

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Roger L. Couch, Circuit Court Judge

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JAN 25 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN ANTHONY SINGLETON,

APPELLANT

APPELLATE CASE NO 2017-001447

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 19-21, 2017	1
JURY VOIR DIRE	7
JURY SELECTION	36
OPENING STATEMENT BY MS. HERRING-LASH	68
OPENING STATEMENT BY MS. SEMAN	75
TESTIMONY	
COMPLAINANT	79
JASON ROY	145
ALEXIS WADE	163
KAREN SAMS	175
KEOSHIA FERGUSON	192
SASHA COVINGTON	220
CAMERON PIPPIN	295
KATE AUSTIN	305
JERRY JELLICO	307
KEVAN SHERBINE	332
ERIC JOURDAN	337
COMPLAINANT	338
KEVAN SHERBINE	344
ERIC JOURDAN	348
COMPLAINANT	350

ANN ABLE-HULL	353
CAROLE SWEICICKI.....	371
STATE RESTS	419
MOTION FOR A DIRECTED VERDICT	420
COURT’S RULING	424
TESTIMONY	
VICKI KING	433
MARY JANE FERGUSON.....	438
JOHN SINGLETON	452
DEFENSE RESTS	492
RENEWAL OF MOTION FOR DIRECTED VERDICT	493
COURT’S RULING	493
CLOSING ARGUMENT BY MS. ELLIOTT.....	495
CLOSING ARGUMENT BY MS. EHRLICH.....	516
CLOSING ARGUMENT BY MS. ELLIOTT.....	535
CHARGE ON THE LAW	542
VERDICT	578
SENTENCING	593
INDICTMENTS	597
CERTIFICATE OF COUNSEL	603

1 common in this line of work for children to really
2 struggle with time frames. Their brains just don't
3 work like that. You know, most of us probably
4 experienced something like that in our own lives.
5 I remember a time when I was a little girl. My mom
6 came to pick me up early from school. She never
7 did that. That was a very rare occasion. When I
8 get to the car she said we are going on an
9 adventure. And it ended up being a surprise trip
10 to Carowinds. That memory of Carowinds is
11 literally my best childhood memory. I can tell you
12 the ride that I rode, my first roller coaster. The
13 food that I ate. Even the purple windbreaker I
14 wore the whole weekend. I remember all of those
15 things. But I can't tell you how old I was or what
16 grade I was in. I looked at pictures and that
17 still hasn't triggered anything. But my mom is a
18 date person. She remembers because of her job and
19 what was going on her life exactly when we went on
20 that trip. In cases like this we often rely on
21 adults to set forth the time frame.

22 Keoshia, the other child, she didn't
23 even want to guess. She had no idea. But we have
24 one person in this case who didn't hesitate about
25 time frames. Sasha Covington. You ask her when

1 she moved into the Madden house, she says
2 January 3rd, 2012, to March 18th, 2016. No doubt.
3 No hesitation. She has got a mind for dates. And
4 when we asked her when the kitchen incident
5 happened, she didn't remember an exact date, but
6 she does remember it was within a year of the
7 police report.

8 Well, the police report was March 8th,
9 2015. So that means that the oral sex in the
10 kitchen would have had to have happened between
11 March 7th, 2015 and March 8th of 2014.

12 During this time Complainant would have
13 been between the age of 11 and 12. Also, ladies
14 and gentlemen, the defense even brought in evidence
15 of when the Defendant was incarcerated. That he
16 was either in jail or in the Charleston County
17 Detention Center for six months of when Complainant
18 would have been ten years old. They even narrowed
19 that down. The most likely time the correct time
20 this happened is after she had turned 11.

21 Also remember what Alexis Wade
22 testified to when she talked to Complainant the first
23 person that talked to her about what happened to
24 her, Complainant identified the ages of eight,
25 somewhere between 10 and 11 and 12 when the

1 Defendant was sexually assaulting her. That's a
2 time period of August 5, 2010, through March 8th of
3 2015. The time frame of the indictments.

4 Now, what other details from what
5 Complainant has told us happened in the kitchen and
6 what Sasha told us and Keoshia told us about. They
7 all say that the Defendant, they all saw him walk
8 into his bedroom. They all talked about how after
9 this happened how Complainant begged please don't tell,
10 please don't tell. And Sasha shared about her own
11 abuse experience. An experience that Sasha was
12 willing to share with Complainant because she knew how
13 desperately she needed someone to trust. Sasha
14 told you how much she regrets keeping that secret,
15 but maybe the weight of that secret is why she
16 remembers so clearly that it was within a year of
17 the police report.

18 She knew what she needed, someone to
19 trust, someone that could be relied on. She wanted
20 to be that for Complainant Keoshia wanted to be that
21 for Complainant She told you Complainant is my sister.
22 This was a secret she asked me to keep and I was
23 going to keep it. But the moment it came out she's
24 telling everybody. She confirms it to Iesha. She
25 confirms it to Detective Jellico. She is telling

1 everybody in the middle of the grief of losing her
2 grandfather. She stepped away from the family to
3 talk to Detective Jellico. This was a secret that
4 once it was out she was going to talk about it.

5 What about this other incident when
6 Sasha was helping the Defendant with his taxes.
7 Complainant comes in there to help him with his phone.
8 He starts pulling her on the bed. She pulls away.
9 He keeps pulling until he hears Sasha coming and he
10 pushes her. And that's how Complainant is able to get
11 away. Both Sasha and Keoshia remember seeing her
12 upset. But isn't it convenient that John Singleton
13 doesn't remember that ever happening? The man who
14 hated to see Complainant upset. He did not remember
15 Sasha confronting him about that, why is she coming
16 out of here crying? I don't remember that. All of
17 these details Complainant is able to give Keoshia and
18 Sasha can corroborate.

19 Beyond details what else do we use to
20 evaluate credibility? Ms. Ehrlich asked Dr.
21 Swiecicki if people lie. Dr. Swiecicki agreed yes,
22 people lie sometimes. You already knew that. You
23 all are tasked with looking deeper, not just at
24 what people say, but why they said it. If there
25 are motives behind what they are saying. What

1 motive does Complainant have for saying John
2 Singleton sexually abused her? The defense has
3 been saying it's because of her phone, because she
4 was angry at mom for taking her phone away. Does
5 that make any sense? Is that at all plausible?
6 That she would have stuck to these facts and these
7 details for two years?

8 It has come up again and again through
9 almost every witness what a great relationship John
10 Singleton had with Complainant He got her gifts. He
11 loved her. When there was an argument between her
12 and mother he was there to step up for her because
13 he didn't like her to be upset. Why would she
14 throw him under the bus? She is mad at her mom.
15 Why is she accusing him of doing something wrong?
16 This is a man that was just as likely to come out
17 of that shower and say Iesha, back off her. No.
18 She had no reason to make that accusation that
19 night except it was true.

20 But what motive does John Singleton
21 have for his actions? I don't just mean denying
22 that he's guilty. All of those gifts, all of those
23 times stepping up and standing up for her in
24 fights, Complainant told you he would give her anything
25 she wanted. Parents, good parents don't give their

1 children everything they want. Why was he doing
2 that? Is it just he's a nice guy or because he was
3 doing anything to keep her quiet so she wouldn't
4 tell about the sexual abuse?

5 Let's also talk about how he had such a
6 great relationship with Complainant. He was never
7 alone with her. Never. Never went anywhere alone
8 with her. He did with Brother but never Complainant
9 Does that make any sense when you are a dad who has
10 this great relationship with this child? Why
11 wouldn't you ever be alone with her? That doesn't
12 make sense.

13 Complainant has no reason to lie. In
14 financial terms John Singleton living in their
15 house made her life easier. She wouldn't have
16 given that up unless she had a good reason to.
17 Sexual abuse is a good reason to.

18 The only person with the motive to
19 mislead anyone in this case is John Singleton.
20 Keoshia has no reason to. Sasha has no reason to.
21 Now, I expect that through the process of this
22 trial questions come into your mind. Once trials
23 are done we send out questionnaires. In a case
24 like this we get some pretty common questions. Let
25 me answer some of those for you now.

1 Let's talk about the investigative
2 process. The defense attacked law enforcement a
3 lot and that initial police report, no statement,
4 they didn't write down. But you have got to think
5 about the investigation as a team. It's a process
6 where we want everyone to work together.
7 Responding officers, they get a little bit of
8 information. Enough to get started because they
9 are not trained to talk to kids. It's not their
10 job. We want those responding officers to call DSS
11 and work with DSS. And then DSS works with
12 detectives who have gotten the information from the
13 initial officers and Jerry Jellico goes and does
14 further investigation. And working with all of
15 them is the Low Country Childrens Center who are
16 trained to talk to children about these situations.

17 Because what child wants to talk about
18 some of the worst things that have ever happened in
19 life in a room full of emotional family members?
20 No one. No one.

21 Speaking of that interview, you may be
22 asking where is it? Where is that CAPTA the
23 detective talked about, the video? Well, the
24 simple answer is the law doesn't allow us to show
25 it. As attorneys we have to follow the laws. And

1 because the video wasn't made when Complainant was 11
2 and under we don't get to show it to you. You have
3 to judge Complainant's credibility on what you saw on
4 the stand.

5 People have preconceived notions of
6 what a victim of sexual abuse should look like, how
7 they could act. That's why we called Carole
8 Swiecicki to the stand. Dr. Swiecicki is here to
9 explain there's no one way to react when living
10 with abuse.

11 When I first became a lawyer and worked
12 on these types of case I expected to see a fragile
13 little child huddling in the corner. As Dr.
14 Swiecicki said, that's not the case. Children not
15 unlike adults develop coping skills how they dealt
16 with stress and trauma and every kid responds
17 differently.

18 Dr. Swiecicki talked about flat affect
19 and numbing that some children do at disclosure.
20 Now, Complainant hasn't had an easy life. I
21 can't imagine losing her father the way she did.
22 And you saw the effect that stress has on her on
23 the stand.

24 She became flat. You even heard from
25 mom how what little counseling she had was just one

1 or two sessions. This child hasn't deal with these
2 emotions and that was clear on the stand. You also
3 may be asking yourselves why didn't Complainant tell
4 right away? Why didn't she run to her mother and
5 tell her. Dr. Swiecicki also explained to you that
6 that is incredibly normal. There are lots of
7 reasons why children don't tell. What I took from
8 what she said kind of the overarching reason is
9 fear. Whether that is fear of consequences for
10 themselves, fear of consequences for the Defendant,
11 fear of not being believed. John Singleton may not
12 have been a good daddy, but he was the only daddy
13 she had. We have all heard stories about abused
14 pets that are hurt or neglected and they keep going
15 back to an owner who abuses them. Why? Because
16 it's the only home they know. A huge barrier to
17 disclosing this type of abuse Dr. Swiecicki told
18 you is how close a relationship a Defendant has
19 with a victim. A close relationship that we have
20 had heard about again and again and again in this
21 courtroom. And a relationship that has never been
22 interrupted because Iesha Ferguson has never
23 restricted access to Complainant Not once.

24 He told you how he kept going back to
25 the house. Still getting to talk to her on the

1 phone. Children also fear not being believed. I
2 know I just talked about delayed disclosure, but
3 Complainant did tell right away. Mr. Singleton even
4 alluded to it. On Ferrara she tells her mom he is
5 touching her, makes a complaint. He says it's
6 about touching. He says I was just pulling down
7 her skirt, she was exposing herself. And Iesha
8 kicked him out for a little while, then she
9 welcomes him back in. Once again she is taking
10 John Singleton's side over her child. That's the
11 day Complainant learned that she wasn't going to be
12 believed. No point in telling.

13 The biggest barrier to Complainant
14 disclosing always has been and always will be Iesha
15 Ferguson, her mother. A mother who by own her
16 admission talks to John Singleton every chance she
17 gets. And Complainant knows about those calls. The
18 defense kept trying to talk about Iesha as this
19 great protective mother. John Singleton told us
20 how this protective mother violated the safety plan
21 of DSS almost from day one. Within a week, he is
22 coming to the house and visiting her.

23 Putting the kids on the phone. This is
24 a mother who never made her child go to therapy.
25 If a child is making up this kind of allegation she

1 needs to go to a counselor to figure out where
2 that's coming from. If a child has actually
3 suffered abuse they certainly need to go and see a
4 therapist and work that out. But Iesha told you
5 maybe one or two sessions. She never made her go.
6 She is the parent. That's her job. She is not
7 protective. Those aren't the characteristics of a
8 supportive protector. And yet Complainant still gets
9 on the stand and tries to protect her mom because
10 it's the only mom she has. And I understand that
11 Iesha is conflicted if for no other reason than
12 that no one wants to believe that their child is
13 the victim of sexual abuse, that this could happen
14 underneath their nose.

15 But this abuse happens in the quiet out
16 of the way. No one sexually abuses a child in
17 front of a crowd of people. You have heard about
18 how crowded this house was. There has been
19 insinuation that people were always coming and
20 going, but where are they coming and going to?
21 Mary Jane said she worked or she's sitting in her
22 room. Iesha is disabled. She doesn't get around
23 all that well.

24 Why would John Singleton risk sexually
25 abusing Complainant in his house with all them people?

1 Why would he risk getting caught? Well, he did get
2 caught. And nothing happened. That's why he is
3 willing to risk it. At Ferrara he trips over the
4 grand daddy, comes up with some story. Grand daddy
5 just rolls over and goes back to bed. Complainant
6 tried to wake up her mom and her aunt to tell them.
7 But they won't wake up. Probably because they all
8 had a little too much to drink. As we have talked
9 about, she tells her mother and her mom kicks him
10 out of the house for a little bit and welcomes him
11 back in. Keoshia walks in and sees him performing
12 oral sex on Complainant and nothing happened.

13 At this point John Singleton has
14 learned he can get away with whatever because
15 Complainant is not going to talk. Keoshia is not going
16 to talk. Sasha is not going to talk and even if
17 they do Iesha is not going to believe it. So what
18 does it matter? There could have been 50 people in
19 the house. He had every reason to believe he would
20 get away with it.

21 The actions and inactions of all of
22 those people speak louder than words. He can do
23 what he wanted and get away with it. And he didn't
24 stop until Complainant finally found her voice until
25 she was forced to make the 911 call and report his

1 actions.

2 Now, I know I have already talked about
3 flat affect a little bit. That's when Complainant was
4 on the stand facing difficult questions. You saw
5 that she put on a stone face. I asked her how it
6 made her feel when her mom would talk to John
7 Singleton. Whatever, I'm fine. Shrugged her
8 shoulders. We called her back to the stand to
9 listen to that jail call. To hear her mother once
10 again not have her back but talk to John Singleton
11 about how she wouldn't come to court. Listen to
12 that jail call. I know it wasn't easy to hear in
13 here with all the ambient noise. You have it. You
14 can take it back into your deliberation room.
15 Listen to that jail call and what he's saying. And
16 remember when Complainant had to sit on the stand and
17 hear it she put her head in her hands. You saw a
18 crack of emotion that's deep down inside coming
19 out.

20 I want to talk about the law in this
21 case a little bit. John Singleton has been charged
22 with criminal sexual conduct with a minor in the
23 second degree. To find him guilty the State has to
24 prove to you that he performed a sexual battery.
25 That's a list of all the potential sexual

1 batteries, but what we have alleged is cunnilingus.
2 The performance of oral sex upon a female. We have
3 to show that the victim was between the ages of 11
4 and 14 and as I pointed you to Sasha establishes
5 that time frame for us. And the Defendant was
6 older than the victim. He was born in 1966.

7 He is also charged with criminal sexual
8 conduct with a minor in the third degree and lewd
9 act upon a minor. Now, remember what Ms.
10 Herring-Lash told you at the beginning of this
11 trial. Is that the only difference between those
12 two crimes is a time frame. In June of 2012 lewd
13 act became criminal sexual conduct with a minor in
14 the third degree. The elements of that, the
15 Defendant is over the age of 14, that he willfully
16 and lewdly committed or attempted to commit a lewd
17 or lascivious act on or with the body or its parts
18 of the child. That the Defendant -- I am sorry,
19 the victim is under 16, and this was with the
20 intent to arouse, appeal to or gratify the lust,
21 passion or sexual desires of the Defendant or the
22 child.

23 A lot of lawyer words in there. Let me
24 break down some of those. Willfully means
25 voluntarily and intentionally with specific intent

1 to do something the law forbids. Lewd means
2 obscene, lustful, indecent or lecherous.
3 Lascivious means intending to incite lust, lewd,
4 indecent, obscene or intending to deprave morals in
5 respect to sexual abuse.

6 The State has shown this through
7 Complainant's testimony. When she was eight, he
8 touched her rear end. He touched her breasts. He
9 touched her rear end several times past that. She
10 gave you specific incidents, talked about how they
11 happened other times. And we also have testimony
12 that that occurred at 8, 10 and 11, and 12. When
13 the law changed from lewd act to criminal sexual
14 conduct with a minor in the third degree that would
15 have been the June right before Complainant turned ten.

16 There is one other legal principle I
17 want to talk to you about. The judge is going to
18 give you a full instruction on the law. He is the
19 judge of the law. You are to go by how he
20 instructs you, but I want to talk for a minute
21 about reasonable doubt because that's something
22 that a lot of people have misconceptions about it.

23 Beyond a reasonable doubt is proof that
24 leaves you firmly convinced of a Defendant's guilt.
25 That are very few things in life that we can be

1 absolutely certain about. And the law does not
2 require proof that overcomes every possible doubt.
3 You simply have to be firmly convinced.

4 John Singleton on his jail phone calls
5 Complainant a victim. He knows what he did. He
6 doesn't call her a liar. His own words tell you
7 that he is guilty. And because of those words and
8 all the other testimony that you have heard in this
9 courtroom over the last three days I know that you
10 know beyond a reasonable doubt that the Defendant
11 is guilty, guilty of criminal sexual conduct with a
12 minor in the second degree, guilty of criminal
13 sexual conduct with a minor in the third degree,
14 and lewd act upon a minor. But you know what?

15 Complainant , she didn't deserve to have this
16 happen to her. And John Singleton, he doesn't
17 deserve to get away with it.

18 THE COURT: Defense may proceed.

19 MS. EHRLICH: Thank you, Your Honor.

20 Actions speak louder than words. Over the last few
21 days you have heard a lot of words. You have heard
22 from a lot of witnesses and you heard them testify
23 about their actions. And we told you in opening
24 statement that their words would not match their
25 actions. Complainant's words don't match her actions.

1 Keoshia's words don't match her actions. Sasha's
2 words don't match her actions and even Iesha's
3 words don't match her actions. They don't match
4 because this didn't happen.

5 We talked to you a little bit about
6 opportunity. The State wants you to believe that
7 on the very first day John Singleton met Complainant

8 that he abused her inside a house on
9 Ferrara following some sort of celebration. That
10 he was bold and touched her out of nowhere. And
11 then brought her into a bedroom and tried to get on
12 top of her in front of a sleeping grandfather. A
13 grandfather that she said woke up but a
14 grandfather, Mr. Wigfall, whose still living that
15 the State did not bring in to corroborate.
16 Complainant's testimony claimed that she tried to tell
17 others, but nobody would wake up and that by
18 morning she was going to just let it go. That
19 doesn't make much sense.

20 And she wants you to believe and the
21 State wants you to believe that in another full
22 house, the Madden Drive house, where Iesha only
23 leaves rarely for medical appointments, to go to
24 the store, kids medical appointments or they all go
25 together, in this house full of people Iesha

1 Ferguson saw nothing. Everybody talked about how
2 this house was full of people. And Iesha sees
3 nothing. And the State wants you to believe that
4 with all these people and all these times that
5 Complainant said she was touched, all these adults see
6 nothing. A mother whose disabled and always in the
7 home, a grandmother, Mary Jane, who clearly loves
8 her family who sees nothing.

9 The State says this guy is bold. He
10 can get away with it. Why would somebody call
11 somebody into a kitchen with two other people right
12 in the next room, order her to take off her pants
13 and her underwear and start performing oral sex on
14 her? That's ridiculous. It doesn't make any
15 sense. It's a small three bedroom house. You have
16 got the pictures that you can take back. You see
17 where the living room is, the dining room, kitchen,
18 two people right there. And he's just going to
19 start abusing somebody? It doesn't make sense
20 because it didn't happen.

21 The State indicted John for three
22 different charges and the time frames are very
23 important. The State has to not only prove that
24 these allegations occurred, but that they occurred
25 when they said they did. That they occurred within

1 the date of those indictments. And that burden
2 lies on the State. It doesn't lie on us. That's
3 why it is so important when you are deliberating
4 that if you really review the testimony and you
5 really look at the time lines, and you really look
6 at these dates that you see when John Singleton was
7 in the home and when he wasn't.

8 That there was a lack of opportunity on
9 many dates. You have two charges related to just
10 an inappropriate touch allegation with dates from
11 September 1st, 2010, all the way to March 8th of
12 2015. And date after date after date that we tell
13 you he was in jail. We don't have to tell you that
14 John Singleton has ever been in jail. But we told
15 you because we want to be upfront about the reality
16 of his life and their lives.

17 And that criminal sexual conduct with a
18 minor second degree charge, that's the timeline
19 that we are probably fighting about. The
20 allegation regarding the kitchen. For that charge
21 Complainant has to be 11 or older. Even if you believe
22 something happened in the kitchen, based on
23 Complainant's words they want you to believe over and
24 over again she's pretty clear she was ten. She
25 didn't testify that she was a different age.

1 Couldn't get her to change her testimony regarding
2 that. And Keoshia couldn't establish a timeline at
3 all. They here are depending on Sasha Covington to
4 establish that timeline. Sasha who says two years
5 later after never speaking to the police, after
6 never coming forward to the State, two years later
7 right before the case goes to court oh, yeah, I
8 know something. This is when the incident
9 happened. Well, she doesn't know the timeline.
10 Maybe that timeline that she has established in her
11 head within a year of makes her feel better or
12 makes her think she is going to look better if she
13 didn't tell for just a year.

14 Let's talk about the cell phone. The
15 State can say it is just a phone. But I think
16 everybody in this room knows a phone today is much
17 different than a phone was 20 years ago. You walk
18 into any room at any place in this country or in
19 this state and people are on their phones. And
20 **Complainant** was no different. She's 12 years
21 old. Medically home bound. Separated from
22 friends. That phone means even more to her. It is
23 her tie to the outside world. How she can keep up
24 with people. When her mom tried to take it away
25 she was furious.

1 Her mom disciplines her, takes the
2 phone away, pops her, Iesha even testified about
3 Complainant stomping off, there was yelling, they were
4 fighting. And that Iesha was telling her boys only
5 want one thing if you are calling this time of
6 night. We know this phone is important not just
7 for ties to the outside world, but for boys too.
8 And Iesha testified that when she said that and
9 took away the phone Complainant I'm quoting her, she
10 did not like that one bit. That she cut attitude
11 and this wasn't the first time they had argued
12 about the phone. In fact, when we asked her was
13 she angry about the phone, was she angry about
14 being popped, I know my child. It was the phone
15 more than the pop.

16 Taking the phone away from a teenager
17 or preteen, that can mean war in many houses and
18 Complainant was no different. And you heard from Mary
19 Jane Ferguson who loves her daughter and
20 granddaughter. She came to the courtroom to
21 testify for John Singleton. That she never saw
22 anything inappropriate. She never saw any
23 touching. And most importantly back to that phone
24 she confirmed Complainant told her she only said this
25 because she was mad at her mom over the phone .

1 The State's identified Keoshia Ferguson
2 as an important witness in this case. And how do
3 we know that she has some trouble with the truth?
4 She testified that she told officers the night
5 police came to the house what she saw. But we know
6 that's not true. We weren't attacking the police
7 and their investigation. We were telling you that
8 police were there. They know how to write a
9 report. Had Keoshia said hey, I saw something,
10 they would have put it in the report and it wasn't
11 in the report. Sergeant Roy said no one advised of
12 anything substantial to the case. So there was no
13 need for him to take notes. Officer Pippin
14 couldn't remember anything about the case without
15 using his report, looked at the report, and said
16 Keoshia Ferguson wasn't listed as a witness. And
17 Detective Jellico testified that he didn't have any
18 information from that night that Keoshia Ferguson
19 was a witness. Why don't they have that noted?
20 Because she did not say anything to the police
21 because she didn't see anything.

22 They questioned her about when this
23 happened. And she said she can't remember? You
24 walk in on a person that you consider to be your
25 sister being sexually assaulted in your home you

1 remember it. You remember the pain, the trauma,
2 you remember what you were doing, or what time of
3 year it was. You remember everything.

4 Sasha Covington also came to testify
5 about seeing Complainant from the bedroom, that she
6 didn't disclose anything, that there was some
7 discussion at some point on a different night about
8 an allegation of the kitchen, yet she was in the
9 home and didn't hear anything from the kitchen.
10 Didn't see any odd behavior by John. If she was
11 part of this disclosure as an adult why didn't she
12 confront him? She thinks something is going on in
13 the bedroom why did she go in the bedroom and keep
14 helping him with his taxes? And why did she remain
15 silent for two years? Why didn't she tell the
16 police what she knew? Why didn't she call
17 Detective Jellico and say I know something. Why
18 did she wait until two years?

19 Actions speak louder than
20 words. And if you see and you hear things why
21 don't you tell? They brought in an expert to try
22 to talk about children not disclosing their own
23 abuse. It is impossible to wrap your mind around
24 adults not saying a word. They had Keoshia
25 testify. It's a secret. I'm going to keep a

1 secret. She was 17. She is 20 now. They talk to
2 her like she is a child, but she was basically an
3 adult at that point. She would have protected her
4 sister if she knew something happened. And Sasha
5 was an adult. A prior victim of abuse too? She
6 doesn't say anything. This is a close family. She
7 would have said something if she saw or heard
8 something. She said nothing because she didn't
9 know anything.

10 But this is a close family and they
11 would come in this courtroom and support each other
12 and tell a story to make sure Complainant is protected,
13 to make sure Complainant still feels loved.

14 And I don't know why they do that
15 except that they love her and love motivates people
16 to do all kind of things including back up their
17 sister, their niece.

18 Let's talk about Iesha
19 Ferguson. The State can call her basically a bad
20 mother, but she clearly loves her daughter. And
21 Complainant clearly loves her mother. And according to
22 Complainant they're closer than ever. Does Iesha
23 really believe her daughter? Her words are yes,
24 but her actions say no. She didn't call 911. She
25 had her daughter make the call. And when Complainant

1 doesn't want to do counseling she supports her not
2 going to counseling. And when she continues to
3 talk to John Singleton for the last two years and
4 let her kids talk to him, including Complainant you
5 know she doesn't believe this happened.

6 And how often is Iesha talking to John?
7 According to Complainant every chance she gets. They
8 ask how does that make you feel? I don't care. I
9 don't care. Detective Jellico established kind of
10 the timeline of the investigation and how things
11 were, what they did and who they talked to. He
12 testified about going to the house over a month
13 after the allegations came out and trying to speak
14 with family members on a day that was tragic for
15 everybody. The grandfather had passed away. And
16 his words were basically that none of those people
17 were going down to the station for an interview.
18 His words were that wasn't going to happen. And he
19 left his business card and he probably should have
20 talked to them again, but he didn't, but they never
21 reached out to him. He never heard from Sasha.
22 And the State questioned Mary Jane about why she
23 didn't say something, why did she not call DSS?
24 Does she really need to when she expressed her
25 doubts and they were ignored by everyone. Why

1 should she bother at this point? Dr. Able provided
2 some testimony about how a normal medical exam
3 doesn't mean abuse didn't occur. I think it's
4 important to know that her diagnosis is based on
5 words, not on any sort of medical finding.

6 They also brought in Dr. Swiecicki from
7 the childrens center to explain Complainant's behavior.
8 To explain I guess what Complainant couldn't explain
9 because when they were asking her time and time
10 again on direct examination why didn't you tell she
11 kept saying um um um. Um um um which I guess is I
12 don't know. And that expert talked about how
13 victims don't always disclose right away, but the
14 bottom line is you cannot take human nature out of
15 the equation. People do lie for many reasons. And
16 sometimes the reasons people lie are left a mystery
17 and you don't have a good explanation. But people
18 lie, children lie, teenagers lie, 12-year olds lie,
19 and once you tell a lie of this magnitude there's
20 really no going back.

21 This was an angry 12-year
22 old. Who wouldn't be angry if your father is
23 murdered. She's got serious health problems that
24 Dr. Able talked about. She can't get to school.
25 One of her only lifelines to the world is that

1 phone. And her mom took it away. She said her mom
2 wouldn't let her talk to her boyfriend. So she
3 took her mom's boyfriend away with those words.
4 Words you can't really take back because once they
5 are out there are they out there, but her actions
6 say something different, that this didn't happen.

7 Let's talk about John's testimony. He
8 got on the witness stand and testified. He didn't
9 have to. And he offered up proof and admitted to
10 being incarcerated a period of time, times that he
11 wasn't even around. He didn't say I'm this great
12 perfect guy. He offered to you I have a criminal
13 history. Not a child molester. He's not a child
14 abuser. It's not really easy to get on the witness
15 stand when you're accused of something like that.
16 But he did it because the truth for him is
17 important.

18 He wanted you to hear the
19 truth from him. That this didn't happen. If you
20 think about his testimony, he didn't try to make
21 things sound better for him to try to make things
22 make sense. He didn't shy away from the fact that
23 in 2010 ^{Complainant} made the claim against him. He
24 could have just denied it said and she is lying
25 about that. But he didn't. He got up there and

1 told you the truth. He also didn't really get up
2 there and say yeah, you know, me and Complainant, we
3 have this bad relationship. She is out to get me.
4 She wants to come after me and here's the reason
5 why she made this up. He didn't do that. If
6 anything, he was protective of her on the stand.
7 He didn't want to blame her. He was truthful to
8 you when he said I do not know why she is making
9 this up. But I didn't do it. And that it hurt him
10 to hear them say these things about him. He didn't
11 try to say this is why she lied. He just said I
12 don't know and sometimes we don't know why people
13 say things they do.

14 John didn't leave the house
15 in March of 2015 to run from the police. He waited
16 for them to be there. And two months later when
17 they tried to arrest him on the way to his mom's
18 house. If this had been true, he wouldn't have
19 been in Charleston still. Complainant was not as up
20 front with you as John. She didn't want to admit
21 her mom had hit her. She didn't want to be up
22 front about having anger issues. According to her
23 everybody fights. When she pushed a teacher it was
24 not anger. And the State tried to fix that on
25 redirect by trying to say she didn't really know

1 what anger issues are. She's 14. She knows what
2 anger issues are and she knows she has an anger
3 problem.

4 She just denies, denies. I
5 don't get angry. Karen Sams from DSS confirmed
6 there have been prior counseling at school for
7 anger issues. And then she went as far as to say
8 that when she was in counseling in 2011 and 2012
9 she probably told her counselor that she was being
10 sexually abused. We know that's not true. Jerry
11 Jellico and Karen Sams who both have over 18 years
12 experience dealing with these type of cases who
13 told you about mandatory reporting. Had she been
14 in counseling and said I was abused it would have
15 been reported. It will be a police report, DSS
16 investigation. None of that happened because she
17 never said anything like that in counseling. And
18 Detective Jellico and Ms. Sams have no reason to
19 make anything up about mandatory reporting. This
20 is what they do for a living. Ms. Sams said if she
21 had found out about it she would have reported it.

22 She also wasn't truthful with you about
23 wanting to see John or have him come to the house.
24 There is direct testimony from Ms. Sams, again a
25 DSS case worker, no reason to lie who said multiple

1 times Complainant expressed a desire to see John
2 Singleton. With one of those times angering
3 Complainant when she wasn't going to be allowed to see
4 him.

5 She also testified that she had told
6 Ms. Wade from DSS about the incident in the
7 kitchen. That she told Ms. Wade that Keoshia
8 witnesses it. Ms. Wade, the director of programs
9 for youth, testified with no reason to lie that was
10 not ever said to her by Complainant Ms. Elliott
11 talked to you about demeanor and behavior. When
12 you consider the testimony of the witness you don't
13 just listen to what they say. You watch how they
14 say it. For some of these witnesses it was a
15 nuisance apparently to be here. It wasn't
16 traumatizing for Complainant to testify. It was an
17 irritation. There were times where she wouldn't
18 even say yes or no after repeatedly being asked to
19 just please say yes or no. Constant um-hmm, body
20 language of leaning over, put her hand over her
21 face. She couldn't be bothered to be answering any
22 of these questions.

23 It wasn't even important for her that
24 you hear. I saw you all you and your frustration
25 in not being able to hear what she said. It wasn't

1 because she was a shy, young child. We heard
2 exactly what she said when I asked her about not
3 being able to leave the house. She proclaimed in
4 the courtroom oh, I was leaving that house. She is
5 getting her way.

6 She was very defensive, denying about
7 things that were obviously true. Demeanor of Iesha
8 Ferguson, she didn't want to be here either. She
9 was muttering to herself, she got agitated. She
10 did not want to answer questions, saying things
11 like I don't know. You got the paper right here.
12 Why are you asking me? Or statements like I'm
13 sitting here for no reason. But I think we all saw
14 the real Iesha Ferguson when she was on the stand
15 for cross-examination. And in her anger she told
16 the truth. That if she had seen sexual touching by
17 John to ^{Complainant} she would do some stuff to him and
18 he wouldn't be there. Had she known about abuse
19 she would have did what she had to do before she
20 called the police. The truth of the matter is if
21 she thought John Singleton was abusing her daughter
22 she wouldn't have handed the phone to ^{Complainant} to
23 call the police. She would have done some stuff
24 herself to John Singleton and then called the
25 police.

1 She didn't do that because she didn't
2 believe that it happened. And she has continued to
3 talk to him time and time again. A woman who would
4 do some stuff isn't saying I love you to the person
5 that she believed did something to her daughter.
6 And the State made a big deal about a phone call,
7 that teeny, tiny glimpse into their conversations.
8 Two-minute clips. Where you can hear the
9 frustration in John's voice. And imagine waiting
10 two years for the truth to come out. And imagine
11 how angry you would be. And imagine that you think
12 this will never go this far because the people who
13 love me, the people who I love are someday going to
14 tell the truth.

15 But then when it's getting closer to
16 court subpoenas start coming out. And Iesha is
17 talking about they have got subpoenas. They have
18 to come. And when John tells her don't come to
19 court, don't bring the victim to court which
20 everybody in this room has referred to as Complainant
21 as the victim, that's the label they put on people
22 when there is an accusation, when he says don't
23 come to court, if you are not going to come to
24 court and tell the truth please stay home. Let's
25 make it easier on everybody. If you are not going

1 to come forward and tell the truth, if you are not
2 going to do what's right, just don't come. If you
3 don't have the courage to tell the truth just don't
4 show up.

5 The State in this case has the burden
6 of proof. They have to prove beyond a reasonable
7 doubt that these things happened. And the Court
8 will provide you with a definition of what
9 reasonable doubt is. Let's really think about
10 this. Think about how in your everyday life and
11 your life you are faced with difficult decisions.
12 Decisions that have consequences that could be long
13 lasting. Decisions that you cannot take back.
14 Should you put your elderly parents in a particular
15 nursing home. Will they be safe. Which child care
16 should you put your child in? Should you get the
17 surgery that your doctor is recommending. Will it
18 all work out. Will things be okay. Is this car
19 you're giving your 16-year old son going to be safe
20 when he drives around town. These are all
21 important decisions that you face and that you want
22 to know you're making the right decision when you
23 make them. Because if you don't there are
24 consequences. Because the wrong decision can have
25 dire consequences.

1 If you doubt for a second that John
2 Singleton did this, you have to give him the
3 benefit of the doubt. Because nobody comes back
4 behind you and says you were wrong. Your decision
5 is final. Judge Couch talked to you in his opening
6 remarks about how he doesn't pick a foreperson
7 until the trial is getting into deliberations. He
8 wants all of you to think I could be the foreperson
9 so they pay attention. And also so that you know
10 that your voice is important, that your voice can
11 be heard when you are in deliberations. It is not
12 what one person says. It could be 11 people who
13 say and one person who says another. Everybody's
14 voice, everybody's opinion matters.

15 And none of your opinions is more
16 important than the other. And these decisions can
17 be difficult in these cases. But respect each
18 other in deliberations. Actions speak louder than
19 words and John has waited two years for this week
20 in court for a jury to hear not just what people
21 say, but look at what they do and how they do it.
22 When you look at not just the words, but the
23 actions behind those words I am confident that you
24 will reach the conclusion that John Singleton is
25 innocent.

1 THE COURT: State may reply.

2 MS. ELLIOTT: Actions speaking louder
3 than words. We keep hearing comparisons between
4 this person's word with this person's actions.
5 This person's words matches up with this person's
6 actions. Karen Sams, a 19-year veteran of the
7 Department of Social Services who has investigated
8 countless allegations of child abuse told you that
9 it is common all the time that the victim of abuse
10 wants to continue having contact with the person
11 that abuses them. She sees it all the time. We
12 have seen that Complainant -- what kind of home is
13 Complainant going back to? A mother who is trying to
14 present to the DSS I'm protective, I'm protective,
15 but we know she is bringing the Defendant back into
16 the house, that she is letting them have contact.
17 How much pressure has that child been under for the
18 last two and-a-half years? She is torn between a
19 man who did good things, but also did horrible
20 things to her. She is torn between a mother who
21 still loves this man. I don't know why she does,
22 but she does. She doesn't want to hurt her mother.
23 She has been cutting off her brother from this man
24 too. That has to weigh heavily on her. Her
25 actions actually makes sense when you think about

1 the fact that she is only 14. We keep talking
2 about her like she should be acting like an adult.
3 Truthfully she is very tall for her age. She
4 looked like a grownup. I would never have guessed
5 she was 14 years old on that stand, but she is.
6 And she acted like a 14-year old on that stand. We
7 can't act -- we can't pretend that she is going to
8 handle every situation like an adult. Because she
9 is not. Because every day after the end of the
10 trial she has had to go home to her mother, to that
11 grandmother that she loves who talked to you about
12 how she drinks and she drinks a lot. She has a lot
13 of memory problems. She talked about how Complainant
14 said I said this because I was mad about the phone,
15 but never for one second thought about that what
16 she meant was I said it, I disclosed because I was
17 mad, not that I made it up because I was mad. Ms.
18 Herring-Lash asked her did you ever think for one
19 minute that's what she meant? Oh, no. Because she
20 has always sided with him. She's never wanted to
21 believe that he could do it. Like I told you,
22 people don't want to believe that this happens.
23 This entire family has wanted to stick their head
24 in the sand and act like nothing happened, but they
25 can't. They can't .

1 Because **Complainant** finally stood up for
2 herself. But she is a child. And when she got on
3 the stand and started talking about counseling she
4 told Ms. Ehrlich I don't remember going to
5 counseling. She said that. Do you mean about the
6 abuse? No, 11 or 12. She didn't remember it.
7 Iesha Ferguson got on the stand. She didn't
8 remember it. She talked about the middle school
9 counseling, the counseling for the abuse. The time
10 that she went one or two sessions. Of course
11 **Complainant** would have talked about the abuse in those
12 later sessions in middle school because it had been
13 disclosed at that point. But Ms. Ehrlich never
14 showed her any records from the counseling, never
15 presented her with any proof that she had had
16 counseling. She just didn't remember. She wasn't
17 lying.

18 She gets on the stand and when she
19 talked about that abuse she is talking a mile a
20 minute. Like I just realized I have been doing
21 since I stood up of in front of you. I'm a fast
22 talker especially when I am passionate about
23 emotions related to something. Is that surprising
24 that when I make her talk about the abuse that it
25 is going to be difficult, that she is going to talk

1 as fast as possible like a ripping off a band-aid.
2 Just got to get it out. As soon as I get it out I
3 can get off the stand. Doesn't mean it is not
4 true, just means it is difficult because once again
5 this is a child who didn't -- hasn't dealt with
6 these issues. She is not an adult. She's not
7 going to act like an adult.

8 Ms. Ehrlich commented the State talked
9 to Keoshia like she was a child. She's 20 now. We
10 are not trying to embarrass anyone, but if you paid
11 attention to the questions that Ms. Herring-Lash
12 asked Keoshia on the stand, she just graduated from
13 high school two days before her 20th birthday. She
14 is not the most mature person. Ms. Herring-Lash
15 questioned her in an appropriate manner. She acts
16 younger than she is. She is far more of a peer of
17 Complainant than she is some big older sister.

18 Their answers matched their age. Their
19 actions had matched what we would expect a child's
20 reactions to match living in the circumstances that
21 they are. But did John Singleton's words match his
22 actions? Match his plans? I want to go home. To
23 my baby girl, to my family. You want to go home to
24 the girl that accused you of sexually abusing her.
25 You want to go home to the people that you claim

1 got on the stand and love you but lied about you.
2 Do those actions and words match? No. He is
3 trying to tell you what he thinks is going to say
4 to make him look good.

5 Ms. Ehrlich talked about Sasha
6 Covington not coming forward until two years later.
7 She could have called, she could told, but then
8 almost the same time she starts talking about Mary
9 Jane Ferguson. What does it matter? No one
10 believed her before. If Mary Jane Ferguson really
11 believed the victim had recanted why wouldn't she
12 have told someone, why wouldn't she have called
13 DSS, why wouldn't she have called the police. Do
14 we really trust anything that Mary Jane Ferguson
15 says? Because she remembers very little. I think
16 unfortunately because she drank a lot.

17 Let's talk about the time frame. One
18 of the things that happens in court is they do
19 something called sequestration of witnesses. No
20 witnesses in a case can be in the courtroom while
21 another witness testifies until after they testify.
22 So I am not sure that you would have noticed, but
23 the only witness in the courtroom from the
24 beginning has been Complainant Keoshia and Sasha
25 wasn't in here. Why? Because we don't want them

1 answering questions just because they heard what
2 Complainant said. So when Sasha got on the stand and
3 said it was a year from when the police report was
4 made, sometime within that year, she didn't know if
5 that was going to help or hurt, that was going to
6 be exactly what Complainant said. She had no motive to
7 lie.

8 And Keoshia, she's just mistaken about
9 what police officer she told. She talked to Jerry
10 Jellico. She didn't talk to the officer that
11 night. Does that mean she is lying? If she was
12 regurgitating everything exactly right they would
13 be saying there has been collusion. But no. They
14 got up and told you as best as they can remember.
15 Children.

16 This is a close family. It's a close
17 family that until the beginning of this trial has
18 been nothing but supportive of John Singleton.
19 Calling him, talking to him, being open to his
20 visits. It is not until they have taken the stand
21 that they have stood up for Complainant Imagine
22 waiting two years for the truth to come out. Ms.
23 Ehrlich said imagine waiting two years for the
24 truth to come out and not wanting it to. If what
25 John Singleton meant was if you are not going to

1 tell the truth then don't bother coming to court,
2 he didn't say it. What he said is without the
3 victim, without the witness they don't have a case.
4 He doesn't call **Complainant** a liar because
5 she's not and he knows it.

6 THE COURT: Ladies and gentlemen of the
7 jury, that concludes the closing arguments by the
8 attorneys. At this time it is my responsibility to
9 charge you on the law to be applied to the case.
10 We have been going for a little while so I'm going
11 to let you take a short break before I get to that.
12 The law sometimes is very technical and I want you
13 to be a little more fresh when you hear it so I am
14 going to let you go back to the jury room for a few
15 minutes. We will bring you back shortly. Again
16 don't discuss anything about the case until I ask
17 you to begin your deliberations. You can retire to
18 the jury room.

19 (Thereupon, the jury exited the
20 courtroom at 11:56 a.m.)

21 We will take ten minutes. I will stay
22 on the bench.

23 (A recess transpired.)

24 THE COURT: Let's bring the jury in,
25 sir.

1 (Whereupon the jury entered the
2 courtroom at 12:07 p.m.)

3 The jury has returned to the courtroom.
4 Ladies and gentlemen, as I indicated to you it is
5 my obligation now to charge you concerning the law
6 to be applied in this case. When we began the case
7 the other day I went over with you the indictments
8 in this case. I'm going to go over those with you
9 again. The indictments again are the documents
10 that bring the case to the court. They inform us
11 of the charges to be tried and they inform the
12 Defendant of the charges that have been lodged
13 against him. Now, when I have completed my charge
14 and you begin your deliberations my intention is to
15 allow the indictments to go back to the jury room.
16 You'll have them available to review as you
17 deliberate the case.

18 The first indictment that I will talk
19 about is case No. 17-4602. This is for criminal
20 sexual conduct with a minor in the second degree.
21 This indictment states that in Charleston County,
22 South Carolina, between August the 5th of 2013 and
23 March the 8th of 2015 the Defendant, John Anthony
24 Singleton, date of birth 1966, did
25 commit or assault with the intent to commit a

1 sexual battery upon a minor, **Complainant** , date
2 of birth 2002, who was 14 years of age
3 or less but who was at least 11 years of age, to
4 wit, cunnilingus in violation of Section 16-3-655
5 (B) (1) and 16-3-56 of the code of laws of South
6 Carolina 1976 as amended. All indictments end with
7 the language against the peace and dignity of the
8 state and contrary to the statute and such case
9 made and provided.

10 That's the first charge that was
11 brought to the court. The second charge is case
12 number 2017-3937. This is for criminal sexual
13 conduct with a minor in the third degree. This
14 indictment states that in Charleston County, South
15 Carolina, between June 18th of 2012 and March 8th
16 of 2015 the Defendant, John Anthony Singleton, date
17 of birth , 1966, who was over 14 years
18 of age 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
22 age with the intent of arousing, appealing to or
23 gratifying the lust, passions 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 The final indictment is case number
3 2017-3938. This is for a lewd act upon a child.
4 This indictment states that in Charléston County,
5 South Carolina, between September 1st of 2009 and
6 June 17th of 2012 the Defendant, John Anthony
7 Singleton, date of birth , 1966, who was
8 over 14 years of age did willfully and lewdly
9 commit or attempt to commit a lewd or lascivious
10 act with, upon or with the body or its parts of
11 **Complainant** , date of birth 2002, a
12 child under 16 years of age with the intent of
13 arousing, appealing to or gratifying the lust,
14 passions or sexual desires of the Defendant or the
15 child in violation of Section 16-15-140 of the code
16 of laws 1976 as amended.

17 Now, those are the documents that have
18 brought this case into the court. The indictment
19 in this case, there are three separate indictments.
20 Each indictment contains a separate and distinct
21 charge. And the law applicable to it has been
22 charged to you and will be charged to you
23 differently. Now, you will be called upon to write
24 a separate verdict as to each indictment in the
25 case and the Defendant may be either convicted or

1 acquitted on any or all of the charges. Again you
2 will have to write a separate verdict as to guilt
3 or not guilty for each indictment in this case.

4 Now, the Defendant has pled not guilty
5 to those indictments and under our system of
6 justice that plea places the burden of proof in
7 this case solely upon the State to prove the
8 Defendant guilty. I will tell you that a person
9 charged with the commission of a crime in this
10 state is never required to prove himself innocent.
11 I charge you it's an important rule of law that a
12 Defendant in a criminal case, and it doesn't matter
13 what the seriousness of the crime might be, is
14 always presumed to be innocent of the crime for
15 which an indictment has been issued until and
16 unless guilt has been proven to you the jury by
17 proof beyond a reasonable doubt.

18 Now, the presumption of innocence that
19 a Defendant has doesn't end when you begin your
20 deliberations. It follows the Defendant throughout
21 the trial and into your deliberations until such
22 time as you might reach a verdict of guilt that is
23 based on evidence that satisfies you of that guilt
24 beyond a reasonable doubt.

25 You know, some courtroom observers and

1 judges have described the presumption of innocence
2 kind of like the robe that a judge wears into the
3 courtroom. In other words, at the beginning of the
4 trial that presumption of innocence is about the
5 Defendant's shoulders. It remains on his shoulders
6 throughout the trial. It remains about his
7 shoulders into your deliberations. And it remains
8 about his shoulders until and unless it has been
9 stripped from him by evidence that satisfies you of
10 that Defendant's guilt beyond a reasonable doubt.

11 Now, the presumption of innocence is
12 not just a legal theory. It is not just a legal
13 phrase. It's a substantial right that every
14 Defendant is entitled to until and unless you the
15 jury are satisfied from the evidence of the
16 Defendant's guilt beyond a reasonable doubt.

17 Now, the standard of proof beyond a
18 reasonable doubt is as I referred to it on several
19 occasions already. You may ask yourself well, what
20 is the real definition of a reasonable doubt? What
21 is a reasonable doubt? And I will tell you that
22 the courts that have attempted to define that
23 phrase have pretty much consistently defined it as
24 that kind of doubt that would cause a reasonable
25 person to hesitate to act. Now, I want to point

1 out to you and I don't know if any of you have ever
2 been involved in a civil case in a court of law.
3 Civil cases are where people are seeking monetary
4 damages and that can be somebody breached a
5 contract, didn't pay a debt, somebody perhaps has
6 injured someone and they have to pay for the damage
7 that they caused. Things of that nature. Those
8 are civil cases. The standard of proof in civil
9 cases is different from criminal cases.

10 In a civil case the standard of proof
11 is by the greater weight of the evidence.
12 Sometimes it is called the preponderance of the
13 evidence. What that means is that when you weigh
14 all the evidence in a civil case, if those scales
15 of justice tilt ever so slightly in favor of a
16 Plaintiff the Plaintiff gets the verdict. If, on
17 the other hand, the scales stay dead even after
18 weighing the evidence or tilt so slightly in favor
19 of the Defendant then the Defendant is entitled to
20 the verdict in a civil case.

21 Now, the standard of proof in a
22 criminal case is more powerful than that. Again it
23 is proof beyond a reasonable doubt.

24 I will tell you that proof beyond a
25 reasonable doubt is that kind of proof that leaves

1 you firmly convinced of the Defendant's guilt.
2 Now, I will tell you there aren't many things that
3 go on in this world that can be proven beyond any
4 doubt whatsoever. And the State is not put to that
5 burden. They are not required to offer proof to
6 you that overcomes every possible doubt. What I
7 will tell you is after consideration of all of the
8 evidence in the case if you are firmly convinced of
9 the Defendant's guilt beyond a reasonable doubt,
10 then you must find the Defendant guilty. On the
11 other hand, if you think there's a real possibility
12 that the Defendant is not guilty then you must give
13 the Defendant the benefit of that doubt and find
14 the Defendant not guilty.

15 I'm going to remind you of some things
16 that we talked about at the beginning of the trial
17 and that is that you and I have had certain duties
18 to perform. We continue to have those duties.
19 It's been my job to preside over the trial of the
20 case and I have had to rule on several matters that
21 came up perhaps concerning admissibility of
22 evidence or the appropriateness of questions that
23 were being asked, things of that nature. And I
24 will tell you that in that process if there was
25 anything that I did not allow into the record you

1 should not consider those matters at all in
2 reaching your verdict. Those should not be
3 considered by you in any way whatsoever.

4 It is your job to consider only the
5 evidence which has been presented from the witness
6 stand and the exhibits that came in through that
7 testimony or the agreements of counsel that did go
8 into the record of the case. It is my additional
9 duty to now charge you on the law and the law
10 applicable to this case. As the presiding judge I
11 told you at the beginning of the trial while you're
12 the sole judges of the facts I'm the sole judge of
13 the law in this case. If you have any idea as to
14 what the law is or what the law -- you have an
15 opinion what the law ought to be, leave those
16 opinions outside of the jury room before you begin
17 your deliberations. You take the law exactly as I
18 give it to you and then apply it to the facts as
19 you determine the facts to be.

20 Because I pointed out to you at the
21 beginning of the trial in every case tried in this
22 court before a jury the jury is the sole and
23 exclusive judge of the facts in this case. As a
24 trial judge I can't indicate to you, state or
25 comment in any way concerning the facts in this

1 case. I told you the law doesn't allow me an
2 opinion on the facts. I have no opinion as to how
3 you should determine the facts in this case. Don't
4 take from anything that I have said or done or I
5 may say or something in this charge on the law to
6 indicate to you somehow that I have an opinion as
7 how you should decide the facts. Again I am not
8 allowed that opinion. I don't have an opinion as
9 to how you should determine the facts in this case.

10 It is your job as jurors to determine
11 the facts in this case. It is your duty to assign
12 to that evidence the effect it has, the value, the
13 weight, and the truth of the evidence presented
14 during the trial. That's your responsibility and
15 your responsibility alone.

16 Now, in deciding a case the jury has
17 the right to consider two types of evidence. Let
18 me explain to you what I mean by two types of
19 evidence. The law generally divides evidence into
20 either what we refer to as direct evidence or
21 circumstantial evidence. Now, direct evidence is
22 testimony from a witness who claims to have direct
23 knowledge of the facts on which that person is
24 testifying, someone who claims to have experienced
25 the event either by watching it happen, an

1 eyewitness or hearing something, smelling
2 something, tasting something, an actual experience
3 that they're testifying directly on those facts.
4 That's what we mean by direct evidence.

5 Now, the other type of evidence that
6 you can consider is what is referred to as
7 circumstantial evidence. Now, circumstantial
8 evidence is a proof of chain or facts that indicate
9 the existence of another fact. It has been
10 described by some courts as proof of collateral
11 facts or from main facts might be reasonably
12 inferred. Now, that's really fancy courtroom talk
13 and I always use a very simple example to
14 illustrate what I mean by proof of a fact by
15 circumstantial evidence.

16 Let's say last night when you were
17 going to bed you are in your bedroom and you walk
18 over to the window of the bedroom, looked out, the
19 stars might be shining and the moon out. And it's
20 a beautiful night. So you went to bed. You slept
21 well all night, didn't wake up at all. The next
22 morning you get out of bed, the sun is shining
23 outside. So you walk over to the same window that
24 you were out the night before and you look outside.
25 But when you look outside you notice and look a

1 little closer because there's water dripping out of
2 all the trees, there's a puddle also in the road or
3 drive in front of your house, maybe the lawn in
4 front of the house is just totally soaked in water.
5 Now, you know you slept all night. You didn't hear
6 it rain. You didn't see it rain. From the facts
7 you know to be true, those collateral facts, you
8 might reasonably infer a main fact and that is that
9 at sometime during the night it rained. So that's
10 what we mean by proof of a fact by inference or
11 proof of collateral facts from which you could
12 infer a main fact.

13 The law doesn't make a distinction
14 between the weight or the value you a juror as a
15 finder of fact might give to either direct or
16 circumstantial evidence. And the law doesn't
17 require a greater degree of certainty for
18 circumstantial evidence than that of direct. As a
19 juror you should weigh all of the evidence in this
20 case and give it the weight you think it deserves.
21 After it -- and I will tell you if after you have
22 weighed all the evidence in the case if you are not
23 convinced of the Defendant's guilt beyond a
24 reasonable doubt, you must find the Defendant not
25 guilty.

1 On the other hand, if you are firmly
2 convinced of the Defendant's guilt beyond a
3 reasonable doubt, then you must find the Defendant
4 guilty. Now, in doing your job as jurors in
5 determining the facts I pointed out to you at the
6 beginning of the trial you're going to have to
7 determine the credibility of the witnesses who
8 testified during this trial. That's going to be
9 part of your job. And credibility simply means
10 believability. It is your duty as jurors to
11 analyze and evaluate the evidence that you have
12 heard and determine which evidence convinces you of
13 its truth.

14 In determining the believability of
15 witnesses in this case you as the sole judges of
16 the facts have the right to believe one witness
17 against all the others, you have the right to
18 believe all the others against one, you have the
19 right to believe all of, part of or none of what
20 any witness has testified to in the case.

21 You have the right to consider whether
22 or not a witness has exhibited to you any interest,
23 bias, prejudice, or other motive in testifying in
24 this case. You have the right using your good
25 common sense to determine whether or not a witness

1 has an interest or a bias in the case. Whether or
2 not a witness actually had the ability to know the
3 facts about which the witness has testified. And
4 you have the right to observe the witnesses as they
5 testified. The way they spoke, how they delivered
6 their testimony. I told you at the beginning of
7 the trial you should use your own good common sense
8 as you do every day of your life to determine the
9 credibility and the believability of what you have
10 heard from the witness stand in this case.

11 Now, in a minute I'm going to go over
12 the three charges with you, the law and the three
13 charges that are before the court. And I will tell
14 you that in most cases in most charges there is a
15 requirement or an element we refer to it in the law
16 that someone have criminal intent of some type or
17 kind. Let me talk to you a little bit about the
18 criminal intent element that exists in most crimes
19 that we charge you on.

20 Generally, in order to establish
21 criminal liability criminal intent is required in
22 such fashion. For example, that's the mental state
23 that is required to be proven by the State for a
24 particular crime to be proven. The words in the
25 statute or the law may be actual intent, it could

1 be knowledge, could be recklessness. It can even
2 be criminal negligence. But criminal intent,
3 whatever it is exactly called in the charge, must
4 always be proven by the State beyond a reasonable
5 doubt. And I will tell you that criminal intent is
6 always a matter that must be determined by a jury
7 from the circumstances surrounding the case. I say
8 that because there's no scientific way that anyone
9 can be present at the time an event occurs or a
10 crime is committed and able to open up somebody's
11 head and look at their brain and tell what they
12 intend to do at a given time. Science doesn't
13 allow us to do that. We can't do that. Therefore,
14 criminal intent cannot be proven scientifically.
15 It has to be proven from the facts and the
16 circumstances that occur at the time of the event.

17 Criminal intent may be inferred from
18 the circumstances that are shown to have existed at
19 the time the event occurred. That's how you make a
20 determination as to whether or not the element
21 requiring intent for a crime was present. It is
22 not necessary to establish intent by direct
23 evidence or positive evidence. As I said, intent
24 may be established by inference the same way as any
25 other fact taking into consideration the act of the

1 parties and all of the facts and circumstances of
2 the case.

3 I will tell you that criminal intent is
4 a mental state. It's a consciousness of
5 wrongdoing. And it's up to you to determine what a
6 Defendant intended to do based on the circumstances
7 that have been shown to have existed at the time of
8 the event.

9 Now, I'm going to go over the charges
10 with you at this time. And I will begin by going
11 over with you the charge of criminal sexual conduct
12 with a minor in the second degree. I will try to
13 go over these in the order that they are going to
14 appear on your verdict form. As I told you
15 earlier, the Defendant has been charged with
16 criminal sexual conduct with a minor in the second
17 degree. The State must prove beyond a reasonable
18 doubt that the Defendant engaged in a sexual
19 battery with the victim.

20 Now, a sexual battery is either sexual
21 intercourse, cunnilingus which is oral stimulation
22 of the female genitals or fellatio which is oral
23 stimulation of the penis, anal intercourse, or any
24 intrusion, however slight, of any part of a
25 person's body or any object into the genital or

1 anal openings of another person's body except when
2 that might be accomplished for a medically
3 recognized treatment.

4 Now, that's the first element. The
5 second element the State must prove beyond a
6 reasonable doubt is that at the time of the act the
7 victim was less than 16 years of age, but at least
8 14 years of age and that the Defendant was either
9 in a position of familial, custodial or official
10 authority so as to be able to converse a victim to
11 submit or that the Defendant was older than the
12 victim.

13 Now, I will tell you that consent,
14 willingness, indifference or ignorance on the part
15 of the minor, if any, as to what was taking place
16 doesn't in any way affect the charge of criminal
17 sexual conduct with a minor. That's because an
18 unmarried woman under the age of 14 cannot legally
19 consent to sexual intercourse or activity.

20 Now, the next charge that I am going to
21 talk to you about is criminal sexual conduct with a
22 minor in the third degree. A person -- and the
23 State has the burden of proving this again beyond a
24 reasonable doubt. A person is guilty of criminal
25 sexual conduct with a minor in the third degree if

1 the actor, the person doing the act, is over the
2 age of 14 years of age and the actor willfully or
3 lewdly commits or attempts to commit a lewd or
4 lascivious act. Now, lascivious is a word that you
5 probably do not hear very often. And let me give
6 you a brief definition of that. I will go back to
7 pick up with the charge. Lascivious act is like
8 feeling or revealing an overt and often offensive
9 sexual desire or lustful. So in other words, to go
10 back and pick up on the charge, if the actor is
11 over the age of 14 and the actor willfully and
12 lewdly commits or attempt to comits a lewd or
13 lascivious act upon or with the body or its parts
14 of a child under 16 years of age with the intent of
15 arousing, appealing to or gratifying the lust,
16 passions or sexual desires of the actor or the
17 child, however a person may not be convicted of a
18 violation of that subsection if the person is
19 18 years of age or less when the person engages in
20 the act. That's for the actor.

21 Now, the last charge is a lewd act on a
22 minor. And the Defendant is charged with this
23 also. The State must prove beyond a reasonable
24 doubt that the Defendant was over the age of 14
25 when it occurred. Next, the State must prove

1 beyond a reasonable doubt that the Defendant again
2 willfully and lewdly committed or attempted a lewd
3 or lascivious act on or with the body or its parts
4 of a child under the age of 16 with the intent to
5 arouse, appeal to or gratify the lust, passion or
6 sexual desires of the Defendant or the child.
7 Willfully means voluntarily, intentionally with a
8 specific intent to do something the law would
9 forbid. Lewd means obscene, lustful, indecent or
10 lecherous. Lascivious again means to insight lust,
11 lewd, indecent, obscene, or tending to deprave the
12 morals in respect to sexual relations. Now, those
13 are the three charges that are before the Court. I
14 told you that before the Defendant can be convicted
15 on any of those charges on each separate charge you
16 will write a separate verdict and your verdict must
17 be unanimous.

18 Now, let's see, Ms. Bergin, you just
19 happen to be sitting in the right seat. That's not
20 why I picked you. I picked you before that. You
21 are going to be the foreperson of the jury. Now,
22 let me explain that means that you will be
23 responsible for assisting in the conduction of the
24 discussions. Should the jury have a question
25 during the discussions it will be your job to get

1 the jury to agree on the form of the question,
2 write it on a piece of paper, knock on the door,
3 submit it to the bailiffs. They will bring it to
4 me and I will consider my answers. I consider my
5 answer because there's some questions I can't
6 answer for you and I can't get involved in your
7 decisions on the facts. But don't edit the
8 questions. Just write them down and send them to
9 me. I'll decide what the appropriate answer is.

10 Now, I won't be able to answer them
11 right away sometimes because I do have to consider
12 the appropriate answer and of course the attorneys
13 will get an opportunity to review that before I
14 discuss it with you. So submit any questions you
15 have and I will be glad to try and answer it. Your
16 job will also be to record the verdict and in a few
17 minutes I am going to go over with you the verdict
18 form I have prepared for you to fill out for this
19 case. I think you will understand it once we talk
20 about that.

21 Now, a couple of things I want to talk
22 to you about. We are going to send any evidence
23 that was introduced in the case back to the jury
24 room with you. I think there is something that can
25 play the recordings. There is a computer back

1 there that is available for you to play any
2 recordings that have been put into the record. If
3 you have any difficulty in playing any of those
4 recordings, if you want to listen to them, then
5 just let the bailiff know. We can bring you back
6 in the courtroom and play them in the courtroom,
7 but if they will play back there I prefer you do
8 that in the jury room during your deliberations.

9 Now, I do know that your lunch is here.
10 So when you get back there they will probably be
11 bringing that into the jury room for you. So while
12 there is somebody from the clerk's office or
13 bailiff inside the jury room don't discuss the case
14 while somebody not on the jury is present. Wait
15 until they have left the room, then you can resume
16 your discussions at the time. So deliberations
17 should not occur when there is someone in the room
18 that is not on the jury itself.

19 Now, I have gone over a great deal with
20 you and I want to be sure I haven't misspoken about
21 the technical matters that I have talked to you
22 about so I'm going to go over some things with the
23 attorneys, let them look at the verdict form before
24 I show it to you, things like that. So there is
25 some housekeeping matters I have to take care of.

1 So one more time I'm going to send you
2 back to the jury room. Madam forelady, do not
3 allow any discussions to begin about the case until
4 I bring you back for final instructions. It won't
5 take us long. At this time if you will retire to
6 the jury room.

7 (Thereupon, the jury exited the
8 courtroom at 12:35 p.m.)

9 THE COURT: Any objection to the charge
10 from the State?

11 MS. ELLIOTT: Your Honor, when you were
12 reading the indictment for lewd act you said it was
13 September 1st of 2009. And we had amended that to
14 the start date September 1st of 2010.

15 THE COURT: I thought I made all the
16 changes on here. Let's look and see.
17 September 1st of 2010 you're saying.

18 MS. ELLIOTT: Yes, Your Honor.

19 THE COURT: Okay. I will make that
20 change. Any objection?

21 MS. EHRLICH: No, Your Honor.

22 THE COURT: I had not changed the year.
23 Anything else?

24 MS. ELLIOTT: Ms. Herring-Lash and I
25 didn't hear in the charge of -- maybe we missed it

1 -- the CSC minor in the second degree the
2 instruction that the victim had to be between the
3 age of 11 and 14.

4 MS. EHRLICH: Your Honor, I agree with
5 them on that.

6 THE COURT: Let's see what I said. I
7 thought I took it right off the -- so it's got to
8 be 14 to 16 and 11?

9 MS. ELLIOTT: No, 11 to 14.

10 THE COURT: It will be less than 16,
11 but more than 11.

12 MS. EHRLICH: At least 14 but at least
13 11.

14 THE COURT: Yes. This is -- I copied
15 this out of the --

16 MS. ELLIOTT: There are two subparts.
17 There is one dealing with 16-year olds. Basically
18 kind of this loophole between 14 and 16. It can
19 kind of drop down all the way to 11 but what he is
20 charged under is that goes between 11 and 14 and
21 that makes it all we have to show --

22 THE COURT: Wouldn't it be if you are
23 less than 14 but more than 11, wouldn't that be
24 between 11 and 14?

25 MS. ELLIOTT: Yes.

1 MS. EHRLICH: I think you said between
2 16.

3 THE COURT: I know. I am reading from
4 what's in here. Probably wrong. So I'm going to
5 fix that. But I am saying if I would say less than
6 16 but more than 11 that would be what we are
7 talking about, right?

8 MS. HERRING-LASH: No, Your Honor.
9 There are two parts. There is one that's from 14
10 to 11.

11 THE COURT: I understand that.

12 MS. HERRING-LASH: And next is 14.

13 THE COURT: So this would -- what you
14 are charged is 14 to 11.

15 MS. ELLIOTT: Yes.

16 THE COURT: All right. I'm going to
17 make that change then. That's what this says. I
18 know that -- I see what you are saying. Okay.

19 MS. HERRING-LASH: 16.

20 THE COURT: I will make the change. I
21 will just recharge it in full. Any other
22 objection?

23 MS. ELLIOTT: We did note, Your Honor,
24 that you did not give a charge on expert. I know
25 you -- when you offered them as witnesses expert it

1 wasn't --

2 THE COURT: You are right. I didn't.
3 I will make that correction.

4 MS. ELLIOTT: That's it.

5 THE COURT: Anything from the defense?

6 MS. EHRLICH: Ms. Elliott has covered
7 everything, Your Honor.

8 THE COURT: Okay. Very good. Thank
9 you. If you would look at the verdict form for me.
10 And I want to segregate any exhibits that you want
11 to go back to the jury.

12 (Brief pause.)

13 MS. HERRING-LASH: I think the age here
14 is right because this one is 14 or less, not less
15 than 11.

16 THE COURT: So we are good on that.

17 MS. HERRING-LASH: We just didn't
18 charge them on 14.

19 THE COURT: I got it. Thank you. Now,
20 do you have an objection to the form?

21 MS. EHRLICH: There's like a little T
22 right there. I don't know if it matters.

23 THE COURT: I don't know where that
24 came from.

25 MS. EHRLICH: Judge, did you intend to

1 send the stipulation back?

2 THE COURT: I told them I would send it
3 back.

4 MS. ELLIOTT: Do we need a charge on
5 the stipulation?

6 THE COURT: I explained it to them when
7 I did it.

8 MS. ELLIOTT: Okay.

9 THE COURT: Let's bring the jury back.
10 I did not ask you, but I assume there is no
11 objection to the indictments going back in the jury
12 room?

13 MS. ELLIOTT: Not from the State.

14 MS. EHRLICH: No, Your Honor.

15 THE COURT: Okay.

16 (Whereupon the jury entered the
17 courtroom at 12:43 p.m.)

18 THE COURT: Ladies and gentlemen of the
19 jury, as I went over what I had spoken to you
20 about, I realized that I made an error in the ages
21 that I gave you for criminal sexual conduct with a
22 minor in the second degree. I'm going to recharge
23 you on that so let me go over that with you again.

24 So I'm going to go over that charge
25 again. And so the Defendant is charged with second

1 degree criminal sexual conduct with a minor. The
2 State must prove beyond a reasonable doubt the
3 Defendant engaged in a sexual battery with the
4 victim. Under the law a sexual battery can be one
5 of several things. Intercourse, in this case the
6 charge is cunnilingus, could be fellatio, anal
7 intercourse, or any intrusion however slight of any
8 part of a person's body or any object into the
9 genital or anal openings of another person's body
10 except when that is done for a medically approved
11 purpose.

12 The next element is the State must
13 prove beyond a reasonable doubt that the victim in
14 the case was less than 14 years old, but at least
15 11 years old and that the Defendant was in a
16 familial, custodial, official authority in
17 relationship to the victim and that the Defendant
18 was older than the victim. Again, consent,
19 willingness, indifference or ignorance on the part
20 of a minor, if any, as what was taking place does
21 not in any way affect the charge of criminal sexual
22 conduct with a minor because under our law a minor
23 cannot legally consent to sexual activity or
24 intercourse.

25 Now, madam foreperson, I'm going to

1 pass over to you some documents. Can I get one of
2 the bailiffs to come pick these up for me?

3 The top document is going to be the
4 verdict form that we are using in this case. Let
5 me go over that document with you. At the top it
6 will indicate the county and state that we are in,
7 the court that we are in, below that the caption of
8 the case is the State against Mr. Singleton. It
9 indicates to the right of that that it is the
10 verdict form in the case. Below that there are
11 three separate verdict forms, one for each of the
12 charges in the case. It indicates that before you
13 even fill that out the jury must unanimously decide
14 as to each one of the charges. And we have
15 numbered them separately. The numbers will
16 correspond to the indictments under that as to each
17 charge.

18 Now, there's choices under those
19 questions either not guilty or guilty. Once the
20 jury has reached a unanimous verdict on any charge
21 then you would put an X or a check beside the
22 appropriate verdict for each charge. Once all
23 verdicts have been reached then you would sign the
24 form on the second page indicating the jury has
25 issued a complete verdict in the case.

1 Now, I caution the members of the jury
2 you should not take from the fact that I have put
3 those choices in any order on the forms somehow to
4 indicate that I have a preference to which one you
5 pick. I have been doing this now for about
6 13 years, giving verdict forms to juries, and all
7 of the ones I have ever done are in that same
8 order. I don't change the order. It's always in
9 that fashion. So it does not indicate any
10 preference on my part as to which comes first or
11 which one is second.

12 Now, the indictments have been given to
13 you as well. Those are for your information should
14 you need to go back and review the nature of the
15 charges in considering the verdict. Again we are
16 going to send the exhibits back to you and in that
17 will be a -- the stipulation that I went over with
18 you. There is one other matter. I told you when
19 we introduced the expert testimony that I would
20 give you some additional information about experts
21 and I did not do that so let me go over that with
22 you briefly.

23 I pointed out at the time the experts
24 were qualified that the rules of evidence don't
25 allow witnesses generally to testify as to

1 opinions. And the difference is made or exception
2 is made for a witness we refer to as an expert
3 witness. That's a witness who because of their
4 education or experience has become an expert in
5 some art, field, profession or science and as to
6 those witnesses the -- they are allowed to give
7 their opinions within their area of expertise.

8 Now, you should consider opinions given
9 by the experts just like any other evidence in the
10 case. As the sole judges of the facts you give it,
11 the weight that you think it is deserved. Should
12 you decide that the opinion of the expert is not
13 based on sufficient education or experience or
14 should you decide that the reasons given for that
15 person having the opinion are not sound or if you
16 decide that the opinion is outweighed by other
17 evidence, then you the jury have the right to
18 disregard the opinion even in its entirety.

19 An expert's opinion testimony shouldn't
20 be given greater weight simply because the Court
21 declared that person to be an expert. In other
22 words, you should weigh all of the evidence
23 including the testimony of experts. And you're not
24 required to accept an expert's opinion just because
25 it might not be contradicted by other evidence.

1 Again, you should weigh that evidence just like you
2 do any other evidence in the case.

3 Now, at this time I am going to ask you
4 to retire to the jury room. You can begin your
5 discussions of the case. Now that's everybody but
6 the two alternates. The two alternates I'm going
7 to ask you that you remain seated in the courtroom
8 while the remainder of the jury steps back to the
9 jury room. So at this time the jury may retire.

10 (Thereupon, the jury exited the
11 courtroom at 12:51 p.m.)

12 THE COURT: Ladies, you were selected
13 as my alternates in the case. Let's see, Avis
14 Foster that's you, and my other one was Louisa
15 Floyd so that's -- I have got the right people; is
16 that right?

17 Now, the law says that once I send the
18 jury back to the jury room to begin deliberations
19 your work has ended. You were here in case someone
20 got sick or had an emergency and couldn't go
21 forward. We would have put you in the jury panel
22 and been able to go forward with the case without
23 having to start over again. So you were here for
24 the that purpose. We didn't have to do that. So
25 your work is ended. Throughout the trial I told

1 you not to discuss the case with anyone. I will
2 tell now that you have the right to do so. You
3 also have the right not to do so. A citizen owes
4 no one an explanation for their service on a jury
5 so you are not required to talk about this
6 experience unless you choose to do that.

7 Now, I don't think this will happen,
8 but should anybody bother about your service on the
9 jury let the clerk's office know and the
10 appropriate action will be taken. I think they
11 have got lunch for you as well back there. They
12 will probably make you comfortable somewhere where
13 you can have your lunch. They will offer you an
14 excuse from your work if you need that. And next
15 week you will be getting a voucher probably from
16 the clerk's office for your jury pay. It's not a
17 lot of money in that regard so don't plan to retire
18 on that. Do you know whether we are going to be
19 picking any other juries?

20 THE CLERK: Tomorrow morning.

21 THE COURT: So you are going to have to
22 go back in the jury room. I release you from this,
23 but you will be back in the jury assembly room at
24 we will say 9:30. So you will be back down there
25 at 9:30 in the morning. Do you understand that?

1 At this time they will check you out,
2 take care of your lunch and we will need you back
3 at 9:30 in the morning. Thank you very much.

4 (Alternates excused at 12:53 p.m.)

5 THE COURT: Any exceptions to the final
6 charge from the State?

7 MS. ELLIOTT: No, Your Honor.

8 MS. EHRLICH: No, Your Honor.

9 THE COURT: We will be in recess until
10 a verdict is reached.

11 (Thereupon, the jury began deliberating
12 at 12:53 p.m.)

13 (Whereupon the jury entered the
14 courtroom at 1:12 p.m.)

15 THE COURT: I have received an inquiry
16 from you. First of all, we ask for a transcript of
17 the telephone call, Exhibit No. 10. Second
18 question, may we please have a transcript of
19 Complainant 's testimony from Monday the 19th.

20 First of all, the Exhibit No. 10 has been provided
21 to you in disk form. There should be a way to play
22 it, but there doesn't exist a written transcript of
23 that call. So there's no way we can provide you
24 with a written transcript of that call. But the
25 disk has been provided. You should be able to

1 listen to the recording.

2 Now, as far as Ms. Ferguson's testimony
3 is concerned, that transcript will not be prepared
4 until after the case is over. We have a recording
5 that recorded her testimony and we can play that to
6 you if you would like to listen to that again.
7 That will be up to you. But again, there was not
8 -- there's also not a written transcript available
9 for any of the testimony in this case. That's only
10 prepared later after the trial has been completed.
11 So that's how I have to respond to your questions.
12 You may return to your deliberations. Thank you
13 very much.

14 (Thereupon, the jury exited the
15 courtroom at 1:14 p.m.)

16 THE COURT: Any objection to the
17 response from the State?

18 MS. ELLIOTT: No, Your Honor.

19 THE COURT: From the defense?

20 MS. EHRLICH: No, Your Honor.

21 THE COURT: The inquiry will be marked
22 as a court exhibit. Thank you very much.

23 (COURT'S EXH. 4, jury question, was
24 marked for identification.)

25 (Thereupon, the jury continued

1 deliberating at 3:18 p.m.)

2 THE COURT: I have got a request we
3 play Complainant 's testimony.

4 MS. EHRLICH: Are we going to do that
5 in the courtroom?

6 THE COURT: Yes, ma'am. Let's bring
7 the jury in.

8 (Whereupon the jury entered the
9 courtroom at 3:22 p.m.)

10 THE COURT: The record will reflect
11 that the jury has been returned to the courtroom.
12 I received a request that we allow you to listen to
13 the day one testimony again of Complainant 's testimony.
14 We have rigged that up to go through the courtroom
15 sound system and we will play it as loud as we can.
16 All right. You may proceed.

17 (Thereupon, the testimony of Complainant
18 was played.)

19 THE COURT: I have gotten a note that
20 says you have heard all the testimony you need.
21 The rules of court require that once you begin to
22 play someone's testimony you must play the complete
23 testimony. So we will have to listen to the whole
24 thing. You can't pick or choose portions. All
25 right. We will proceed.

1 (Thereupon, the remaining testimony of
2 Complainant was played.)

3 THE COURT: Ladies and gentlemen, that
4 completes the testimony that you have requested
5 that would be played. I know we are about 15
6 minutes to 5:00. What we will do is we will allow
7 you to deliberate as long as you want to this
8 evening. If you would let us know how you wish to
9 proceed once we get past 5:00. If you want us to
10 call family members or let them know or friends
11 that you are here and still working late we will be
12 glad to that. We can provide a late meal if you
13 want to do that as well. If you want to take a
14 break and come back in the morning we can make
15 arrangements for that as well. Deliberations are
16 up to you. You decide how you wish to proceed. We
17 will at least go to 5:00 and if a verdict is not
18 reached then we will continue as you wish to
19 proceed.

20 So at this point in time I'll ask you
21 to return back to the jury room and continue your
22 deliberations.

23 (Thereupon, the jury exited the
24 courtroom at 4:36 p.m.)

25 THE COURT: Any objection to the

1 response from the State?

2 MS. ELLIOTT: No, Your Honor.

3 THE COURT: From the defense?

4 MS. EHRLICH: No, Your Honor.

5 THE COURT: All right. The request
6 will be made a court's exhibit and we will be in
7 recess until another question or a verdict. Thank
8 you very much.

9 (COURT EXH. 5-6, jury notes, were
10 marked for identification.)

11 (Thereupon the jury continued
12 deliberating and a verdict was reached
13 at 5:34 p.m.)

14 THE COURT: I am informed that the jury
15 has reached a verdict. Is the State ready to
16 receive the verdict?

17 MS. ELLIOTT: We are, Your Honor.

18 THE COURT: Defense ready?

19 MS. EHRLICH: Yes, sir.

20 THE COURT: All right.

21 (Whereupon the jury entered the
22 courtroom at 5:40 p.m.)

23 THE COURT: The jury has returned to
24 the courtroom. Madam forelady, I am informed that
25 a verdict has been reached; is that true?

1 THE FOREPERSON: That's true.

2 THE COURT: I will ask you to pass the
3 verdict form to the bailiff, please.

4 THE FOREPERSON: (Handing.)

5 THE COURT: Thank you. I will ask the
6 clerk to publish the verdict.

7 THE CLERK: State of South Carolina,
8 County of Charleston, Court of General Sessions for
9 the Ninth Judicial Circuit Court. State of South
10 Carolina versus John Anthony Singleton. We the
11 jury unanimously find as follows: Indictment
12 2017-GS-10-4602, criminal sexual conduct with a
13 minor second degree, victim who was 14 years or
14 less but more than 11 years of age, guilty.
15 Indictment 2017-GS-10-3937 CSC with a minor third
16 degree victim who was under the age of 16, guilty.
17 Indictment number 2017-GS-10-3938 lewd act on a
18 minor, victim who was under the age of 16, guilty.
19 Signed by the foreperson June 21st, 2017. Ladies
20 and gentlemen, is this your verdict?

21 (All jurors answered yes.)

22 THE CLERK: If it is please say yes.

23 (All jurors answered yes.)

24 THE COURT: Thank you. Anything
25 further from the State before I release the jury?

1 MS. ELLIOTT: Nothing from the State,
2 Your Honor.

3 THE COURT: Anything further from the
4 defense?

5 MS. EHRLICH: Your Honor, I would ask
6 that the jury be polled.

7 THE COURT: All right. I will direct
8 the clerk to poll the jury.

9 THE CLERK: Ladies and gentlemen, I'm
10 going to say your juror number. When I say your
11 number please stand and I am going to ask you two
12 questions. Is this your verdict, is this still
13 your verdict. Please answer each question with yes
14 or no. Juror No. 317, is this your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is this still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Thank you. Juror No. 314,
19 is this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is this still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror No. 3, is this your
24 verdict?

25 THE JUROR: Yes.

1 THE CLERK: Is this still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 137, is this your
4 verdict?

5 THE JUROR: Yes.

6 THE CLERK: Is this still your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Juror No. 392, is this your
9 verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is this still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Thank you. Juror No. 25,
14 is this your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is this still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror No. 28, is this your
19 verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is this still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror No. 146, is this your
24 verdict?

25 THE JUROR: Yes.

1 THE CLERK: Is this still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 240, is this your
4 verdict?

5 THE JUROR: Yes.

6 THE CLERK: Is this still your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Juror No. 156, is this your
9 verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is this still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 10, is this your
14 verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is this still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror No. 127, is this your
19 verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is this still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Thank you. The jury has
24 been polled. The verdict stands.

25 THE COURT: Thank you very much.

1 Anything further from the defense before we
2 proceed?

3 MS. EHRLICH: No, Your Honor.

4 THE COURT: Ladies and gentlemen of the
5 jury, I want to thank you very much for your
6 attention to your duties in this case. I
7 appreciate your assistance to the Court.
8 Throughout the trial I have told you not to discuss
9 this case with anyone. I will tell you now that
10 you have the right to discuss it with anyone, but
11 you also have the right not to discuss it. A
12 citizen owes no one an explanation for their
13 actions in serving on a jury. You are not required
14 to discuss this with anyone unless you choose to do
15 that. I don't believe this will happen, but should
16 anybody attempt to bother you or harass you
17 concerning your service on the jury, call the
18 clerk's office and appropriate action certainly
19 will be taken.

20 At this point in time I'm going to
21 release you from this case. I wish I could tell
22 you I am sending you home for the week but I can't
23 tell you that. Maybe tomorrow I can. But we will
24 ask that you be back in the assembly room at 9:30
25 in the morning. The rest of the jury is assembling

1 at that time. It appears we may have one other
2 case that we will try. We will work on that first
3 thing in the morning. So if you would be there at
4 that time and we will give you -- see what we do
5 after that. Now, madam forelady, there is some
6 papers that you have to fill out on the indictments
7 with the clerk so I will ask you to remain seated
8 while the other jurors leave. And she will come
9 over and take care of that with you before you go.
10 Again thank you very much for your help in the
11 case. The bailiffs will check you out tonight. We
12 will see you in the morning at 9:30.

13 (Thereupon the jury exited the
14 courtroom at 5:43 p.m.)

15 (Off-the-record conference.)

16 THE COURT: Thank you, ma'am. We
17 appreciate your service.

18 (Thereupon, the foreperson left the
19 courtroom.)

20 (Brief pause.)

21 MS. ELLIOTT: Your Honor, we have the
22 sentencing sheets if you would like those.

23 THE COURT: I need to get the attorney
24 for the Defendant and the Defendant to sign that.

25 MS. EHRLICH: May I also provide you

1 with a letter on his behalf?

2 THE COURT: Sure.

3 MS. EHRLICH: (Handing.)

4 THE COURT: Mr. Singleton, if you would
5 please stand. Mr. Singleton, having been found
6 guilty by a jury of your peers of the offenses of
7 criminal sexual conduct with a minor second degree,
8 criminal sexual conduct with a minor third degree
9 and committing a lewd act on a minor, at this time
10 I'm going to consider sentencing in your case. I'm
11 going to allow your attorney to speak to me about
12 this and then once your attorney has finished I
13 will give you an opportunity to speak to the Court
14 about this matter and if there is anyone present
15 who would like to speak on your behalf I'll be more
16 than happy to hear from them.

17 Once I have received those statements
18 then I'll ask the State for some information and
19 give them an opportunity to address the Court on
20 the subject as well. The victim also will be given
21 an opportunity to speak with me about this matter.

22 Ms. Ehrlich.

23 MS. EHRLICH: Your Honor, before we do
24 the sentencing just procedurally at this time I
25 would renew all my prior motions throughout the

1 trial and also make a motion for a new trial.

2 THE COURT: Those motions are all
3 noted. The Court would make the same rulings it
4 did previously. As to the motions made during the
5 trial and as to the motion for a new trial I find
6 that the verdict is within the proof and I will not
7 disturb it so that motion is denied.

8 MS. EHRLICH: Yes, Your Honor. I have
9 represented John Singleton since his initial arrest
10 in May of 2015. And while the indictments have
11 2017 dates on them. It went before the grand jury
12 last week; I would ask Your Honor provide him with
13 credit for 783 days.

14 THE COURT: Does the State have any
15 objection to him receiving credit for 783?

16 MS. ELLIOTT: We do not, Your Honor.

17 THE COURT: Okay. Yes, ma'am. You may
18 proceed.

19 MS. EHRLICH: Thank you, Your Honor.
20 He was 48 years old when he was initially arrested.
21 He's 50 years old now. And during one of the
22 breaks today when I was looking up his jail credit
23 I pulled up his booking photo and it is noticeable
24 that he's aged quite a lot in the last two years
25 since his initial arrest and I think that kind of

1 tells us what we all know that being in jail does
2 age you. It is a difficult life and certainly
3 prison would be no different for him. He has an
4 extremely supportive family. His aunt was here for
5 the one day of trial. She had to work today,
6 otherwise she would be here. His mother is present
7 and has been present, Ms. Mitchell. She loves him,
8 supports him.

9 When I asked him if he wanted his mom
10 to speak, she wanted to speak. He said he didn't
11 want her to have to do that. But I know she would
12 want the Court to know that she loves him and will
13 support him in that, she believes in him. He was
14 born and raised in Charleston. He worked for a
15 construction company prior to his arrest and as he
16 testified to he has done a lot of temp work. He
17 had been in and out of the system for a while.
18 Nothing of this nature on his record at all. And
19 in the past 10 to 12 years nothing of any sort of
20 violence, all property offenses and I think what
21 that tells you about Mr. Singleton is that he does
22 have some substance abuse issues and he has a
23 problem with alcohol. And I think that's gotten
24 him into trouble before in the past. And he's
25 tried very hard in the jail to make good use of his

1 time.

2 He provided the Court with a letter
3 from a counselor Amanda Johnson with the peer
4 program which is our jail's substance program which
5 he has been in now for over a year. And just for
6 the Court's benefit, I have had many clients go
7 into that program, but it can be very difficult to
8 stay in. You can't get into any problems in the
9 unit. If there's an altercation of any manner,
10 even if you are not the aggressor, they will
11 terminate you and kick you out of the unit. But
12 John has been able to maintain himself in that unit
13 with good behavior for over a year and as his
14 counselor outlines he started maybe not with the
15 best perspective into his substance abuse issues
16 and kind of ambivalent, but has grown into being a
17 leader in that program, been allowed to stay on the
18 unit since he even completed the program.

19 So, Your Honor, I think that shows his
20 insight into his alcoholism. His wants to be
21 rehabilitated. And I'd ask Your Honor you have
22 wide discretion in sentencing in this case with no
23 mandatory minimum. I would ask Your Honor to
24 consider something toward the lower end of the
25 range in this case. I think he has true potential

1 and I think addressing his alcoholism has been his
2 first step towards that progress.

3 THE COURT: You may have told me his
4 age, but it slipped my mind. How old is he?

5 MS. EHRLICH: He's 50.

6 THE COURT: Fifty now?

7 MS. EHRLICH: Yes, sir.

8 THE COURT: All right. The letter you
9 handed up, is that the substance abuse program that
10 you were referring to?

11 MS. EHRLICH: It is, Your Honor.

12 THE COURT: Okay. Give me a moment to
13 look over that.

14 (Brief pause.)

15 All right. Mr. Singleton, this is your
16 opportunity to talk with me about this. Is there
17 anything you would like to share with me?

18 THE DEFENDANT: No, Your Honor, ain't
19 too much I could say. Only thing I am trying, but
20 whatever I did wrong I apologize.

21 THE COURT: Thank you, sir. Someone
22 wish to speak on his behalf? Ma'am, if you would
23 stand over to the mic a little bit, thank you.
24 Ma'am, state your name, please.

25 THE SPECTATOR: My name is Elizabeth

1 Mitchell.

2 THE COURT: Yes, ma'am. I will be
3 happy to hear you.

4 THE SPECTATOR: Yes, I'm John Anthony
5 Singleton's mother. John was always a good person.
6 He was raised up in church. John was always a
7 people person, you know, he always had friends. He
8 was raised up in church. He always was close to
9 his sister, you know, he love people. He was
10 always a good person, always was. And you can't
11 grasp that about him. He is not perfect, none of
12 us is perfect, but I'm going to stick with him
13 because I hate to say I wouldn't take nobody right
14 from them to make him right, but I just don't grasp
15 it. Appreciate you letting me speak.

16 THE COURT: Thank you for speaking.
17 Appreciate that. Anything further from the
18 defense?

19 MS. EHRLICH: Your Honor, I would just
20 say in working with him in two years he always had
21 -- been kind of a positive attitude, patient
22 waiting for his day in court. Never been angry and
23 I have enjoyed representing him.

24 THE COURT: I understand. You can be
25 seated. From the State? I do know he has a prior

1 record because we went through some dates of
2 incarceration so if you would help me with his
3 prior record.

4 MS. ELLIOTT: Yes, Your Honor. His
5 prior record begins in 1985 with petty larceny and
6 a simple possession, '87 trespassing, '88 burglary
7 second and assault and battery of a high and
8 aggravated nature, 1990, petty larceny, '91
9 trespassing, '92 petty larceny, '93 strong armed
10 robbery, '98 property offense enhancement, 2000
11 shoplifting and public drunkenness, 2000
12 shoplifting and possession of marijuana, 2003
13 concealed weapon, 2005 possession of stolen motor
14 vehicle, 2006 possession of stolen motor vehicle,
15 2007 another property offense enhancement, 2008
16 trespassing, 2009 property offense enhancement,
17 2011 use of a vehicle without permission and hit
18 and-run and the last that I think is 2014
19 shoplifting.

20 THE COURT: Now, anything the State
21 needs to make me aware of about the case?

22 MS. ELLIOTT: Your Honor, I would like
23 for you to hear from **Complainant** first, then I
24 would like to address if you wish.

25 THE COURT: Ma'am, if you will step up,

1 please. I will be happy to hear from you, Ms.
2 Ferguson. Speak up so we can hear you. You have a
3 soft voice, I realize that.

4 MS. FERGUSON: I don't want John to be
5 in that place.

6 THE COURT: You don't want what?

7 MS. FERGUSON: I don't want John to go
8 back to jail.

9 THE COURT: You don't want him to go
10 back to jail.

11 MS. FERGUSON: Yes, sir. Even though
12 he did something wrong to me that was the only
13 thing that I had to call daddy. (Crying.) My
14 little brother need him there too. He don't have a
15 father. He don't know our daddy. My brother was
16 only ten months when my daddy died. (Crying.)

17 THE COURT: Thank you, Ms. Ferguson,
18 you can be seated if you would like. Anything
19 further?

20 MS. ELLIOTT: Yes, Your Honor. From
21 day one **Complainant** has demonstrated that she
22 cares about everybody else before herself. I have
23 listened to four months worth of jail calls, the
24 first two months that he was in jail and the last
25 two months before this trial. And consistently and

1 constantly the Defendant has continued to insert
2 himself into her family and into her life. And she
3 has beared that in silence. His assaults were
4 blatant and bold. He did not care that there were
5 people around that could have walked in. And the
6 State has real concerns about whether she would be
7 protected if he were to be released. He went after
8 a victim who was literally the most vulnerable that
9 she could be with the loss of a father and
10 ingratiating himself into her life and into her
11 family's life and she carries the guilt and the
12 blame of herself for simply saying what he did to
13 her that was wrong. And for that reason the State
14 is asking that you give him an active sentence, a
15 substantial sentence for the protection of Complainant
16 and other children like her.

17 THE COURT: Thank you, ma'am. I want
18 to go over my understanding of the maximum
19 sentences for CSC with a minor second is 20 years,
20 not more than 20 years; is that correct?

21 MS. ELLIOTT: Yes, Your Honor.

22 THE COURT: On criminal sexual conduct
23 with a minor third degree not more than 15 years
24 and/or a fine.

25 MS. ELLIOTT: Yes, Your Honor.

1 THE COURT: And on lewd act on a child
2 not more than 15 years and/or a fine and active
3 monitoring is required.

4 MS. ELLIOTT: Yes, Your Honor. The
5 active monitoring also applies under CSC code.

6 THE COURT: I believe they are no
7 parolable offenses; is that also correct?

8 MS. ELLIOTT: Just the CSC with a minor
9 second.

10 THE COURT: Okay.

11 (Brief pause.)

12 Mr. Singleton, if you would stand,
13 please. I have considered the facts that I heard
14 during the trial of the case. I have considered
15 the information provided to me by your attorney and
16 of course you and your mother's discussion with me.
17 I have also considered the statement made by the
18 victim in this case.

19 I do note that each of the criminal
20 sexual conduct with a minor with a minor second
21 degree is a violent and most serious offense, lewd
22 act on a child is a violent offense and the
23 criminal sexual conduct with a minor third is also
24 classified as a violent offense. These are serious
25 matters under the law of this state. I do note

1 that you have a prior record. While it does have
2 property crimes on it, it also has other crimes
3 that are fairly serious in nature. I do make note
4 of that. I do understand this is a family
5 situation and that you were having a relationship
6 with the victim's mother. I understand her
7 position, the victim's position in this situation,
8 very tough spot for her to be in this situation
9 because I understand that the mother perhaps still
10 carries on some relationship with you in this
11 matter.

12 So all of those factors I have
13 considered in trying to determine an appropriate
14 sentence. I have also considered your age at this
15 time. It appears that you are in fairly good
16 physical condition at this time. And I have
17 considered those factors as well as these crimes
18 carry with them in the case of CSC second the fact
19 that you will serve the majority of this sentence
20 before you're eligible for parole. All of those
21 factors I have taken into consideration in reaching
22 what I think to be a fair sentence in this.

23 All of the three cases are run
24 concurrently. I have given you credit for 783 days
25 toward the sentences in this case. And the

1 sentence in each case is for the same length of
2 time. You are to be confined to the State
3 Department of Corrections for a period of 12 years.
4 GPS monitoring will be required and sex offender
5 registry will be required as well as other
6 collateral consequences will result. Good luck to
7 you, sir.

8 These proceedings were concluded at
9 6:14 p.m. June 21, 2017, Charleston County, South
10 Carolina.)

11 ***** END OF TRANSCRIPT***
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CERTIFICATE OF REPORTER

I, Ruth C. Weese, Registered Diplomate
Reporter for the State of South Carolina at Large,
do hereby certify that the foregoing transcript is
a true, accurate, and complete record.

I further certify that I am neither related
to nor counsel for any party to the cause pending
or interested in the events thereof.

Witness my hand, I have hereunto affixed my
official seal this 1st day of August, 2017 at
Charleston, Charleston County, South Carolina.

Ruth C. Weese

Ruth C. Weese

Registered Diplomate

Reporter

SNE/0304330
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2015-007840

ARREST WARRANT NUMBER

2017-GS-10-04602

DATE OF ARREST

05/01/2015

ACTION OF GRAND JURY

TRUE BILL

JUN 13 2017

Foreperson of Grand Jury

Date:

VERDICT

legality

Foreperson of Grand Jury

Date:

DOCKET NO. 2017-GS-10-04602

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2017

THE STATE

VS.

JOHN ANTHONY SINGLETON

B/M DOB:

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE**

SC Code: § 16-03-0655(B)(1)
CDR Code: 0396

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2017, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That in Charleston County, South Carolina, between August 5, 2013 and March 8, 2015, the Defendant, John Anthony Singleton, date of birth 1966, did commit, or assaulted with the intent to commit, a sexual battery upon a minor, Complainant date of birth 2002, who was fourteen years of age or less but who was at least eleven years of age; to wit: cunnilingus; in violation of Sections 16-3-655(B)(1) and 16-3-656 of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SHANNON ELLIOTT
ASSISTANT SOLICITOR

SNE/0304330
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2015-007840

ARREST WARRANT NUMBER

2017-GS-10-03938

DATE OF ARREST

05/01/2015

ACTION OF GRAND JURY

TRUE BILL

Forperson of Grand Jury *Seal* JUN 13 2017
Foreperson of Grand Jury Date:

VERDICT

Guilty

AB 6/21/17
Foreperson of Petit Jury Date:

DOCKET NO. 2017-GS-10-03938

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2017

THE STATE

VS.

JOHN ANTHONY SINGLETON
B/M DOB:

Indictment for

LEWD ACT UPON A CHILD

SC Code: § 16-15-0140
CDR Code: 2468

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

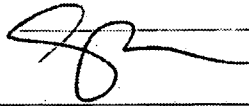
INDICTMENT

At a Court of General Sessions, convened June 2017, the Grand Jurors of Charleston County present upon their oath:

LEWD ACT UPON A CHILD

That in Charleston County, South Carolina, between ~~January 1, 2009~~ ^{September 2010 RJC} and June 17, 2012, the Defendant, John Anthony Singleton, date of birth 1966, who was over fourteen (14) years of age, did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Complainant, date of birth 2002, a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the defendant or the child, in violation of Section 16-15-140, South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SHANNON ELLIOTT
ASSISTANT SOLICITOR

601

SNE/0304330
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2015-007840

ARREST WARRANT NUMBER

2017-GS-10-03937

DATE OF ARREST

05/01/2015

ACTION OF GRAND JURY

TRUE BILL

Frederick Sear JUN 13 2017
Foreperson of Grand Jury Date:

VERDICT

Guilty

[Signature] 6/21/17
Foreperson of Grand Jury Date:

DOCKET NO. 2017-GS-10-03937

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2017

THE STATE

VS.

JOHN ANTHONY SINGLETON
B/M DOB:

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: § 16-03-0655(C)
CDR Code: 3661

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

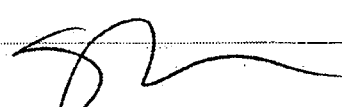
INDICTMENT

At a Court of General Sessions, convened June 2017, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That in Charleston County, South Carolina, between June 18, 2012 and March 8, 2015, the defendant, John Anthony Singleton, ¹⁹⁶⁶~~1996~~, who was over fourteen (14) years of age, did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Complainant, date of birth 2002, a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the defendant or the child; in violation of Section 16-3-655(C), South Carolina Code of Laws, (1976), as amended.

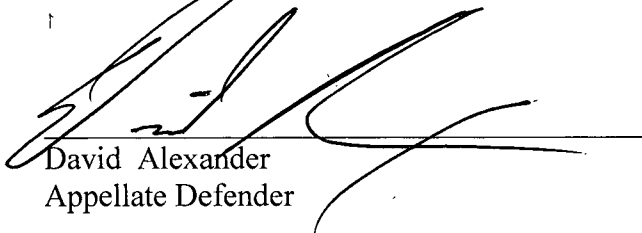
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SHANNON ELLIOTT
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 25th day of January, 2018.

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SC Court of Appeals