 A. Nobody.

12 Q. What about Mr. Singleton?

13 A. No, not that point in time.

14 Q. When did he move in, do you remember?

15 A. I don't remember.

16 Q. Did he eventually move in?

17 A. Yes.

18 Q. And what is his name?

19 A. John.

20 Q. And do you see him in the courtroom?

21 A. Yes.

22 Q. And can you point him out?

23 A. He's over there in the white shirt.

24 Q. What does he have on?

25 A. He have on a white shirt and a tie.

1 Q. And now you mentioned cousins and
2 aunts. Do you remember your family spent a lot of
3 time together?

4 A. Yes.

5 Q. And where did Tanisha live when y'all
6 arrived on Madden Drive?

7 A. Ferrara.

8 Q. Was that close?

9 A. Yes.

10 Q. Now, how did you meet John Singleton?

11 A. I don't remember.

12 Q. Would it be fair to say he was a friend
13 of Iesha's?

14 A. Yes.

15 Q. And when he eventually moved in was it
16 -- he took on a relationship with Iesha?

17 MS. EHRLICH: Objection, Your Honor, to
18 leading the witness.

19 THE COURT: Some leading is allowed.
20 It is not totally -- I don't find that gaining any
21 advantage. You may proceed.

22 BY MS. HERRING-LASH:

23 Q. You may want to talk a little more into
24 the microphone, okay?

25 A. Yes, ma'am.

1 Q. Because these people way back here have
2 to hear you, all right?

3 A. Yes, ma'am.

4 Q. You may have to bend that a little bit.
5 If you can move over. Do you remember the first
6 time Mr. Singleton came to meet with your family or
7 not?

8 A. I don't remember.

9 Q. Now, did you ever see anything happen
10 to Complainant?

11 A. Yes.

12 Q. Can you explain what was happening from
13 the first time that day that you remember?

14 A. We was -- it was me, Complainant and Auntie
15 Sasha. We have having like a girls talk or
16 whatever and then --

17 Q. Talk louder into the microphone, okay?

18 A. And then we went inside to the house
19 from the kitchen and then I saw John on his knees
20 and Complainant was --

21 THE COURT: Ma'am, there is some water
22 in that pitcher right there.

23 Q. Do you want some? It's kind of tricky.
24 Here you go.

25 A. Thanks.

1 Q. Okay. Let's start back. What did you
2 say about you Sasha and Complainant because I couldn't
3 hear you.

4 A. We was in the front room.

5 Q. What were y'all doing?

6 A. We was just talking, having a talk like
7 we always do every night.

8 Q. Who else was home?

9 A. It was me, Sasha, Complainant, Iesha,
10 Brother our brother and John.

11 Q. Do you know where Iesha was?

12 A. She was in her room.

13 Q. Do you know what she was doing in
14 there?

15 A. Probably was sleeping.

16 Q. And what about Brother ?

17 A. Sleeping.

18 Q. And then you said you went into the
19 kitchen?

20 A. Um-hmm.

21 Q. What happened when you went in the
22 kitchen?

23 A. I saw John on his knees and Complainant was
24 by the refrigerator. But then they moved. And
25 that's when I looked and I did a double take. I

1 was like whoa. Complainant saw me and that's when she
2 came and she like don't tell anybody. I was like
3 okay. I won't. And that's when we went -- Complainant
4 went in the room and I said -- I was like we had to
5 tell somebody. So she tell Sasha what was going on
6 and that's when ever since then we didn't tell
7 anybody.

8 Q. Let's go back. When you walked in I
9 think you said in front of the refrigerator?

10 A. Yes, ma'am.

11 Q. And can you see the refrigerator in
12 this picture?

13 A. Yes, ma'am.

14 Q. And where is it? I think you can put a
15 mark where it is.

16 A. Right here.

17 Q. They were in front of that?

18 A. Yes.

19 Q. How was Complainant?

20 A. She was standing right here. Her back
21 was to us.

22 Q. Back toward?

23 A. The refrigerator.

24 Q. Okay.

25 A. And he was on his knees and he said I

1 was picking something up. I was like that don't
2 look right. And that's when Complainant be like don't
3 tell nobody because I don't want anything to happen
4 or whatever.

5 Q. Now, when you say he, you are talking
6 about who?

7 A. John.

8 Q. What did he say?

9 A. I was picking up something off the
10 floor.

11 Q. Did you see Complainant's clothing, any
12 part of it?

13 A. Yes.

14 Q. And what did you see?

15 A. Her bottoms.

16 Q. What?

17 A. Bottoms.

18 Q. What about them?

19 A. They was toward her ankles.

20 Q. And you said she saw you. How do you
21 know she saw you?

22 A. Because when we walked inside in my
23 dining room -- front room to our dining room to the
24 kitchen there's a door right through you can see
25 them.

1 Q. Let me see if I can find the picture.

2 Is that your dining room?

3 A. Yes.

4 Q. And where would the kitchen door be?

5 A. On the left.

6 Q. Okay. Can you make a mark there.

7 A. (Witness complies with request.)

8 Q. And so from there you can see in?

9 A. Um-hmm.

10 Q. I'm going to show you another picture.

11 Is that the door you are talking about?

12 A. No.

13 Q. Is that the dining room?

14 A. Yes. It's the kitchen right here.

15 Q. Right.

16 A. It's the door right here.

17 Q. Can you make a mark? And so they were
18 kind of right there in front of that refrigerator.

19 A. Um-hmm.

20 Q. You did not tell anybody about that,
21 Keoshia?

22 A. No, because I keep a promise to my
23 sister. She tell me not to tell anyone.

24 Q. Did John say anything other than what
25 you have already said?

1 A. Huh?

2 Q. Did John say anything about that other
3 than what you have already said about he was trying
4 to pick up something?

5 A. That's it.

6 Q. And do you know what happened to him or
7 where he went?

8 A. I think he got up and went inside the
9 room.

10 Q. And y'all went to your room?

11 A. Yes.

12 Q. When I say your room, who did you share
13 a room with?

14 A. Complainant

15 Q. Did -- was there another time that you
16 noticed something with Complainant?

17 A. No, but she told me about one time.

18 Q. You can't say about what she said, but
19 what was going on with her during that occasion
20 that she talked to you? Where was she?

21 A. She was coming out her mom's room and
22 she came out and balled up.

23 Q. She what?

24 A. She crawled up in the corner, like
25 turned her knees to her chest. I was like what's

1 wrong.

2 Q. Was she on the floor or in the bed?

3 A. In the bed.

4 Q. Was she under the covers or on the
5 covers?

6 A. I think she was on top of the covers.

7 Q. And she was balled up?

8 A. Yes.

9 Q. What was her demeanor like? How did
10 she act?

11 A. Like she was crying about it. Like she
12 didn't want to talk about it. And I was like you
13 can tell me anything and she kept crying saying he
14 did it, he touched --

15 MS. SEMAN: Objection, hearsay.

16 Q. Don't say what she said, just how she
17 was acting. And where she had been coming from?

18 A. Her mom's room.

19 Q. Do you know who was in her mom's room?

20 A. John.

21 Q. And now, you questioned her?

22 A. Yes.

23 Q. Did you tell her mom about that
24 incident?

25 A. No.

1 Q. Why not?

2 A. She told me again not to tell nobody.

3 Q. Now, the night -- do you remember the
4 night that the police came, I don't mean the exact
5 date, but you remember what went on that night?

6 A. Yes.

7 Q. Had you been in the home prior to the
8 police coming?

9 A. That weekend I was sleeping at my mom
10 house.

11 Q. Had you visited Madden at all that
12 weekend?

13 A. I stayed there so I was there until
14 Saturday night.

15 Q. Okay. You were there until Saturday
16 night?

17 A. Yes.

18 Q. What were y'all doing Saturday into the
19 evening?

20 A. We was having a get-together in our
21 family.

22 Q. And was Complainant there?

23 A. Yes.

24 Q. Was John Singleton there?

25 A. Yes.

1 Q. Was Iesha there?

2 A. Yes.

3 Q. And other families?

4 A. Yes.

5 Q. You left?

6 A. Yes, ma'am.

7 Q. What's the next thing that happened
8 after you left and went home?

9 A. We got a call.

10 Q. Who called?

11 A. Complainant's mom.

12 Q. And as a result of that call what did
13 you do?

14 A. She asked a question and then we got --
15 arrived back to Complainant's house and I told her what
16 happened.

17 Q. When you say you told her what you
18 knew?

19 A. Yes.

20 Q. What was going on when you got back
21 there?

22 A. When I got there people was talking to
23 me and Complainant about the situation.

24 Q. Were the police there?

25 A. Yes.

1 THE COURT: Ma'am, you need to speak up
2 a little louder, please.

3 Q. Let's leap forward a little bit, okay?
4 Now, after that did you get sent somewhere to --
5 for questions?

6 A. Yes, I remember I think.

7 Q. Remember like a tall man talking to
8 you?

9 A. Yes.

10 Q. And now, you said now you are living
11 with your mom?

12 A. Yes.

13 Q. Do you still visit with Complainant and
14 Iesha?

15 A. Yes.

16 Q. Do you still visit with them pretty
17 often?

18 A. Yes.

19 (Off-the-record conference.)

20 BY MS. HERRING-LASH:

21 Q. Back when you were telling us about
22 what happened in the kitchen do you know when that
23 was or how old Complainant was?

24 A. I don't remember.

25 Q. Okay. Was it a long time ago?

1 A. Yes.

2 MS. HERRING-LASH: Those are all the
3 questions I have, Keoshia. If you will answer
4 anything that the defense has.

5 THE COURT: You may cross-examine.

6 CROSS-EXAMINATION

7 BY MS. SEMAN:

8 Q. Good morning, Keoshia.

9 A. Good morning.

10 Q. You just told the solicitor Complainant is
11 your cousin, right?

12 A. Yes.

13 Q. But she is really more like your
14 sister?

15 A. Yes.

16 Q. Because you lived with her for a really
17 long time?

18 A. Yes.

19 Q. Since you were four or five years old?

20 A. Yes.

21 Q. So you think of her as your sister?

22 A. Yes.

23 Q. You call her your sister too?

24 A. Yes.

25 Q. Y'all shared a room?

1 A. Yes.

2 Q. You moved in when she was really young?

3 A. Yes.

4 Q. And you moved out when you were, what,
5 17 or 18?

6 A. Yes.

7 Q. But during that whole time you were
8 close to her?

9 A. Yes.

10 Q. You loved her?

11 A. Yes.

12 Q. You want to protect her?

13 A. Yes.

14 Q. You are very close to her?

15 A. Yes.

16 Q. So you told us earlier about something
17 that you saw in the kitchen, right, of the house on
18 Madden Drive?

19 A. Yes.

20 Q. And that was upsetting to you, right?

21 A. Yes.

22 Q. As it would be to anyone. Something
23 that you would remember?

24 A. Yes.

25 Q. But you don't remember when exactly it

1 happened, right?

2 A. Yes.

3 Q. As you just told the solicitor. You
4 don't remember if it was six months before Complainant
5 called the police?

6 A. I don't remember.

7 Q. You don't remember if it was years
8 before she called the police. You just don't
9 remember when it happened. A lot of people lived
10 in your house on Madden, right? You?

11 A. Me.

12 Q. Complainant?

13 A. Yes.

14 Q. Iesha?

15 A. Yes.

16 Q. Brother ?

17 A. Yes.

18 Q. Complainant's grandmother?

19 A. No.

20 Q. She didn't live in your house, Mary
21 Jane Ferguson?

22 A. Not at the time.

23 Q. When Complainant called the police she
24 didn't live there?

25 A. She was -- yes, she was.

1 Q. And Ms. Mary Jane's husband as well was
2 living there when Complainant called the police, right?

3 A. Yes.

4 Q. And he was on hospice, right, he was
5 very sick?

6 A. Yes, but I think he wasn't on hospice
7 at that time.

8 Q. Okay. But he was shortly thereafter?

9 A. Yes.

10 Q. And he definitely wasn't leaving the
11 house?

12 A. No.

13 Q. He was around a lot?

14 A. Yes.

15 Q. So that's -- and did I already ask you
16 about Brother , Brother was living there too, right?

17 A. Yes.

18 Q. So that's six people, right?

19 A. Yes.

20 Q. Sometimes you would have other family
21 members staying with you, too, at your house?

22 A. Yes.

23 Q. Aunts?

24 A. Yes.

25 Q. Or cousins? So there were people

1 around a lot?

2 A. Um-hmm.

3 Q. And you lived in the house with John
4 and Complainant right?

5 A. Yes.

6 Q. And you saw them almost every day?

7 A. Yes.

8 Q. And you had the opportunity to see them
9 interact with each other, right, and you told us
10 about an incident that you saw in the kitchen, but
11 other than that you never saw John touch Complainant,
12 butt, right? You never saw him kiss her, right?

13 A. No.

14 Q. You never saw him touch her
15 inappropriately, right?

16 A. Just that one incident that she told me
17 about an incident.

18 Q. The night that Complainant called the
19 police she was 12, right?

20 A. I don't remember how old she was.

21 Q. Okay. But you were older than her,
22 right, because you are older?

23 A. Yes.

24 Q. So you were about 17 at the time,
25 right?

1 A. I think so.

2 Q. Back in 2015?

3 A. Yes.

4 Q. Would that make you 17?

5 A. Yes.

6 Q. And now you are 20?

7 A. Yes.

8 Q. You just had a birthday?

9 A. Yes.

10 Q. Okay. You look at Complainant as your
11 sister?

12 A. Yes.

13 Q. And sisters fight, right?

14 A. Yes.

15 Q. And that includes you and Complainant? You
16 would fight sometimes?

17 A. We would argue, but --

18 Q. Right. I'm not suggesting anything
19 more than an argument here. But you would both get
20 angry at each other?

21 A. Yes.

22 Q. You might even yell at each other?

23 A. Yes.

24 Q. And she would get angry at you?

25 A. Um-hmm.

1 Q. So you had seen her angry before?

2 A. Not really.

3 Q. You had never seen Complainant angry
4 before?

5 A. She wasn't angry like --

6 Q. When you would fight with her she
7 wasn't angry?

8 A. No, because we would make up like an
9 hour later.

10 Q. When you were actually arguing she
11 wouldn't get angry?

12 A. No. Like we would quit arguing. Just
13 argue for no reason.

14 Q. Okay. But you did see Complainant the
15 night of March 8th when the police were called?

16 A. Um-hmm.

17 Q. And she was angry then?

18 A. Yes.

19 Q. So you said something about Complainant
20 being balled up on a bed in her bedroom?

21 A. Right.

22 Q. And you said that you thought something
23 was wrong with her at that time, right?

24 A. Yes.

25 Q. And you were worried about her?

1 A. Yes.

2 Q. You were upset?

3 A. Yes.

4 Q. And Complainant wouldn't tell you what was
5 wrong?

6 A. From the beginning, yeah.

7 Q. And you didn't tell Complainant's mom about
8 that, right?

9 A. No.

10 Q. You didn't say anything?

11 A. No.

12 Q. To anyone?

13 A. Anyone.

14 MS. SEMAN: I beg the Court's
15 indulgence.

16 (Off-the-record conference.)

17 BY MS. SEMAN:

18 Q. Just a couple more questions, okay? So
19 you said you told us about the incident that you
20 saw in the kitchen with John and Complainant, right?

21 A. Yes.

22 Q. And when you saw them you did a double
23 take, right?

24 A. Yes.

25 Q. You couldn't believe what you were

1 seeing?

2 A. Yes.

3 Q. It shocked you and it upset you?

4 A. Yes.

5 Q. And you say you were worried about

6 Complainant?

7 A. Yes.

8 Q. So you were shocked and upset and

9 worried about Complainant?

10 A. Yes.

11 Q. But you didn't tell Complainant's mom about
12 it, did you?

13 A. No.

14 Q. And you didn't tell the police when
15 they responded that night, right?

16 A. Yes.

17 Q. Did you tell the police?

18 A. I did. They asked a question. I
19 answered it and I told them what happened. They
20 said can you explain. I told them what happened.

21 Q. So it is your testimony today that you
22 told the police that responded to your house that
23 night about the incident you saw in the kitchen?

24 A. Yes.

25 Q. You didn't tell a teacher though?

1 A. No.

2 Q. You didn't tell your mom?

3 A. No.

4 Q. And you didn't tell your grandmother or
5 any other family members?

6 A. No.

7 MS. SEMAN: No further questions, Your
8 Honor.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY MS. HERRING-LASH:

12 Q. Keoshia, was Lee the grandfather's
13 name?

14 A. Yes.

15 Q. And he was very sick?

16 A. Yes.

17 Q. Where did he stay?

18 A. He stayed with us.

19 Q. Like where in the house, I am sorry.
20 Where in the house did he stay?

21 A. The --

22 Q. Was he -- do you know what it means to
23 be bedridden?

24 A. No.

25 Q. Like you don't get out of the bed.

1 A. Yeah.

2 Q. Was that how he was?

3 A. Yes.

4 Q. And the night that this happened in the
5 kitchen who all was at the house?

6 A. Me, Complainant Sasha, Brother , John and
7 Iesha.

8 Q. And you had told Ms. Seman, she was
9 asking you living there and what you saw. So you
10 saw the kitchen?

11 A. Yes.

12 Q. But you knew about another -- you were
13 told about another event?

14 A. Yes.

15 Q. And do you know why, I don't know if
16 you do or not, do you know why Complainant was angry
17 that night when the police were called?

18 A. She was angry because this happened so
19 many times and she had needed to tell somebody at
20 that point and that's her mom.

21 Q. And what?

22 A. Her mom told -- gave her the phone and
23 she called the police.

24 Q. And I know that you have answered this
25 perhaps, but you have been asked again. Why didn't

1 you tell about what you saw?

2 A. It's a promise that you could never
3 break.

4 MS. HERRING-LASH: Thank you, Keoshia.
5 Those are all the questions I have.

6 THE COURT: Recross?

7 MS. SEMAN: No recross.

8 THE COURT: You may step down. Do you
9 wish to excuse the witness?

10 MS. HERRING-LASH: Yes, Your Honor.

11 THE COURT: Any objection?

12 MS. SEMAN: No.

13 THE COURT: All right. You are free to
14 leave the courthouse, ma'am, at this time. Ladies
15 and gentlemen of the jury, we have been going for a
16 little while. We will take a short break to
17 stretch your legs. If you need anything let the
18 bailiffs know about that. We should be ten
19 minutes, maybe a little more. During the break --
20 at this time you may retire to the jury room.
21 Don't discuss anything about this case until I ask
22 you to begin your deliberations. You may retire.

23 (Thereupon, the jury exited the
24 courtroom at 10:31 a.m.)

25 THE COURT: Court will be in recess for

1 about ten minutes or so.

2 (A recess transpired.)

3 THE COURT: State ready to go forward?

4 MS. ELLIOTT: Yes, Your Honor.

5 THE COURT: Defense ready?

6 MS. EHRLICH: Yes, sir.

7 THE COURT: All right. Bring the jury
8 in, ma'am.

9 (Whereupon the jury entered the
10 courtroom at 10:44 a.m.)

11 (COURT EXH. 2, juror note, was marked
12 for identification.)

13 THE COURT: Let the record reflect that
14 the jury has returned at this time. State may call
15 its next witness.

16 MS. HERRING-LASH: The State would call
17 Sasha Covington.

18 SASHA COVINGTON

19 having been duly sworn, testifies as follows:

20 THE CLERK: Please state your first and
21 last name and spell your last name for the record.

22 THE WITNESS: Sasha Covington,
23 C-O-V-I-N-G-T-O-N.

24 THE COURT: Counselor, your witness.

25 DIRECT EXAMINATION

1 BY MS. HERRING-LASH:

2 Q. Would you please spell Sasha for the
3 court reporter?

4 A. S-A-S-H-A.

5 Q. Where do you live?

6 A. Now?

7 Q. Um-hmm.

8 A.

9 Q. Where do you work?

10 A. Church's Chicken downtown.

11 Q. How long have you live on ?

12 A. About four months now.

13 THE COURT: Ma'am, if you will slide up
14 just a little closer to microphone, please. There
15 we go. Thank you.

16 BY MS. HERRING-LASH:

17 Q. You can bend it if you need to talk
18 into it, okay? And are you related to the Ferguson
19 family?

20 A. I am.

21 Q. And how so?

22 A. I am Complainant's aunt.

23 Q. Are you her mother's sister or y'all
24 just kind of considered aunt?

25 A. Considered aunt.

1 Q. Okay. How long have you considered
2 yourself Complainant's aunt?

3 A. I have known Complainant since she was
4 eight so I have been her aunt since then.

5 Q. And she has lots of sisters and
6 cousins?

7 A. Yes.

8 Q. And was there ever a time -- well, let
9 me ask you this: Who is Iesha Ferguson?

10 A. I consider her my big sister.

11 Q. Who is she in relation to Complainant?

12 A. Complainant's mother.

13 Q. Sasha, was there a time that you lived
14 with Iesha and Complainant?

15 A. Yes, I did.

16 Q. And do you know when that time period
17 was?

18 A. January 3rd, 2012.

19 Q. And when did you move out?

20 A. March 18th, 2016.

21 Q. So beginning of '12 to sometime in '16?

22 A. Yes.

23 Q. And when you lived there with them
24 where are we talking about, what street?

25 A. Madden Drive.

1 Q. And did John Singleton stay there some
2 of that time?

3 A. Yes.

4 Q. And where did people sleep, like who
5 had rooms and what all?

6 A. Complainant had a room. Brother had a
7 room. Well, Complainant and Brother and then Iesha and
8 John.

9 Q. What about Keoshia?

10 A. Keoshia and Complainant were pretty much
11 sisters. They are sisters so --

12 Q. So they stayed --

13 A. In the same room.

14 Q. How many rooms were there?

15 A. Three.

16 Q. Now, sometime in that time did the
17 grandmother Ms. Ferguson and Lee move in or was
18 that later?

19 A. Yes. At some point they moved out.

20 Q. Do you know when that was?

21 A. I'm not for sure.

22 Q. They weren't there the whole time?

23 A. No, ma'am.

24 Q. Now, do you remember the evening that
25 you heard about something happening to Complainant like

1 what was going on that evening? Where was
2 everybody, let's start there.

3 A. Well, we were all -- Keoshia was
4 outside. And Complainant went in the kitchen and I was
5 in the living room watching TV.

6 Q. Where was Iesha?

7 A. Asleep.

8 Q. How do you know?

9 A. She had a headache.

10 Q. So she had gone to bed?

11 A. Yes.

12 Q. And you saw Complainant go where?

13 A. In the kitchen.

14 Q. Did you see anybody else go in there?

15 A. Mr. Singleton.

16 Q. And did anybody else go in there?

17 A. Not then, no.

18 Q. What about at some point?

19 A. At some point, yes.

20 Q. Who?

21 A. Me.

22 Q. What about Keoshia?

23 A. Yes.

24 Q. Did Keoshia go in there before you?

25 A. She did.

1 Q. And what happened when Keoshia came
2 out?

3 A. Nothing. She didn't say anything to
4 me.

5 Q. Who did say something to you?

6 A. Complainant.

7 Q. And what happened when Complainant said
8 something to you?

9 A. She told me that Mr. Singleton tried
10 to --

11 Q. You can't say what exactly she said.
12 Let me ask you this: Did she tell you about an
13 assault?

14 A. Yes.

15 Q. Did she tell you when it had happened?

16 A. Yes.

17 Q. When?

18 A. Inside the kitchen.

19 Q. And where? Inside the kitchen?

20 A. Yes.

21 Q. What did you do?

22 A. I told her I was going to go tell her
23 mother.

24 Q. Then what happened?

25 A. She told me not to.

1 Q. And why did you listen to her?

2 A. Because it happened to me when I was 15
3 and I didn't have anyone that I could turn to to
4 tell and I feel like my niece needs someone she
5 could trust that she confided in and I was that
6 person.

7 Q. What was Complainant's demeanor like?

8 A. Before?

9 Q. During this evening when she came out
10 of the kitchen?

11 A. She was upset, sad.

12 Q. And was Keoshia around when you had
13 this discussion with Complainant?

14 A. She was.

15 Q. And do you think now maybe you should
16 have told or not?

17 A. Yeah.

18 Q. Did you talk with her a lot about it or
19 did you not bring it up again?

20 A. We talk about it. But I told her that
21 I wanted to say something, but she didn't want me
22 to. She is my niece, love her to death.

23 Q. I understand. Now, do you know in
24 relation to when law enforcement was called about
25 how long it had been when that incident occurred?

1 A. I know it wasn't a year.

2 Q. It wasn't?

3 A. No.

4 Q. Had it been some time?

5 A. Yes.

6 Q. But not a year?

7 A. No, ma'am.

8 Q. Now, was there another time that you
9 went over or do you remember an evening when you
10 were helping Mr. Singleton with his taxes?

11 A. I do.

12 Q. What -- just tell us about that evening
13 without saying what anybody said.

14 A. We was -- we were in the house doing
15 laundry, cooking dinner. It was a regular evening.
16 Mail came. Checked the mail. Got a letter from
17 the IRS. We were in the kitchen reading the
18 letter.

19 Q. You were?

20 A. Yes. Was looking for Mr. Singleton to
21 tell him what was in the letter from the IRS.
22 Amongst me walking that way Keoshia was going that
23 way too. When we got to Iesha's door which is
24 Complainant's mom door, Mr. Singleton and Complainant were
25 in there. Complainant ran past me and Keoshia and went

1 in her room and put the cover over her head. I
2 asked Complainant what was wrong. She didn't tell me.

3 Q. How was she acting?

4 A. Strange, wasn't herself. She did not
5 want to talk to anybody. She shut down completely.

6 Q. And did you end up going into the room
7 with Mr. Singleton?

8 A. I did.

9 Q. And what happened when you went in the
10 room?

11 A. I asked him what happened.

12 Q. And did he answer you?

13 A. He said nothing.

14 Q. Did you then talk to him about his
15 taxes or did y'all not talk?

16 A. Yeah.

17 Q. And now, the evening that the law
18 enforcement was called, were you there that
19 evening?

20 A. I was.

21 Q. And had you left before they came?

22 A. As they pulled up I was walking out of
23 the door with Brother .

24 Q. Why were you walking out of the door
25 with Brother ?

1 A. Because Iesha did not want her son to
2 be there.

3 Q. How old if you know was Brother ?

4 A. Now? Nine.

5 Q. So that would have been back in 2015,
6 he would have been about seven?

7 A. Six.

8 Q. Have I got that right?

9 A. Yes.

10 Q. So she didn't want him to be there?

11 A. She did not.

12 Q. Where did you take him?

13 A. Around the corner to the grandmother's
14 house.

15 Q. And which grandmother is that?

16 A. Great grandmother Naomi Ferguson.

17 Q. She lived pretty close?

18 A. She lived right around the corner.

19 Q. And now have you continued to live with
20 the family since I guess about a year, then you
21 moved out. How often do you see them now?

22 A. Often.

23 Q. You live further away now?

24 A. Yeah. I am working all the time so
25 when we have family gatherings if I am off I will

1 go.

2 Q. Would you work on weekends sometimes?

3 A. Yes.

4 MS. HERRING-LASH: Court's indulgence
5 for one moment.

6 THE COURT: Yes, ma'am.

7 (Off-the-record conference.)

8 MS. HERRING-LASH: If you want to
9 answer any questions that the defense may have,
10 okay?

11 THE COURT: You may cross-examine.

12 CROSS-EXAMINATION

13 BY MS. EHRLICH:

14 Q. Good morning, Ms. Covington.

15 A. Good morning.

16 Q. You started becoming close with Iesha
17 Ferguson around what time, do you remember the
18 year?

19 A. 2009.

20 Q. And even before you lived with her you
21 would be at the house a lot spending time with the
22 family, right?

23 A. Yeah.

24 Q. Okay.

25 A. Off and on.

1 Q. And I mean is it fair to say that Iesha
2 kind of had an open house to people who needed some
3 place to stay?

4 A. Not really. If she didn't like you or
5 she wasn't close with you it was no.

6 Q. She is like -- kind of has an open
7 heart to people?

8 A. She does.

9 Q. Okay. And you were one of the people
10 that benefitted from her opening up her house to
11 you?

12 A. Um-hmm.

13 Q. And there could be a good number of
14 people staying at the house at any given time,
15 correct? It would be you stayed there, right?

16 A. Yes.

17 Q. You got the kids, right?

18 A. Yes.

19 Q. Keoshia lived there at the time?

20 A. Yes.

21 Q. Iesha Ferguson?

22 A. Yes.

23 Q. The grandmother, Mary Jane Ferguson,
24 lived there?

25 A. Yes.

1 Q. There was another grandfather, Mr. Lee,
2 that stayed there?

3 A. Yes.

4 Q. And there were times where there would
5 be gatherings at the house and even more people
6 might stay over after the gatherings, correct?

7 A. Correct.

8 Q. Okay. You testified that you're very
9 close to Iesha, correct?

10 A. Yes.

11 Q. She's like your big sister?

12 A. Yes.

13 Q. You are also close to Complainant?

14 A. Yes.

15 Q. She's like your niece, you consider her
16 a niece?

17 A. Yes.

18 Q. You are also close with Keoshia, right?

19 A. Yes, I am.

20 Q. And I think it's obvious from your
21 testimony that you clearly love both -- the whole
22 family a lot?

23 A. Yes, I do.

24 Q. You want to protect them?

25 A. Yes, I do.

1 Q. And support them, correct?

2 A. Yes.

3 Q. And even after the police got involved
4 you continued to be very close with them?

5 A. Yes, I did.

6 Q. You're still close with Iesha?

7 A. Yes.

8 Q. Complainant?

9 A. Yes.

10 Q. Keoshia?

11 A. Yes.

12 Q. Brother ?

13 A. Yes.

14 Q. You've probably seen them more times
15 than you could have even count in the last two
16 years?

17 A. Yes.

18 Q. Right?

19 A. Correct.

20 Q. You testified today about an incident
21 where you saw Complainant run out of her mother's room
22 and into her room?

23 A. Yes.

24 Q. And you didn't know why she was upset,
25 correct?

1 A. No, I did not.

2 Q. Okay. Did you go into the room and
3 speak to her?

4 A. Yes, I did.

5 Q. After that you did help Mr. Singleton
6 with the IRS issue?

7 A. Yes.

8 Q. You didn't -- based on what you saw
9 that day you did not tell Iesha Ferguson anything
10 about it, correct?

11 A. I did not.

12 Q. And you didn't report what you saw that
13 day to the police, correct?

14 A. I did not.

15 Q. And the police actually never spoke to
16 you, did they?

17 A. No, they did not.

18 Q. Nobody from law enforcement ever
19 reached out to you about this case?

20 A. No, they did not.

21 Q. And do you even know who Detective
22 Jellico is?

23 A. No.

24 Q. And it was not until this case was
25 getting ready to come to court that the solicitor's

1 office reached out to you about the case, correct?

2 A. Correct.

3 Q. And you agreed to speak with them?

4 A. I did.

5 Q. You have also testified today about a
6 night that you, Keoshia and Complainant were awake that
7 Iesha was asleep, right?

8 A. Correct.

9 Q. And that Mr. Singleton was in the house
10 that same night?

11 A. Correct.

12 Q. And that you saw Complainant and Mr.
13 Singleton go into the kitchen?

14 A. Complainant went in the kitchen first.

15 Q. And he went into the kitchen second?

16 A. Yes.

17 Q. And you were in the living room area?

18 A. I was.

19 Q. And at some point your other niece
20 Keoshia goes into there?

21 A. Yes.

22 Q. And then she comes out. And then you
23 have a discussion with Complainant where she discloses
24 an assault, correct?

25 A. Correct.

1 Q. And your testimony was that she did not
2 want you to tell anybody?

3 A. Correct.

4 Q. And that based on your experience you
5 wanted her to have somebody to trust?

6 A. Correct.

7 Q. Right?

8 A. Correct.

9 Q. And so you did not tell Iesha?

10 A. I did not.

11 Q. And you did not tell police?

12 A. I did not.

13 Q. And you did not have a discussion with
14 Mr. Singleton about this either, did you?

15 A. I did not.

16 Q. When the police became involved in this
17 situation in 2015 you testified earlier that you
18 left as the police were coming, as they were
19 arriving, correct?

20 A. Yes.

21 Q. And you did not tell police at that
22 point that you knew anything about the case,
23 correct?

24 A. I did not.

25 Q. You didn't give them any statement

1 about what you saw or what happened the night of
2 the kitchen?

3 A. No.

4 Q. Correct? I realize the police never
5 contacted you, right?

6 A. Correct.

7 Q. You also didn't contact them?

8 A. Correct.

9 Q. You spoke to nobody in a law
10 enforcement capacity until it was the solicitor's
11 office, correct?

12 A. Correct.

13 MS. EHRLICH: Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Off-the-record conference.)

16 MS. EHRLICH: I don't have any other
17 questions.

18 MS. HERRING-LASH: No redirect, Your
19 Honor.

20 THE COURT: Do you wish to excuse the
21 witness?

22 MS. HERRING-LASH: Yes, Your Honor.

23 THE COURT: Any objections to her being
24 excused?

25 MS. EHRLICH: No, Your Honor.

1 THE COURT: Ma'am, you may step down.
2 You are free to go at this time. Thank you very
3 much. State may call its next witness.

4 MS. HERRING-LASH: Iesha Ferguson.
5 Your Honor, may we approach?

6 THE COURT: Yes, ma'am.

7 (Following proceedings were held at the
8 bench.)

9 MS. HERRING-LASH: Ms. Ferguson is out
10 there very upset. She needs a moment. She is
11 going to try to come in. If she refuses we will
12 have to deal with that then. Right now she says
13 she is going to try and she's --

14 THE COURT: I will let the jury step
15 out. We will take about five minutes or so.

16 MS. HERRING-LASH: Thank
17 you.

18 (Following proceedings were held in
19 open court.)

20 THE COURT: Ladies and gentlemen of the
21 jury, it appears there might be a delay with the
22 next witness so I am going to let you step out to
23 the jury room. It won't be a very long break, but
24 it will give you a chance to move around some. So
25 you may step back to the jury room. As always I

1 instruct you not to begin your deliberations or
2 have any discussion about the case at this time.
3 You may retire.

4 (Thereupon, the jury exited the
5 courtroom at 11:07 a.m.)

6 (Brief pause.)

7 THE COURT: We will be in recess for
8 five minutes. I will stay on the bench. Court is
9 in recess.

10 (Recess taken.)

11 MS. HERRING-LASH: Your Honor, may we
12 approach?

13 THE COURT: Certainly.

14 (Following proceedings were held at the
15 bench.)

16 MS. HERRING-LASH: I don't know if I
17 have the total answer, but would it be possible for
18 her to walk in and take the stand without the jury
19 in here? She is afraid to be in front of people
20 and if she -- I mean she would have to stand up I
21 realize to take the oath, but if she didn't have to
22 walk in front of them she says it would be easier
23 for her.

24 THE COURT: I don't have any problem
25 with that. There's no requirement the witness has

1 to walk in in front of anybody.

2 MS. HERRING-LASH: There might be an
3 issue that --

4 THE COURT: With what?

5 MS. HERRING-LASH: Her fitting in that
6 chair.

7 THE COURT: Let's check that out for
8 sure.

9 MS. HERRING-LASH: I don't know.

10 MS. EHRLICH: Do you want to excuse
11 people in the courtroom while she tries out the
12 chair so she is not embarrassed? I don't mind.

13 MS. HERRING-LASH: Let me look.

14 MS. ELLIOTT: Let's roll out one of
15 these chairs.

16 THE COURT: Just roll one that doesn't
17 have arms.

18 THE CLERK: Let me look.

19 THE COURT: When she is finished will
20 it be okay for her to leave the seat?

21 MS. HERRING-LASH: I don't know.

22 THE COURT: I can excuse them when she
23 is finished.

24 MS. HERRING-LASH: I will check with
25 her.

1 THE COURT: Okay.

2 (Brief pause.)

3 (Witness entered the courtroom.)

4 THE COURT: Are we ready to go forward?

5 MS. HERRING-LASH: Yes, Your Honor.

6 THE COURT: Defense ready?

7 MS. EHRLICH: Yes, sir.

8 THE COURT: All right. Let's bring the
9 jury back in, please.

10 (Whereupon the jury entered the
11 courtroom at 11:18 a.m.)

12 THE COURT: Ma'am, if you will speak up
13 loud it will go a lot quicker. Thank you, ma'am.
14 You may place the witness under oath.

15 IESHA FERGUSON

16 having been duly sworn, testifies as follows:

17 THE CLERK: Please state your first and
18 last name and spell your last name for the record.

19 THE WITNESS: Iesha Ferguson,
20 F-E-R-G-U-S-O-N.

21 DIRECT EXAMINATION

22 BY MS. HERRING-LASH:

23 Q. Iesha, try to talk as much as you can
24 into this so that we can hear you and you don't
25 have to repeat things, okay?

1 THE COURT: Talk as if you were talking
2 to the last lady in the corner over there so she
3 can hear you because she needs to hear what you
4 have to say. You have to speak up. .

5 Q. Where do you live now, Iesha?

6 A. With my sister.

7 Q. And what street is that on?

8 A. .

9 Q. And how long have you lived there?

10 A. Almost a year.

11 Q. And before that where did you live?

12 A. Madden Drive.

13 Q. And on Madden Drive do you remember,
14 Iesha, when you moved to Madden Drive?

15 A. When I moved there? April 2009.

16 Q. Okay. And when you moved first to
17 Madden who all lived with you?

18 A. Me and my children and one of my uncles
19 and cousins.

20 Q. When you say children, who are your
21 children?

22 A. Biologically **Complainant** and **Brother** are my
23 children and I had Keoshia that I raised that is my
24 cousin.

25 Q. You were kind of Keoshia's mother

1 figure for a long time?

2 A. Yes, ma'am.

3 Q. And she lived with you I guess for an
4 extended period of time?

5 A. Yes, ma'am.

6 Q. And now, do you know John Singleton?

7 A. Yes, ma'am.

8 Q. When did you first meet Mr. Singleton?

9 A. Between '99 and 2000.

10 Q. And how did you meet him?

11 A. Through one of my uncles.

12 Q. Was he close to your uncle, a friend or
13 whatever?

14 A. Best friends.

15 Q. And now, just to -- the childrens'
16 father was who?

17 A. My kids father? Sean Fuller.

18 Q. And is he deceased?

19 A. Yes. He got murdered 2009.

20 Q. In 2009? And now, you said you met Mr.
21 Singleton a long time ago. Did you begin to have
22 contact with him again in the mid 2000's?

23 A. Yes.

24 Q. Did that contact begin with writing
25 letters?

1 A. Yes, ma'am.

2 Q. And about how long were you writing him
3 letters, if you know?

4 A. I can't remember.

5 Q. At some point did he move back to
6 Charleston?

7 A. Yes, ma'am.

8 Q. And do you know about when that was?

9 A. I think between '10 and 2011.

10 Q. If you don't know, you don't have to
11 guess, you can say if you are not sure, but you
12 think it was '10 or '11. And did you see him again
13 when he came back to Charleston?

14 A. Yes, ma'am.

15 Q. And how did that begin? How did that
16 relationship begin? Like did you go over to him or
17 what happened?

18 A. Just phone calls for a while.

19 Q. Okay.

20 A. Then we decide to meet up.

21 Q. Where did you meet?

22 A. At my sister's house.

23 Q. And which sister was that?

24 A. Tanisha.

25 Q. Where did she live at that time?

1 A. On Ferrara.

2 Q. Now, for those who don't know, are
3 Ferrara and Madden pretty close together?

4 A. Yes, like right around the corner.

5 Q. So the first time that you physically
6 saw him was on Ferrara?

7 A. Yes, ma'am.

8 Q. And what was that occasion?

9 A. I think it was my nephew's birthday
10 party.

11 Q. Do you know which nephew?

12 A. My oldest.

13 Q. Do you know what month his birthday is
14 in?

15 A. . . .

16 Q. And so did Mr. Singleton stay the night
17 that night on Ferrara?

18 A. I'm not sure about that night.

19 Q. Was there another night he stayed on
20 Ferrara for sure?

21 A. Yeah.

22 Q. And did y'all stay on Ferrara more than
23 one night I guess?

24 A. Sometimes.

25 Q. Sometimes you would stay one night and

1 sometimes longer?

2 A. (Indicating.)

3 Q. And Ferrara, when you would stay there
4 or the night you remember staying there where did
5 you sleep, do you remember?

6 A. It all depends.

7 Q. Was there one night that Complainant made a
8 complaint to you on Ferrara about something?

9 A. One morning.

10 Q. One morning. What did you do as a
11 result of that complaint that she made?

12 A. Just told John to leave.

13 Q. You told John what?

14 A. To leave.

15 Q. And that was on Ferrara?

16 A. Um-hmm.

17 Q. Did you question him at all or just
18 tell him to leave?

19 A. Just leave.

20 Q. But he did come back and move in on
21 Madden at some point?

22 A. Yes.

23 Q. And how many bedrooms did y'all have on
24 Madden?

25 A. Three.

1 Q. And kind of who stayed there?

2 A. Me, my children and our uncle.

3 Q. At some point did your mother and her
4 husband move in?

5 A. Yes.

6 Q. Do you have -- do you know when it was
7 that they moved in?

8 A. Not exactly.

9 Q. Was her husband very ill?

10 A. Yes.

11 Q. He is deceased now?

12 A. Yes.

13 Q. And was he bedridden for a while?

14 A. Yes.

15 Q. And now when Mr. Singleton lived there
16 where did he sleep?

17 A. In the room with me.

18 Q. And where did Sasha sleep where she
19 would stay?

20 A. In the living room.

21 Q. Now, during the time that y'all lived
22 on Madden was there -- did Sasha or Keoshia ever
23 talk to you about any complaints they had?

24 A. No, ma'am.

25 Q. Was there ever another time that you

1 had a concern and approached Mr. Singleton?

2 A. Not a concern. I didn't just approach
3 him.

4 Q. What happened?

5 A. I approach him and my daughter.

6 Q. Okay.

7 A. I don't know. I just had a -- my mom
8 said it's mothers intuition and I just asked both
9 of them a question. I don't know why, but I had
10 that feeling. So I asked both of them a question
11 and he stated don't play with me, girl. That's how
12 we talk to each other. And Complainant stated -- I
13 think he was going to do something for the kids
14 that weekend and she stated mom, don't --

15 MS. SEMAN: Objection, Your Honor. May
16 we approach, please?

17 THE COURT: Yes.

18 (Following proceedings were held at the
19 bench.)

20 MS. SEMAN: Your Honor, we need to find
21 out where she is going because she's never
22 disclosed any of this before.

23 MS. HERRING-LASH: I think this is
24 about it.

25 THE COURT: Well --

1 MS. HERRING-LASH: I don't think there
2 is anything else. I will ask a different question.

3 (End of bench conference.)

4 BY MS. HERRING-LASH:

5 Q. You can't say what someone said. But
6 let's go back. Do you remember the evening that
7 law enforcement came to your house?

8 A. Yes.

9 Q. Do you remember the date?

10 A. Not the exact date.

11 Q. Okay. Do you remember what year it
12 was? If you don't you can say you don't remember.

13 A. I guess two years ago I think.

14 Q. Okay. What was going on that evening?

15 A. I think everybody was just over to the
16 house. I don't remember being a cookout or
17 nothing. I'm the house that always has the fun,
18 that everybody gathers after church or just to come
19 over. I just had a bunch of people over that day.

20 Q. And then what happened late that
21 evening?

22 A. I know it was -- I don't know exactly
23 time, but it was late and at that time I was in the
24 kitchen washing some dishes. I went to go use the
25 rest room and I saw Complainant on the phone and I told

1 her to get off the phone because it was late. She
2 wasn't supposed to be on the phone that time of
3 night and she got mad. I told her talking to boys
4 this time of the morning they only calling for one
5 thing. And I say you know how boys are. They get
6 a name and you get mad at yourself. So she didn't
7 like that and she got mad and went in her room. I
8 got mad and went in my room.

9 And then once I laid on my bed I was
10 upset myself because she was upset with me for
11 taking her phone and for disciplining her. And she
12 like between the hallway and my room and I think
13 she asked me if she could leave or she didn't want
14 to be there. You know, me not thinking she storm
15 off into the front towards the living room.

16 Q. And then what happened?

17 A. And she yelled out something that I
18 didn't hear her say. And so I got up and went
19 behind her and I stood in between my living room
20 and my walkway to the bathroom and I asked what she
21 said. And she didn't say anything, but someone
22 else stated what she said and then I went to -- she
23 was actually in the den.

24 Q. Who was?

25 A. I thought Complainant was outside, but she

1 was actually in the dining sitting at the table
2 crying. And --

3 Q. She was sitting there crying?

4 A. Um-hmm.

5 Q. And then what happened?

6 A. Then I asked her what was wrong and she
7 said -- she didn't say anything. She stood there
8 crying. And I said are you going to tell me and
9 she didn't. I said what do you want to do? That's
10 when she got the phone and she called the police.

11 Q. When the police got there where was
12 she, do you remember?

13 A. We were in my dining room.

14 Q. And did the police talk to Complainant?

15 A. I'm not sure. Besides talking to her
16 on the phone?

17 Q. Right.

18 A. I know the one police officer came into
19 the door and then because he came by himself I
20 think like two or three other officers came. They
21 went outside. I guess that's when he stated that
22 we were waiting on the people from DSS to come.

23 Q. And the DSS lady came?

24 A. Yes, one lady did come.

25 Q. And did she talk to Complainant?

1 A. Yes, she talked to Complainant.

2 Q. And did she talk to you too?

3 A. Yes, she did.

4 Q. Was there a safety plan that was drawn
5 up?

6 A. Yes. A safety plan was that someone
7 had to stay with us through the evening because she
8 was the weekend person until that morning came. I
9 had to have one of the girls that was there to stay
10 with us for a weekend until Monday. Had to be
11 somebody else.

12 Q. Did you get someone else?

13 A. Yes.

14 Q. Who was that?

15 A. Tanisha, my sister.

16 Q. And now, after this did you go to take
17 Complainant to be interviewed?

18 A. It might have been --

19 Q. I don't mean immediately after but --

20 A. It wasn't immediately after. I had to
21 take all of them to the low country place.

22 Q. Now, going back to that evening, you
23 said people had been there. Did you make some
24 phone calls for people to come back?

25 A. Yeah.

1 Q. Did you call Keoshia?

2 A. Yeah.

3 Q. And did she come back?

4 A. Yes, she came back.

5 Q. And without saying anything Keoshia
6 said, did she discuss with you what she knew?

7 A. It wasn't that night, but that early
8 morning I think when everyone returned that Sunday.
9 That's when everyone started saying what they knew
10 that nobody ever told me.

11 Q. And since then have you taken Complainant
12 to any counseling?

13 A. No.

14 Q. Do you know if she's ever had like
15 school-based counseling after this?

16 A. Yeah, maybe for a day or two.

17 Q. And did Complainant actually not go to
18 school a lot?

19 A. She did.

20 Q. And what was her -- I don't know -- was
21 she home bound or home schooled? What position was
22 she in as far as school?

23 A. Complainant had a lot of health issues and
24 they cause her not to be in school. So before the
25 school would put any of their major health issues

1 on their hands they recommended home bound. So for
2 the past two years I believe she did most of her
3 schooling at home bound. And this year her whole
4 ninth grade was home bound.

5 Q. So if they referred you to school-base
6 counseling it was kind of hard for her to get that?

7 A. Well, she did not have school-based
8 counseling this year. And she hasn't had
9 school-based counseling since seventh grade, I
10 think eighth grade, but they had it to where I
11 could -- that they would make the appointment and
12 they would get me to the school for her
13 appointment.

14 Q. That was in seventh or eighth grade?

15 A. Yes, eighth grade.

16 Q. Now, since this has happened have you
17 continued to talk to Mr. Singleton?

18 A. Yes.

19 Q. Do you have any idea about how often?

20 A. At least every time a get a chance I
21 guess.

22 Q. And have you put or given the phone to
23 Complainant and let her talk to him?

24 A. I don't give it to her. She gets it
25 herself.

1 Q. But you know that she has talked to
2 him?

3 A. Um-hmm.

4 MS. HERRING-LASH: Court's indulgence
5 for one moment.

6 THE COURT: Yes, ma'am.

7 (Off-the-record conference.)

8 BY MS. HERRING-LASH:

9 Q. Did she have any -- did Complainant have
10 any counseling after her dad died?

11 A. I don't think so.

12 MS. HERRING-LASH: Those are all the
13 questions I have. Iesha, if you would answer any
14 that the defense has, okay?

15 THE COURT: You may cross-examine.

16 CROSS-EXAMINATION

17 BY MS. SEMAN:

18 Q. Thank you, Your Honor. Good morning,
19 Ms. Ferguson.

20 A. Good morning.

21 Q. Complainant is your daughter, right?

22 A. Um-hmm.

23 Q. And you love your daughter?

24 A. (Indicating.)

25 Q. Because you're a good mom. Right?

1 A. Um-hmm.

2 Q. You want to help her in any way that
3 you can, right?

4 A. Yes.

5 Q. You want to protect her, right?

6 A. Yes.

7 Q. You want her to be safe?

8 A. Right.

9 Q. And you want her to feel happy?

10 A. Right.

11 Q. And loved?

12 A. (Indicating.)

13 Q. You want her to trust you too?

14 A. Right.

15 Q. And she does trust you, right?

16 A. Um-hmm.

17 Q. You have a very close relationship with
18 Complainant

19 A. Yes, I do.

20 Q. Because you're the only parent that she
21 has?

22 A. Right.

23 Q. So you want to keep that relationship
24 alive?

25 A. Right.

1 Q. You want her to feel close to you,
2 right?

3 A. Um-hmm.

4 Q. Especially as she gets older, right;
5 she's a teenager now?

6 A. Yes.

7 Q. And she is almost 15 now?

8 A. Yes.

9 Q. So you really want to keep that
10 relationship strong, right?

11 A. Right.

12 Q. The night that Complainant called the
13 police you and Complainant had an argument, right?

14 A. Um-hmm.

15 Q. About her cell phone?

16 A. Her being on the phone so late.

17 Q. Right. Because it was a Saturday
18 night, right?

19 A. Yes.

20 Q. And it was very late just like you
21 said?

22 A. Um-hmm.

23 Q. And was past midnight?

24 A. Yes.

25 Q. And you had rules about when she could

1 and couldn't use her phone?

2 A. Um-hmm.

3 Q. And she was breaking those rules that
4 night?

5 A. Yeah.

6 Q. You argued about her using her phone
7 before, right?

8 A. Um-hmm.

9 Q. And that she couldn't use her phone
10 after midnight were your rules; is that fair to
11 say?

12 A. On certain nights.

13 Q. On certain nights. Okay. She was on
14 her phone that night, right?

15 A. Yes.

16 Q. And it was after midnight?

17 A. Yes.

18 Q. When you found out she was breaking the
19 rules you were angry?

20 A. Yes.

21 Q. Like any parent would be?

22 A. Um-hmm.

23 Q. And you were angry enough to take her
24 phone away?

25 A. Yes.

1 Q. Complainant didn't like that?

2 A. Not one bit.

3 Q. I am sorry? What did you say?

4 A. I said not one bit.

5 Q. She had an attitude about it, right?

6 A. Yes.

7 Q. So she went to the kitchen, right?

8 A. She didn't go to the kitchen. She went
9 to her room.

10 Q. You tried to talk to her about it? You
11 and her were arguing about the phone, right? And
12 she wasn't listening to you; is that right?

13 A. She listened. I took the phone from
14 her.

15 Q. So you took the phone from her, but you
16 were arguing about it after that too, right?

17 A. No, she was in the room.

18 Q. She went in her room?

19 A. And I went in my room.

20 Q. So Complainant was being disrespectful,
21 right?

22 A. By being on the phone, yeah.

23 Q. Right. And that made you angry that
24 she was on the phone?

25 A. Yes.

1 Q. And in your anger you popped her,
2 right?

3 A. Um-hmm.

4 Q. Meaning that you hit her on the arm?

5 A. Yes.

6 Q. And she was angry about that, right?

7 A. I don't know if she was angry about
8 being popped in the arm or angry because I took her
9 phone. But me knowing my child she care less if I
10 pop her in the arm. She was more angry about me
11 taking her phone.

12 Q. I understand. So either way you are
13 not sure what she was angry about, but she was
14 angry?

15 A. Um-hmm.

16 Q. And she was hurt, right?

17 A. Yes, ma'am.

18 Q. And she was upset?

19 A. Yes.

20 Q. You were upset too, right?

21 A. Yes, ma'am.

22 Q. Because you felt bad?

23 A. Yes.

24 Q. That you were fighting, right?

25 A. Yes, ma'am.

1 Q. And you went to your room to cool down?

2 A. Right.

3 Q. Because you felt bad for hitting her?

4 A. Um-hmm.

5 Q. Felt bad for arguing?

6 A. Right.

7 Q. A few minutes later you went to

8 Complainant's room to talk to her?

9 A. No.

10 Q. You didn't, okay. Sometime you did go
11 talk to Complainant after that at some point after you
12 took her phone?

13 A. Yeah.

14 Q. And she was still angry, right?

15 A. Um-hmm.

16 Q. She was still hurt and she was still
17 upset?

18 A. Yes.

19 Q. You started talking to her about what
20 happened, right?

21 A. No.

22 Q. About taking her phone, right?

23 A. No.

24 Q. You didn't talk to her about that,
25 okay. But at some point angry, hurt, upset Complainant

1 told you that John had been touching her, right?

2 A. She said it for someone else to hear
3 it. I didn't hear her.

4 Q. Okay. Complainant even told you afterwards
5 that she only said those things because she was
6 mad, right?

7 A. No.

8 Q. She didn't say that?

9 A. No.

10 Q. Do you remember talking to an
11 investigator from our office named Harry?

12 A. No.

13 Q. You don't remember talking to an
14 investigator from our office on May 29th, 2015?
15 With Keoshia? He's in the courtroom here today.

16 A. Where?

17 Q. Sitting right there with those papers?

18 A. Talking to.

19 Q. Yes.

20 A. I don't remember talking to him.

21 Q. You don't remember talking to him. Do
22 you remember signing a statement that you wrote
23 when you talked to him?

24 A. On the phone?

25 Q. No. Not on the phone. You don't

1 remember?

2 A. (Indicating.)

3 Q. Would seeing a copy of that statement
4 help refresh your recollection?

5 A. I guess.

6 Q. May I approach?

7 MS. ELLIOTT: Your Honor, we haven't
8 seen this document she is about to show the
9 witness.

10 MS. SEMAN: (Handing.)

11 May I approach, Your Honor?

12 THE COURT: You may.

13 BY MS. SEMAN:

14 Q. Let the record that I am showing the
15 witness her statement which was dated May the 29th,
16 2015 and that's your signature there right, okay?

17 THE COURT: Ma'am, you have to answer
18 verbally so I can hear you.

19 THE WITNESS: Yes.

20 THE COURT: Thank you.

21 BY MS. SEMAN:

22 Q. Okay. Please read along with me as I
23 read aloud. It says --

24 MS. HERRING-LASH: Your Honor, was this
25 to refresh the witness's memory?

1 THE COURT: I don't know. You are
2 going to have to show her the statement and let her
3 take a look at it and then you can ask her if she
4 made it or not.

5 MS. SEMAN: Yes, Your Honor.

6 THE COURT: But I won't allow you to
7 publish the statement to the jury at this point.

8 MS. SEMAN: Yes, Your Honor.

9 BY MS. SEMAN:

10 Q. Do you remember making this statement?

11 A. I don't remember, but if my signature's
12 on it I had to do it.

13 Q. Okay. So you don't remember signing
14 this?

15 A. No, but that is my signature. I know
16 my signature.

17 Q. Okay. So by your signature being on it
18 you know you did sign it?

19 A. I guess I had to have. That's my
20 signature.

21 Q. Okay.

22 A. But I don't remember writing -- doing
23 this statement.

24 Q. Okay.

25 A. I know my signature. I can't remember

1 2015. You act like I'm a computer.

2 Q. No, I don't think you are a computer,
3 Ms. Ferguson. I don't.

4 A. I can't remember back that far, but I
5 tell you that's my signature. That has to come
6 from somewhere. But I don't remember it. I won't
7 sit here and try to remember it either.

8 MS. SEMAN: Beg the Court's indulgence
9 for a moment, Your Honor.

10 THE COURT: Yes, ma'am.

11 (Off-the-record conference.)

12 BY MS. SEMAN:

13 Q. So at this time you are denying making
14 the statement that I told you about earlier, right?

15 A. Yeah.

16 Q. So you deny that you said that Complainant
17 told you that because she was mad?

18 A. I guess.

19 Q. So after Complainant called police DSS
20 came, right?

21 A. Yeah.

22 Q. That same night?

23 A. Yes.

24 Q. And they started an investigation?

25 A. Yes.

1 Q. Of your family?

2 A. Yes.

3 Q. To make sure that your children were
4 safe?

5 A. Yes.

6 Q. And they were safe?

7 A. Yes.

8 Q. So DSS employees would visit your
9 house, right?

10 A. Yes.

11 Q. And you had a couple case workers?

12 A. I think it was three of them.

13 Q. So you had Alexis Wade, right, and
14 Karen Sams and they came to your home, right?

15 A. Yeah.

16 Q. Multiple times, right? They didn't
17 come to your home more than once?

18 A. Nope.

19 Q. So they only came once?

20 A. Yes, ma'am.

21 Q. They only came on March the 8th, 2015?

22 A. Only Alexis did.

23 Q. What about Karen? Didn't she come more
24 than once?

25 A. No.

1 Q. She didn't come more than once?

2 A. Karen came about a month and-a-half
3 later. That's when she came to me.

4 Q. So you only saw Karen one time?

5 A. One -- I think I saw Karen one time at
6 my house and it went on to be the summer and I
7 think she came and saw me and my children twice at
8 my sister's house.

9 Q. Okay. So she saw you once at your
10 house and two times at your sister's house?

11 A. Yes.

12 Q. She interviewed you and your children,
13 right? She interviewed you and your children,
14 Karen, did meaning she talked to you?

15 A. Oh, yeah.

16 Q. Talked to you about what was going on,
17 right, about in your lives?

18 A. Yeah.

19 Q. And you talked with the case worker,
20 talked with Ms. Karen about a lot of stuff, didn't
21 you?

22 A. I don't remember.

23 Q. Okay. But you do remember talking to
24 her, right?

25 A. Yeah.

1 Q. And you told Ms. Karen that you were
2 questioning about whether what Complainant said was
3 true, right?

4 A. I tell them like I tell everybody else,
5 I don't believe the story. No, I am saying it
6 wrong. I can't believe the situation. But I'm a
7 stay at home mom. And for this to be right under
8 my nose, I don't work, I don't go out. I'm at
9 home. It's hard to not know that and I'm stay at
10 home. I'm always at home. It's hard not to see
11 that. I don't know how I could not have seen that,
12 but I asked. I asked. I should have been told
13 that. That shouldn't never been hid from me.

14 Q. I understand. So Complainant called the
15 police on March 8th, 2015, right?

16 A. I guess.

17 Q. You may not remember the date. You
18 know it was in 2015, right, in the spring?

19 A. Yes.

20 Q. And she was 12, right?

21 A. Yes.

22 Q. She was in the seventh grade?

23 A. Yes.

24 Q. And it was late at night and was after
25 midnight as you already said, right?

1 A. Yes.

2 Q. And as you already said you took her
3 phone away, right?

4 A. Yes.

5 Q. And after she yelled something to
6 someone else that you overheard you handed her the
7 phone, right?

8 A. I didn't overhear it. I didn't hear it
9 at all. The person that heard it told me.

10 Q. Brought it to your attention?

11 A. Yes.

12 Q. So after that you handed her a phone?

13 A. I asked her what she wanted to do. I
14 got the phone off the table and she took the phone
15 from me and she called the police.

16 Q. And you told her to do what you got to
17 do?

18 A. I told her to do what she wanted to do.

19 Q. Okay. So we already talked a little
20 bit about the DSS investigation. I want to talk to
21 you a little bit more about that. As part of that
22 investigation DSS asked you to do things, right?

23 A. Yes.

24 Q. They asked you to do some things as a
25 part of their investigation, DSS did?

1 A. Um-hmm.

2 Q. And for example, DSS asked you to take
3 your children to Low Country Childrens Center?

4 A. Yes.

5 Q. And you did?

6 A. Yes.

7 Q. You did take them there?

8 A. Yes.

9 Q. DSS also asked you to take Complainant to
10 counseling, didn't they?

11 A. Yes.

12 Q. And they asked you to do that shortly
13 after she called the police, right?

14 A. No.

15 Q. They didn't ask you to do that shortly
16 after you called the police?

17 A. You say DSS.

18 Q. DSS?

19 A. DSS didn't ask me that.

20 Q. DSS didn't ask you to take her to
21 counseling?

22 A. No. That was told at -- low country
23 for her to have some counseling.

24 Q. So DSS never said anything to you about
25 getting her counseling?

1 A. No.

2 Q. As you said, Complainant's father passed
3 away in April 2009?

4 A. Um-hmm.

5 Q. He was murdered?

6 A. Yes.

7 Q. He was involved in drugs?

8 A. Yes.

9 Q. He also suffered from mental illness,
10 right?

11 MS. HERRING-LASH: Your Honor, I object
12 to the relevance.

13 MS. SEMAN: May we approach?

14 THE COURT: Yes.

15 (Following proceedings were held at the
16 bench.)

17 MS. SEMAN: Your Honor, I anticipated
18 that the State is going to be talking about the
19 victim's behavior and anger and her problems with
20 school as being resulting from the --

21 THE WITNESS: What would they have me
22 do?

23 THE COURT: Ma'am, you don't need to
24 make any statements until you are asked a question.
25 Thank you. Please.

1 MS. SEMAN: So the reason I am bringing
2 this up is to show that there could be another
3 reason for Complainant suffering from these problems.
4 I am anticipating that their expert is going to say
5 that her behavior, her troubles in school, her
6 anger issues are caused by the sexual assault.

7 THE COURT: Is there somebody who can
8 link it together?

9 MS. SEMAN: Sorry?

10 THE COURT: Is there any professional
11 that can link these facts together?

12 MS. EHRLICH: I think they are going to
13 call an expert.

14 THE COURT: Or is this just a stab in
15 the dark to see?

16 MS. EHRLICH: No, I think they plan
17 calling an expert to talk about what the child's
18 behavior may or may not be like after a sexual
19 assault and so if --

20 MS. HERRING-LASH: We won't call any
21 person that's ever seen her or knows anything about
22 this case. What I know that they normally say is
23 there's no behavior that can be predicted with
24 that. You have people fall apart, people who are
25 successful. The biggest thing they say is there's

1 no predicted behavior.

2 MS. EHRLICH: I think just the --

3 THE COURT: So you are asking about the
4 sister.

5 MS. SEMAN: The deceased father.

6 THE COURT: All right.

7 MS. ELLIOTT: He did not die of a drug
8 overdose. He was killed, murdered.

9 THE COURT: He was murdered, okay.

10 MS. EHRLICH: We are trying to get to
11 other things she may have been asked to explain her
12 behavior.

13 MS. SEMAN: I don't plan to ask
14 anything else, Your Honor, about this issue.

15 MS. EHRLICH: We can move on.

16 THE COURT: Okay. Let's
17 do.

18 (Following proceedings were held in
19 open court.)

20 THE COURT: You may proceed.

21 BY MS. SEMAN:

22 Q. Thank you, Your Honor. So Complainant's
23 dad passed away when she was six, right?

24 A. He got murdered. Two different terms.

25 Q. And he was murdered when she was six?

1 A. Yes.

2 Q. And that was really hard on her, right?

3 A. Yes.

4 Q. It was hard on your entire family?

5 A. Yes.

6 Q. And it was difficult for you, right?

7 A. Yes.

8 Q. And you all celebrate his birthday

9 every year?

10 A. Every year.

11 Q. When Complainant was six she started having
12 trouble in school, didn't she?

13 A. I can't remember.

14 Q. I am sorry?

15 A. I can't remember.

16 Q. You can't remember. You don't remember
17 her having trouble with her peers, trouble
18 fighting?

19 A. At six?

20 Q. When she was -- yes, six?

21 A. What school?

22 Q. I am sorry?

23 A. What school?

24 Q. I'm not sure the name of the school.

25 A. Exactly. How you know she have

1 problems.

2 Q. So at this point you are denying that
3 she had any problems in school.

4 A. At six? At kindergarten?

5 Q. Okay.

6 A. You must be know something I don't
7 know.

8 Q. All right. So you don't remember her
9 having issues in school? You don't remember her
10 being angry with her peers at all?

11 A. Not at six.

12 Q. What about when she was a little older
13 than six, what about when she was eight?

14 A. I think maybe in fifth grade? I don't
15 know she would agree with that, but I know that she
16 had problems with her peers in fifth grade.

17 Q. Okay. She had trouble fighting with
18 her peers, right? She would get in little fights
19 at school?

20 A. I guess. I mean I never got a phone
21 call saying she got in major trouble. It was
22 always she had sent ISS, not that I had to go to
23 school for all the time. So I mean I don't look at
24 it as being a problem. Kids going to be kids.

25 Q. Okay. So no major trouble, she would

1 have minor trouble sometimes?

2 A. Yes, I guess.

3 Q. She was also in counseling when she was
4 younger, wasn't she?

5 A. Yeah.

6 Q. For anger issues, right?

7 A. Where at?

8 Q. The Charleston Dorchester Mental Health
9 Center? No, she wasn't?

10 A. (Indicating.)

11 Q. So you are denying that she was in
12 counseling?

13 A. When?

14 Q. In 2011 and 2012?

15 A. Was that sixth grade?

16 Q. I'm not sure what grade she was in at
17 that point.

18 A. You must know the answer. You got it
19 on the paper.

20 Q. You got counseling with Complainant didn't
21 you?

22 A. No.

23 Q. You never got any counseling?

24 A. No.

25 THE COURT: You have to answer verbally

1 ma'am.

2 THE WITNESS: No, I have not had any
3 counseling.

4 BY MS. SEMAN:

5 Q. When Complainant was six she started
6 gaining weight, right?

7 A. I don't know.

8 Q. You were concerned about her weight
9 gain?

10 A. At six? I have no idea.

11 Q. You told doctors that you were
12 concerned about her weight gain, right?

13 A. I don't know.

14 Q. That was before John ever moved in?

15 A. Okay.

16 Q. That caused health problems?

17 A. You must know the answer. I can't
18 remember back that far. But if you got that answer
19 right in front of you then you should know.

20 Q. Let's move on to something else. So
21 when Complainant accused John of assaulting her you
22 were living in a home on Madden Drive, right?

23 A. Yes.

24 Q. The home had three bedrooms, right?

25 A. Yes.

1 Q. And it was in North Charleston, right?

2 A. Yes.

3 Q. And it had one bathroom?

4 A. Yes.

5 Q. And it was a little over 900 square
6 feet, fair to say?

7 A. How am I supposed to know that?

8 Q. But it's not a large place, right?

9 A. It was comfortable.

10 Q. It was cozy. And several people lived
11 in that home on Madden Drive, right?

12 A. Yeah.

13 Q. Including you?

14 A. Yes.

15 Q. And your daughter **Complainant**?

16 A. Yes.

17 Q. And your son **Brother** ?

18 A. Um-hmm, yes.

19 Q. And your daughter Keoshia?

20 A. Yes.

21 Q. Who you think of as your daughter,
22 right? And your mother Mary Jane?

23 A. Um-hmm.

24 Q. Right, and her husband?

25 A. Yes.

1 Q. And he was very sick, right?

2 A. Yes, he had cancer.

3 Q. Okay. And he was definitely not
4 leaving the house?

5 A. No.

6 Q. Fair to say that he was probably in the
7 bed most of the time, right?

8 A. Well, we found out he was sick, but he
9 was a hard worker. He worked every day.

10 Q. And sometimes other family members
11 would stay at your house too, right?

12 A. Yes.

13 Q. Aunts, right?

14 A. Aunts.

15 Q. Yes, ma'am?

16 A. Not my aunts, probably my sister.

17 Q. Maybe Complainant's aunt?

18 A. Yeah.

19 Q. And cousins maybe of you or of Complainant?

20 A. Yes, all the time.

21 Q. And sometimes they would stay after
22 parties. You said your house was kind of the --
23 you would have gatherings at your house?

24 A. Yes.

25 Q. And they would stay in this home on

1 Madden Drive?

2 A. Yes.

3 Q. With the three bedrooms?

4 A. Yes.

5 Q. So you have some health problems, don't
6 you?

7 A. Yes.

8 Q. That prevent you from working?

9 A. Yes.

10 Q. So you as you said before are a stay at
11 home mom?

12 A. Yes.

13 Q. Okay. So you're home a lot, right?

14 A. Yes.

15 Q. You don't drive either, right?

16 A. I do drive. I don't have a vehicle.

17 Q. I got you. But it's fair to say that
18 you are home most of the time?

19 A. Yes.

20 Q. John is about five foot seven; is that
21 right?

22 A. I guess.

23 Q. And when he was arrested he weighed
24 about 140, 150, right?

25 A. I have no idea.

1 Q. Okay. He's even bigger now than he was
2 when he was arrested, right?

3 A. Yes.

4 Q. And when Complainant called the police she
5 was about five foot six, right?

6 A. Yes.

7 Q. And she was over 300 pounds?

8 A. I don't know.

9 Q. Okay. You want Complainant to be safe,
10 right?

11 A. Yes.

12 Q. If she wasn't safe you would fix it?

13 A. Right.

14 Q. You would make whatever problem it was
15 or you would try to make it go away?

16 A. Right.

17 Q. You started dating John in
18 approximately the fall of 2010; isn't that right?

19 A. Yes.

20 Q. And Complainant would have been eight at
21 that time, right?

22 A. Yes.

23 Q. At some point after you started talking
24 to John did he move into your house?

25 A. Yes.

1 Q. And you saw John and Complainant interact
2 with each other?

3 A. All the time.

4 Q. You saw them talking to each other?
5 You saw them be around each other?

6 A. Um-hmm.

7 Q. And to your knowledge Complainant and John
8 had a normal relationship?

9 A. Wouldn't think nothing different.

10 Q. They were close even?

11 A. Um-hmm.

12 Q. They are more like parent and child
13 than stepparent and stepchild?

14 A. Correct.

15 Q. She called him daddy?

16 A. Yes.

17 Q. He bought her things?

18 A. Yes, all the time.

19 Q. All the time and he defended her
20 sometimes when y'all would get in an argument?

21 A. Yes.

22 Q. You never noticed anything strange?

23 A. No.

24 Q. You never noticed anything weird
25 between them?

1 A. No.

2 Q. You never noticed Complainant acting
3 scared?

4 A. No.

5 Q. Or hiding from John?

6 A. No.

7 Q. Never saw any inappropriate touching?

8 A. No.

9 Q. Definitely never saw any sexual
10 contact?

11 A. Never.

12 Q. Because if you had you would have
13 called the police?

14 A. Probably after I did some stuff, yes.

15 Q. And John wouldn't be living with you
16 any more?

17 A. No.

18 Q. You have a big family?

19 A. Yes.

20 Q. Your family members are around a lot?

21 A. Yes.

22 Q. You have gatherings a lot?

23 A. Yes.

24 Q. They sometimes live with you or stay
25 the night?

1 A. Um-hmm.

2 Q. You live with them sometimes too?

3 A. Yes.

4 Q. And your family members were often
5 around Complainant and John?

6 A. Yes.

7 Q. When you weren't there sometimes too
8 the family members would be around?

9 A. Yes.

10 Q. And no one ever reported anything
11 inappropriate between them?

12 A. No.

13 Q. No one reported inappropriate touching?

14 A. No.

15 Q. Definitely no one reported sexual
16 contact?

17 A. Yeah.

18 Q. Because again if they had told you that
19 you would have called the police?

20 A. After I did what I had to do.

21 Q. And John wouldn't live with you any
22 more?

23 A. No.

24 MS. SEMAN: I beg the Court's
25 indulgence, Your Honor.

1 THE COURT: Yes, ma'am.

2 (Off-the-record conference.)

3 BY MS. SEMAN:

4 Q. Just a couple more questions, okay?

5 After Complainant accused John of assaulting her he
6 left your home, right?

7 A. Yes.

8 Q. Voluntarily?

9 A. Yes.

10 Q. He went to stay with family?

11 A. Um-hmm.

12 Q. And he was eventually arrested, right?

13 A. Yes.

14 Q. After John was arrested you talked to
15 him, right?

16 A. Yes.

17 Q. On the phone?

18 A. Yes.

19 Q. A lot?

20 A. Yes.

21 Q. Every couple of days, right?

22 A. If you say so.

23 Q. Sometimes even talk to him more than
24 once a day, right?

25 A. Yes.

1 Q. Even as recently as the end of May you
2 did talk to him?

3 A. Yes.

4 Q. And you have talked to him since then
5 too?

6 A. I don't think it was.

7 Q. I am sorry?

8 A. I think it was Mother's Day.

9 Q. And when you talked to him you would
10 tell him about your day, right?

11 A. Yes.

12 Q. You would tell him about what your
13 children were doing, right?

14 A. Yes.

15 Q. You would tell him about their school,
16 right, how they were doing?

17 A. Yes.

18 Q. And at the end of your calls you would
19 tell him you loved him?

20 A. Yes.

21 MS. SEMAN: No further questions, Your
22 Honor.

23 THE COURT: Redirect?

24 REDIRECT EXAMINATION

25 BY MS. HERRING-LASH:

1 Q. Just a few questions more, Iesha. To
2 go back over because the night that we have talked
3 about when the police were called. To go back
4 over, Complainant had the phone and y'all -- she got in
5 trouble for that?

6 A. Um-hmm.

7 Q. And now, you were asked if she was
8 disrespectful to you. And you said by having the
9 phone; is that right?

10 A. Yes.

11 Q. Did she do anything else that night
12 disrespectful to you?

13 A. No.

14 Q. And you had said she was angry about
15 the phone. Did that -- what happened as the night
16 progressed? Did she become upset or did she stay
17 angry? Did she cry? Did she get mad? How did
18 things go?

19 A. I think we all cried.

20 Q. You all cried. I think you mentioned
21 before she was sitting at the dining room table
22 crying?

23 A. Yes. That was before the person stated
24 to me what she said. I went to her.

25 Q. So before you actually knew what she

1 had said she was sitting at the table crying?

2 A. Yeah.

3 Q. And so that was how she was acting that
4 night, crying?

5 A. Yes.

6 Q. You were asked a lot about your jail
7 phone calls and that you talked to Mr. Singleton on
8 the phone as late as around the end of May; is that
9 right?

10 A. Yes.

11 Q. As a matter of fact, on May the 23rd at
12 nine something in the evening you had a
13 conversation with him about court and did he tell
14 you ^{Complainant} should not come to court?

15 MS. SEMAN: Objection, hearsay.

16 THE COURT: Just one second, ma'am.

17 MS. SEMAN: Objection, hearsay, Your
18 Honor.

19 MS. HERRING-LASH: Statement of party
20 opponent used against him.

21 THE COURT: This is from the Defendant?

22 MS. HERRING-LASH: Yes.

23 THE COURT: Overruled. You may
24 proceed.

25 BY MS. HERRING-LASH:

1 Q. Did he tell you Complainant should not come
2 to court?

3 A. I don't remember.

4 Q. Did y'all talk about court on that one
5 phone call?

6 A. I don't remember.

7 Q. Would it refresh your memory if it was
8 the same day that y'all had been to visit our
9 office, the evening of that day?

10 A. I don't remember that day.

11 Q. You don't remember that day. It was
12 probably a bad day. Do you remember ever talking
13 to him about court?

14 A. Not recently.

15 Q. If you don't remember talking to him on
16 May 23rd then you don't remember. I am just
17 asking.

18 A. I don't remember.

19 Q. Okay.

20 (Off-the-record conference.)

21 MS. HERRING-LASH: Those are all the
22 questions I have, Iesha.

23 MS. SEMAN: No recross, Your Honor.

24 THE COURT: Ladies and gentlemen of the
25 jury, we are at about 12:15. So we are going to

1 break for lunch at this time. I will ask you to be
2 back in the jury room at 2:00. That should give
3 you time to walk maybe somewhere and get something.
4 It takes a little longer in Charleston than it does
5 in Spartanburg to get something to eat. So we will
6 come back about 2:00.

7 Now, while you are away from the
8 courthouse, same instructions I have given you
9 before. Don't try to gather any information about
10 the case. Don't listen to, watch or read media
11 reports. Do not discuss the case with anyone.
12 Don't allow anyone to discuss it with you. If
13 anybody tries to talk to you or contact you about
14 your service in this case please report that on
15 your return. 2:00 in the jury room. I hope you
16 have a good lunch. Thank you.

17 (Thereupon, the jury exited the
18 courtroom at 12:15 p.m.)

19 THE COURT: State wish to excuse the
20 witness?

21 MS. HERRING-LASH: Yes.

22 THE COURT: Any objection?

23 MS. SEMAN: No.

24 MS. HERRING-LASH: Not from the court.

25 THE COURT: But from the stand. Ma'am,

1 you may step down. Thank you very much. We will
2 be in recess until 2:00. Thank you very much.

3 (A luncheon recess transpired.)

4 THE COURT: Is the State ready to
5 proceed?

6 MS. ELLIOTT: Your Honor, we have a
7 couple of things to bring to your attention before
8 we start, Your Honor.

9 MS. EHRLICH: After we discuss these
10 things, yes.

11 THE COURT: You are ready to hear this?

12 MS. EHRLICH: I am.

13 MS. ELLIOTT: Your Honor, at lunch one
14 of our assistant solicitors Tyler Whitaker went to
15 a local restaurant and one of our jurors, Juror
16 No. 25, Dana Beltz, approached her. Apparently Ms.
17 Beltz and Ms. Whitaker went to high school
18 together. I don't believe that the juror knew that
19 Ms. Whitaker works in our office. Ms. Whitaker has
20 food in her mouth and as soon as she could talk
21 said you're a juror and left the restaurant. I did
22 want to make the Court and I made Ms. Ehrlich aware
23 of that encounter. I also know another juror at
24 least was with her, but my understanding is only
25 Ms. Beltz had any communications with Ms. Whitaker.

1 THE COURT: Do you wish me to inquire
2 into that any further?

3 MS. EHRLICH: No, Your Honor.

4 THE COURT: Sounds like there was no
5 effect on the jury so I will allow the case to go
6 forward. State ready otherwise?

7 MS. ELLIOTT: I think Ms. Ehrlich
8 wanted to talk about some scheduling matters.

9 THE COURT: Okay.

10 MS. EHRLICH: Judge, I would anticipate
11 that the State's case is going to take likely most
12 of the remainder of the day. We have for the
13 defense one short witness from the jail. We have a
14 stipulation that we worked out to not have to call
15 the SCDS witness so the first witness I would
16 intend to call is Mary Jane Ferguson who is the
17 grandmother of **Complainant**. She has spoken to my
18 investigator and she accepted service of the
19 subpoena but has not come to court the last two
20 days. Would not give us a phone number to call her
21 when to come so my investigator is going to have to
22 go see her likely tonight and so I just wanted to
23 make sure that the Court would be okay if the State
24 ends a little bit early if we start our testimony
25 in the morning.

1 THE COURT: That would be fine.

2 MS. EHRLICH: Thank you.

3 MS. ELLIOTT: One other just matter
4 housekeeping, Your Honor. We do intend now to
5 enter a jail call into evidence. I don't know if
6 you have any particular preference how that is
7 done. I know certain judges have their own kind of
8 modus operandi they like to follow. I have talked
9 with Ms. Ehrlich. We are only going to admit a two
10 minute selection of one of the calls and so I have
11 had my investigator basically burn a CD of just
12 that two minutes selection. I didn't know if you
13 had any feeling one way or the other.

14 THE COURT: Well, are you calling
15 someone from the jail to authenticate?

16 MS. ELLIOTT: I will have someone from
17 the jail to authenticate the original CD and I will
18 -- we will be recalling **Complainant** to
19 identify the two voices on the call.

20 THE COURT: Any objection to that
21 process?

22 MS. EHRLICH: I don't have an objection
23 to the process as long as their witness --

24 THE COURT: You haven't heard the
25 testimony yet. I am not asking you whether you

1 object to the evidence or not.

2 MS. EHRLICH: I don't have an objection
3 to the procedure.

4 THE COURT: That's more what I was
5 asking. That will be fine.

6 MS. ELLIOTT: The State is ready to
7 proceed.

8 THE COURT: As far as the procedure is
9 concerned, we will see what they say when they
10 testify.

11 MS. ELLIOTT: Yes, sir.

12 THE COURT: Okay. Defense ready as
13 well?

14 MS. EHRLICH: Yes, sir.

15 THE COURT: All right. Let's bring the
16 jury in, madam bailiff.

17 (Whereupon the jury entered the
18 courtroom at 2:07 p.m.)

19 THE COURT: The jury has returned to
20 the courtroom. If any of you had any difficulty in
21 complying with my instructions during lunch please
22 stand. Appears that everyone has been able to
23 comply with my instructions thus far. The State is
24 in the process of calling its witnesses. You may
25 call your next witness.

1 MS. ELLIOTT: Thank you, Your Honor.

2 The State calls Cameron Pippin.

3 CAMERON PIPPIN

4 having been duly sworn, testifies as follows:

5 THE CLERK: Please state your first and
6 last name and spell your last name for the record.

7 THE WITNESS: Cameron Pippin. My last
8 name is spelled P-I-P-P-I-N.

9 DIRECT EXAMINATION

10 BY MS. ELLIOTT:

11 Q. Officer Pippin, where do you work?

12 A. Currently the Summerville Police
13 Department.

14 Q. And how long have you been in law
15 enforcement?

16 A. A little over six years.

17 Q. And in March of 2015 where were you
18 employed?

19 A. The North Charleston Police Department.

20 Q. And what was your role with North
21 Charleston at that time?

22 A. I was on the uniform patrol division.

23 Q. And what were your responsibilities on
24 the uniform patrol division?

25 A. To answer general calls for service,

1 assist public calls.

2 Q. Do you remember getting a call that
3 night that took you to Madden Drive?

4 A. I do.

5 Q. Now, let me ask you this: Do you have
6 any independent recollection of what went on that
7 night?

8 A. I can't say.

9 Q. Have you reviewed a report that you
10 created subsequent to that night to help you
11 remember what went on that night?

12 A. I have the incident report. That's the
13 only paperwork that I have on it.

14 Q. And you drafted that report?

15 A. I did.

16 Q. Why were you called to the house on
17 Madden Drive that night?

18 A. From what I can remember, it was
19 originally dispatched as a disturbance call in
20 reference to some type of activity that was going
21 on at the house between a father that lived there.
22 I can't recall exactly details of the incident and
23 how the call came out though.

24 Q. Once you got to the house what did you
25 find?

1 A. I saw several family members inside the
2 living room area of the house. I believe I met
3 with the victim, Ms. Ferguson, and she gave me a
4 brief synopsis of the incident that had occurred.

5 Q. Was your goal to get a full interview
6 from Ms. Ferguson that night?

7 A. It was not. I was gathering basic
8 information trying to get as much as I could from
9 everybody that was there, trying to sort out what
10 was going on. Like I said, it was kind of
11 everybody was upset and in a heightened state when
12 I was there.

13 Q. Do you remember how many people were at
14 the house that night?

15 A. I don't recall.

16 Q. After talking to Ms. Ferguson what did
17 you do?

18 A. I notified the on duty supervisor
19 Sergeant Roy and he arrived on scene. I explained
20 to him what happened.

21 Q. Why did you notify your sergeant?

22 A. That's general protocol for an incident
23 such as this that I was informed of. Usually
24 detectives would be notified and Department of
25 Social Services would be notified as well.

1 Q. Once Sergeant Roy got there what was
2 your role at the house?

3 A. I can't recall specifically what
4 happened after Sergeant Roy got there. But based
5 on the incident report after I met with Sergeant
6 Roy I met with the stepdad and asked him a brief
7 synopsis of what happened.

8 Q. Did you do any further investigation
9 that night?

10 A. After I spoke with the victim and
11 briefly with the stepfather I stood by until DSS
12 arrived. And I can't recall what further actions
13 were taken after DSS arrived on scene other than
14 trying to keep the scene secure and gathering the
15 basic information that began the incident report.

16 Q. Would you say that scene security was
17 the majority of your responsibility that night?

18 A. Yes.

19 MS. ELLIOTT: Court's indulgence.

20 (Off-the-record conference.)

21 MS. ELLIOTT: Officer Pippin, that's
22 all the questions I have. Please answer any
23 defense might have.

24 THE COURT: You may cross-examine.

25 CROSS-EXAMINATION

1 BY MS. SEMAN:

2 Q. Good afternoon, Officer.

3 A. Good afternoon.

4 Q. I just have a couple of questions. So
5 as a part of any investigation when you were first
6 called to a scene your job is to gather
7 information, right?

8 A. Correct.

9 Q. Your job is to look around, right?

10 A. To gather --

11 Q. Talk to people?

12 A. Correct.

13 Q. And people who might have seen or heard
14 what happened?

15 A. Right.

16 Q. And you take notes about those things
17 and about those people, right?

18 A. Correct.

19 Q. And at some point you write down what's
20 important?

21 A. Correct.

22 Q. And you have to be careful to record
23 what you saw and what you heard, right?

24 A. Sure.

25 Q. Because a report is important, right?

1 A. It is.

2 Q. It helps your memory, right?

3 A. Right.

4 Q. Like you were just talking with Ms.
5 Elliott, it's been a while since this happened?

6 A. Right.

7 Q. Two years. So the report is important
8 for you to remember and to prepare for your
9 testimony like you did today, right?

10 A. Correct.

11 Q. And you reviewed that report before you
12 did testify?

13 A. Correct.

14 Q. You rely on it, right?

15 A. Sure.

16 Q. So let's talk about the report you
17 wrote in this case specifically. You arrived on
18 the scene on March 8th at about 2:00 in the
19 morning, right?

20 A. Yes.

21 Q. And when you arrived you talked to
22 Complainant ?

23 A. I did.

24 Q. And Complainant accused John of assaulting
25 her, right?

1 A. Correct.

2 Q. You did -- you did not take a written
3 statement from Complainant right?

4 A. I did not.

5 Q. Because if you had it would have been
6 in your report?

7 A. Right.

8 Q. That's not in your report?

9 A. Yes.

10 Q. You also talked to Iesha Ferguson whose
11 Complainant's mom, right?

12 A. I did.

13 Q. But you did not take a written
14 statement from Iesha either?

15 A. Correct.

16 Q. Because if you had it would have been
17 in your report?

18 A. Correct.

19 Q. And it is not your report. Right?

20 A. Correct.

21 Q. Okay. Other people were present at the
22 house that night as well, right?

23 A. Right.

24 Q. Including Mary Jane Ferguson, Complainant's
25 grandma?

1 A. I don't have her listed in the report.
2 I can't recall who all it was other than the people
3 listed on the report.

4 Q. There were other people?

5 A. Correct.

6 Q. But you didn't take a written statement
7 from them, right?

8 A. I don't remember taking written
9 statements.

10 Q. Because if you did it would have been
11 in your report, right?

12 A. Right.

13 MS.. SEMAN: I beg the Court's
14 indulgence.

15 THE COURT: Yes, ma'am.

16 (Off-the-record conference.)

17 BY MS. SEMAN:

18 Q. So when you arrived at the home on
19 March 8th, 2015, John was there, right, because you
20 spoke to him?

21 A. Right.

22 Q. He hadn't left yet, right?

23 A. Correct.

24 Q. And he was living at that home, right?

25 A. I can't recall.

1 Q. And after Complainant accused John he left,
2 right?

3 A. He did leave that night.

4 Q. He left voluntarily?

5 A. Correct.

6 Q. He went to the home of a family member,
7 right?

8 A. I can't recall that.

9 Q. But officers took him somewhere?

10 A. Correct.

11 Q. And when you were in the home that
12 night no one said anything about any witnesses that
13 might have watched Complainant being assaulted, right?

14 A. I don't recall.

15 Q. But it is not in your report, right?

16 A. Correct.

17 Q. That would be in your report if someone
18 had said something about a witness?

19 A. Possibly.

20 Q. Possibly?

21 A. It should have been in my report if
22 there was mention of a witness, but I can't recall.

23 Q. And it's not in your report? There's
24 no mention of a witness?

25 A. Right.

1 MS. SEMAN: That's all I have, Your
2 Honor.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION

5 BY MS. ELLIOTT:

6 Q. Officer Pippin, once you complete an
7 initial report, especially of one for an allegation
8 of this nature, where is that report forwarded to?

9 A. It's forwarded up to get checked off by
10 my supervisor, then up to the detective division
11 for further investigation.

12 MS. ELLIOTT: Nothing further, Your
13 Honor.

14 THE COURT: Wish to follow up on those
15 questions?

16 MS. SEMAN: No, Your Honor.

17 THE COURT: You may step down, sir. Do
18 you wish to excuse the witness?

19 MS. ELLIOTT: Yes, Your Honor.

20 THE COURT: Any objections?

21 MS. SEMAN: No, Your Honor.

22 THE COURT: You are free to leave the
23 courthouse, sir. Thank you. State may call its
24 next witness.

25 MS. ELLIOTT: The State calls Kate

1 Austin.

2 KATE AUSTIN

3 having been duly sworn, testifies as follows:

4 THE CLERK: Please state your first and
5 last name and spell your last name for the record.

6 THE WITNESS: My name is Kate Austin,
7 A-U-S-T-I-N.

8 DIRECT EXAMINATION

9 BY MS. ELLIOTT:

10 Q. Good afternoon. Will you tell us where
11 you work, please?

12 A. Yes, I work at Dee Norton Child
13 Advocacy Center.

14 Q. And did they recently change their
15 name?

16 A. They did.

17 Q. What was the old name?

18 A. Dee Norton Low Country Childrens
19 Center.

20 Q. And do a lot of people -- are they
21 familiar with it being called LCC because of that?

22 A. Yes.

23 Q. And how long have you been working at
24 the Dee Norton Advocacy Center?

25 A. I have been working there for three

1 years.

2 Q. Can you tell us a little bit about your
3 educational background that prepares you for your
4 job there?

5 A. Sure. I have a masters in psychology
6 from the Citadel and I also a bachelors of arts in
7 psychology.

8 Q. And what are your duties and
9 responsibilities at the Dee Norton Advocacy Center?

10 A. I am a forensic interviewer and also a
11 child and family therapist.

12 Q. And did you have occasion to interview
13 Complainant ?

14 A. Yes, I did.

15 Q. When did you see her?

16 A. I interviewed her March 24th, 2015.

17 Q. And where did you see her?

18 A. At Dee Norton.

19 Q. And when you conducted this interview
20 was it one-on-one or were family members in the
21 room during that time?

22 A. It was one-on-one.

23 Q. Court's indulgence. Did you ever see
24 Complainant after that day?

25 A. No.

1 MS. ELLIOTT: Those are all the
2 questions I have for you, Ms. Austin. Please
3 answer any the defense might have.

4 MS. EHRLICH: Your Honor, I don't have
5 any questions.

6 THE COURT: All right. Ma'am, you may
7 step down. Do you wish to excuse the witness?

8 MS. ELLIOTT: Yes, Your Honor.

9 THE COURT: Any objection?

10 MS. EHRLICH: No.

11 THE COURT: You are free to leave,
12 ma'am. Thank you very much. State may call its
13 next witness.

14 MS. ELLIOTT: Jerry Jellico.

15 JERRY JELICO

16 having been duly sworn, testifies as follows:

17 THE CLERK: Please state your first and
18 last name and spell your last name for the record.

19 THE WITNESS: Jerry Jellico,
20 J-E-L-L-I-C-O.

21 THE COURT: Counselor, your witness.

22 MS. ELLIOTT: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. ELLIOTT:

25 Q. Detective Jellico, where do you work?

1 A. North Charleston Police Department.

2 Q. And how long have you worked with the
3 North Charleston Police Department?

4 A. I retired about three years ago. But I
5 have been in law enforcement about 30 years.

6 Q. What all agencies have you worked for?

7 A. The Charleston County Police which
8 later merged and became the Charleston County
9 Sheriff's Office. And then I moved over to North
10 Charleston Police Department.

11 Q. And what's your role at the North
12 Charleston Police Department currently?

13 A. Currently I'm an investigator assigned
14 to the detective division.

15 Q. And do you have any duties and
16 responsibilities in the detective division?

17 A. I work homicide and sex crimes and
18 mainly sex crimes involving adults and children.

19 Q. And how long have you been involved in
20 investigating sex crimes?

21 A. Over 18 years.

22 Q. And how did you become involved in this
23 case?

24 A. This particular case was reported to
25 the uniform division on March the 8th and after it

1 was reported and signed off on it was submitted to
2 the detective division and after it had been
3 through its review on March 16th I was actually
4 assigned the case.

5 Q. And what type of incident was this
6 reported as?

7 A. It was actually reported as a forcible
8 fondling.

9 Q. Now, what are the typical steps that
10 you would take in investigating a type of case like
11 this?

12 A. The first thing we do is we determine
13 if the -- when a case is reported at night or
14 reported after hours it is notified to the
15 supervisor, street supervisor. At that time he
16 goes there, he assesses if it's an acute case, if
17 it needs our immediacy, if we need to respond right
18 there. If a case is determined to be something
19 what happened in the past and it can wait, then we
20 don't come out.

21 So once it comes to us and I get it I
22 start basically to see what's been done. I noticed
23 in this case the Department of Social Services had
24 been called and on March 18th I called Karen Sams
25 with DSS to inquire what had been done so far. She

1 informed me that the children had been scheduled
2 for interviews at the Low Country Childrens Center.
3 So I waited for those interviews to be conducted.

4 Q. What were the -- I want to take a step
5 back. What was the incident location for this
6 case?

7 A. It was actually alleged on Ferrara
8 Drive and on Madden Drive which were both located
9 for jurisdictional purposes in the City of North
10 Charleston in Charleston County.

11 Q. Did you ever go to either of these
12 scenes on or about March 8th, 2015?

13 A. No, I went much later.

14 Q. Why didn't you go immediately?

15 A. I wasn't notified of it.

16 Q. You mean on the night --

17 A. On the night it happened. It didn't
18 meet our criteria for to us come out.

19 Q. So after you talked to DSS and you were
20 waiting on the interviews what did you do after
21 that?

22 A. On March 31st I actually -- the
23 interviews were conducted on March 24th. I have to
24 wait until there is an actual report submitted by
25 the Low Country Childrens Center. They call it

1 CAPTA report. I don't know what that means. It's
2 a report on the interviews. So on the 31st I
3 received a CAPTA report. After I received the
4 CAPTA report, it's kind of a detailed synopsis of
5 what the children said or allegedly said.

6 At that time I order the videos. The
7 videos are not like you get a disk. We get them
8 through a secure network which comes to our
9 computers at the detective office. So I have to
10 wait on that to go through the process, sign the
11 paperwork, it's vetted and it comes back to me.

12 Q. Did you review those videos?

13 A. I received the videos and reviewed them
14 April 7th. It takes a while to get them. And at
15 that time I reviewed the videos. My main concern
16 was to make sure the videos -- what was alleged in
17 the video was a good representation of what was on
18 the report that was given to me also. So I
19 reviewed two videos at that time.

20 Q. What did you do after that?

21 A. On the 15th I went out to the residence
22 on Madden Drive.

23 Q. This was the 15th of what month?

24 A. April, I am sorry.

25 Q. Why did you go out to Madden Drive that

1 day?

2 A. Well, after watching the videos I still
3 had a question exactly where one of these alleged
4 incidents would have occurred at. Did it occur on
5 Ferrara Drive or did it occur on Baily Drive -- I
6 mean Madden Drive, excuse me. So I didn't know
7 which house it was alleged at. So I went out to
8 talk to some people at the house. I also wanted to
9 talk to a grandfather that was mentioned in the
10 interview as possibly being a witness.

11 Q. Who did you meet with at Madden Drive?

12 A. When I got out to Madden Drive I met
13 with the mother Mary Jane Ferguson, the alleged
14 victim was also there and also with Keoshia was
15 there.

16 Q. I am confused. You met with the mother
17 of Complainant or you met with the mother Mary Jane
18 Ferguson?

19 A. The mother of the victim.

20 Q. And Mary Jane Ferguson?

21 A. That's right, I am sorry.

22 Q. Now, did you interview the victim that
23 day?

24 A. No, the interview part has been
25 conducted so we don't go back and re-interview the

1 victim.

2 Q. And so what happened when you arrived
3 at the house to talk to **Complainant** and Mary
4 Jane Ferguson and Keoshia Ferguson?

5 A. And the grandfather. When I went I was
6 talking to the grandfather first. I discovered
7 everybody was upset and crying. I am thinking I am
8 just showing up to talk. Then I found out that
9 that Saturday the grandfather had died. So
10 everybody was upset at the house. So based on that
11 and it was a lot -- you can only imagine a lot of
12 emotion there. I ended up taking Keoshia to my car
13 away from the rest of the family and speaking to
14 her. I only briefly spoke to the mother and the
15 grandmother.

16 Q. So did you take a formal written
17 statement from any of these people?

18 A. No.

19 Q. Why not?

20 A. One thing they were in a state -- it
21 was very emotional. It wasn't the time. We don't
22 normally take written statements. We take them
23 back to the station. We have these rooms,
24 interview rooms, we put people in and it is audio
25 and visual so it is easier. And we didn't have

1 body cameras back then. We just got them about a
2 month ago, the detectives. But back then we would
3 bring them back to the station because we got all
4 our resources. If you bring someone up, I can look
5 at them, pull pictures and everything. So we don't
6 do too much in the field.

7 Q. So because of the passing of I guess
8 Mary Jane Ferguson's husband you didn't transport
9 the family?

10 A. No. That wasn't going to happen.

11 Q. What was Mary Jane Ferguson's demeanor
12 like?

13 A. When I inquired we were on the porch
14 and I was talking to her and she had mixed emotions
15 about the allegations. That was also I didn't want
16 to -- I don't give information what I already know.
17 So I didn't want to tell her anything that had been
18 disclosed in interviews. It was obvious she did
19 not know what had been disclosed at the Low Country
20 Childrens Center. And knowing this family is going
21 through grief at this time I wasn't going to add
22 fuel so to speak to the fire at this time.

23 Q. Now, did you have a forensic unit
24 respond to the house at Madden Drive?

25 A. No.

1 Q. Why not?

2 A. Because the alleged offender had lived
3 there and stayed there off and on so to find his
4 DNA or fingerprints would have been of no value.
5 Also the alleged incident involved nothing of
6 ejaculation or any kind of bodily fluids.

7 Q. As a result of your investigation what
8 did you do?

9 A. I spoke back with the Department of
10 Social Services to see if they had obtained any
11 other information I didn't have. Actually looked
12 back over the videos again and then based on that I
13 drew up an arrest warrant for the Defendant.

14 Q. What is the Defendant's date of birth?

15 A. Defendant's date of birth is
16 , 1966.

17 MS. ELLIOTT: Court's indulgence, Your
18 Honor.

19 THE COURT: Yes, ma'am.

20 (Off-the-record conference.)

21 BY MS. ELLIOTT:

22 Q. When you were at the house on Madden
23 Drive you said you took Keoshia to your car. Did
24 you interview her that day?

25 A. I wanted to -- yes, I asked a few

1 questions. I wanted to find out where she was when
2 she witnessed this incident in the kitchen, was it
3 on Ferrara or Madden.

4 MS. ELLIOTT: Those are all the
5 questions I have for you at this time, Detective
6 Jellico. Please answer any the defense might have.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MS. EHRLICH:

10 Q. Good afternoon, Detective Jellico.

11 A. Good afternoon.

12 Q. Many cases together. And Ms. Elliott
13 was asking you about your role at North Charleston.
14 You are in the investigation unit?

15 A. Yes.

16 Q. So you would investigate homicides and
17 also sexual assault cases?

18 A. That's correct.

19 Q. Okay. And you testified that you have
20 been doing this type of work on these type of cases
21 for 18 years?

22 A. Yes, or more.

23 Q. And during the course of your work as
24 an officer you have undergone training?

25 A. Yes.

1 Q. Including training on these cases,
2 correct?

3 A. That's correct.

4 Q. And you also would have gotten training
5 about mandatory reporters?

6 A. Yes.

7 Q. And so through your training you know
8 that if a child discloses to a counselor abuse that
9 counselor would have been required to report it,
10 correct?

11 A. That's correct.

12 Q. And in your role as the lead
13 investigator you never became aware of a report
14 made to your North Charleston Police Department
15 about abuse prior to March 8th, 2015, involving
16 John Singleton or **Complainant** ?

17 A. That's correct.

18 Q. Now, the report was done March 8th of
19 2015 initially by Officer Pippin and then the
20 approving Sergeant Roy, correct?

21 A. That's correct.

22 Q. And you testified that you then became
23 assigned to the case on March 16th?

24 A. That's correct.

25 Q. And that **Complainant** would have gone to Low

1 Country Childrens Center on March 24th of 2015?

2 A. I guess that's when she went. That's
3 the first available appointment I guess they had.

4 Q. Right. Between when you got assigned
5 the case and she went to Low Country Childrens
6 Center there would have been no contact between you
7 and Complainant correct?

8 A. That's correct.

9 Q. You would have waited for her to go to
10 the interview?

11 A. Right, that's correct.

12 Q. And the same would be said for Keoshia.
13 You would not have had any contact with her until
14 after she went for an interview at Low Country
15 Childrens Center?

16 A. That's right.

17 Q. And she would have gone to Low country
18 Childrens Center because at the time she was 17?

19 A. Right, that's correct.

20 Q. And to your knowledge, though, no other
21 family members, adults, were interviewed at Low
22 Country Childrens Center?

23 A. No. Nobody was interviewed.

24 Q. All right. So but you -- still the
25 reason you waited for the Low Country Childrens

1 Center interview to happen was because you wanted
2 the proper forensic interview to take place with
3 Complainant correct?

4 A. That's our procedure.

5 Q. Because you wouldn't want to do
6 anything to interfere with that process of being
7 interviewed by someone trained to interview a
8 child, correct?

9 A. Right, in a case like this that's
10 correct.

11 Q. You did not, though, have any contact
12 with any of the family members until after the
13 interview?

14 A. That's correct.

15 Q. So you didn't speak with Complainant
16 in between when you were assigned the case
17 and when the interviews were done at Low Country
18 Childrens Center?

19 A. I spoke to nobody. I stayed out of it
20 until the interview is done.

21 Q. Okay. I think you testified that you
22 didn't get those interviews until sometime in early
23 April, correct?

24 A. That's correct.

25 Q. And then based on those interviews you

1 decided to do some followup investigation, correct?

2 A. That's correct.

3 Q. And so you did go to the Madden Drive
4 address to speak to some of the family member?

5 A. Yes.

6 Q. And you testified earlier that people
7 were upset due to the passing of the grandfather?

8 A. Right.

9 Q. And so based on I assume the level of
10 emotion in the house that day you decided not to
11 even attempt to bring them down to the police
12 station for an interview?

13 A. Yes. That was -- that wasn't going to
14 happen, right.

15 Q. They would not have done that?

16 A. Right. But I still wanted to talk to
17 Keoshia. I needed that.

18 Q. Sticking with Iesha, you didn't do a
19 formal interview with her that day, correct?

20 A. No, we wouldn't because she has been
21 interviewed.

22 Q. Talking about Iesha?

23 A. Which one is Iesha?

24 Q. The mother.

25 A. No. I spoke to her on the steps, but

1 no formal interview.

2 Q. No formal interview where you would
3 have taken her -- had her write a statement or
4 anything like that?

5 A. No, we wouldn't have done a statement.

6 Q. And you said that y'all wouldn't
7 normally do statements in the field, but you could
8 have taken her down to the station had it been an
9 appropriate time to do so?

10 A. Right.

11 Q. Had there been that cooperation that
12 day?

13 A. That's correct. And if I would have
14 gotten the feeling that she was going to give me
15 some information.

16 Q. Okay. So your feeling was that this
17 witness was not going to be helpful?

18 A. That's correct.

19 Q. And so to be fair, I know that that day
20 was emotional, but you didn't go back and try to
21 get her to come down to the station another day,
22 did you?

23 A. What I did was rather just leave cold,
24 I gave them my contact information and said I was
25 the lead investigator in this case. They knew how

1 to contact me. I provided that to them so whenever
2 they calmed down if anything came new and they
3 wanted to speak to me please come down to the
4 station or I came back out there. I told them I
5 can come pick them up because I knew they didn't
6 have transportation.

7 Q. And you never got a phone call from
8 Iesha Ferguson?

9 A. No, I did not.

10 Q. And so you didn't have a detailed
11 discussion with her about the events in the house
12 that prompted the disclosure, did you?

13 A. No.

14 Q. And as far as Keoshia is concerned,
15 again, you had no contact with her as far as
16 interviewing her until you went back to the house I
17 believe on April 11th, 2015?

18 A. That is correct.

19 Q. I say back. That was your first visit
20 to Madden Drive?

21 A. That's correct.

22 Q. And until that time your information
23 based on the report provided by Officer Pippin,
24 signed off on by Sergeant Roy was that she had not
25 been interviewed by anybody on scene prior to her

1 going to Low Country Childrens Center?

2 A. Just basic information. If you want to
3 call it an interview I don't know -- they have to
4 technically interview just to gather basic facts.

5 Q. Until you watched the Low Country
6 Childrens Center video she had not been identified
7 to you as a possible witness?

8 A. Talking about Keoshia?

9 Q. Keoshia.

10 A. That's correct.

11 Q. Keoshia the cousin?

12 A. Right. She was not in the incident
13 report which is not out of the norm.

14 Q. But she had not been identified to you
15 as a possible witness until after you watched her
16 interview with Low Country Childrens Centre?

17 A. Actually I talked to Karen -- Ms. Sams
18 at the Department of Social Services and she's the
19 one that told me.

20 Q. Okay.

21 A. That she was a witness, but I didn't
22 know what she was going to say.

23 Q. But there was no information from the
24 responding officer?

25 A. Absolutely not.

1 Q. And, again, that day was an emotional
2 day so she did not come down to the station for
3 further interview by you?

4 A. No.

5 Q. Mary Jane Ferguson was at the home when
6 you went there on April 11th, 2015?

7 A. Yes.

8 Q. Was actually her husband who had passed
9 away?

10 A. That's correct.

11 Q. And so you made no effort to try to
12 convince her to come down to the station to give a
13 statement?

14 A. No. That would have been
15 disrespectful.

16 Q. And since then you have not had any
17 contact with Ms. Ferguson?

18 A. No.

19 Q. She never reached out to you?

20 A. No, she did not.

21 Q. The grandfather you wanted to
22 interview, that's the grandfather who passed away,
23 correct?

24 A. That's what I thought, yes.

25 Q. That was the information you had at the

1 time?

2 A. Yes.

3 Q. You were not provided with any
4 information that an aunt had been in the home
5 during the incidents?

6 A. Not by the family.

7 Q. And so you never spoke with Sasha
8 Covington?

9 A. No, I did not.

10 Q. You did not know about her?

11 A. No, I did not.

12 Q. And did you have information that there
13 were a lot of people who were in and out of the
14 house over a four-year period leading up to the --

15 A. From reading the CAPTA report kind of,
16 yes, gleaned that information.

17 Q. Many of those people's names were not
18 disclosed to you?

19 A. Right.

20 Q. And you could not interview those
21 people?

22 A. That is correct.

23 Q. Without that information?

24 A. That's correct.

25 Q. And Ms. Elliott was asking you

1 questions about crime scene and why you didn't do
2 DNA. You didn't do -- there was no need to call
3 crime scene out because you went to speak with them
4 in April, correct?

5 A. That's correct.

6 Q. And so it was about a month after when
7 the initial report was made?

8 A. That's correct.

9 Q. And there was no point to try and
10 collect physical evidence?

11 A. Not in this particular case. There is
12 a right time when we will do it. Not in this one.

13 MS. EHRLICH: Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Off-the-record conference.)

16 BY MS. EHRLICH:

17 Q. Couple more questions. During your
18 role in the investigation you did not investigate
19 what exact date John Singleton lived in that house,
20 correct?

21 A. No. I just had a broad time frame.

22 Q. So you at the time of doing the arrest
23 warrant would not have known times that he was not
24 in the Charleston area?

25 A. That's correct. Because I know he was

1 in and out so I couldn't really pick a specific
2 date.

3 Q. You didn't investigate what dates he
4 was there or when he wasn't?

5 A. From what I could gather nobody could
6 tell me.

7 Q. You didn't have 100 percent cooperation
8 from the Ferguson family in this case, correct?

9 A. I can't say I didn't have 100 percent
10 cooperation. I always seemed to pop up the worst
11 possible times when the family member had died.

12 Q. They didn't follow up with you after
13 that even though you provided the card?

14 A. Right. They didn't follow up. I don't
15 know if they didn't have anything additional to
16 give me.

17 Q. And I've known you for a while. When
18 you meet with family you are not rude or you were
19 perfectly polite with them?

20 A. I sure hope so.

21 MS. EHRLICH: Thank you, detective.

22 THE COURT: Redirect.

23 REDIRECT EXAMINATION

24 MS. ELLIOTT: Court's indulgence.

25 (Off-the-record conference.)

1 BY MS. ELLIOTT:

2 Q. Detective Jellico, even if you had gone
3 out to the scene on March 8th, 2015, would you have
4 called out for forensics?

5 A. Probably not, no. We would have ran it
6 a little bit differently. I mean you still have to
7 notify DSS. We would have did the same thing
8 uniform did except we would have waited until the
9 interviews to get the more detailed information.

10 Q. Maybe you should explain for us what
11 the difference between what a patrol officer
12 responding and doing an initial report is versus
13 what a detective is supposed to do?

14 A. A patrolman goes out, an officer. His
15 job is just to get the bare minimum information
16 just to complete an incident report. It's like
17 going to a club shooting or whatever, he gets the
18 basic information what happened. If you got ten
19 people there they don't have any real value to the
20 case, they are not witnesses to anything, you don't
21 even document them in the incident report. You get
22 the bare minimum and they notify their supervisor.
23 The reason for that is when if I was a sergeant
24 they would call, you make a determination at that
25 time is this something we need to send a detective

1 out, call a detective to come from home to go out
2 and investigate or is this something that can wait
3 until Monday. Our city is extremely busy. And
4 when you have -- we have violent crime calls that
5 lasts for a week. We have to respond to all the
6 shootings and homicides so you have to be very
7 detailed as far as before detectives come out. And
8 if a detective is going to come out at a taxpayers
9 time and there is absolutely nothing for him to do
10 then we are wasting the citizens resources and
11 their money.

12 Q. If you had done it that night would you
13 have interviewed the victim?

14 A. No.

15 Q. When you went out to the Madden Drive
16 house to the family in April who all did you give
17 your contact information to?

18 A. I gave it to the momma and Keoshia and
19 at the same time I gave to everybody else who was
20 standing there.

21 Q. Do you give a card?

22 A. Yes.

23 Q. So you would have given a card to Mary
24 Jane Ferguson?

25 A. The business card.

1 Q. And you heard nothing from her?

2 A. No.

3 MS. ELLIOTT: Nothing further, Your
4 Honor.

5 THE COURT: Recross.

6 RECROSS-EXAMINATION

7 BY MS. EHRLICH:

8 Q. You didn't hear from anybody from the
9 Fergusons?

10 A. That's correct.

11 MS. EHRLICH: Thank you.

12 THE COURT: You may step down. State
13 wish to excuse this witness?

14 MS. ELLIOTT: Yes, Your Honor.

15 THE COURT: Any objection?

16 MS. EHRLICH: No, Your Honor.

17 THE COURT: You are free to go, sir.
18 Thank you for coming today.

19 MS. ELLIOTT: May I approach?

20 THE COURT: Certainly.

21 (Following proceedings were held at the
22 bench.)

23 MS. ELLIOTT: The next witness that I
24 will call would be Deputy Sherbine. I don't know
25 if Ms. Ehrlich wants to take any of that in camera

1 before he comes in.

2 MS. EHRLICH: I think Your Honor needs
3 to hear the call before deciding on its
4 admissibility.

5 THE COURT: Okay. We will send to jury
6 out.

7 (Thereupon, the sidebar conference
8 ended.)

9 THE COURT: The next witness involves
10 some testimony that I'm going to have to review
11 before it is presented to you so I'm going to ask
12 you while I do that to step back to the jury room
13 and as always do not discuss anything about the
14 case until I ask you to do so. Thank you very
15 much.

16 (Thereupon, the jury exited the
17 courtroom at 2:51 p.m.)

18 THE COURT: The next witness is.

19 MS. ELLIOTT: It is Deputy Sherbine,
20 Your Honor.

21 THE COURT: There's some matters you
22 want to take up I believe concerning the 911 call;
23 is that correct?

24 MS. ELLIOTT: Yes, Your Honor -- not
25 the 911 call, the jail phone call.

1 THE COURT: Jail phone call.

2 MS. ELLIOT: Yes, Your Honor. Your
3 Honor, if I may approach the court reporter to mark
4 these as exhibits.

5 THE COURT: All right. That will be
6 fine.

7 (STATE'S EXH. 9 and 10 marked for
8 identification.)

9 THE CLERK: Please state your first and
10 last name and spell your last name for the record.

11 THE WITNESS: Kevan Sherbine,
12 S-H-E-R-B-I-N-E.

13 THE COURT: Counselor, your witness.

14 DIRECT EXAMINATION

15 BY MS. ELLIOTT:

16 Q. Thank you, Your Honor. Detention
17 Deputy Sherbine, where do you work?

18 A. Charleston County Detention Center.

19 Q. What are your duties there?

20 A. I am the professional visitation
21 deputy. I'm the main point of contact between the
22 inmates and their public defenders, attorneys, law
23 enforcement agencies and non-law enforcement
24 agencies and any other professional visitor that
25 would wish to see them. I handle the majority of

1 the subpoenas that are served on the jail. I also
2 assist the regular lobby officers with their
3 day-to-day duties.

4 Q. What do you do when you get a subpoena
5 for jail calls?

6 A. When I receive a subpoena I look for
7 what it is they are doing for date range exactly
8 and then I put that date range and their inmate
9 number into our data base. It gives me back
10 whatever results there are. I print out a hard
11 copy which includes in paper form all the
12 information pertaining to the call that they are
13 looking for. I burn the audio to a CD, label the
14 CD, put the hard log and the CD in an envelope,
15 seal it and call the agency that requested it.

16 Q. So how do you maintain the calls?

17 A. Those calls are maintained on a secure
18 data base within the facility.

19 Q. How are you able to recall which inmate
20 is making which call?

21 A. We use their inmate numbers which is
22 how we pull up the records.

23 Q. Are inmates advised their calls are
24 being recorded?

25 A. They are.

1 Q. And do inmates identify themselves in
2 the calls?

3 A. They do.

4 Q. Kept in the regular course of business?

5 A. They are.

6 Q. So you are the custodian for the jail
7 calls for the detention center?

8 A. One of them.

9 Q. I am going to show you what's been
10 marked for identification purposes as State's
11 Exhibit 9. Do you recognize that?

12 A. I do is.

13 Q. What is that?

14 A. This is an audio CD of inmates phone
15 calls.

16 Q. How do you know that that's what that
17 is?

18 A. Because that's what it says.

19 Q. And do you recognize that handwriting?

20 A. I do.

21 Q. And is your signature on that?

22 A. It is, yes.

23 Q. So that's a jail call that you provided
24 to the solicitor's office pursuant to a subpoena?

25 A. It is, yes.

1 Q. Your Honor, at this time I would
2 publish the phone call from March -- May 23rd for
3 Your Honor.

4 THE COURT: All right.

5 MS. ELLIOTT: Judge, it is my intention
6 to only play two minutes of it since I was only
7 going to publish the two minutes that I intend to
8 enter.

9 (Jail call played.)

10 MS. ELLIOTT: Your Honor, those would
11 be the questions that I would ask of this witness.

12 THE COURT: You wish to cross-examine?

13 MS. EHRLICH: Yes, sir.

14 CROSS-EXAMINATION

15 BY MS. EHRLICH:

16 Q. Good afternoon, Officer Sherbine.

17 A. Ms. Ehrlich.

18 Q. You said on direct that the inmate will
19 identify themselves on the call, correct?

20 A. Yes.

21 Q. That's done by a recording that they do
22 when they initially come to the jail, right?

23 A. It is, yes.

24 Q. So it is not like every time somebody
25 makes a call they say hey, this is Megan Ehrlich

1 calling you from the jail; it's a recording that's
2 associated with the pin number, correct?

3 A. Correct.

4 Q. And so if another inmate had access to
5 a pin number they could use somebody's account to
6 make calls, right?

7 A. Yes.

8 Q. And that happens?

9 A. It does.

10 Q. And you don't personally know John
11 Singleton, do you?

12 A. I do not.

13 Q. You don't personally know Complainant
14 ?

15 A. I do not.

16 Q. So you can't identify the voices on
17 this phone, can you?

18 A. No, ma'am.

19 Q. And you don't know who actually made
20 the calls?

21 A. I do not.

22 Q. You just know it is associated with Mr.
23 Singleton's inmate number, correct?

24 A. That's correct.

25 Q. Thank you.

1 MS. ELLIOTT: I have no further
2 questions for this witness.

3 THE COURT: You may step down, sir.
4 You may call your next witness.

5 MS. ELLIOTT: The State would call Eric
6 Jourdan.

7 ERIC JOURDAN

8 having been duly sworn, testifies as follows:

9 THE WITNESS: Eric Jourdan,
10 J-O-U-R-D-A-N.

11 DIRECT EXAMINATION

12 BY MS. ELLIOTT:

13 Q. Investigator Jourdan, where do you
14 work?

15 A. With the Ninth Circuit Solicitor's
16 Office, Charleston County.

17 Q. I am going to show you what has been
18 marked for identification purposes as State's
19 Exhibit 9 and 10. Do you recognize those?

20 A. Yes. The first one is the audio disk
21 that I received following my subpoena to the
22 Charleston County Detention Center for the phone
23 records for John Singleton for the time period of
24 4-1-2017 to 5-30 of 2017. And the second disk is
25 one that I prepared with a telephone call from May

1 the 23rd, 2017, for phone calls between or
2 identified for John Singleton inmate number 1931
3 for the time period of 10 to 12 minutes of the
4 duration of that call.

5 Q. I'm going to play now what you created
6 which is marked as State's Exhibit 10.

7 (Jail call played.)

8 MS. ELLIOTT: Your Honor, those are all
9 my questions for Investigator Jourdan.

10 THE COURT: You may cross-examine.

11 MS. EHRLICH: No questions, Your Honor.

12 THE COURT: You may step down.

13 MS. ELLIOTT: At this time the State
14 would call back Complainant to the
15 stand.

16 Complainant

17 having been duly sworn, testifies as follows:

18 THE CLERK: Please state your first and
19 last name and spell your last name for the record.

20 THE WITNESS: Complainant
21 Complainant

22 THE COURT: Your witness, counselor.

23 DIRECT EXAMINATION

24 BY MS. ELLIOTT:

25 Q. Complainant remember to speak slowly and

1 loudly and put your hand down, okay? So you just
2 heard the State play what we have marked as
3 identification as State's Exhibit 10. Were you
4 able to recognize the two voices in that call?

5 A. Yes, ma'am.

6 Q. Who are the two voices in that call?

7 A. My mother and John.

8 Q. What is your mother's name?

9 A. Iesha Ferguson.

10 Q. And who was John? What's his last
11 name?

12 A. Singleton.

13 Q. How do you know John Singleton?

14 A. He was my mom's boyfriend.

15 Q. And you've known since him you were how
16 old?

17 A. Eight.

18 Q. And have you ever talked to him in
19 person?

20 A. Yes, ma'am.

21 Q. Have you ever talked to him on the
22 phone?

23 A. Yes, ma'am.

24 MS. ELLIOTT: Your Honor, those are all
25 the questions I have for Ms. Ferguson.

1 THE COURT: Any cross-examination?

2 MS. EHRLICH: No questions.

3 THE COURT: Ma'am, you may step down.

4 Thank you very much.

5 MS. ELLIOTT: Your Honor, that would be
6 all the in camera that we would present for the
7 jail call.

8 THE COURT: Defense wish to call any
9 witnesses?

10 MS. EHRLICH: No, Your Honor.

11 THE COURT: I will hear from the
12 defense on the matter.

13 MS. EHRLICH: Your Honor, I think if
14 the State can establish a -- lay a foundation that
15 procedurally the call would be admissible by laying
16 the foundation. My concern would be whether it is
17 admissible based on what the actual call is. My
18 understanding of the call is that there is a
19 discussion between who they say is Mr. Singleton
20 and who they say is Iesha Ferguson talking about
21 the upcoming court hearing and whether or not they
22 have to come to court and he's telling them that if
23 they don't come to court the State doesn't have a
24 case. I don't think that's an admission by him of
25 any sort of guilt. I think it's a discussion of

1 what potentially could happen if court people don't
2 show up.

3 THE COURT: Aren't you arguing the
4 inferences that can be drawn from it as opposed to
5 its admissibility?

6 MS. EHRLICH: Well, I think the State
7 has to state that it is some sort of statement,
8 some sort of admission or some sort of statement
9 against his interest and it is not to be discussing
10 what's going to happen in court.

11 THE COURT: Well, let's hear what the
12 State has to say about that.

13 MS. ELLIOTT: Your Honor, he's saying
14 -- I think you're right that from what they are
15 saying the jury can very much draw inferences that
16 he is telling them not to come to court. Ms.
17 Ferguson is discussing hesitation. He's saying
18 like I told you.

19 THE COURT: Ms. Ferguson is discussing
20 what?

21 MS. ELLIOTT: Discussing her hesitation
22 about court. And he is -- Mr. Singleton is telling
23 her like I have been telling you they don't have a
24 case if she doesn't come to court. They can't make
25 you come to court. I think that all of that shows

1 consciousness of guilt and I think an inference
2 very much can be drawn that he doesn't want them to
3 go to court.

4 THE COURT: All right. Anything
5 further from the defense?

6 MS. EHRLICH: Judge, I just think there
7 is assumption on that end that it shows
8 consciousness of guilt and I say there's an
9 assumption on our end that it's a factual statement
10 if they don't come to court there isn't going to be
11 a case. That's not an admission by him or any
12 showing of guilt on his part.

13 THE COURT: Well, like most
14 circumstantial evidence various inferences can be
15 drawn from it. The fact that there might be more
16 than one inference, one favorable to the State and
17 one favorable to the defense, does not make it
18 excludable. If you drew the inference that the
19 State is urging the jury to draw then it would be
20 evidence of consciousness of guilt perhaps and the
21 jury certainly can take it that way so I'm going to
22 admit it.

23 MS. ELLIOTT: Thank you, Your Honor.

24 THE COURT: Of course you can argue the
25 other side of it.

1 MS. EHRLICH: Yes, sir, and at the time
2 that they intend to publish and admit it I will
3 just renew my objection.

4 THE COURT: That's fine. Why don't we
5 take a five minute break while we have the jury
6 out. I will stay on the bench perhaps.

7 (A recess transpired.)

8 THE COURT: Is the State ready?

9 MS. ELLIOTT: We are, Your Honor.

10 THE COURT: Defense ready?

11 MS. EHRLICH: Yes, sir.

12 THE COURT: Bring the jury in.

13 (Whereupon the jury entered the
14 courtroom at 3:16 p.m.)

15 THE COURT: The jury has returned to
16 the courtroom. The State may call its next
17 witness.

18 MS. ELLIOTT: Thank you, Your Honor.
19 The State calls Detention Deputy Sherbine.

20 KEVAN SHERBINE

21 having been duly sworn, testifies as follows:

22 THE CLERK: Please state your first and
23 last name and spell your last name for the record.

24 THE WITNESS: Kevan Sherbine,
25 S-H-E-R-B-I-N-E.

1 THE COURT: Your witness, counselor.

2 DIRECT EXAMINATION

3 BY MS. ELLIOTT:

4 Q. Detention Deputy Sherbine, where do you
5 work?

6 A. I work at the Charleston County
7 Detention Center.

8 Q. And how long have you been employed at
9 the Charleston County Detention Center?

10 A. Just over six years.

11 Q. And what are your duties and
12 responsibilities there?

13 A. I am the professional visitation
14 deputy. I am the main point of contact between the
15 inmates and their attorneys, public defenders, law
16 enforcement agencies, non-law enforcement agencies,
17 other professional divisions that may want to see
18 the inmate. I handle the majority of subpoenas
19 that are served on the jail. I also assist the
20 regular lobby officers with their day-to-day
21 duties.

22 Q. Can you explain what you do when you
23 get a subpoena for jail calls?

24 A. When I get a subpoena for jail calls I
25 look to see what date ranges they are looking for.

1 I enter that date range and inmate number into our
2 data base. It brings back whatever results there
3 are. I print out a hard log which is just a paper
4 log with all the information regarding the call and
5 dates that you are looking for. I then burn the
6 audio phone calls on to a disk. I label the disk
7 and stick the log and the disk in an envelope, seal
8 it and call the agency that requested it.

9 Q. And how do you maintain the calls?

10 A. They are maintained on a secure data
11 base in the facility.

12 Q. And how are calls referenced?

13 A. They are referenced by employee number
14 is usually how I pick them up.

15 Q. Say that again?

16 A. They are referenced by inmate number
17 which is how I pick them up.

18 Q. And are inmates advised their phone
19 calls are being recorded?

20 A. They are, yes.

21 Q. And do inmates identify themselves on
22 calls?

23 A. They do, yes.

24 Q. Are the phone calls kept in the regular
25 course of business at the detention center?

1 A. They are.

2 Q. And you are one of the custodians of
3 those phone calls?

4 A. I am.

5 Q. May I approach the witness, Your Honor?
6 I am showing you what's been marked for
7 identification as State's Exhibit 9. Do you
8 recognize that?

9 A. I do.

10 Q. What is that?

11 A. This is an audio CD of an inmate's
12 phone calls.

13 Q. What's the date range on those calls?

14 A. April 1st, 2017, to May 30th, 2017.

15 Q. And is that the format in which you
16 respond to a subpoena in the ordinary course of
17 business?

18 A. It is, yes.

19 Q. And is that your handwriting on that
20 CD?

21 A. It is.

22 Q. Is your name on the disk?

23 A. It is.

24 MS. ELLIOTT: Your Honor, at this time
25 I have no further questions for this deputy.

1 THE COURT: You may cross-examine.

2 CROSS-EXAMINATION

3 BY MS. EHRLICH:

4 Q. Good afternoon, Officer Sherbine.

5 A. Ms. Ehrlich.

6 Q. You work at the jail and when you say
7 that inmates identify themselves on the phone call,
8 what you mean is there's a recording of their name
9 that goes to the recipient of the call that's
10 played?

11 A. Yes.

12 Q. So it is not a live person that is
13 saying this is Megan Ehrlich calling from the
14 Charleston County Detention Center?

15 A. Right.

16 Q. If I was an inmate it would be my name
17 being recorded?

18 A. Right.

19 Q. And each inmate has a pin number that
20 they use to make the calls?

21 A. They do, yes.

22 Q. And so if you and I were in the jail
23 and I gave you my pin number you could use my name
24 to make calls, correct?

25 A. Right.

1 Q. And you don't personally know John
2 Singleton, correct?

3 A. I do not.

4 Q. You also do not know Iesha Ferguson?

5 A. I do not.

6 Q. And so you haven't reviewed those
7 calls; you don't know who made what call, correct?

8 A. That's correct.

9 Q. Thank you.

10 MS. ELLIOTT: I have no further
11 questions for this witness, Your Honor.

12 THE COURT: You may step down. Do you
13 wish to excuse the witness?

14 MS. ELLIOTT: Yes, Your Honor.

15 THE COURT: Any objection?

16 MS. EHRLICH: No, Your Honor.

17 THE COURT: Sir, you are free to go.
18 Thank you very much.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: State may call its next
21 witness.

22 MS. ELLIOTT: The State calls
23 Investigator Eric Jourdan.

24 ERIC JOURDAN

25 having been duly sworn, testifies as follows:

1 THE CLERK: Please state your first and
2 last name and spell your last name.

3 THE WITNESS: Eric Jourdan,
4 J-O-U-R-D-A-N.

5 THE COURT: Your witness, counselor.

6 DIRECT EXAMINATION

7 BY MS. ELLIOTT:

8 Q. Investigator Jourdan, where do you
9 work?

10 A. I am employed with the Ninth Circuit
11 Solicitor's Office in Charleston County.

12 Q. And in front of you is State's
13 Exhibit 9 and I am handing you for identification
14 purposes State's Exhibit 10. Do you recognize
15 those?

16 A. Yes, I do.

17 Q. What do you recognize them to be?

18 A. State Exhibit No. 9 is a compact disk I
19 received following a subpoena that I served to the
20 Charleston County Detention Center for phone calls
21 related to inmate John Singleton for the period
22 April 1st, 2017, up to May 30th of 2017. Exhibit
23 No. 10 is a compact disk which I recorded a
24 two-minute section of a conversation for John
25 Singleton's pin which is 1931 for a phone call made

1 on May 23rd, 2017.

2 MS. ELLIOTT: Your Honor, I have no
3 further questions for this witness.

4 THE COURT: You may cross-examine.

5 MS. EHRLICH: No questions, Your Honor.

6 THE COURT: You may step down, sir.

7 State may call its next witness.

8 MS. ELLIOTT: The State recalls Complainant

9

10 THE COURT: Come forward, ma'am.

11 Complainant

12 having been duly sworn, testifies as follows:

13 THE CLERK: Please state your first and
14 last name and spell your last name for the record.

15 THE WITNESS: Complainant

16 Complainant

17 THE COURT: Your witness, counselor.

18 MS. ELLIOTT: May I approach the
19 witness?

20 THE COURT: You may.

21 DIRECT EXAMINATION

22 BY MS. ELLIOTT:

23 Q. Complainant I'm going to show you what's
24 been marked for identification purposes as State's
25 Exhibit 10. Do you recognize that CD?

1 A. Yes, I do.

2 Q. Have you listened to that CD?

3 A. Yes, ma'am.

4 Q. How do you know you have listened to
5 that CD?

6 A. It has my initials on it.

7 Q. Who are the voices on that CD?

8 A. My mom and John.

9 Q. And when you say John, who do you mean?

10 A. John Singleton.

11 Q. And how long have you known your mom?

12 A. All my life.

13 Q. And you have talked to her in person?

14 A. Yes, ma'am.

15 Q. And on the phone?

16 A. Yes, sir.

17 Q. And how long have you known John
18 Singleton?

19 A. Since I was eight.

20 Q. And have you talked to him in person?

21 A. Yes, ma'am.

22 Q. And on the phone?

23 A. Yes, ma'am.

24 Q. So you would know his voice?

25 A. Yes, ma'am.

1 Q. And the two people you hear talking on
2 that CD are your mother and John Singleton?

3 A. Yes, ma'am.

4 MS. ELLIOTT: Your Honor, at this time
5 the State would enter into evidence State's
6 Exhibit 10.

7 THE COURT: Objections?

8 MS. EHRLICH: Your Honor, I will just
9 renew my prior objections.

10 THE COURT: Prior objections are noted.
11 The Court would make the same ruling. I will admit
12 the recording.

13 (STATE'S EXH. 10 in evidence.)

14 MS. ELLIOTT: Thank you, Your Honor.
15 At this time I will publish State's Exhibit 10.

16 THE COURT: Ladies and gentlemen,
17 publish means that I'll let her show that to you or
18 you can listen to it at this time. You may do so.

19 (State's Exhibit 10, jail call,
20 played.)

21 MS. ELLIOTT: Your Honor, the State
22 has nothing further for Ms. Ferguson.

23 THE COURT: You wish to ask any
24 questions?

25 MS. EHRLICH: No, Your Honor.

1 THE COURT: You may step down. State
2 may call its next witness.

3 MS. ELLIOTT: The State calls Dr. Ann
4 Able-Hull.

5 ANN ABLE-HULL

6 having been duly sworn, testifies as follows:

7 THE CLERK: Please state your first and
8 last name and spell your last name for the record.

9 THE WITNESS: My name is Dr. Ann
10 Able-Hull, Hull, H-U-L-L.

11 THE COURT: Counselor, your witness.

12 DIRECT EXAMINATION

13 BY MS. ELLIOTT:

14 Q. Doctor, where are you currently
15 employed?

16 A. Medical University South Carolina.

17 Q. And what's your position at the Medical
18 University of South Carolina?

19 A. I'm a clinical associate professor
20 pediatrics.

21 Q. And are you in a specific division?

22 A. Yes. The child abuse pediatrics
23 division in the Department of Pediatrics.

24 Q. Would you tell us a little bit about
25 your educational background?

1 A. Yes. Got a college degree in chemistry
2 and biology. Did a masters degree in physiology.
3 I went to medical school and got a medical degree
4 at the University of Indiana in Indianapolis. I
5 did residency in pediatrics. I did two years in
6 Indianapolis and then I did the final year at
7 Richland Memorial Hospital in Columbia, South
8 Carolina.

9 Then I worked a few years as a
10 pediatrician for the Army and then I did a
11 fellowship in child and adolescence psychiatry at
12 William S. Hull Psychiatric Institute in Columbia,
13 South Carolina. Then I worked -- well, I worked
14 for the Department of Mental Health as a medical
15 director in the childrens unit in Columbia, South
16 Carolina. And then I did private practice.

17 I became interested in working with
18 children when abuse was questioned. And I worked
19 at the child advocacy center in Columbia, South
20 Carolina. Then I did a fellowship in forensic
21 pediatrics at Hasbro Children's Hospital in
22 Providence, Rhode Island. And then I worked as the
23 director of the Freddie Mac Child and Adolescent
24 Protection Center at the Children's Hospital in
25 Washington DC. I returned to South Carolina and

1 worked in Florence and in Columbia and then I was
2 recruited at MUSC in 2006. And that's where I have
3 been since then.

4 Q. So how long have you been practicing
5 pediatrics overall?

6 A. Since late the 1970's.

7 Q. And how long have you been practicing
8 in the area of child abuse pediatrics?

9 A. I have been doing that work since the
10 late 1990's and I started doing it full time
11 starting in the year 2000.

12 Q. Do you have any professional
13 certifications?

14 A. Yes. I was certified in pediatrics and
15 also when the new subspecialty of child abuse
16 pediatrics was approved I was in the first group
17 that was certified in child abuse pediatrics.

18 Q. Now, are those certifications current?

19 A. No. I retire this year and so
20 currently I am not planning to renew.

21 Q. Which certifications are those?

22 A. Pediatrics and child abuse pediatrics.

23 Q. In March of 2015 were all of your
24 certifications up to date?

25 A. Yes.

1 Q. And you're, in fact, retiring in about
2 two weeks, right?

3 A. Less than two weeks I will be
4 completely retired.

5 Q. In your career how many pediatric
6 sexual assault examinations would you say you have
7 done?

8 A. Thousands.

9 Q. And have you ever been qualified as an
10 expert in court before?

11 A. Yes.

12 Q. Which court and how many times?

13 A. Well, I don't keep written records on
14 that, but more than 300 times in courts in Rhode
15 Island, the District of Columbia, Virginia,
16 Maryland, South Carolina.

17 Q. Have you ever failed to be qualified as
18 an expert?

19 A. No.

20 MS. ELLIOTT: Your Honor, at this time
21 I would offer Dr. Able-Hull as an expert in
22 forensic child abuse.

23 THE COURT: Any objection to that
24 designation?

25 MS. EHRLICH: No, Your Honor.

1 THE COURT: Ladies and gentlemen of the
2 jury, just let me take a moment to explain what we
3 are doing. This witness is being offered as an
4 expert witness in her field. I will tell you that
5 the general rules of evidence do not allow
6 witnesses to state opinions about matters.
7 Generally witnesses are confined to testifying
8 about things that they experienced, saw, felt,
9 heard, things of that nature, and are not allowed
10 to draw opinions from those things.

11 There is an exception to that general
12 rule for any witness the Court designates as an
13 expert within some field, or profession or calling.
14 If a person is designated as an expert then that
15 person is allowed to give their opinions within
16 their area of expertise and also allowed to give
17 you the reasons why they hold those opinions.

18 Now, later on when I charge you on the
19 law I will give you some additional information
20 about expert opinions and how you have a right to
21 consider them. But at this point in time suffice
22 it to say without objection I will designate the
23 witness as an expert within her field. That will
24 allow her to state her opinions within that field
25 and state the reasons for them. You may proceed,

1 counselor. She is designated as an expert.

2 MS. ELLIOTT: Thank you, Your Honor.

3 BY MS. ELLIOTT:

4 Q. Are there different types of sexual
5 assault exams that a child might have?

6 A. Yes. If the exam is done within
7 72 hours of an alleged sexual assault an exam is
8 done in the emergency room by designated staff from
9 the hospital that are specially trained for it and
10 we call it acute or immediate exam. If the exam is
11 requested more than 72 hours or three days after an
12 alleged event it's a different kind of exam. It's
13 done in the clinic. In both cases there's a full
14 physical exam especially of the genital area. But
15 the one that's done in the clinic has a more
16 extensive medical history done and it's more --
17 takes longer.

18 Q. The one that would be an acute exam,
19 would there be any particular samples that are
20 gathered that are not gathered for a non-acute
21 exam?

22 A. Yes. In the acute exam in addition to
23 the physical exam and lab testing also swabs are
24 done for DNA that are sent to the SLED lab to look
25 for evidence of the alleged perpetrator's

1 secretions on the child or within the child's body.

2 Q. Why aren't those same swabs done after
3 72 hours?

4 A. Because the DNA on secretions wipes
5 away with normal bathing and just normal bodily
6 secretions. Even if the secretion were inside a
7 child's body there's normal shedding of cells, body
8 cells and liquids that come out of the body that is
9 normal and so evidence would go away.

10 Q. Did you perform an exam on Complainant
11 ?

12 A. Yes, I did.

13 Q. When and where did you see her?

14 A. I saw her at the Dee Norton, at the
15 time it was called Low Country Childrens Center,
16 and it was March 24th, 2015.

17 Q. And what type of exam did you perform
18 on her that day?

19 A. She had the exam we do in the clinic
20 which is the one we do after 72 hours.

21 Q. Did you take a history from her that
22 day?

23 A. I took the history of why she was there
24 from the parent. She had had an extensive forensic
25 interview by someone else and it was policy not to

1 ask similar questions asked by different people in
2 the same building.

3 Q. Correct me if I'm wrong, that forensic
4 interview actually happened that day?

5 A. It did happen that day.

6 Q. Did you follow your normal protocol for
7 the exam?

8 A. Yes, I did.

9 Q. So what did that entail?

10 A. Well, I had the information from the --
11 called the intake, the phone intake. I had that
12 and I reviewed that where a person who wanted this
13 investigation had phoned in to Dee Norton. So I
14 had that. I talked to the mother. I talked to the
15 social worker involved. I got the information from
16 the forensic interviewer Kate Austin and I talked
17 to her about what had just been said by the child
18 to the interviewer.

19 Then I reviewed the medical history.
20 All the information about that. About her periods,
21 talked about every part of her body from head to
22 toe. Learned she had considerable number of
23 medical problems. I got her social history, got
24 her developmental and her behavioral history. Got
25 the family history of the medical problems that had

1 been in the family. And that's -- I believe you
2 asked the question that had to do with history.
3 That's the history.

4 Q. What type of exams did you do of her
5 person?

6 A. Well, we did a head to toe physical.
7 We started with the height, weight, blood pressure,
8 pulse, respiratory rate. I did a general physical
9 exam. She was unusually overweight. She was
10 12 years old. She looked like a 12-year-old girl.
11 Her head was normal. Her eyes, ears, nose and
12 throat exam was totally normal. Her neck was
13 normal. Her heart, she had no heart murmur. Her
14 pulses were good. Her blood pressure by the way
15 was normal.

16 Q. Let me ask you this, Dr. Able. Were
17 there any pertinent findings in your general exam
18 related to sexual abuse?

19 A. No.

20 Q. Were there any pertinent findings in
21 your anal and genital exam related to sexual abuse?

22 A. Well, I examined every part of her
23 genitals from the outside and she was laying on her
24 back. I was using -- I documented it with high
25 definition camera. She had a normal genital exam.

1 with no scarring or no sign of any injury that was
2 visible and no sign of any diseases that would be
3 possibly related to sexual contact.

4 Q. Does that rule out sexual abuse?

5 A. No, it doesn't.

6 Q. How could there have been sexual abuse
7 and no evidence within her anal and genital area?

8 A. There are many kinds of sexual contact
9 and sexual abuse. Some of them don't leave visible
10 scars. In fact, most of them don't. Also the time
11 between when the abuse occurred and when the exam
12 is done. So the longer you wait the less likely
13 you are as a doctor to see anything on the exam
14 that's out of the ordinary.

15 MS. ELLIOTT: Court's indulgence.

16 THE COURT: Yes, ma'am.

17 (Off-the-record conference.)

18 BY MS. ELLIOTT:

19 Q. In your years of performing sexual
20 assault examinations have you ever seen an injury
21 from cunnilingus or oral sex performed on a female?

22 A. I have not.

23 Q. Is it common for there to be physical
24 findings after an allegation of sexual abuse
25 related to oral sex performed upon a female?

1 A. It is not common to see injuries from
2 cunnilingus.

3 MS. ELLIOTT: Thank you, Dr. Able.
4 Those are all the questions I have for you at this
5 time.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MS. EHRLICH:

9 Q. Doctor, you testified this exam was
10 done March 24th of 2015?

11 A. Yes.

12 Q. And this was done actually at what's
13 now called the advocacy center, was previously
14 called Low Country Childrens Center, correct?

15 A. That's correct.

16 Q. And so you met with Complainant when she
17 was 12?

18 A. Yes, I did.

19 Q. And you testified on direct that you
20 got information about her social history?

21 A. Yes, I did.

22 Q. And that information included the
23 school behaviorial problems after her dad died?

24 A. Yes.

25 Q. And that's noted in your report?

1 A. Yes.

2 Q. And you also got her medical history?

3 A. Yes, I did.

4 Q. And based on that you noted just now
5 that she had significant medical problems?

6 A. Yes, she did.

7 Q. What were those medical problems at the
8 time of your examination?

9 A. She had what we call morbid obesity
10 which is obesity likely to lead to serious health
11 problems. She had menorrhagia, very heavy
12 menstrual periods. She had prediabetes, insulin
13 resistance and was on medicine for that. She had a
14 history of high blood pressure but we did not find
15 that on the exam. And she had anemia that had been
16 diagnosed recently as iron deficiency.

17 Q. And you testified about the
18 menorrhagia?

19 A. Yes.

20 Q. That's a heavy period?

21 A. Yes.

22 Q. And did you also get a history from her
23 that or mother that her periods at times would last
24 over a month or last for a month?

25 A. I believe words to that effect. Let me

1 read it again. Yes.

2 Q. And Ms. Elliott was asking you about
3 the findings of your examination, the genital
4 examination?

5 A. Yes.

6 Q. When there are allegations of touching
7 only you wouldn't expect there to be findings,
8 correct?

9 A. Correct.

10 Q. Okay. And you I guess are here today
11 to explain to the jury that just because there's a
12 normal evaluation doesn't mean abuse didn't occur,
13 right?

14 A. I don't know if I was asked the
15 question that way. Are you asking me that
16 question?

17 Q. No, I am just -- your testimony earlier
18 was just because there's a normal evaluation
19 doesn't mean abuse didn't occur, correct?

20 A. Yes, correct.

21 Q. And it's also true that you can't ever
22 rule out that abuse never occurred with a normal
23 evaluation?

24 A. The way you are asking the question is
25 making a statement. So can you ask me as a

1 question?

2 Q. That's what I am trying to do. If
3 there is a normal evaluation you cannot -- you
4 can't say -- you as a doctor can't say normal
5 evaluation an abuse didn't occur, correct?

6 A. There are exceptions to that.
7 Occasionally there's a finding that there's no
8 other way it could have occurred without sexual
9 contact such as a lab test shows the individual is
10 pregnant.

11 Q. There was no pregnancy in this case,
12 correct?

13 A. Correct. I checked. Yes, she was not
14 pregnant.

15 Q. There were no STD's?

16 A. Correct.

17 Q. And so your finding was that there was
18 a normal genital evaluation?

19 A. Her physical body and genital area was
20 normal.

21 Q. Which would mean many things including
22 that nothing happened, correct?

23 A. Correct.

24 Q. And so in your report under impression
25 you put down chronic sexual abuse of a

1 non-penetrating nature, correct?

2 A. I qualified that that was her
3 disclosure to the forensic interviewer. Then I
4 explained that the physical finding is normal which
5 does not exclude sexual abuse.

6 Q. Right. So your impression is based on
7 what happened, not in your evaluation, correct?

8 A. My impression was based on the history
9 I received from the family and the result of the
10 forensic interview coupled together with my
11 understanding and experience and my knowledge of
12 the literature about sexual abuse.

13 Q. Okay. But there was nothing in your
14 examination that made you say a-ha, this child was
15 sexually abused as far as the physical examination
16 you did?

17 A. That is correct. The physical exam of
18 the area was -- of the genital area was normal.

19 MS. EHRLICH: Court's indulgence.

20 (Off-the-record conference.)

21 MS. EHRLICH: No further questions.

22 THE COURT: Redirect?

23 MS. ELLIOTT: None, Your Honor.

24 THE COURT: Ma'am, you may step down.

25 You wish to excuse the witness?

1 MS. ELLIOTT: Yes.

2 THE COURT: Any objection?

3 MS. EHRLICH: No, Your Honor.

4 THE COURT: Ma'am, you are free to go.
5 Thank you for coming today. State may call its
6 next witness.

7 MS. HERRING-LASH: The State would call
8 Dr. Carole Swiecicki.

9 MS. EHRLICH: Your Honor, I believe we
10 may have a brief legal matter.

11 THE COURT: Ladies and gentlemen of the
12 jury, before we take this witness up I will have to
13 discuss it with the attorneys. I will ask you to
14 step back in the jury room. As always please don't
15 discuss the case while you are there.

16 (Thereupon, the jury exited the
17 courtroom at 3:49 p.m.)

18 THE COURT: Yes, ma'am.

19 MS. EHRLICH: Your Honor, I believe the
20 State's next witness they're calling as an expert
21 they want that expert qualified in child abuse
22 dynamics I believe and not delayed disclosure?

23 MS. HERRING-LASH: The term we will ask
24 her to be qualified as is child abuse dynamics.
25 She will discuss delayed disclosure in the area of

1 child sexual abuse.

2 MS. EHRLICH: So, Your Honor, we would
3 object to this testimony being offered and this
4 witness being qualified as an expert really on the
5 grounds that I think it is bolstering and vouching
6 for the credibility of **Complainant** and would
7 be prejudicial to the defense. I know there's a --
8 she is not going to come in here and say this child
9 is telling the truth, but I think they are trying
10 to draw --

11 THE COURT: I wouldn't let her do that.

12 MS. EHRLICH: I know, Your Honor, but I
13 think we are getting close to the line where she is
14 bolstering for the witness without saying this
15 child is telling the truth.

16 MS. HERRING-LASH: Your Honor, I would
17 refer to State v. Brown which is 768 S.E. 2d --

18 THE COURT: Just one second.

19 MS. HERRING-LASH: 768 S.E. 2d, 246.

20 THE COURT: I'm there, yes, ma'am.

21 MS. HERRING-LASH: Your Honor, in this
22 case was I guess the final or one of the
23 significant cases that set out in the area of child
24 sexual abuse that if you call the expert witness
25 and they are what I think the case refers to as a

1 blind expert, they have never seen the victim, they
2 haven't read any reports that the victim has made,
3 never met with any of the family members, never
4 talked with law enforcement about it or reviewed
5 the forensic interview, that they are testifying
6 regarding the literature and clinical experience.
7 In this case actually one of the holdings is that
8 this expert testimony did not improperly bolster
9 the alleged child victim. And that is what we plan
10 on doing, calling an expert that is a blind expert
11 as the courts have instructed us.

12 THE COURT: I will hear from the
13 defense.

14 MS. EHRLICH: Judge, I believe in State
15 v. Brown the circuit court in that case did an in
16 camera hearing before allowing the testimony before
17 in front of the jury and I would ask that Your
18 Honor do that.

19 THE COURT: I was intending to do that.
20 I wanted to know if you agree that State v. Brown
21 would be the controlling case.

22 MS. EHRLICH: I do, Your Honor.

23 THE COURT: Okay. If you want to call
24 the witness and make a proffer.

25 MS. HERRING-LASH: State would call Dr.

1 Carole Swiecicki. Your Honor, do you want me to go
2 into the entire testimony?

3 THE COURT: Do you want us to hear
4 qualifications?

5 MS. EHRLICH: Judge, I don't think we
6 need to go into every qualification. I have
7 reviewed her CV, but I do think we do need
8 testimony need to establish she is a blind expert
9 in this case because she is the director of the
10 advocacy.

11 THE COURT: Whatever it will take to
12 establish the elements of Brown that I am supposed
13 to look at.

14 MS. HERRING-LASH: I will save most of
15 her educational background and all for the jury
16 since Ms. Ehrlich has reviewed her CV.

17 CAROLE SWIECICKI

18 having been duly sworn, testifies as follows:

19 THE CLERK: State your first and last
20 name and spell your last name.

21 THE WITNESS: Carole, C-A-R-O-L-E, last
22 name S-W-I-E-C-I-C-K-I.

23 DIRECT EXAMINATION

24 BY MS. HERRING-LASH:

25 Q. Dr. Swiecicki, where do you work?

1 A. I'm the executive director at the Dee
2 Norton Low Country Childrens Center which does
3 business as the Dee Norton Child Advocacy Center.

4 Q. And do you see victims in your capacity
5 as the director?

6 A. Not personally, no.

7 Q. And have you -- regarding this case
8 have you met with any of the victims?

9 A. I don't know the names of the victims
10 actually.

11 Q. And have you reviewed any literature
12 from the case, police reports, doctors reports,
13 forensic interviews, anything like that?

14 A. No.

15 Q. Have you spoken directly with anybody
16 involved in the case about any of the facts in the
17 case?

18 A. No.

19 Q. As far as you being the director of the
20 Low Country Childrens Center, are you aware of this
21 child was ever seen there?

22 A. I don't know who the child is. I did
23 see two colleagues while I was waiting to come in.
24 I don't know about any facts that the child had
25 been seen, but I did see colleagues.

1 Q. And in preparing for your testimony
2 have you sent articles that you would be relying on
3 as far as delay in reporting and the dynamics of
4 child sexual abuse to the State and as far as you
5 know we referred them to the defense?

6 A. Yes.

7 Q. And has that been the basis of your
8 preparing for your testimony, reviewing literature
9 and such?

10 A. Yes.

11 Q. At this time the State would say she is
12 a blind witness and that she knows nothing about
13 the facts. Do you even know the age of the person
14 in this case?

15 A. No.

16 THE COURT: All right. Wish to
17 cross-examine?

18 MS. EHRLICH: No, Your Honor.

19 THE COURT: You may proceed.

20 MS. HERRING-LASH: Your Honor, that's
21 all that I would have in camera unless you want me
22 to go over all the --

23 THE COURT: I think she is concerned
24 about whether the witness is going to try to
25 bolster any statements of the stories.

1 MS. EHRLICH: Yes, sir.

2 THE COURT: So get into what her
3 testimony would be in this case. I know she stated
4 she has no knowledge of this particular case, but
5 she has a right to understand what the opinion is
6 or opinions might be.

7 BY MS. HERRING-LASH:

8 Q. Is there a term in your profession
9 called delayed disclosure?

10 A. Yes.

11 Q. And what is that? What does that mean?

12 A. Delayed disclosure -- the disclosure
13 itself is the process of telling about abuse or
14 telling about something that might have happened.
15 And so delayed disclosure in the literature on
16 child abuse or child sexual abuse in particular is
17 a delay of up to one month from the time that the
18 incident happened. And time after that month is
19 considered a delay.

20 Q. And is a delay in disclosure something
21 that is commonly seen?

22 A. Yes.

23 Q. And has the area of delay in disclosure
24 been researched?

25 A. It has.

1 Q. Has it been fully researched?

2 A. Well, we never say that something has
3 been fully researched, but there is a good body of
4 research on delayed disclosure.

5 Q. And you -- have you in your clinical
6 practice observed the same phenomenon as far as
7 delayed disclosure?

8 A. Yes.

9 Q. And why don't kids tell?

10 A. So the literature -- first of all, the
11 literature shows that for children -- out of every
12 four children who is sexually abused two of them --
13 one to two of them might tell within that first
14 month. And then two of them at least will have a
15 delayed -- two to three would be delayed. And one
16 of those two that is delayed is delayed until the
17 study and so never told anyone until they are
18 adults.

19 Q. Most of the studies are done on adults?

20 A. Most of them are on adults. The ones
21 that are more recent with adolescents, those are
22 ones that actually say up to like 43 percent might
23 actually disclose while they are in that immediate
24 one month period. So that it seems from the
25 literature that's actually increasing, that teens

1 might report immediately, but it is still slightly
2 less than half that report immediately. And then
3 to your question about reasons why they disclose?
4 So children report feared consequences of the abuse
5 that they would be hurt, that it would be upsetting
6 for them to tell so they don't want to be upset,
7 they also report feared consequences to the alleged
8 offender, that person might get in trouble, have to
9 go to jail, those are kind of the three most common
10 things they report in terms of their feared
11 consequences. The other category of reasons why
12 children delay are more about the case itself or
13 the abuse itself.

14 So when it's chronic abuse that's
15 happened more than one time or several times they
16 are more likely to delay. When the age at onset of
17 abuse is younger, younger than about age nine
18 and-a-half, so ten, and when it's somebody that's
19 within the family, family member they are more
20 likely to delay that disclosure.

21 Q. Based on that response I do have one
22 question. You said that sometimes a reason that a
23 child may not tell is fear that the perpetrator
24 would be harmed or in trouble or get in trouble?

25 A. Um-hmm.

1 Q. Can you explain what why that is?

2 A. So over 90 percent of the time when
3 sexual abuse is disclosed it is by someone that
4 that the child knows. And so they typically have
5 some sort of relationship with that person be it
6 had a family member or family friend, teacher,
7 something like that. Typically children don't want
8 people that they know and might care about to get
9 in trouble so they report fears that might happen.

10 Q. And so there do not necessarily have to
11 be absolute direct threats to the child to prevent
12 them from disclosing immediately?

13 A. Correct.

14 Q. And what are some things that may
15 prompt a child to tell?

16 A. So an adult asking them is one of the
17 things that kind of has consistently been shown
18 might prompt to say, not even directly asking
19 necessarily about abuse but saying I am worried
20 about something going on. You seem different. So
21 questions like that can prompt a child to tell.
22 Having a supportive caregiver has been also pretty
23 consistently shown to be related to children being
24 more likely to disclose. In one study where
25 children had -- later was found sexually

1 transmitted infections that were very indicative by
2 child abuse pediatricians of sexual abuse. Over 60
3 percent of children with a supportive caregiver
4 made a disclosure, whereas only 17 percent of
5 children who had a nonsupportive caregiver made a
6 disclosure. So that was one that really showed
7 that impact of supportive caregiver and children
8 telling when there was someone who was
9 corroborating the abuse.

10 Q. And what do you mean or does the
11 literature mean by supportive caregiver?

12 A. So it can be defined in a couple of
13 different ways. Some actually ask children their
14 rating of the caregivers, more usually because of
15 the sensitive time frame it is done by asking
16 professionals kind of to rate the caregiver's
17 reactions or support or how perceived they are to
18 be in terms of acting in support of the child,
19 doing things like protecting them from time spent
20 with that alleged offender while they are trying to
21 figure out what happened, contacting the
22 authorities to do an investigation, things like
23 that.

24 Q. Would -- do you often find or does the
25 literature discuss if children sometimes tell

1 friends or peers before they tell authorities or
2 adults?

3 A. Yes, that has been studied. And the
4 most common recipient for young children is mothers
5 and teens also are likely to tell mothers. But
6 teens are actually even more likely to tell a peer
7 first. And then after teens -- or mothers and
8 peers it really drops off in terms of people that
9 they might tell.

10 Q. Now, have you seen in your clinical
11 experience or in the research situations where a
12 child may have been in therapy and been undergoing
13 sexual abuse and not telling about it to their
14 therapist?

15 A. Yes.

16 Q. Does that happen often?

17 A. It depends on the type of treatment or
18 therapy the child is receiving. I'm a national
19 trainer in trauma focus cognitive behavioral
20 therapy which is a treatment specifically designed
21 for treating symptoms related to a traumatic event.
22 So typically at the outset of that treatment
23 there's a trauma screen where the therapist is
24 asking about these things. Oftentimes what we see
25 in clinical practice is when children are referred

1 to a therapist who is trained in that and has been
2 in maybe a nondirective counseling or one that's
3 not trauma focused in general they will report
4 something or talk about something and the therapist
5 will ask why haven't you told somebody and
6 oftentimes they will just say because they did not
7 ask me. They don't come out with that unless there
8 is something that prompts it.

9 Q. And if it's a therapy that is not
10 trauma focused, but for general therapy or other
11 issues that the child may be having, would they be
12 less likely that they would disclose that?

13 A. They would be much less likely if that
14 person is not doing a trauma screen and they are
15 asking things. Like when we see referrals
16 oftentimes for things like attention deficit,
17 hyperactivity disorder or behavioral problems,
18 those providers are less likely to do a screen for
19 traumatic events and when the provider is not doing
20 a screening the child is not likely to talk about
21 it.

22 Q. So I think you have said and I may have
23 forgotten it, that one of the things that may
24 prompt a child to disclose is someone asking
25 directly?

1 A. Um-hmm.

2 Q. And did you give any other things that
3 may prompt a child to tell?

4 A. I'm not certain. Having a supportive
5 caregiver was one. So things that kind of can
6 prompt are educational programs at school where
7 kids learn about okay touches and not okay touches.
8 Sometimes they learn that something that's been
9 happening to them is not okay and that prompts them
10 to tell somebody. Sometimes it's accidental so
11 somebody walks in on it happening or they make a
12 statement like about time they spent with the
13 alleged offender and the adult says what were you
14 doing spending that time so they say accidentally
15 something that alluded to the abuse.

16 Q. Is there any research regarding a child
17 making a disclosure during an angry outburst or
18 during a time that there is something causing anger
19 and disruption?

20 A. The emotional state of the disclosure
21 has not been studied in the literature. That's
22 something that I have seen clinically in my
23 practice, but it has not ever been studied.

24 Q. What have you seen clinically?

25 A. So more with teenagers that at times if

1 they are getting into an argument, it's actually
2 been described in the literature as the process by
3 which a child kind of decides to tell is kind of
4 like a tea kettle that kind of fills up. And so
5 what I have seen in clinical practice is that
6 sometimes when children are getting extra sorts of
7 chores, getting in trouble and getting grounded and
8 they are angry and kind of blurt it out and
9 honestly don't necessarily have intended to have
10 done that and those situations I have also seen are
11 more likely those children to take back.

12 Q. Say that --

13 A. Say it didn't happen.

14 Q. And in the literature it kind of
15 explains as just a building up and finally it
16 explodes?

17 A. Um-hmm.

18 Q. Now, is disclosure an event or a
19 process?

20 A. Disclosure is considered a process.

21 Q. What does that mean?

22 A. It means that all of the information
23 doesn't come out at one time. It's pretty
24 consistently shown in the literature that things
25 will come out in pieces and parts and really that's

1 consistent with how we tell about almost anything
2 in our lives. We don't necessarily if you said
3 tell us about your morning what happened tell every
4 detail of the morning. Same is actually true about
5 sexually abused kids. Even in qualitative studies
6 talking about their telling experiences they say
7 they tell bits and pieces and see how people react
8 and kind of test the waters.

9 Q. Do many sexual abuse situations occur
10 with people known to the child as opposed to
11 strangers?

12 A. Over 90 percent are people the child
13 knows.

14 Q. And does that -- I think you already
15 touched on this, but does that also lend itself to
16 the child having a perhaps loving relationship with
17 the offender?

18 A. That's definitely something I have seen
19 in clinical practice. The studies haven't defined
20 loving, but when I say people that a child knows,
21 about a third of the time it is someone right in
22 their immediate family that lives in the home so
23 they certainly would have a relationship with
24 somebody who is living in the home. And then other
25 times it's somebody that's known to the family,

1 maybe an uncle who doesn't live in the house or a
2 coach or a teacher, folks that are known to the
3 family. Of that 90 percent it's a known person.

4 Q. Has there been any research in the area
5 of a child may delay in disclosure to protect other
6 people?

7 A. Yes. It actually shows that trying
8 protect another person in the family is a reason
9 why a child tells.

10 Q. Like if they think another child will
11 be assaulted?

12 A. Yes.

13 Q. Do they sometimes not tell to protect
14 say a non-offending parent?

15 A. That kind of falls in the area of upset
16 feelings. One of the anticipated consequences is
17 that it might be upsetting for the child. They
18 also think although to a much lesser degree that it
19 might be upsetting for somebody else like their
20 parent or like the alleged offender. Essentially
21 not wanting to upset other people. It's not the
22 most common thing, but they do actually say that.

23 Q. Are there common behavioral reactions
24 to child sexual assault?

25 A. Behavioral -- children who are sexually

1 assaulted are at higher risk for a range of
2 different behavioral reactions. There is no one
3 tell all sign that says a child has been sexually
4 abused.

5 Q. They can range I guess from it
6 affecting them in every aspect of their life to
7 seeming to have no effect?

8 A. Some children are very resilient and
9 don't have symptoms at all.

10 Q. Are there common emotional reactions?

11 A. There are some common emotional
12 reactions, things like depression, anxiety,
13 nightmares. Again, children who have been abused
14 are high risk for these. But the rates range from
15 13 percent to 75 percent depending on what study
16 you are looking at.

17 Q. And another area of emotional reaction
18 I guess is do all of the victims that come into
19 your center or other centers come in crying and
20 upset and just hysterical if you will?

21 A. That's actually more the exception than
22 the rule for kids who come into centers like ours.
23 More typically they are calm or seem kind of numb
24 when they are doing interviews.

25 Q. Would that -- what would that numbness

1 present as? Would it be something that you call in
2 the literature a flat affect?

3 A. Yes.

4 Q. What is that?

5 A. Affect in general is the emotion that
6 you kind of wear on your face and body. So flat
7 affect would be just kind of monotone, flat, not
8 showing a lot of emotion at all.

9 Q. Your Honor, those are all the questions
10 I plan on asking.

11 THE COURT: Wish to cross-examine?

12 MS. EHRLICH: No, Your Honor.

13 THE COURT: All right. Do you wish to
14 argue the matter?

15 MS. EHRLICH: Your Honor, I would still
16 take the position that it's improper bolstering,
17 vouching of the victim. There are two areas of
18 particular that or two parts of what she just said
19 that concern me. One was the emotional -- the
20 testimony about the emotional state of the victim
21 when they make the disclosure. The doctor
22 testified that there wasn't much literature on
23 that. And Ms. Herring-Lash referred to literature
24 when questioning her about that. So if that
25 testimony is allowed I would like to make sure

1 there's clarification that she is referring to her
2 clinical experiences, not --

3 THE COURT: She said she was referring
4 to her clinical experiences.

5 MS. EHRLICH: I know, but then to the
6 questioning from Ms. Herring-Lash she was referring
7 to the literature. I think you were.

8 MS. HERRING-LASH: I went back and said
9 your clinical experience. Are you talking about
10 the very last question?

11 MS. EHRLICH: No, when you were talking
12 about the emotional state of disclosure initially
13 you said in your clinical experience, then you went
14 back to saying literature.

15 MS. HERRING-LASH: I will say clinical.
16 I thought she said clinical experience, but I
17 will --

18 THE COURT: Well, experts are allowed
19 to testify if they are experienced within a field
20 from their experience. It doesn't have to all come
21 from something they read in a book.

22 MS. EHRLICH: Yes, sir. I just wanted
23 to make sure that it is clear from her testimony on
24 not particular section. I think it is an important
25 part of her testimony from both sides because there

1 was an emotional disclosure that she testified not
2 based on literature.

3 MS. HERRING-LASH: Your Honor, I
4 will --

5 THE COURT: I do have a concern that
6 some of your questions directed her to areas that
7 are on point in this case.

8 MS. HERRING-LASH: And I think also
9 though, Your Honor, she did answer some of those
10 that weren't on point at all like a child would go
11 to an educational program and there are other
12 things that she talked about that don't have
13 anything to do with this case.

14 THE COURT: I understand that.

15 MS. HERRING-LASH: I have read a lot of
16 the literature so I picked some of my questions to
17 go with our case. I think I am allowed to do that.
18 But I got it from reading the literature and not
19 from telling her say this answer or it's -- why
20 some of them didn't have anything to do with our
21 case. But I think the question that she is talking
22 about I said in research or clinical experience
23 have you seen a child that may have been in
24 counseling and then not disclose. Is that the one?

25 MS. EHRLICH: No, I think you probably

1 just --

2 THE COURT: It was the questions you
3 were asking about the disclosure as a result of the
4 emotional trigger is the way I would put it.
5 Something emotionally happening in their life that
6 was described as a tea kettle filling up and
7 finally boiling over, something to that effect.

8 MS. HERRING-LASH: Have you seen cases
9 where anger may prompt an outburst regarding the
10 abuse.

11 THE COURT: There we go.

12 MS. HERRING-LASH: Had to get to the
13 right question. I can say in your clinical
14 experience.

15 THE COURT: I think you are going to
16 have to establish that there is some basis for her
17 to have that opinion. Again, I think you're
18 skating very close to the edge when you start
19 pushing it to the point that we are talking about
20 or asking about specific factual situations that
21 mimic the case that we're in.

22 MS. HERRING-LASH: I think she -- that
23 response talked about her clinical experience and
24 also the literature that talked about it kind of
25 being like the tea pot that gets to the point where

25 THE COURT: All right. I am going to

1 allow her to testify and I have reviewed the Brown
2 case and I do find that she does possess knowledge
3 that an ordinary layman would not have, that her
4 testimony is based on rational research and
5 methodology and that her opinions do not -- have
6 not been taken from the facts in this case and do
7 not unduly bolster the credibility of the accuser
8 in this case. I'll allow it.

9 MS. HERRING-LASH: Your Honor, I will
10 not ask that question about the angry outburst.
11 But there was another question that may seem to
12 point to this, but it was prompted by her response
13 when she said a child -- one of the reasons a child
14 may not tell is to protect the abuse that was
15 alleged and then I kind of said explain what you
16 mean by that. So I think she prompted that.

17 THE COURT: I'm sure Ms. Ehrlich will
18 be listening carefully to the questioning and she
19 may interpose an objection if she thinks you skate
20 too close to the edge of the ice. We will see how
21 that works. All right. Let's bring the jury back.

22 (Whereupon the jury entered the
23 courtroom at 4:20 p.m.)

24 THE COURT: The jury has returned to
25 the courtroom. I will ask the clerk to please

1 swear the witness.

2 CAROLE SWIECICKI

3 having been duly sworn, testifies as follows:

4 THE CLERK: Please state your first and
5 last name and spell your last name for the record.

6 THE WITNESS: My name is Carole
7 Swiecicki, S-W-I-E-C-I-C-K-I.

8 THE COURT: Counselor, you may proceed
9 with the witness.

10 DIRECT EXAMINATION

11 BY MS. HERRING-LASH:

12 Q. Dr. Swiecicki, where do you work?

13 A. I'm the executive director at the Deen
14 Norton Low Country Childrens Center which does
15 business as the Dee Norton Child Advocacy Center.

16 Q. And how long have you worked there?

17 A. I have been the director for three
18 and-a-half years.

19 Q. And what are your duties there?

20 A. I provide administrative oversight for
21 our program which includes direct services,
22 clinical and forensic services, community services,
23 outreach and education, development team, finance
24 team and we have onsite medical provided by MUSC's
25 division of child abuse pediatrics.

1 Q. And what is your educational
2 background?

3 A. I have my bachelors degree in
4 psychology and a masters degree in psychology and
5 my doctorate in clinical psychology.

6 Q. And what's your professional
7 background?

8 A. I'm a licensed psychologist in clinical
9 psychology here in South Carolina.

10 Q. What different positions have you held
11 throughout your professional background?

12 A. So part of my clinical training is
13 clinical residency which I did at MUSC in 2005. I
14 did my postdoctoral fellowship at a child clinic in
15 Queens, New York at St. Johns University and I was
16 the mental health director, psychologist and then
17 mental health director at the child abuse program
18 at Children's Hospital which is in Norfolk,
19 Virginia. It's a children's hospital serving
20 coastal Virginia.

21 Q. And do you have any specialized
22 training in the area of child sexual abuse?

23 A. I do. So my clinical internship when I
24 was at MUSC was at the National Crime Victim
25 Treatment as a trauma therapist. And my

1 postdoctoral thesis was in child abuse which
2 included sexual abuse. I'm a nationally certified
3 therapist in trauma focused cognitive behavioral
4 therapy which was originally developed for children
5 who have been sexually abused. I am also a
6 national trainer in that model.

7 Q. And do you have any professional
8 affiliations?

9 A. I'm a member of the American
10 Psychological Association, the Association for
11 Behavioral and Cognitive Therapies. I am also on
12 the Board of National Children Alliance which
13 accredits child advocacy centers like Dee Norton.
14 I am on the board of our state network of childrens
15 advocacy centers.

16 Q. And have you done some peer review
17 publications in the area of child sexual abuse?

18 A. Yes.

19 Q. Can you tell us a couple of those?

20 A. One was related to a prevention program
21 for child sexual abuse. Most of my publications
22 have been with populations that include sexual
23 abuse and other types of traumatic events like
24 physical abuse or traumatic bereavement. We have
25 done a study looking at reasons why children tell.

1 I was a poster presentation at a conference study
2 about childrens attributions of abuse, studies --

3 Q. What does that mean?

4 A. So attributions are like the thoughts
5 that kids have about why things happen or who is to
6 blame or any type of thoughts they might have about
7 the abuse. Studies about interventions, treatments
8 for children.

9 Q. And have you done presentations in that
10 area?

11 A. Yes.

12 Q. How many?

13 A. I honestly don't know.

14 Q. A lot?

15 A. A lot.

16 Q. In different states?

17 A. Yes.

18 Q. What states?

19 A. New York, oh, my, California,
20 Louisiana, here in South Carolina, Virginia,
21 Washington DC.

22 Q. And have you testified as an expert in
23 the area of child abuse dynamics?

24 A. Yes.

25 Q. And how many times?

1 A. Roughly 15 times.

2 MS. HERRING-LASH: And at this time,
3 Your Honor, I would offer Dr. Swiecicki as an
4 expert in the area of child abuse dynamics.

5 THE COURT: Any objection to her being
6 designated an as expert?

7 MS. EHRLICH: Your Honor, just renew
8 all my motions in limine.

9 THE COURT: Your continuing objection
10 is noted. The Court will make that same ruling. I
11 will qualify her as an expert within that field. I
12 have explained to you what that designation means.
13 You may proceed.

14 BY MS. HERRING-LASH: ,

15 Q. Dr. Swiecicki, do you know the name of
16 the victim in this case?

17 A. No.

18 Q. Do you know the age of the victim in
19 this case?

20 A. No.

21 Q. Have you reviewed any literature
22 pertaining to visits like police reports, medical
23 reports or anything like that?

24 A. No.

25 Q. Have you met with or discussed this

1 case with any family members or any law enforcement
2 or doctors?

3 A. No.

4 Q. So you don't know anything specifically
5 about this case?

6 A. Correct.

7 Q. So the questions that -- or the answers
8 you will be giving will be regarding the literature
9 and your clinical experience overall in general and
10 we are not commenting on anything about this
11 particular case or this child or what happened in
12 this case?

13 A. Correct.

14 Q. Now, Dr. Swiecicki, what is meant by
15 delayed disclosure?

16 A. So disclosure itself is telling about
17 something. So in the literature about child sexual
18 abuse, delayed disclosure is a delay between the
19 time that the abuse happened and when the child
20 tells. They define that as a month. So any time
21 within the first month of when it happened is
22 considered immediate and anything after a month is
23 considered delayed.

24 Q. So if a child went three weeks that
25 would even be considered immediate?

1 A. Yes.

2 Q. Is it common that children delay their
3 disclosure?

4 A. It is common. So the literature shows
5 that between a little over 25 to 43 percent tell
6 right away within that first month. So one or two
7 out of every four children who are abused. Another
8 one tells at some point they are still in childhood
9 and then 25 percent don't tell anyone until the
10 studies. So they don't tell anyone until either
11 adulthood or it is asked of them in a study.

12 Q. Are a lot of the studies done with
13 adults?

14 A. A lot of them are done with adults,
15 although more so have been done with children in
16 recent years.

17 Q. And have you also witnessed this same
18 phenomenon of children not telling in your clinical
19 experience?

20 A. Yes. It's definitely more common in
21 our practice for there to be a delay.

22 Q. And why don't children tell?

23 A. So there's literature on reasons that
24 children have given for why they don't tell. It
25 kind of falls into two categories or I classify as

1 a category. Case specific factors and sort of
2 attitude factors or beliefs. Case specific factors
3 are things like the age of the child when the abuse
4 started. So if they were young when the abuse
5 started they are more likely to delay their
6 disclosure. If it started essentially around age 9
7 and-a-half or 10. If it started from that they are
8 more likely to delay. If it's chronic happening
9 more than one time they are more likely to delay.
10 If it's somebody within their family as opposed to
11 somebody outside of the family like a teacher, they
12 are more likely to delay when it is a family
13 member. So those are sort case specific factors.

14 And then attitude factors, most of that
15 literature is around children fearing anticipating
16 consequences, that they will be hurt, or that that
17 might die is actually mentioned by children in some
18 of the studies even when that's not been threatened
19 of them. That it will be upsetting for them and
20 then that it would cause jail or the offender to
21 get in trouble.

22 Those are the three most common
23 although they do report other types of things like
24 they are afraid they are going to upset somebody
25 else, things like that.

1 Q. And you mentioned that one of the fears
2 they may have is that the person whose done
3 something to them would get negative consequences?

4 A. Yes.

5 Q. Why is that?

6 A. Well, in that actually -- in general
7 the feared consequences are reported more as
8 children get older which is believed to be related
9 to just cognitive development. As people grow they
10 tend to think more about things like consequences
11 to people.

12 Q. Is what that cognitive development
13 means?

14 A. Yes. That our brains develop as we get
15 older so as children become teenagers or just
16 become older they are more capable of thinking
17 about things like consequences. And if something
18 like abuse were to happen it would be an accurate
19 sort of thought that somebody might get in trouble
20 for that.

21 So one of the studies actually found
22 that for children who had feared negative
23 consequences like that their parent might blame
24 them they weren't necessarily wrong a lot of the
25 time. Some of their feared consequences wound up

1 happening and that could be -- the authors
2 suggested it might be related to age that as kids
3 get older they are more likely to assess the
4 situation and see what might happen and be somewhat
5 accurate with some of their projections.

6 Q. So I think you said one of them they
7 may not necessarily wish ill upon the person who
8 has done this?

9 A. Correct. That's really just one of
10 their feared consequences of things as they think
11 through the process of disclosure is one of the
12 things that they report went through their mind
13 might have been something that happened.

14 Q. And you talked about fear of negative
15 consequences. Do direct threats -- are direct
16 threats necessary or does the child perceive
17 threats that may not be direct?

18 A. Direct threats are not necessary. They
19 are -- children who have received a direct threat
20 are a lot more likely to fear that they would be
21 hurt or something that was in the threat. But it's
22 not necessary.

23 Q. And what are some of the things that
24 may prompt a child to tell?

25 A. So children report things like someone

1 asking them. And not even necessarily asking them
2 about the specific event, but someone who asks --
3 notices that they have changed in some way, saying
4 something is different, is something going on, some
5 sort of prompt like that has been reported to be
6 something that makes kids tell. Educational
7 programming at schools where there is prevention
8 programming and kids learn about what okay touches
9 are, what not okay touches are. That could prompt
10 children to tell. Having a supportive caregiver
11 has been particularly shown to be related to
12 children being more likely to tell.

13 Q. What does a supportive caregiver mean?
14 It that defined?

15 A. It's defined in a couple of different
16 ways. Some studies measure it by asking a child to
17 fill out a rating form of how supportive they
18 perceive their caregiver to be. More often in
19 studies related to child sexual abuse it's done by
20 professionals rating the caregiver's behavior in
21 terms of how much they seem to listen to the child,
22 how much they seem to be reassuring of the child,
23 whether they have done specific behaviors after a
24 disclosure like preventing contact between the
25 child and the alleged offender while things are

1 getting sorted out, making a report to law
2 enforcement so that they can investigate whatever
3 the allegations were. Things like that are
4 considered supportive for caregivers.

5 Q. And have you seen some of those same
6 prompts in your clinical experience?

7 A. Could you explain what you mean by
8 prompts?

9 Q. When I say what prompts a child to tell
10 have you seen some of those same things?

11 A. Absolutely, yep.

12 Q. What do you see in your clinical
13 experience a lot?

14 A. So I have been practicing for 12 years
15 now. So it's really run quite the gamut of what
16 the research shows in terms of there's also
17 accidental disclosures. Sometimes someone will
18 talk and see something happening that it's
19 inappropriate and so the child never really made a
20 disclosure.

21 Q. Or a decision to disclose?

22 A. Or a decision to disclose, it just kind
23 of was discovered. Children tell peers and the
24 peers tell a friend and the friend tells an adult
25 and that's how it is discovered. We see that a lot

1 particularly with older kids which is supported in
2 the literature. Older children are more likely to
3 first tell a peer whereas younger children are much
4 more likely to tell their mother first. Although
5 teenagers do also tell their mothers. They're just
6 more likely to tell their peers first. So I have
7 kind of seen all those things in practice.

8 Q. Now, in your research and in your
9 clinical experience have you seen where disclosure
10 described a child that may have been in treatment
11 or in therapy and not disclosed?

12 A. Yes. And really has depended on
13 whether the child is in a trauma focused treatment.
14 So trauma focused cognitive behavior therapy is one
15 of the most widely available treatments here in the
16 United States for children who have been sexually
17 abused but also have experienced other types of
18 abuse. And that is one where the best practice at
19 the beginning of the treatment is to do a screen
20 that asks children about a whole host of different
21 types of traumatic events like being in a
22 hurricane, that can be traumatic for some children.
23 Other types of things might be life threatening
24 including asking about sexual abuse. When children
25 are in treatment like that I have seen them -- in

1 fact, it's much more likely to have disclosed abuse
2 when children are referred to me from other types
3 of treatment that aren't trauma related for things
4 like behavior problems or attention deficit
5 hyperactivity disorder where they maybe are not
6 likely to do a trauma screen. It oftentimes hasn't
7 been discovered sometimes for years.

8 Q. And so I guess it what you're saying
9 depends what the therapy is focused on?

10 A. And children have actually told
11 therapists that when they come to a trauma specific
12 therapist. Oftentimes the therapist wonders why
13 they've been in treatment for two years or more and
14 not told. These children say no one asked. And
15 that's really common, particularly with things like
16 attention deficit hyperactivity disorder. The
17 treatments for that are very different from the
18 treatments for symptoms related to sexual abuse.
19 So it really is not uncommon for those providers
20 not to ask questions.

21 Q. Do children sometimes have a way to
22 gauge like whether that therapist is ready for it?
23 Is there literature about that?

24 A. Yes.

25 Q. What is that literature?

1 A. So the literature really talks about
2 how disclosure is a process rather than being
3 something that happens one day and the child says
4 everything in one day. It is said it actually
5 happens over time which is really how people tell
6 about a lot of things. I think a lot of times
7 parents are upset that everything didn't come out
8 at once. But typically if somebody asked you how
9 your day was this morning you don't tell everything
10 either. You kind of pick out bits and pieces
11 depending on who asked to you.

12 So the literature talks about that with
13 children too. It is a process and in that kids
14 have talked about that they will kind of tell a
15 therapist. I told her this piece first and then I
16 wrote down this piece. And then I told her that it
17 actually had happened by another offender because
18 they kind of test out how things are going and some
19 of this is related to that piece of their
20 perception that it going to be upsetting to them to
21 talk about. So sometimes it comes out in bits and
22 pieces because they say they are not ready to
23 disclose.

24 Q. Talk about it all. Do most child
25 sexual assault incidents occur in familial or

1 situations where the child is known to the
2 perpetrator?

3 A. Over 90 percent of sexual abuse reports
4 are by somebody that the child knows.

5 Q. And that having been said, if there is
6 a delay in reporting, meaning that it goes on and
7 the child doesn't tell, does that mean that they
8 stay in contact with that person?

9 A. When it is someone that the child
10 knows, about a third of the time it's somebody
11 that's right in their immediate family. So they're
12 very likely to have ongoing contact with those
13 people. The rest of that 90 percent is people like
14 coaches or teachers that kind of depends on the
15 circumstances. If it's summer and it was a teacher
16 that may not see them for a while or might not see
17 them if they don't go back to that person's class,
18 but certainly for the family members which
19 30 percent is within their family and then some
20 portion of the other percentage is actually
21 extended family members also. So they would be
22 likely to see them at least periodically.

23 Q. And perhaps still have affection?

24 A. Depending on their relationship. When
25 it's somebody that you know you typically have more

1 than one type of relationship with them.

2 Q. Are there common behavioral reactions
3 to child sexual assault?

4 A. So children who are sexually assaulted
5 are at higher risk for things like acting out,
6 running away, self-harm behaviors. They are higher
7 risk, but it is certainly not something that all of
8 them display. Some children are resilient and
9 don't have symptoms.

10 Q. You have some with no symptoms, some
11 with maybe some?

12 MS. EHRLICH: Objection, Your Honor, to
13 the form of the question.

14 THE COURT: Rephrase the question.
15 BY MS. HERRING-LASH:

16 Q. Do you see all kind of behavior
17 reactions in child sexual abuse?

18 A. So behavioral reactions, things like
19 acting out are some of the less likely things that
20 we see. It's about 16 to 20 percent of the
21 children that we see at Dee Norton have behavioral
22 reactions when they have reported some sort of
23 abuse. We more so see things like emotional
24 reactions, sadness, nervousness, nightmares, even
25 that depends on the study or what clinic you are in

1 it's 13 to 75 percent of children. So it can
2 really vary.

3 Q. Have emotional reactions?

4 A. Have emotional reactions.

5 Q. And do most of the children that come
6 to your clinic or for forensic interviews come in
7 crying and talking about the abuse in a hysterical
8 if you will manner?

9 A. That's actually more rare. More
10 typically children come and seem kind of more flat
11 or neutral in their talking.

12 Q. What does flat mean?

13 A. So flat in our field we talk about
14 affect, which is the emotions that you kind of show
15 on your body or on your face. Flat affect is when
16 they are just kind of flat, numb, not showing a lot
17 of emotional at all.

18 Q. Is it the flatness in recounting the
19 facts if you will as opposed to experiencing the
20 emotions?

21 A. In my clinical practice what we
22 typically see when coming in for a forensic
23 interview is oftentimes it's the first time the
24 child has met that person. So it's not really that
25 different from when a child goes to the

1 pediatrician for the first time. You see kind of a
2 little bit of nerves and just kind of flat. A lot
3 of time they just kind of sit there and wait for
4 the doctor to check them out and they talk to them
5 and then their part and that's kind of the extent
6 of the visit.

7 MS. HERRING-LASH: Court's indulgence.
8 Dr. Swiecicki, those are all the questions I have.
9 If you will answer any for Ms. Ehrlich.

10 THE COURT: You may cross-examine.

11 CROSS-EXAMINATION

12 BY MS. EHRLICH:

13 Q. Good afternoon, Doctor.

14 A. Hi.

15 Q. Every time I try to say your name I
16 butcher it. I will call you doctor.

17 A. That works.

18 Q. Your position is that you're the
19 director of the Dee Norton Advocacy Center?

20 A. We do business as the Dee Norton Child
21 Advocacy Center.

22 Q. And that used to be the Low Country
23 Childrens Center?

24 A. Yes.

25 Q. And so you're the boss there?

1 A. I report to the board of directors.

2 Q. But as far as all the other people who
3 work there they report to you, correct?

4 A. All of the Dee Norton employees report
5 to me. We do have co-located MUSC child abuse
6 pediatrics folks on site. They report to MUSC and
7 then we have two co-located Department of Mental
8 Health therapists and they report to the Department
9 of Mental Health.

10 Q. The forensic interviewers, they will
11 report to you?

12 A. Except for two Department of Mental
13 Health folks actually do the forensic interviews --
14 well, actually, all of the forensic interviewers
15 report to our clinical director.

16 Q. She's under you?

17 A. Yes.

18 Q. And your testimony today is you told
19 the jury that people can delay disclosure of abuse?

20 A. The literature shows, yes, that
21 children, that people delay.

22 Q. And I think you testified that there
23 can be circumstances as well where children may
24 report right away?

25 A. The literature shows between one to two

1 out of every four children disclose within that
2 first month.

3 Q. And I'm sure from your experience
4 you've seen that no one case is the same?

5 A. Correct.

6 Q. Each case is different, different
7 child, family, and different factors that you would
8 consider in interviewing the child, correct?

9 A. The literature is essentially a study
10 of a lot of children so they fit in some way in
11 that literature, but every child is unique.

12 Q. You can't fit one kid into one specific
13 category?

14 A. Right.

15 Q. And Ms. Herring-Lash asked you about a
16 child being in treatment and not disclosing that
17 they are being abused. And let me make sure I
18 understand. You're saying that that kind of
19 depends on what type of treatment somebody may be
20 in, correct?

21 A. So I would say in my clinical
22 experience it has depended a good amount on what
23 type of treatment that child is in. If they are in
24 treatment that's not trauma specific those are the
25 ones that I have seen they are more likely to not

1 disclose the abuse. When they are in trauma
2 specific treatment that's when I have seen it they
3 are more likely to disclose, although I have had
4 personally clients who we were working on a
5 specific traumatic event and they didn't tell about
6 a different one because they didn't think it was
7 relevant.

8 Q. There also can be circumstances where a
9 child is in treatment that's not trauma focused and
10 they still may disclose?

11 A. Yes.

12 Q. And a lot of that depends on I guess
13 rapport with the counselor?

14 A. Really seems to be more related to the
15 other factors around the context. So the things
16 like feared consequences, all those things that I
17 talked about in terms of that the child might get
18 hurt or it might be upsetting to talk about all of
19 those things apply to therapists just as much as
20 they apply to other people.

21 Q. And also whether or not somebody did a
22 trauma screening?

23 A. Yes.

24 Q. And you also testified a little bit
25 about, I think Ms. Herring-Lash asked you about

1 behavior you may see in a child that's reported
2 being abused. Those same behaviors could be seen
3 in somebody who wasn't abused, correct?

4 A. Yes.

5 Q. And you also -- and there are
6 environmental factors that may affect -- may affect
7 the child's behavior, correct?

8 A. Yes.

9 Q. What's going on in the home?

10 A. If we are talking about diagnosable
11 behavior or disorders those typically aren't --

12 Q. I am talking about behavior problems in
13 general?

14 A. Those can be difficult transitions when
15 school starts and kids can act out.

16 Q. You also testified a little bit about a
17 child may consider the consequences of disclosure?

18 A. Yes.

19 Q. And then you also testified about how a
20 child's brain isn't fully developed, they may not
21 be able to grasp consequences the same as maybe you
22 and I would as adults.

23 A. Well, what the literature really shows
24 is that in terms of those consequences the
25 anticipated things that might happen. Older

1 children are the ones that tend to talk about that
2 more, to report more of those negative consequences
3 whereas younger children do not really report that.

4 Q. You're saying older. Do you mean over
5 ten or are you talking about teenagers?

6 A. They didn't specify in the studies.

7 Q. You are familiar with I assume in your
8 field adolescence brain development, correct?

9 A. Yes.

10 Q. And so -- research does show that
11 adolescence and adolescence would be described as
12 what ages?

13 A. So it depends on again who you are
14 asking. There is early adolescence. A lot of
15 folks define it as 13 or 12 and older. Brain
16 development kind of goes school age, so five, six
17 up to age 12 and then 12 and older.

18 Q. And when you're younger you tend to be
19 more impulsive, right? Brain development -- the
20 prefrontal cortex controls your brain, your
21 impulsivity?

22 A. Yes.

23 Q. And so if I am younger my prefrontal
24 cortex is not as developed as say someone who is in
25 their late 20's or 30's.

1 A. I would go up to 25. So they also say
2 that the 12 goes up to 25 in terms of kind of that
3 adolescent brain.

4 Q. So you tend to be more -- research
5 would say that because of brain development you may
6 be more impulsive, correct?

7 A. At what age? Just younger in general?

8 Q. Yes?

9 A. Yes. Impulsivity does go through the
10 teenage years. I am not familiar with any
11 literature comparing kind of younger or school age
12 or adolescence brain development specifically on
13 impulsivity.

14 Q. When you were testifying earlier about
15 somebody's demeanor or affect, you were talking
16 about during a forensic interview, correct?

17 A. Yes.

18 Q. And that's what you were talking about
19 in that point of your testimony how somebody may
20 behave during their interview?

21 A. I was speaking of that first
22 appointment. So most often our first appointments
23 are for forensic interviews. Sometimes people come
24 in for a clinical assessment, just a mental health
25 assessment if they don't need a forensic interview

1 and the presentation is kind of similar. In those
2 assessments we are asking them questions about
3 their symptoms, things like that.

4 Q. And you said that the research does
5 support that a number of children may delay
6 reporting?

7 A. About one to two to out of every four.

8 Q. And once a child makes a disclosure and
9 they are supported they are more likely to repeat
10 the disclosure and not recant, correct?

11 A. When they have a supportive caregiver?
12 So it depends on what you mean by repeat.

13 Q. Well, they are not going to recant if
14 they have got people around them that are
15 supporting them?

16 A. That is definitely one of the
17 predictors to not recanting is having a supportive
18 caregiver, both predict sooner disclosure and not
19 delaying and also not recanting.

20 Q. And you would agree with me that
21 there's no sort of gold standard of what the
22 behavior may be of somebody who has been a victim
23 of abuse, correct?

24 A. Right. We have talked a lot about the
25 increased risk. The biggest thing is when children

1 have been both physically abused and sexually
2 abused. Those are the children who like three out
3 of four of them develop symptoms of post-traumatic
4 stress disorder. Those are the ones we are most
5 likely to see sometimes, but beyond that I will
6 agree that there's definitely no kind of gold
7 standard to just one symptom.

8 Q. And so while your testimony is that
9 delayed disclosure can be normal, children can
10 disclose in what you said within a month?

11 A. Correct.

12 Q. And I think would you agree with me
13 that in life people don't always tell the truth?

14 A. That's true.

15 Q. That includes children?

16 A. Yes.

17 Q. And teenagers, correct?

18 A. Right.

19 MS. EHRLICH: Court's indulgence.

20 (Off-the-record conference.)

21 MS. EHRLICH: No further questions.

22 THE COURT: Redirect?

23 MS. HERRING-LASH: No, Your Honor.

24 THE COURT: You may step down. Do you
25 wish to excuse the witness?

1 MS. HERRING-LASH: Yes, Your Honor.

2 THE COURT: Any objection?

3 MS. EHRLICH: No, Your Honor.

4 THE COURT: Ma'am, you are free to go
5 at this time. Thank you very much. I would ask
6 the attorneys to approach briefly.

7 (Following proceedings were held at the
8 bench.)

9 THE COURT: How many more witnesses?

10 MS. ELLIOTT: We are going to rest.

11 THE COURT: Okay. I will let them go,
12 then we will that take up.

13 (Following proceedings were held in
14 open court.)

15 THE COURT: State may call its next
16 witness.

17 MS. ELLIOTT: At this time the State
18 rests, Your Honor.

19 THE COURT: Ladies and gentlemen of the
20 jury, that completes the presentation of the
21 State's evidence in the case. There are some
22 matters that I have to take up with the lawyers at
23 this point in time that don't involve you and so I
24 will also note that we are about six minutes until
25 5:00. So I'm going to let you go home for the

1 evening and we will start again at 9:00 in the
2 morning. You know my instructions when you leave
3 the courthouse not to try to gather any information
4 on your own. Don't watch, listen to, read media
5 reports. Don't discuss the case with anyone.
6 Don't allow anyone to discuss it with you. Please
7 report any contact you might have with anyone about
8 the case. I hope you have a good evening. We will
9 be back at 9:00. If you will be here we will start
10 pretty quickly thereafter. Thank you very much.

11 (Thereupon, the jury exited the
12 courtroom at 4:52 p.m.)

13 THE COURT: I will entertain motions at
14 this time.

15 MS. EHRLICH: Thank you, Your Honor.
16 On behalf of Mr. Singleton I would move for a
17 directed verdict at this time on all charges.
18 Specifically, though, I want to direct my argument
19 on the charge of criminal sexual conduct with a
20 minor second degree. In that case there's a
21 specific element of the offense that would include
22 that the victim was at least 11 years old at the
23 time of the sexual battery. In this case they
24 indicted Mr. Singleton for an allegation of
25 cunnilingus in the kitchen area of the home of

So we don't know how old she have would have been going into Middle School even if that testimony had been more clear. They provided really no time frame either about the time of year that it occurred. There was no testimony that it happened in the weeks leading up to school, no testimony about it happening in the summertime. And even Keoshia who testified to seeing something happen in the kitchen area testified that she could not recall when the incident occurred. She said that she couldn't remember how old people were and

1 said that it hadn't occurred for a long time.

2 And for that reason, Your Honor, I
3 think the Court should grant a directed verdict
4 based on the State's failure to meet the elements
5 of the offense.

6 THE COURT: State?

7 MS. ELLIOTT: Thank you, Your Honor.
8 Complainant's exact words about her age were I think I
9 was ten. I asked the question further about
10 school. She said elementary school. I was going
11 to middle school. We actually talked to the court
12 reporter about what was said in that. Your Honor,
13 there's also evidence through Sasha who said that
14 the disclosure and seeing the victim come out of
15 the kitchen after the cunnilingus would have
16 happened was within a year of the police report.

17 So the police report was made
18 March 8th, 2015, so it would have to be within that
19 preceding year. We can tell from her date of birth
20 she would have been over the age of 11 at that
21 time. And so I think that preserves it enough to
22 be an issue to the jury.

23 THE COURT: So you are pointing to
24 which testimony now?

25 MS. ELLIOTT: Complainant and Sasha.

1 THE COURT: As to the second it would
2 be the one who said it was within a year of the
3 time.

4 MS. ELLIOTT: Of the police report,
5 yes, Your Honor.

6 THE COURT: All right. Do you have a
7 response to that, Ms. Ehrlich?

8 MS. EHRLICH: Your Honor, I believe
9 that the police report was made March 8th of 2015
10 when she was 12. So on March 8th of 2014 she would
11 have been 11. And I think that they are trying to
12 say that because Sasha testified that it occurred
13 sometime within that year that that would meet the
14 burden for this to go to the jury. I think
15 Complainant --

16 THE COURT: The question is not whether
17 it's the weight of the evidence, the amount of the
18 evidence.

19 MS. EHRLICH: I think Complainant's
20 testimony was so clear I was ten. I think they did
21 not ask her specifically. They didn't have her say
22 well, it happened within the year. Without any
23 sort of context about what was going on --

24 THE COURT: The police report is a
25 definite date, that's not floating around.

1 MS. EHRLICH: Without any context of
2 what was going on in the house around the time that
3 there was an alleged incident would have occurred,
4 if you have the victim saying --

5 THE COURT: You agree that she
6 testified it happened within a year of the report?

7 MS. EHRLICH: My notes reflect she said
8 that she testified it had not been a year when law
9 enforcement was called.

10 THE COURT: So it was within the year.

11 MS. EHRLICH: Yes.

12 THE COURT: Okay. Motion is denied.

13 MS. EHRLICH: On all counts right, Your
14 Honor? I didn't make an argument --

15 THE COURT: You made a motion as to the
16 second degree. Are the others just general failure
17 to prove?

18 MS. EHRLICH: Yes, sir.

19 THE COURT: Yes. It would be as to all
20 motions. I do need to talk to your client about
21 his right to testify. Before I do that the State
22 -- there was some discussion in pretrial conference
23 about prior convictions. I don't know if the State
24 has any prior convictions that you intend to use to
25 try to attack the Defendant's credibility. You had

1 the discussion with counsel. I'm not sure how that
2 worked out.

3 MS. ELLIOTT: Judge, I don't think
4 there is anything that we can bring up purely for
5 impeachment based on just what the conviction --
6 what it stands for. If we think that they open the
7 door we will certainly approach you before going
8 into it.

9 THE COURT: Okay. Please place the
10 Defendant under another at this time.

11 (The Defendant was sworn.)

12 THE COURT: Sir, you can have a seat.
13 Mr. Singleton, I want to go over some matters with
14 you at this time that have to do with your defense.
15 What I am going to do is to explain your right
16 under the Constitution, or at least in particular.
17 When I finish my explanation if you don't
18 understand what I have told you you have the right
19 to ask me about it or you have the right to consult
20 with your lawyers about this matter. So you will
21 be given an opportunity to get further explanation
22 should you not understand what I am about to tell
23 you.

24 We have reached the stage of this trial
25 where you have the right to present your defense.

1 And as part of that right, the right to present a
2 defense, you have the right to testify in this
3 trial. You also have the right also not to
4 testify. You have the right to claim the
5 protections that are given to you under the Fifth
6 Amendment to the United States Constitution and
7 that amendment reads in part that no person can be
8 compelled in a criminal case to be a witness
9 against himself.

10 Now, what that's been interpreted to
11 mean, that while you do have the right to testify,
12 you have the right not to testify. In other words,
13 no one can make you testify in this case and no one
14 can waive the right to remain silent except
15 yourself. If you decide to testify you will be
16 subject to the same rules that govern any other
17 witness who has testified in the case. You will be
18 examined by your lawyers, cross-examined by the
19 State's attorneys.

20 Now, the State's attorneys have told me
21 that they are not aware of any convictions that can
22 be used directly to attack your credibility unless
23 there is certain things that happen and your
24 lawyers can explain that to you in more detail over
25 the evening because we are not going to get to the

1 point where you might testify until tomorrow.

2 But at any rate I will tell you that
3 you should make the decision in this case as to
4 whether or not to testify. It has to be done
5 freely and voluntarily by you with knowledge of the
6 protections given to you by the Constitution and by
7 any consequences that might result from your
8 testifying.

9 Now, should you decide not to testify I
10 will advise you that I would instruct the jury that
11 the fact that you did not testify shouldn't be
12 considered by them at all in reaching a verdict.
13 In fact, my instructions to them would be that they
14 cannot even discuss the fact that you did not
15 testify in their deliberations. So there should be
16 no prejudice to your case should you decide not to
17 testify.

18 Now, you have a right to talk to your
19 lawyers about this decision. You can talk to
20 family, friends, whoever you want to talk to, but I
21 will tell you the final decision as to whether or
22 not you testify in this case is yours and yours
23 alone. You will make that decision as to whether
24 you wish to do that or not. Now, first of all, do
25 you understand what I have explained to you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions
3 of me concerning my explanation?

4 THE DEFENDANT: Not at all.

5 THE COURT: Have you had an opportunity
6 to talk to your lawyers about this decision?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you feel that you need
9 to talk with anyone else about the decision?

10 THE DEFENDANT: No, sir.

11 THE COURT: Do you need any additional
12 time to consider the decision?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you intend to testify in
15 this case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Thank you very much.
18 Anything else from the State before we break for
19 the evening?

20 MS. ELLIOTT: No, Your Honor.

21 THE COURT: Anything else from the
22 defense?

23 MS. EHRLICH: No, Your Honor.

24 THE COURT: All right. We will start
25 again at 9:00 in the morning. We will start with

1 the defense calling any witnesses they wish to
2 call. Court is in recess.

3 (These proceedings were adjourned at
4 5:04 p.m., June 20, 2017, Charleston County, South
5 Carolina.)

6 * * * * *

1 (The following proceedings continued
2 June 21, 2017 at 9:03 a.m.)

3 (DFT. EXH. 1, jail records, was marked
4 for identification.)

5 MS. EHRLICH: The attorneys for the
6 defense and the State agree and stipulate that
7 Wanda Blanding of the inmate records office for the
8 South Carolina Department of Corrections also known
9 as SCDC verified the incarceration dates for John
10 Singleton. If Ms. Blanding were called to testify
11 she would testify that John Singleton was
12 incarcerated at SCDC from April 30th, 2013, and
13 that he was released on July 1st, 2013.

14 THE COURT: Is that a stipulation?

15 MS. ELLIOTT: Yes, Your Honor.

16 THE COURT: Okay. If you pass it up,
17 have it marked as a court's exhibit to go to the
18 jury.

19 MS. EHRLICH: Yes, sir.

20 THE COURT: Okay.

21 MS. EHRLICH: Do you want me to publish
22 it -- will I be able to publish it to the jury?

23 THE COURT: I normally would do that at
24 the close of the evidence.

25 MS. EHRLICH: Okay. Thank you.

1 (COURT'S. EXH. 3, stipulation, was
2 marked for identification.)

3 THE COURT: Let's bring in the
4 Defendant. We have got the jury out there.

5 (Defendant brought to courtroom.)

6 THE COURT: State ready to go forward?

7 MS. ELLIOTT: We are, Your Honor.

8 THE COURT: Defense?

9 MS. EHRLICH: Yes, Your Honor.

10 THE COURT: All right. Let's bring the
11 jury in.

12 (Whereupon the jury entered the
13 courtroom at 9:08 a.m.)

14 THE BAILIFF: The jury is all present,
15 Your Honor.

16 THE COURT: Thank you. Good morning.
17 I hope everyone had a good evening. If any of you
18 any difficulty in complying with my instructions
19 overnight, please stand. It appears that all
20 jurors have been able to comply with my
21 instructions.

22 When you left us yesterday the State
23 had completed the presentation of its evidence in
24 the case. This morning I was made aware by the
25 attorneys that they had reached a stipulation in

1 the case. Now, what a stipulation is is an
2 agreement by both sides that a fact is true. That
3 once both sides stipulate to a fact then there is
4 no need to offer evidence or proof on that fact.
5 It's considered to have been proven.

6 The stipulation that the parties have
7 entered into and I have approved reads as follows:
8 The attorneys for the defense and the State agree
9 and stipulate that Wanda Blanding of the inmate
10 records office for the South Carolina Department of
11 Corrections verified incarceration dates for John
12 Singleton. If Ms. Blanding were to be called to
13 testify she would testify that John Singleton was
14 incarcerated at the South Carolina Department of
15 Corrections from April 30, 2013, and that he was
16 released on July 1st of 2013. That is signed by
17 both of the attorneys. I have made that a court's
18 exhibit. It will be available to you during your
19 deliberations. But that fact has been agreed to so
20 there's no need to offer any testimony or proof for
21 that fact.

22 Now, at this time the defense has the
23 right to call any witnesses that they choose to
24 call. The defense may call its first witness.

25 MS. EHRLICH: Thank you, Your Honor.

1 The defense calls Vicky King.

2 VICKY KING

3 having been duly sworn, testifies as follows:

4 THE COURT: Have a seat at the witness
5 stand. Once you are seated I'd ask that you state
6 and spell your last name for the record.

7 THE WITNESS: Vicky King, K-I-N-G.

8 THE COURT: If you will move up as
9 close as you can to that microphone and speak
10 toward it. We will probably be able to hear you
11 much better, okay? Counselor, your witness.

12 DIRECT EXAMINATION

13 BY MS. EHRLICH:

14 Q. Where do you work, Ms. King?

15 A. At the sheriff's Al Cannon Detention
16 Center.

17 Q. And what is your job title there?

18 A. I am the inactive records supervisor.

19 Q. And what does that mean? What are your
20 job duties?

21 A. We handle all inactive inmate files.
22 Once they are released we get files and we also do
23 all jail expungements.

24 Q. And so are part of your duties
25 maintaining records of past incarcerations at the

1 jail?

2 A. Yes.

3 Q. And are those records maintained during
4 the regular course of business by the jail?

5 A. Yes.

6 Q. During the course of your employment at
7 the jail did my office contact you about
8 incarceration dates for Mr. Singleton?

9 A. Yes.

10 Q. And did we give you a time range of
11 dates that we wanted to find out if he was
12 incarcerated?

13 A. Yes.

14 Q. And did you look up those dates?

15 A. Yes, I did.

16 Q. And what did you do with that
17 information?

18 A. I put it in a letter and submitted it
19 to Investigator Long.

20 MS. EHRLICH: May I approach the
21 witness, Your Honor?

22 THE COURT: You may.

23 BY MS. EHRLICH:

24 Q. Ms. King, I'm going to show you what's
25 been premarked as Defense Exhibit 1 and ask you if

1 you recognize this?

2 A. I do.

3 Q. What is that?

4 A. This is the letter I wrote in reference
5 to the jail time requested on John Singleton.

6 Q. And is that an accurate copy of the
7 letter that you provided?

8 A. Yes, it is.

9 Q. Thank you.

10 MS. EHRLICH: Your Honor, we would move
11 Defense Exhibit 1 into evidence.

12 THE COURT: Any objection from the
13 State?

14 MS. ELLIOTT: None, Your Honor.

15 THE COURT: All right. Without
16 objection it will be admitted as defense No. 1.
17 You may proceed.

18 (DFT. EXH. 1 in evidence.)

19 MS. EHRLICH: Your Honor, may I publish
20 to the jury?

21 THE COURT: You may do so.

22 BY MS. EHRLICH:

23 Q. Ms. King, there should be a TV screen
24 in front of you where you are able to see this
25 letter. Review with us starting with the

1 August 27th, 2010, incarceration dates for Mr.
2 Singleton at the jail.

3 A. He was booked on August 27th of 2010
4 and released on October 17th of 2010. Booked again
5 on April 12th of 2011, released on July 18th, 2011.
6 Booked again on March 13th, 2012, released
7 June 4th, 2012. Booked again on December 19th,
8 2012, and released on April 30th, 2013.

9 Q. And on this second page?

10 A. Booked on November 8th of 2013,
11 released on November 8th of 2013. Booked on
12 April 14th of 2014, and released on April 26th of
13 2014. Booked again November 24th of 2014, and
14 released on November 29th of 2014.

15 Q. And is that -- you said November 24th.
16 Is it November 28th?

17 A. I am sorry. Yes, November 28th, 2014.

18 Q. And so those would be dates that Mr.
19 Singleton was in the jail and not in the community,
20 correct?

21 A. Correct.

22 MS. EHRLICH: Court's indulgence.

23 THE COURT: Yes, ma'am.

24 MS. EHRLICH: Thank you so much.

25 Please answer any questions the State may have.

1 MS. ELLIOTT: We have no questions for
2 this witness.

3 THE COURT: Do you wish to excuse the
4 witness?

5 MS. EHRLICH: Yes.

6 THE COURT: Any objection?

7 MS. ELLIOTT: None.

8 THE COURT: Ma'am, you may step down
9 and you are free to go. Thank you. And defense
10 may call its next witness.

11 MS. EHRLICH: Thank you, Your Honor.
12 The defense calls Mary Jane Ferguson.

13 MARY JANE FERGUSON

14 having been duly sworn, testifies as follows:

15 THE CLERK: Please state your full name
16 and spell your last name.

17 THE WITNESS: Mary Jane Ferguson,
18 F-E-R-G-U-S-O-N.

19 THE COURT: Ma'am, if you would, I want
20 you to try to get as close to that microphone as
21 you can. I know you have got some equipment there.
22 Take your time and let's see if we can't get you as
23 close to that microphone as possible. Ma'am, if
24 you will speak right at that microphone when you
25 are speaking. The lady in the back corner of the

1 jury box needs to be able to hear you. Thank you.
2 Counselor, your witness.

3 DIRECT EXAMINATION

4 BY MS. EHRLICH:

5 Q. Ms. Ferguson, please tell the jury how
6 you are related to Iesha Ferguson?

7 A. She's my daughter.

8 Q. And how are you related to Complainant?

9 A. Complainant is my granddaughter.

10 Q. And do you love your daughter?

11 A. Yes, most definitely.

12 Q. Do you love your granddaughter?

13 A. Definitely.

14 Q. Where do you currently reside?

15 A. I live with my oldest sister at

16
17 Q. Did you ever live with Iesha on Madden
18 Drive?

19 A. Yes, I did.

20 Q. During what time period did you live
21 there?

22 A. I lived there about a year or two.

23 Q. Do you remember what years you were
24 there?

25 A. Not really.

1 Q. Were you living there in March of 2015
2 when the police were called?

3 A. Yes, I was.

4 Q. Okay. Who all was living in the house
5 at that point, do you remember?

6 A. It was me, Iesha, **Complainant**, my husband
7 Lee, he passed away, Sasha and John was with us
8 every now and then and I think that's all I can
9 remember now.

10 Q. Did Keoshia live there?

11 A. Oh, yeah. I forgot her, Keoshia.

12 Q. **Brother** ?

13 A. **Brother** , my grandson.

14 Q. Where did you sleep in the Madden Drive
15 house?

16 A. I slept in the first bedroom.

17 Q. Did anybody else share that room with
18 you?

19 A. My husband Lee.

20 Q. And where did Iesha sleep?

21 A. Iesha slept in the third room in front
22 by the bathroom.

23 Q. Okay. Did anybody share that room with
24 her?

25 A. John at times and **Complainant** and **Brother**

1 would go sleep with their momma every now and then.

2 Q. And where did they sleep on a regular
3 basis?

4 A. Complainant and Brother slept in the
5 second bedroom.

6 Q. What about Sasha?

7 A. Normally slept in the front room.

8 Q. While you were living there were you --
9 I know you have some medical problems. Were you
10 working at that point?

11 A. I was. I stopped work in 2016.

12 Q. So did you stay in the house all the
13 time or --

14 A. No. I didn't want to stay at the house
15 that much. I go to work when I was working. I
16 come home. I go across the street to my neighbor.
17 The majority of the time I be in my room.

18 Q. Did you have an opportunity to meet
19 John Singleton at one point?

20 A. I knew John before my kids knew him. I
21 met John through my husband. I think '99, might be
22 before that.

23 Q. And did you have an opportunity to
24 observe his behavior in the home?

25 A. Yes. To me John is a wonderful person.

1 I have never seen him done anything out of the
2 ordinary. He did drink, but we all did. But I
3 haven't seen him do anything out of the ordinary in
4 front of me.

5 Q. When you say that did you ever see him
6 act inappropriately towards Complainant?

7 A. No, ma'am, never did.

8 Q. Did you ever see him touch her in any
9 way?

10 A. No. Complainant always horse playing with
11 their mamma and John playing. They get involved.
12 That's the way they play. And I seen him with them
13 and nothing has ever been said that he did anything
14 wrong to any of them. It is not just them. It is
15 my other nieces and nephew too John interact with
16 and nothing was ever said anything about that.

17 Q. Did Complainant ever act scared around
18 John?

19 A. No.

20 Q. When the police came to the house did
21 they speak with you, do you remember?

22 A. When the police -- when I heard I came
23 out. I went back in the room. When I came back
24 out again the police were out there. They really
25 didn't say anything to me.

1 Q. Did he ever -- do you remember them
2 ever interviewing you?

3 A. I don't remember.

4 Q. Do you remember a detective coming over
5 to the house after your husband had died? Do you
6 remember that?

7 A. No.

8 Q. Let me -- did you ever have a
9 conversation with ^{Complainant} specifically about the
10 allegations?

11 A. No, ma'am.

12 Q. You told her -- you spoke to my
13 investigator Mr. Long I think about two weeks or a
14 week ago; do you remember that?

15 A. Somebody came to the house. I can't
16 remember the people.

17 Q. Okay. And you told him that ^{Complainant}
18 told you that she only said that about John
19 touching her because she was mad at her mom for
20 taking her phone?

21 A. Correct.

22 Q. Did she make that statement?

23 A. She made that statement to me and that
24 was like a month or two months after she said that.

25 MS. EHRLICH: Court's indulgence.

1 THE COURT: Yes, ma'am.

2 (Off-the-record conference.)

3 MS. EHRLICH: Ms. Ferguson, please
4 answer any questions the State has for you.

5 THE COURT: Counselor, your witness on
6 cross-examination.

7 CROSS-EXAMINATION

8 BY MS. HERRING-LASH:

9 Q. Hi, Ms. Ferguson.

10 A. Hello.

11 Q. I wasn't sure exactly what I heard, but
12 I think you said you stopped working in 2016?

13 A. Yes, ma'am.

14 Q. And you did --

15 A. Not 2016. 2015 I stopped working.

16 Q. Okay. When the police came just to put
17 it into perspective that was March of 2015. Had
18 you already stopped working then or were you still
19 working some in March of 2015?

20 A. My surgery was in October 2015.

21 Q. I know it's hard to remember a couple
22 of years ago.

23 A. Yes.

24 Q. And you said that you knew John since
25 1999?

1 A. Yes, ma'am.

2 Q. How did you meet him?

3 A. I met them through his friend and I
4 would date Lee Lawrence. And Lee and I been
5 together and Lee introduced me to John.

6 Q. So did y'all hang out together?

7 A. Yes, we started hanging out.

8 Q. And what kind of things would y'all do
9 together?

10 A. We go to parties, go to the club, or we
11 would go to our house, my house and play cards.

12 Q. So you had a good, close relationship
13 with John?

14 A. Yes.

15 Q. And do you remember when your daughter
16 met him, Iesha?

17 A. No, I can't remember when she met him.

18 Q. Do you remember him like starting being
19 around at some point?

20 A. Yes.

21 Q. But you just don't remember the
22 exact --

23 A. When John started to be around my
24 daughter Iesha I think we was living on Ruman. My
25 daughter used to live on Ruman. I think that's

1 when he would come and visit Lee and I because we
2 stay with my daughter off and on there.

3 Q. Okay. Now, at some point you were
4 living on Madden Drive?

5 A. Yes ma'am.

6 Q. And you said that John was staying
7 there sometimes?

8 A. Yes, ma'am.

9 Q. And when he would stay there sometimes
10 he would be, you know, Iesha's boyfriend?

11 A. Yes, ma'am.

12 Q. How you would say it?

13 A. Yes, ma'am.

14 Q. But he also was someone that Complainant
15 and Brother , I guess perhaps Keoshia saw as --

16 A. Daddy, right.

17 Q. Okay. And because that's the only
18 daddy they had because their's was murdered?

19 A. Right.

20 Q. Now, in March of 2015 when the police
21 came do you remember that night? You don't
22 remember the date, but do you remember what was
23 happening?

24 A. I was in my room.

25 Q. Okay. Were you asleep?

1 A. No, I was sitting in the room watching
2 TV. And I just happened to hear some stuff going
3 on and I walked out of the room. They were in the
4 dining room. So they were talking and I heard
5 about the police and I went back in my room. And I
6 sat there. I think I overheard when the police
7 came. I peeked out the door. That's -- I don't
8 remember talking to no police. I know they came to
9 the house.

10 Q. Now, do you remember talking to the DSS
11 worker that came that night?

12 A. No, I don't remember talking. Any time
13 they come I would go in my room because they didn't
14 include me into it. They didn't ask me nothing
15 when this was going on.

16 Q. Now, you did come out because you got
17 together some belongings for Mr. Singleton, right?

18 A. Right.

19 Q. And when you came out do you remember
20 talking about what you thought about these
21 allegations?

22 A. I said to myself I don't believe that
23 because as long as I knew him and he been around my
24 nieces and nephews and my grand kids, I wouldn't
25 allow no one like that around my family. I am too

1 close with my kids because we only got us.

2 Q. Right. And so you were saying to
3 yourself and I think according to perhaps the DSS
4 worker you may have said that out loud, too, you
5 didn't believe it?

6 A. Right.

7 Q. This was within minutes of hearing
8 about it?

9 A. Probably was. I don't know.

10 Q. And you didn't believe it because you
11 never saw anything yourself inappropriately?

12 A. Right.

13 Q. And you had saw them together and you
14 never saw him do anything in any way to Keoshia --
15 excuse me -- Complainant?

16 A. No. Complainant loved John. I didn't see
17 that.

18 Q. She did love him?

19 A. Yes.

20 Q. And now you just said also that you
21 didn't remember, and you may not, a detective
22 coming like later to talk to y'all?

23 A. I don't remember.

24 Q. I think it was like right at the time
25 where Mr. Lawrence had died. Do you think maybe

1 you don't remember because you were upset about
2 that?

3 A. I probably don't remember because I
4 probably was drinking. I just don't remember.

5 Q. You were probably drinking?

6 A. Yes.

7 Q. And I don't mean to be rude to you, but
8 you do drink a lot?

9 A. Not no more. I used to, yes, ma'am.

10 Q. Has that kind of closed off or shut
11 down since you have been taking oxygen?

12 A. Yes, ma'am.

13 Q. But before that?

14 A. Before that.

15 Q. It was pretty often?

16 A. Yes, ma'am.

17 Q. And you talked about or Ms. Ehrlich
18 asked you about a statement that you made and you
19 said ^{Complainant} said something?

20 A. Yes, ma'am, to me.

21 Q. And that was within a few months of
22 March of 2015?

23 A. Yep. Whenever it was she came to me
24 and said that she only said it because she was mad
25 because her mamma took her phone. I said to her, I

1 said oh, Lord, you know what you just done. And
2 that was in a conversation.

3 Q. What she said was she said that because
4 she was mad?

5 A. Right.

6 Q. And she was mad that night?

7 A. I guess so. They were in the front. I
8 was in the back.

9 Q. And when she told you that you were
10 still living on Madden Drive?

11 A. Yes, ma'am.

12 Q. And DSS was still coming to Madden
13 Drive to check on y'all?

14 A. They came and when they came I would
15 not go out. I would stay in my room.

16 Q. So you didn't go and tell DSS?

17 A. No.

18 Q. And you didn't call the North
19 Charleston Police and tell them she said this?

20 A. Nobody asked me to say anything so I
21 keep my mouth shut. That's my daughter's daughter
22 so I tell. People ask me, then I repeat. It
23 wasn't for me to do it.

24 Q. And, Ms. Ferguson, did you ever
25 consider that perhaps Complainant said that because she

1 was mad, but she didn't make it up?

2 A. No, I never considered that.

3 Q. You just considered what she said that
4 she was mad and said it, that she meant that it
5 didn't happen?

6 A. Because she came to me and told me
7 that. She didn't say anything else.

8 Q. Do you see a difference, and you may
9 not, in somebody getting mad and saying something
10 in anger that's the truth, that's different than
11 somebody lying?

12 A. No, because my grand baby, any time she
13 is upset she said things and then she come back and
14 say I just playing. So it is kind of hard.

15 Q. Said what?

16 A. I'm just playing.

17 Q. But she didn't say she was just playing
18 about this?

19 A. Not that particular time.

20 Q. Now, Ms. Ferguson, you don't live with
21 Complainant and her mom, right?

22 A. Correct.

23 Q. But you still see them?

24 A. As much as I can.

25 Q. And you have been to the jail to see

1 Mr. Singleton?

2 A. I don't go to no jailhouse.

3 Q. Did you go one time?

4 A. No.

5 Q. On Christmas Day?

6 A. I never been to the jailhouse to see
7 Mr. Singleton.

8 MS. HERRING-LASH: Okay. Court's
9 indulgence.

10 THE COURT: Yes, ma'am.

11 (Off-the-record conference.)

12 MS. HERRING-LASH: I don't have any
13 more questions, Ms. Ferguson.

14 THE COURT: Redirect?

15 MS. EHRLICH: Court's indulgence. No
16 further questions, Your Honor.

17 THE COURT: Ma'am, you may step down
18 from the stand. Do you wish to excuse the witness?

19 MS. EHRLICH: Yes, Your Honor.

20 THE COURT: Any objection?

21 MS. HERRING-LASH: No, Your Honor.

22 THE COURT: Ma'am, you are free to
23 leave the courthouse.

24 THE WITNESS: Thank you.

25 THE COURT: Defense may call its next

1 witness.

2 MS. EHRLICH: Thank you. Your Honor,
3 the defense calls John Singleton.

4 THE COURT: Come forward, sir, and be
5 sworn.

6 JOHN SINGLETON

7 having been duly sworn, testifies as
8 follows:

9 THE CLERK: Please state your first and
10 last name and spell your last name for the record.

11 THE WITNESS: John Anthony Singleton,
12 S-I-N-G-L-E-T-O-N.

13 THE COURT: Your witness.

14 DIRECT EXAMINATION

15 BY MS. EHRLICH:

16 Q. Mr. Singleton, make sure you speak up
17 so they can hear you.

18 A. Yes, ma'am.

19 Q. I know you get nervous talking in front
20 of people, but just do your best, okay? Tell the
21 jury a little bit about where are you from?

22 A. I from down in Charleston, South
23 Carolina.

24 Q. Okay. What part of Charleston did you
25 grow up?

1 A. Downtown Charleston.

2 Q. And have you lived in Charleston most
3 of your life?

4 A. All my life.

5 Q. Who are your parents?

6 A. Celstee Mitchell and John Singleton.

7 Q. Is your mom in the courtroom today?

8 A. Yes, ma'am.

9 Q. Is anybody else with her?

10 A. No, ma'am.

11 Q. Who is the lady that's been with her
12 all week?

13 A. My aunt.

14 Q. Are you married?

15 A. No, ma'am.

16 Q. Do you have children?

17 A. Yes, ma'am.

18 Q. How many?

19 A. One.

20 Q. How old is that child?

21 A. Thirty.

22 Q. What type of work would you typically
23 do?

24 A. Basically construction and maintenance.

25 Q. Tell the jury a little bit about how

1 you met Iesha Ferguson?

2 A. I met Iesha Ferguson back in 2000,
3 November.

4 Q. How did you meet her?

5 A. Through her uncle.

6 Q. Who was her uncle?

7 A. His name was William Ferguson.

8 Q. What type of relationship did you have
9 with her in 2000?

10 A. We were kind of friends at first.

11 Q. Were y'all romantically involved?

12 A. No.

13 Q. Was it a friendship?

14 A. Just a friendship.

15 Q. Did that friendship continue throughout
16 the years?

17 A. Off and on. I come up that side to see
18 her.

19 Q. When did you start dating Iesha?

20 A. Back in 2010, September 21st.

21 Q. And how do you remember that date so
22 well?

23 A. Because I came here from being
24 incarcerated in the penitentiary on August 29th.
25 And I was released from jail September 21st.

1 Q. And how did you go right into dating
2 her?

3 A. Well, before I came out here we used to
4 write off and on when I was incarcerated.

5 Q. And tell us a little bit about Iesha?

6 A. She got a good heart. She open her
7 house to friends, family, whoever need somewhere to
8 sleep she help them.

9 Q. When you and Iesha started dating in
10 2010 did she have children?

11 A. Yes.

12 Q. And who were those children?

13 A. Complainant , Brother and
14 Keoshia Ferguson.

15 Q. Okay. And when did you first meet the
16 kids?

17 A. About three days after I came out of
18 the county jail.

19 Q. Do you remember where that was?

20 A. On Ferrara Drive.

21 Q. Who lived on Ferrara Drive?

22 A. Tanisha Ferguson.

23 Q. And do you know who is the biological
24 father of Iesha's two children, Complainant and Brother
25 is?

1 A. Sean Fuller.

2 Q. And did you and Iesha date at all when
3 Mr. Fuller was alive?

4 A. No.

5 Q. Tell us a little bit about your
6 relationship with Iesha's kids.

7 A. At first, you know, being kids, you
8 know, even hard for them because their own father
9 has passed, but as time come on we start close like
10 a father and son and daughter relationship.

11 Q. What did Brother call you?

12 A. Dad.

13 Q. What did Complainant call you?

14 A. Daddy.

15 Q. You said that you first met the
16 children on Ferrara?

17 A. Yes.

18 Q. And what part of the year was that?

19 A. That was October 2010.

20 Q. What was the context? What were y'all
21 doing?

22 A. Well, when I first came there were a
23 bunch of people there in the yard and in the house.
24 She was sitting on the porch.

25 Q. Did you go inside the house?

1 A. I never went to the house. I was
2 sitting on the porch.

3 Q. After that date had you been back to
4 the Ferrara house?

5 A. Yes, ma'am.

6 Q. And did you go inside then?

7 A. Yes, ma'am.

8 Q. How many bedrooms are in that house?

9 A. Three bedrooms, a bathroom, a dining
10 room, a kitchen and a living room.

11 Q. And do you know how many times you went
12 to the Ferrara house?

13 A. More than I can count on two hands.

14 Q. More than you can count on two hands?

15 A. Yeah.

16 Q. Do you know who lived on Ferrara?

17 A. Yes. It was Tanisha Ferguson, Cierra
18 Ferguson and Jamal Ferguson, her two kids and David
19 Wigfall, their grandfather.

20 Q. Was Tanisha's house similar to Iesha's
21 as far as the level of company that would come
22 over?

23 A. At that time.

24 Q. Tell us a little bit about the house on
25 Madden Drive. How was that house? What was the

1 make up of that house?

2 A. It was three bedrooms, bathroom, dining
3 room, kitchen, living room.

4 Q. And whose house was that?

5 A. Iesha.

6 Q. Did you ever stay there?

7 A. Yes.

8 Q. When did you start staying there?

9 A. April 1st, 2011.

10 Q. And when you first started going over
11 had you been to the house before April 2011?

12 A. A couple of times.

13 Q. Do you remember who was living in the
14 house before you moved in?

15 A. Yes. The uncle Myron, Mary Ferguson,
16 Lee George and the kids and Iesha.

17 Q. When you moved in were those same
18 people living there?

19 A. Yes.

20 Q. Was there anybody else living there?

21 A. No.

22 Q. And on average were people -- we heard
23 testimony about people coming over there a lot?

24 A. Yeah.

25 Q. Would you agree that people were over

1 there a lot?

2 A. Yes.

3 Q. Where would people sleep when they were
4 coming over and they were --

5 A. Well, we had people over, they might
6 stay over and sleep. Some people shared a chair
7 and some might sleep in the front room on the
8 living room couch or the floor.

9 Q. Where did you sleep?

10 A. In the bedroom with Iesha.

11 Q. Where did the two kids sleep?

12 A. In the other room.

13 Q. Where did Mary Jane Ferguson and her
14 husband sleep?

15 A. They were the third room, that first
16 room, Lee George and Mary Ferguson.

17 Q. Were you ever required to babysit the
18 kids?

19 A. No, not too much.

20 Q. Make sure you speak up.

21 A. No, not regularly.

22 Q. You said not regularly. Would you ever
23 babysit them?

24 A. If she asked yes, but I don't ask.

25 Q. Did you ever spend time with them .

1 one-on-one?

2 A. No, because always a bunch of people
3 around.

4 Q. Did Iesha work?

5 A. No.

6 Q. Do you know why not?

7 A. She have health issues.

8 Q. Would she leave the house?

9 A. Only to go to the doctor or the store.

10 Q. You said that she had health problems.

11 What about the kids?

12 A. Complainant and Brother have health
13 problems.

14 Q. Who would take them to the doctor?

15 A. Iesha, me and Iesha. Sometimes I would
16 ride with her.

17 Q. When Iesha would go to the doctor did
18 she go alone?

19 A. Sometimes someone would go with her.
20 Sometimes she would go herself if nobody would go
21 with her.

22 Q. Did the kids ever go with her?

23 A. Only if they ain't in school.

24 Q. How would you describe your

25 relationship with Complainant?

1 A. We had a father and daughter
2 relationship.

3 Q. Okay. What do you mean by that?

4 A. I tried to be there for her and she
5 talked to me when she was feeling bad or her mom
6 did something like that.

7 Q. Did you discipline her?

8 A. No.

9 Q. Who did the disciplining?

10 A. Her mom.

11 Q. How was **Complainant** disciplined?

12 A. When she get out of hand her mom would
13 argue with her and tell her this and that, but
14 otherwise no hitting or none of that.

15 Q. What would you do when there would be
16 discipline?

17 A. Well, when she be yelling at her I got
18 mad because I don't like to see that. She easy
19 gets her feelings hurt.

20 Q. Who gets her feelings hurt?

21 A. **Complainant**

22 Q. You said that you didn't like the
23 yelling?

24 A. No.

25 Q. Why?

1 A. I never liked that. My mom yelled at
2 me. I didn't like that.

3 Q. Did you ever take Complainant's side?

4 A. At times.

5 Q. How would that go over?

6 A. Iesha always say you just always taking
7 that child side. I said yeah, that's my job.

8 Q. What type of stuff did Complainant get in
9 trouble for?

10 A. Little stuff like her mom tell her to
11 do something she might not like and I think her mom
12 indicated she would stomp in her room, stuff like
13 that.

14 Q. I'm going to ask you some questions now
15 about the allegations that have been made against
16 you, okay? Have you ever touched Complainant for any
17 reason in a sexual way?

18 A. No, ma'am.

19 Q. Have you ever touched her for sexual
20 reasons?

21 A. No, ma'am.

22 Q. Have you ever had any sexual contact
23 with her?

24 A. No, ma'am.

25 Q. I'm going to ask you about some of the

1 specific allegations that we have heard in court.
2 There was an allegation that you had put your hand
3 down her shirt in Iesha's bedroom?

4 A. No, ma'am.

5 Q. Did that happen?

6 A. No, ma'am.

7 Q. There was also an allegation made that
8 you had been touching her since she was eight years
9 old. Is that -- have you been touching her since
10 she was eight years old?

11 A. No, ma'am.

12 Q. Did you touch her inappropriately that
13 first time that you were at Ferrara and met the
14 children?

15 A. No, ma'am.

16 Q. Did you take her into the bedroom in
17 that house and tell her to lay down?

18 A. No, ma'am.

19 Q. Did you get on top of her?

20 A. No, ma'am.

21 Q. Did you try to get on top of her?

22 A. No, ma'am.

23 Q. Did you ever take her into a bedroom
24 where Mr. Wigfall was sleeping?

25 A. No, ma'am.

1 Q. Did Mr. Wigfall ever see you in a
2 bedroom with Complainant?

3 A. No, ma'am.

4 Q. You heard testimony earlier this week
5 that there had been a complaint made against you by
6 Complainant at the Ferrara Drive house. Do you
7 remember that?

8 A. No, ma'am.

9 Q. Were you ever confronted with an
10 allegation that you had touched her on Ferrara?

11 A. Yes, ma'am.

12 Q. Tell us about that.

13 A. Well, I don't know exactly what the
14 date was, but it was a Sunday morning. And I was
15 in the front room. We was sleeping but I get up
16 kind of early. That's the first time I ever sleep
17 in the house. So I get up and sit on the couch.
18 Iesha was laying down. I move her back like laying
19 back. And at that time Complainant was sleeping. And
20 the cover went down and I put the cover back over
21 her and lay back down. And about 30 minutes I
22 start getting up and that's when Complainant made that
23 statement, made the comment.

24 Q. Were you touching her inappropriately?

25 A. No, ma'am.

1 Q. What did you do after the complaint was
2 made?

3 A. Well, you know, Complainant was talking to
4 her momma and a family member and Iesha say John,
5 please leave. So I left.

6 Q. How long after that did you talk to
7 Iesha again?

8 A. I'd say about three to four days.

9 Q. Did anybody ever bring it up again?

10 A. No, ma'am.

11 Q. When you put the cover over her were
12 you trying to touch her in a sexual way?

13 A. No, ma'am.

14 Q. There was also an allegation made
15 against you that you called Complainant into a bedroom
16 saying you needed help to delete videos off of your
17 phone. Did that happen?

18 A. No, ma'am.

19 Q. Did you ever ask for her help with your
20 phone?

21 A. No, ma'am.

22 Q. Did you call her into a room in order
23 to touch her?

24 A. No, ma'am.

25 Q. Did you touch her butt in any way?

1 MS. ELLIOTT: Objection, leading.

2 THE COURT: Overruled.

3 BY MS. EHRLICH:

4 Q. Did you touch her butt in any way?

5 A. No, ma'am.

6 Q. Did you pull her on to your lap?

7 A. No, ma'am.

8 Q. Was there a day that Sasha was helping
9 you with your taxes?

10 A. Yes, ma'am.

11 Q. Did anything inappropriate occur
12 between you and Complainant that day?

13 A. No, ma'am.

14 Q. Do you remember anything about Complainant
15 running into her room and balling up?

16 A. No, ma'am.

17 Q. I'm going to talk to you now about the
18 allegation that you did something to Complainant in the
19 kitchen. Was there ever a time when Complainant
20 Keoshia and Sasha were hanging out?

21 A. I can't remember.

22 Q. Did they frequently hang out?

23 A. Mostly all the time.

24 Q. Was there a time where you ever told
25 Complainant to take off her pants in the kitchen?

1 A. No, ma'am.

2 Q. Did you tell her to take off her
3 underwear?

4 A. No, ma'am.

5 Q. Did you get on your knees in front of
6 her and put your mouth on her private area?

7 A. No, ma'am.

8 Q. Do you know why she says that you did
9 that?

10 A. No, ma'am.

11 Q. Do you know why Keoshia said that?

12 A. No, ma'am.

13 Q. And do you know why Sasha says that she
14 saw or heard something?

15 A. No, ma'am.

16 Q. In March of 2015 how did you become
17 aware of the allegations and, John, you can only
18 testify about what you said or saw, but not what
19 other people were saying, okay?

20 A. Well, on that day I came home from work
21 around 1:00. Me --

22 Q. Where did you work?

23 A. At Northern Magnolia.

24 Q. What happened when you came home?

25 A. When I came I went toward the kitchen

1 and the dining room and at that time it was
2 Tanisha, Iesha, Amanda, Keoshia, Meka, Sean their
3 cousin.

4 Q. When you say Sean do you mean Brother ?

5 A. No, a cousin.

6 Q. All right. And what happened when you
7 went toward the kitchen?

8 A. I went toward the kitchen. My food I
9 bring from work I brought to the kitchen. And I
10 had a pack of cigarettes. I took one beer and a
11 pack of cigarettes. I went in the room, cracked
12 open the beer, get my clothes to take a shower and
13 go in the bathroom.

14 Q. What happened while you were in the
15 shower?

16 A. Well, as I be in the shower I was in
17 the shower for three to four minutes I heard a
18 noise and hollering. And so I stop the shower, dry
19 off and open the door to go out the door. As I
20 open up the door the first face I saw was Complainant
21 She was inside the living room. I went towards
22 them. So Iesha was arguing with her. I didn't
23 really know what about at first. She told her take
24 off them nails I bought you and then everything
25 quiet down and she went in her room.

1 Iesha went in her room and everybody
2 seemed like they was going back and forth. And at
3 that time I went in the room, put my towel and
4 stuff up, went in the kitchen and get me another
5 beer. So I get another beer. As I come out the
6 kitchen Complainant stomping say I don't love you no
7 more, I want to leave. And Iesha asked Complainant
8 what you say? But she didn't answer. Complainant just
9 keep going. So as she walking past me she keep
10 going until the dining room. That's when Complainant
11 said you won't yell at John and your man when he be
12 touching me. Then that's when I said what you say?
13 But Amanda heard it.

14 Q. What did you do?

15 A. I stopped and said Complainant, what you
16 say? She was saying it. I said you need to stop
17 that lying. And everybody started crying and I
18 think me and Amanda exchanged some words. I walk
19 off and go in the room.

20 Q. Before Complainant said that how would you
21 describe her mood?

22 A. At that time she was mad.

23 Q. Why do you say that?

24 A. Because her mom argued with her and
25 take the thing that she liked.

1 Q. What was taken?

2 A. Her phone.

3 Q. You testified earlier that sometimes
4 you would kind of intervene during discipline. Why
5 didn't you intervene this time?

6 A. At that time me and Iesha had a little
7 argument.

8 Q. And so what about that made you not
9 want to intervene?

10 A. Because she would start with her and me
11 and her would start up in the long term.

12 Q. When you heard Complainant make an
13 allegation against you how did you feel?

14 A. I was mad because I wonder why she
15 saying it.

16 Q. What did you -- did the police
17 ultimately come to the house?

18 A. Yes, ma'am.

19 Q. Where were you when the police came?

20 A. In the bedroom sitting on the bed.

21 Q. Why did you stay at the house?

22 A. Waiting for the police to come.

23 Q. Why would you wait for them?

24 A. Because I know I ain't done anything.

25 Q. Did you eventually reach an agreement

1 to leave the house?

2 A. Well, they took me outside. I was
3 talking to the officers. One officer been inside
4 and he was talking to me and I was talking to him
5 and he said come step by my car. I went by the car
6 and we started talking and he went back to talk to
7 another officer and he came back and tell me to get
8 in the back seat.

9 Q. Where did you go? Did you go to jail?

10 A. No.

11 Q. That night where did you go?

12 A. I went to my cousin's house. I didn't
13 go to my mom's house because it two or 3:00 in the
14 morning. I don't want to wake her up out of sleep.

15 Q. Between the time that the police came
16 to the house and that you were arrested do you know
17 how much time passed?

18 A. No, not really.

19 Q. Did you leave the state or anything?

20 A. No.

21 Q. Where were you when you got arrested?

22 A. Going to my mom's house.

23 Q. You have heard testimony today about
24 dates that you were incarcerated?

25 A. Um-hmm.

1 Q. Are did those dates seem accurate to
2 you?

3 A. Yes, ma'am.

4 Q. Do you contest them in any way?

5 A. Say that again.

6 Q. Do you dispute them in any way?

7 A. No.

8 MS. EHRLICH: Court's indulgence.

9 THE COURT: Yes, ma'am.

10 (Off-the-record conference.)

11 BY MS. EHRLICH:

12 Q. John, have you ever dealt with
13 allegations like this before?

14 A. No, ma'am.

15 Q. Going back to March of 2015 after the
16 police came and after you left the house, when was
17 the next time that you saw Complainant?

18 A. A week later, Sunday.

19 Q. Okay. What happened?

20 A. I was down the street to a friend's
21 house on Madden and they was down the street.

22 Q. Who is they?

23 A. Complainant and Tanisha, somebody else,
24 couple other people I didn't know. I know the two.
25 I was waving and as I was waving Brother ride

1 his bicycle towards and Complainant come walking up
2 coming toward me.

3 Q. Did you speak to her?

4 A. Yes, ma'am.

5 Q. Was it a friendly conversation or not?

6 A. Yes, ma'am.

7 Q. Which one?

8 A. Friendly.

9 Q. Did you see her again after that?

10 A. Yes, ma'am.

11 Q. How often?

12 A. Every other day or three days.

13 Q. Where?

14 A. On Madden Drive.

15 Q. Did you go to Madden Drive?

16 A. Yes, ma'am.

17 Q. Did you have contact with Complainant?

18 A. Yes, ma'am.

19 Q. Were those friendly?

20 A. Friendly conversations.

21 Q. After you had been arrested and charged
22 and is it accurate that you were arrested sometime
23 in May?

24 A. May 1st.

25 Q. Have you had continued contact with

1 anybody from the Ferguson family?

2 A. Yes, ma'am.

3 Q. Who?

4 A. I talk to Iesha, Complainant, Brother
5 Keoshia, Sasha.

6 Q. How?

7 A. On the phone.

8 Q. That leads us, Mr. Singleton, John, to
9 the phone call that we heard yesterday. There was
10 a tiny bit of it?

11 A. Yes, ma'am.

12 Q. What's that about?

13 A. Well, yesterday Ms. Elliott said that
14 sound like guilt. That didn't sound like guilt.
15 That sound like anger and hurt.

16 Q. I'm not asking you what Ms. Elliott
17 said. I am asking you why were you on the phone
18 telling Iesha not to come to court?

19 A. When I called her she was telling me
20 about the solicitor's office so we talked. So I am
21 frustrated.

22 Q. Why were you frustrated?

23 A. Because the people who said that and
24 call me their family don't come here and say the
25 things they said. That's not true. So I feel if

1 you are not going to speak to truth don't come here
2 at all.

3 Q. Why?

4 A. Don't come in a courtroom and tell a
5 lie. Instead of coming down and telling lies just
6 stay at home.

7 Q. Were you trying to threaten them not to
8 come to court?

9 A. No, ma'am.

10 Q. Why didn't you want them to come to
11 court?

12 A. Why?

13 Q. Yes.

14 A. Because I am scared. I was scared for
15 them.

16 Q. Did you want them to come to court and
17 lie?

18 A. No, I want them to come in and tell the
19 truth.

20 Q. If they weren't going to come and tell
21 the truth what did you want?

22 A. Don't come.

23 Q. Did you ever put your mouth at all on
24 the private area of Complainant?

25 A. No, ma'am.

1 Q. Did you grab her butt in a sexual way
2 ever?

3 A. No, ma'am.

4 Q. Her chest?

5 A. No, ma'am.

6 Q. Did you ever touch her in a sexual way
7 or an inappropriate way?

8 A. No, ma'am.

9 Q. Have you ever tried to molest her in
10 any way?

11 A. No, ma'am.

12 Q. Do you know why they are saying these
13 things about you?

14 A. I don't have no idea.

15 Q. How does it make you feel to hear them
16 say those things?

17 A. I hurt.

18 Q. How do you feel about Iesha now?

19 A. Still the same. I feel about her the
20 same.

21 Q. What is that?

22 A. Love.

23 Q. What about Complainant?

24 A. Same way.

25 Q. How do you feel about her?

1 A. I love her too just the same.

2 Q. Do you know why Sasha would come in
3 here and try to back up Complainant?

4 A. I have no idea.

5 Q. What about Keoshia?

6 A. No idea.

7 Q. And do you have any idea why Complainant
8 would make these allegations?

9 A. No, ma'am.

10 Q. How do you feel about this?

11 A. I'm hurt.

12 Q. Did you do these things?

13 A. No, ma'am.

14 MS. EHRLICH: Court's indulgence.

15 THE COURT: Yes, ma'am.

16 MS. EHRLICH: John, please answer any
17 questions the State might have for you.

18 THE COURT: State may cross-examine.

19 CROSS-EXAMINATION

20 BY MS. ELLIOTT:

21 Q. Mr. Singleton, you said that the first
22 time that you met Complainant was at the Ferrara house?

23 A. Yes, ma'am.

24 Q. And that there was a party going on?

25 A. Not at that time.

1 Q. It wasn't a gathering?

2 A. It was a bunch of people. Wasn't no
3 party.

4 Q. Bunch of people like what we have heard
5 described by multiple people people coming over to
6 eat and hang out?

7 A. Yeah.

8 Q. You don't consider that a party?

9 A. No.

10 Q. So it's one of those family
11 get-togethers?

12 A. Bunch of people.

13 Q. And you had been invited over to the
14 Ferrara home subsequent times to that?

15 A. Yes, ma'am.

16 Q. You spent the night there?

17 A. Couple times.

18 Q. And Complainant would spend the night
19 there?

20 A. Yes.

21 Q. And you will agree that people kind of
22 slept where they fell?

23 A. Yes, ma'am.

24 Q. Because there weren't enough bedrooms
25 for everyone?

1 A. No, ma'am.

2 Q. There weren't enough beds for everyone?

3 A. No, ma'am.

4 Q. There would be drinking going on in
5 this party?

6 A. Yes, ma'am.

7 Q. Plenty of drinking?

8 A. Yes, ma'am.

9 Q. You would drink at these parties?

10 A. Yes, ma'am.

11 Q. Iesha would drink at these parties?

12 A. Yes, ma'am.

13 Q. When Mary Jane would be there she would
14 be drinking?

15 A. Yes, ma'am.

16 Q. At these parties. When did you say you
17 moved into the Madden Drive?

18 A. April 1st, 2011.

19 Q. And **Complainant** would have been eight years
20 old at that time?

21 A. Yes, ma'am.

22 Q. How old -- do you know how old **Brother**
23 would have been?

24 A. **Brother** would have been two.

25 Q. And Iesha keeps a pretty open house?

- 1 A. Yes, ma'am.
- 2 Q. People move in and out?
- 3 A. Yes, ma'am.
- 4 Q. And you developed a close relationship
5 with Iesha's children?
- 6 A. Yes, ma'am.
- 7 Q. You considered them your children?
- 8 A. Yes, ma'am.
- 9 Q. You have a nickname for Brother ?
- 10 A. Brother .
- 11 Q. You had a pet name for Complainant?
- 12 A. Huh?
- 13 Q. You had a pet name for Complainant?
- 14 A. Yes, ma'am.
- 15 Q. Baby girl?
- 16 A. Yes, ma'am.
- 17 Q. You would buy them presents?
- 18 A. Yes.
- 19 Q. Give them gifts?
- 20 A. Yes, ma'am.
- 21 Q. Money?
- 22 A. Yes, ma'am.
- 23 Q. And that wasn't just on birthdays?
- 24 A. No.
- 25 Q. And I know you said that you worked

1 mostly in construction, but for a lot of time your
2 work was temporary work?

3 A. At that time.

4 Q. You worked for the labor force?

5 A. Yes, ma'am.

6 Q. And so work would come and go?

7 A. At times, yeah.

8 Q. And paychecks kind of came and went as
9 well, right?

10 A. Not during that time.

11 Q. You had steady work with labor force?

12 A. Yeah.

13 Q. What kind of things would you do with
14 the kids?

15 A. We laugh, joke, play around, things
16 like that.

17 Q. You would take them places?

18 A. Not frequently, but sometimes we go
19 somewhere. Brother might walk around his
20 grandmother's house. I would be around there with
21 him.

22 Q. Did you ever take Complainant anywhere?

23 A. No.

24 Q. So you were never alone with Complainant?

25 A. No, not alone. If we go somewhere we

1 be like a family.

2 Q. But you just said you would be alone
3 with Brother sometimes?

4 A. Yes.

5 Q. Was there a reason you couldn't ever be
6 alone with Complainant?

7 A. No.

8 Q. So this is your baby girl but you never
9 spent one-on-one time with her?

10 A. No.

11 Q. And you remember the time that Complainant
12 accused you of touching her?

13 A. Yes.

14 Q. You just think that was at the Madden
15 house?

16 A. Excuse me?

17 Q. You think that happened at the Madden
18 house instead of the Ferrara house?

19 A. She said at Madden. She said it
20 happened at Ferrara first time.

21 Q. I am a little confused what you are
22 saying. You remember being accused of touching
23 Complainant at the Madden house?

24 A. No.

25 Q. That's how you remember it?

1 A. I remember that when she said I touch
2 her at the Ferrara house.

3 Q. You heard her testify to that?

4 A. Yeah.

5 Q. But when Ms. Ehrlich was asking you
6 about the time that Iesha questioned you because
7 Complainant had said you were touching her you said
8 that happened at the Madden house?

9 A. No, I said at the Ferrara.

10 Q. That did happen at the Ferrara house?

11 A. I said Ferrara. I did not say the
12 Madden.

13 Q. Only. And you left the situation?

14 A. Yes, ma'am.

15 Q. But you came back?

16 A. Yes, ma'am.

17 Q. You came back to live in the Madden
18 house after that?

19 A. No, not after that. We still been at
20 Ferrara.

21 Q. But at some point in time you moved
22 into Madden after Complainant had said you touched her?

23 A. Yes.

24 Q. The time that Sasha was helping you
25 with your taxes, do you remember Sasha questioning

1 you about why Complainant was so upset?

2 A. No, ma'am.

3 Q. And you said you don't like seeing
4 Complainant get her feelings hurt?

5 A. No.

6 Q. You don't like her being hurt?

7 A. No.

8 Q. You would take her side?

9 A. Yeah.

10 Q. Stand up for her?

11 A. Yes.

12 Q. And Iesha said you're always taking the
13 childrens' side?

14 A. Yeah. That's my job.

15 Q. And you love them?

16 A. Yeah.

17 Q. And you'd love to go home to them?

18 A. Yep.

19 Q. You shared a room with Iesha?

20 A. Yes, ma'am.

21 Q. Did she keep her soap and lotion in
22 kind of a bedside table in that room?

23 A. Sometimes and sometimes on top of the
24 dresser.

25 Q. But in her room, that's where she kept

1 it?

2 A. Yes.

3 Q. So if Iesha had sent Complainant to get her
4 soap and stuff she would have to come into that
5 room?

6 A. Yes.

7 Q. Let's talk about the night that the
8 police were called. You said you got home from
9 work?

10 A. Yes.

11 Q. And you got into the shower?

12 A. Yep.

13 Q. And while you were in the shower you
14 start hearing a commotion?

15 A. Yes, ma'am.

16 Q. Presumably the commotion is about why
17 are you on the phone so late?

18 A. Yeah.

19 Q. And when you came out you saw Iesha go
20 to her room and Complainant go in her room?

21 A. No, I said when I came out the shower I
22 saw Complainant's face first because she was looking
23 toward the bathroom as I coming out. And Iesha's
24 back was turned.

25 Q. Okay. And then Complainant went into her

1 bedroom?

2 A. No. After that when I came they still
3 arguing. Iesha told Complainant to take off her nails
4 that she bought her and then after that after the
5 arguing and everything going down, then Complainant
6 went in her room, Iesha went in her room.

7 Q. Which -- I am getting this from how you
8 explained the layout of the house. Complainant's room
9 is right across from the bathroom?

10 A. No. Mary Ferguson's room is across
11 from the bathroom.

12 Q. I thought she was in the front room.

13 A. That's the front. The first room when
14 you come to the living room to the little hallway,
15 this was Ms. Mary's room, this is the bathroom,
16 Iesha's room.

17 Q. So you were coming out of the bathroom
18 and Complainant is headed out of her room?

19 A. No, I said coming out the bathroom and
20 living room arguing with, Iesha arguing with,
21 fussing with Complainant Complainant -- Iesha back here,
22 Complainant she looking towards -- as I come out she
23 looking toward the bathroom looking at my face.

24 Q. Looking at you, okay. So they argue
25 for a little bit?

1 A. Yeah.

2 Q. And then they each go to their room?

3 A. Yeah.

4 Q. While they were arguing what were you
5 doing?

6 A. I was standing in the front of the
7 living room door.

8 Q. In front of the living room door?

9 A. Yes, looking like at the situation like
10 everybody else.

11 Q. And Complainant went to her room, Iesha
12 went to her room, things calmed down?

13 A. Yeah.

14 Q. So you went and got another beer?

15 A. I went in the room, put my clothes back
16 on, get another beer. As I coming out the kitchen
17 from getting my beer Complainant comes stomping out the
18 room saying that I don't want to live here no more,
19 I want to move.

20 Q. And that's when she accused you of
21 touching her?

22 A. As she walked past me and Iesha told
23 her what you say? She walked and as she get inside
24 the kitchen, I mean the dining room she said you
25 don't argue at your man and he be touching up on

1 me. That's what she said.

2 Q. She said you don't be arguing up on
3 your man and he be touching me?

4 A. Yes. Yes, she asked ^{Complainant} what you
5 say. Only person that hear her was me and Amanda.

6 Q. And because of that disclosure you and
7 Amanda had words?

8 A. Yeah, little words. I can't remember
9 what we said, but we had some words.

10 Q. You had words. And Amanda got kind of
11 heated?

12 A. Yes.

13 Q. And in fact Amanda wouldn't let you
14 leave the house?

15 A. Yeah.

16 Q. She kept you there?

17 A. No, she didn't kept me there.

18 Q. You just agreed that --

19 A. She arguing because when she said --
20 she was arguing but she was saying he ain't going
21 nowhere. But she didn't keep me. I keep myself
22 there.

23 Q. Okay.

24 MS. ELLIOTT: Court's indulgence, Your
25 Honor.

1 (Off-the-record conference.)

2 BY MS. ELLIOTT:

3 Q. Now, you said that you love your
4 family?

5 A. Yep.

6 Q. You'd like to go to your home?

7 A. Yes.

8 Q. You've been talking to them on the
9 phone?

10 A. Yes, ma'am.

11 Q. In violation of the DSS safety order?

12 A. Yes, ma'am.

13 Q. And after the police had come to your
14 house before you were arrested you went back to
15 Madden Drive in violation of the DSS order?

16 A. A week later.

17 Q. So a week later?

18 A. Yes.

19 Q. Did you start living there again?

20 A. No.

21 Q. You just visited, you went back
22 multiple times?

23 A. Yeah. When they needed something.

24 Q. So you were still providing things for
25 them?

1 A. Yes.

2 Q. Gifts and money for the kids?

3 A. No gifts, just things like at that time
4 Easter was coming so I get Easter clothes and stuff
5 like that.

6 Q. So special treats for Easter?

7 A. Yes.

8 Q. And you have talked to Iesha on the
9 phone?

10 A. Yes, ma'am.

11 Q. Multiple times?

12 A. Yes.

13 Q. And you asked about how your baby girl
14 is?

15 A. Yes.

16 Q. And you tell Iesha that you love her?

17 A. Yep.

18 Q. Asked her about waiting for you?

19 A. Yeah.

20 Q. Tell her that you want to come home?

21 A. Yes, ma'am.

22 Q. Talking to ^{Complainant} on the phone?

23 A. Yes, ma'am.

24 Q. Saying how much you care about her?

25 A. Yes, ma'am.

1 Q. Tell her how much you care about her?

2 A. Yes, ma'am.

3 Q. You don't have -- you had a really good
4 relationship with Complainant?

5 A. Yes, ma'am.

6 Q. That's your baby girl?

7 A. Yes, ma'am.

8 Q. That you are saying made up a horrible
9 lie about you?

10 A. Yes, ma'am.

11 Q. You don't know why?

12 A. Yes, ma'am.

13 Q. On that jail call that we heard?

14 A. Yes, ma'am.

15 Q. You admit that you didn't want them to
16 come to court?

17 A. Yes, I said that.

18 Q. And on that call you say that we don't
19 have a case if Complainant and Keoshia don't come to
20 court?

21 A. Yes, ma'am.

22 Q. Because Keoshia is the witness?

23 A. Yes, ma'am.

24 Q. And Complainant is the victim?

25 A. Yes, ma'am.

1 Q. And nowhere on this call do you call
2 Complainant a liar?

3 A. Yes, ma'am.

4 MS. ELLIOTT: Nothing further, Your
5 Honor.

6 THE COURT: Defense may redirect the
7 witness.

8 MS. EHRLICH: No further questions,
9 Your Honor.

10 THE COURT: Sir, you may step down.
11 Thank you very much. Defense may call its next
12 witness.

13 MS. EHRLICH: Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (Off-the-record conference.)

16 MS. EHRLICH: Your Honor, the defense
17 rests.

18 THE COURT: State wish to call any
19 witnesses in reply?

20 MS. ELLIOTT: No, Your Honor.

21 THE COURT: Ladies and gentlemen of the
22 jury, that completes the presentation of evidence
23 in the case. There's some housekeeping matters I
24 have to go over with the attorneys at this point in
25 time. I will do that outside your hearing. We are

1 about an hour and-a-half into the hearing this
2 morning so I normally take a break about now
3 anyway.

4 So I'm going to ask you to go back to
5 the jury room. As always my instructions remain
6 the same not to discuss anything about the case
7 until I ask you to begin your deliberations. So
8 you may retire to the jury room at this time.

9 (Thereupon, the jury exited the
10 courtroom at 10:22 a.m.)

11 THE COURT: I will entertain motions.

12 MS. EHRLICH: We would renew our motion
13 for directed verdict. I don't have any further
14 argument.

15 THE COURT: The Court would make the
16 same ruling and allow the case to go forward to the
17 jury. Defense has presented evidence in the case?

18 MS. EHRLICH: Yes, sir.

19 THE COURT: State will go first
20 followed by the defense and the State. State agree
21 on that?

22 MS. ELLIOTT: Yes, Your Honor.

23 THE COURT: We will take a short recess
24 while we get ready for closing arguments. Now, are
25 there any specific requests for charge from the

1 State?

2 MS. ELLIOTT: No, Your Honor, not that
3 I can think of.

4 THE COURT: From the defense?

5 MS. EHRLICH: Does Your Honor include
6 in your general instruction regarding witness
7 credibility information about bias? I believe you
8 do.

9 THE COURT: I do, there is something in
10 there.

11 MS. EHRLICH: Yes, sir. That would be
12 the only specific.

13 THE COURT: All right. We will take
14 about a ten-minute break and then we will get
15 started with closing arguments.

16 (A recess transpired.)

17 THE COURT: Is the State ready to
18 proceed?

19 MS. ELLIOTT: We are, Your Honor.

20 THE COURT: Defense ready?

21 MS. EHRLICH: Yes, Your Honor.

22 THE COURT: Okay. Let's bring the jury
23 in.

24 (Whereupon the jury entered the
25 courtroom at 10:41 a.m.)

1 THE COURT: The record will reflect the
2 jury has returned to the courtroom. We have
3 completed the presentation of evidence in the case
4 and at this time as I told you at the beginning of
5 the trial the lawyers will be allowed to address
6 you directly for the second occasion in summation
7 of their closing arguments. The State can proceed
8 with its closing argument first.

9 MS. ELLIOTT: Thank you, Your Honor.

10 THE COURT: Yes, ma'am.

11 MS. ELLIOTT: John Singleton can't call
12 Complainant a liar. She's not one. John
13 Singleton could have come into Complainant 's
14 life and filled a void. Filled it with love and
15 compassion. This child tragically lost her father
16 to a murder. That's not what he gave. What did
17 John Singleton fill that avoid with? Those dark
18 places. With fondling and sexual abuse. The first
19 night that he had access to her he touches her.
20 She asked him what are you doing? And he gives her
21 a smile that no father should ever give to her
22 daughter.

23 And it didn't stop that night. The
24 touching went on for four long years from the age
25 of eight to 12. Touching her rear end, her

1 breasts. She told you about the specifics of a few
2 times, but also told you it happened more often
3 than that. Those were just the specifics that she
4 could remember.

5 And finally one night Complainant had had
6 enough. On the night of March 8th, 2015 she's in
7 her room and the Defendant once again and comes in
8 and touches her. She is going to let it go like so
9 many times before. But then she's in trouble for
10 being on her phone? After he's been assaulting her
11 for four years? Yes, she is mad, yes, she angry.
12 She's done. She tells her mother what he has been
13 doing to her. It opened the door for her to have
14 the strength to stand up for herself.

15 Remember what Complainant said about why
16 she said she was angry? It wasn't about the phone.
17 It was about him denying it, standing there denying
18 what he knew when she knew what he had been doing.
19 She starts crying to her mother. Crying to 911.
20 And John Singleton just takes a shower.

21 Why did he do that? Why does he stick
22 around? Because he thought who is going to believe
23 her? Who is going to believe a child over the word
24 of an adult? The tragedy is we teach children we
25 are going to believe the adult every day. Think of

1 it this way. Mom comes home. A vase is a broken.
2 Who is she going to question first? Her husband or
3 the child? When those two people are pointing
4 fingers at each other who does the adult believe?

5 The reason that we do that is because
6 we expect adults to take responsibility when they
7 do something wrong. To bear the consequences of
8 their actions and not blame it on the child.

9 MS. EHRLICH: Objection, Your Honor.
10 May I approach?

11 THE COURT: You may.

12 (Following proceedings were held at the
13 bench.)

14 MS. EHRLICH: That statement is a
15 comment on his right that he has invoked to go to
16 trial and not enter a plea when she says we expect
17 adults to take responsibility and accept the
18 consequences. I ask that be struck.

19 MS. ELLIOTT: Your Honor, I think it's
20 a --

21 THE COURT: He is not required to plead
22 guilty.

23 MS. ELLIOTT: He's not required to
24 plead guilty, but he has stood there and denied his
25 actions.

1 THE COURT: It was not a direct
2 comment, but it's getting pretty close. I am going
3 to ask you to steer away from that.

4 MS. ELLIOTT: Yes, Your Honor.

5 (Following proceedings were held in
6 open court.)

7 MS. ELLIOTT: We teach children that we
8 are going to believe the adults first. This case
9 like so many other criminal sexual conduct with a
10 minor cases comes down to credibility. Do you
11 believe that what Complainant says happened to her
12 happened. And do you believe that what Keoshia
13 says she saw she saw?

14 To convict John Singleton you don't
15 need any further corroboration other than Complainant's
16 word, but in this case we do have it. You are the
17 sole judges of credibility in this case. But
18 judging credibility is something that you do every
19 day throughout your life. Whether you are going to
20 give money to the man asking on the street for five
21 dollars or believe the gossip you heard in the
22 break room between your coworkers. You have
23 gathered a lifetime of experience that makes you an
24 expert at judging someone's credibility. And we
25 expect you to take all of those skills and use them

1 in your deliberations.

2 So what are some of the tools that we
3 use when evaluating someone's credibility? Maybe
4 look at the details what they have told us. Think
5 about all the details that Complainant was able to tell
6 you on that stand. In the first instance she
7 remembers being at her aunt's house for like a
8 party. Iesha confirmed that. She confirmed that
9 John Singleton was there. Mr. Singleton admitted
10 that he was there when he first met her. She was
11 able to describe how he came into the house holding
12 a beer and a paper bag. She even remembered the
13 Dora nightdress she was wearing. And the smile he
14 gave her when she asked him what are you doing?

15 Then there is the details from the
16 incident in the kitchen. The Defendant calls out
17 baby girl and she and Keoshia are confused about
18 which one of them he means. Let's her know he
19 wants Complainant in the kitchen. She comes in there.
20 She remembers the threat if you don't pull down
21 your pants I'm going to tell your mom that you have
22 been talking to boys. He knows that can get her in
23 trouble. And since he is usually standing up for
24 her, mom is probably going to believe him. So she
25 complies. She even went as far as to clarify for

1 you all that it wasn't just him pulling down her
2 pants and panties. She assisted. Why add that
3 detail? If she is making all this up why not blame
4 him for all of it? I just stood there and he did
5 it to me. No, she admitted to her action. She's
6 simply telling you the details of what he did to
7 her.

8 And what did Keoshia say that
9 corroborates what Complainant said? They both put her
10 right in front of the refrigerator, exact same
11 spot. Pointing in the same directions with Complainant
12 looking towards that back door and the Defendant
13 facing towards the refrigerator.

14 Now, I expect that the Defendant is
15 going to attack the time frame of the allegations
16 of the oral sex because there is a specific element
17 in this case in criminal sexual conduct with a
18 minor in the second degree that we have to show
19 that Complainant was at least 11. When I asked Complainant
20 how old she was she hesitated. She said she
21 thought she was ten. Then she talked about
22 elementary school and middle school and got pretty
23 jumbled.

24 The fact of the matter is Complainant isn't
25 sure. That was clear on the stand to you. It's