

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
Court of General Sessions
Perry H. Gravely, Circuit Court Judge

Appellate Court Case No.: 2017-001867

RECEIVED
JUN 04 2018
SC Court of Appeals

The State,..... Respondent,
v.
Joseph Campbell Williams, II,..... Appellant.

RECORD ON APPEAL

J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)

Counsel for Appellant

Alan Wilson
Attorney General

Joshua A. Edwards
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

William W. Wilkins
Solicitor, Thirteenth Judicial Circuit
305 East North Street, Suite 325
Greenville, South Carolina 29601

Attorneys for Respondent

RECORD ON APPEAL INDEX

INDEX

Index of Testimony	3
Index of State's Exhibits	4
Index of Defendant's Exhibits	4
Index of Court's Exhibits	4
Qualification & Selection of Jury	5
Arraignment as to 15-GS-39-0700	35
State's Motion to Sequester	38
Jury Sworn	42
Welcome by The Court	42
Opening Statements:	
Solicitor Odom	49
Scott Dover for Defense	52
Motion re: Rape Shield Statute	71
Defense Motion for Directed Verdict	242/339
Examination of Defendant	243
Charge Conference	340
Closing Arguments:	
Solicitor Odom	342
Scott Dover for Defense	375
Replay Argument by Solicitor	386
Charge by The Court	390
Verdict	534
Defense Motion	536
Sentence	536
Certificate of Court Reporter	540

INDEX OF TESTIMONY

Witness	Direct	Cross	Recross	Redirect
Andrew Rackley	61	64		
Bobby Skelton	65	71		
 Child 	86	116	161	
Shauna Galloway-Williams	164	191		
Angie Farmer	201	225		
Jan B. Kelley	237			
Wendy Williams	249	260		
Rebecca Miller	282	288		
Jamie Gantt	293	295		
Chris Williams	296	300		
Joseph Williams, II	302			
Fred Kelley - Proffer	328			
Fred Kelley	330			
Court Exhibit 1	541			
Court Exhibit 2	542			
Court Exhibit 3	543			
Court Exhibit 4	544			
Court Exhibit 5	545			
Court Exhibit 6	546			
Court Exhibit 7	547			
Indictments	552			
Certificates	554			

INDEX OF STATE'S EXHIBITS

No.	Description	Reference

- None Entered -

INDEX OF DEFENDANT'S EXHIBITS

No.	Description	Reference

1	Arrest Warrant (Fred Kelley)	327

INDEX OF COURT'S EXHIBITS

No.	Description	Reference

1	Jury Note - Juror Number 5, Foreperson	85
2	Jury Note	410
3	Jury Note	410
4	Jury Note	410
5	Jury Note	453
6	Jury Note	454
7	Jury Note	455

1

Child

2

A. She's my daughter.

3

Q. How many children do you have?

4

A. Four.

5

Q. What are their ages?

6

A. Twenty-one, nineteen, one soon to be
7 fifteen, one thirteen.

8

Q. How many grandchildren do you have?

9

A. Five.

10

Q. Ma'am, you have sequestered? Been
11 here all day, under my subpoena?

12

A. That's correct.

13

Q. I am going to ask you some questions
14 about your daughter's testimony and where
15 y'all lived? Do you recall a time when you
16 and your husband, Jodie Williams, lived on
17 Lewis Street in Pickens, South Carolina?

18

A. Yes, sir. It was South Lewis
19 Street.

20

Q. Was there ever an opportunity -- was
21 there ever a time when Mr. Williams, Your
22 Honor, was left alone with your daughter,

23

24

A. No, sir.

25

Q. Could you please explain that to the

1 jury, why you can say that?

2 A. At that time my children stayed with
3 my parents. I would get them after school.
4 Anytime they were in my home it was during
5 waking hours only. The majority of the time
6 he was at his mother's or at work. There
7 were a few times that he would come in
8 shortly before ---

9 Q. When you say "he", please tell us
10 who you are talking about.

11 A. Jodie. Jodie would come in sometime
12 shortly before my parents would come get them
13 or I would take them. But during that time
14 period they were not in the house during
15 sleeping hours or in the evening, and they
16 were never left alone with Jodie during that
17 time.

18 Q. Was there ever a night that you,
19 your husband and your daughter, [REDACTED] would
20 have been at that home overnight?

21 A. There was one time.

22 Q. All right. Tell us about it.

23 A. She had broke her collarbone, had
24 a bicycle accident. I took her to the
25 emergency room, she had broken her

1 collarbone. They gave her some pain
2 medication. She was pretty much knocked out,
3 so I took her home with me and I propped her
4 on the living room couch, head in my lap, and
5 I stayed on the couch with her that night to
6 make sure that she was okay, because I was
7 leery with her having taken the pain
8 medication.

9 Q. Your mother and father's names are
10 what?

11 A. Fred and Clara Kelley.

12 Q. They -- your daughter lived with
13 them on a nightly basis?

14 A. At night, (affirmative nod). Yes,
15 sir.

16 Q. Was there -- do you know what I mean
17 by the word "access", where there would have
18 been an opportunity for Jodie to be sexually
19 or nonsexually with your daughter at night?

20 A. I understand what you mean.

21 Q. Was there ever an opportunity at
22 South Lewis Street, as this child's mother,
23 that Jodie Williams had access to [REDACTED]

24 Child [REDACTED]

25 A. No, sir.

1 Q. Now, y'all moved from Lewis Street
2 to where?

3 A. To Jane Lane.

4 Q. Tell us about the accommodations at
5 Jane Lane?

6 A. They were horrible. There was only
7 one bedroom that was suitable to stay in. So
8 Jodie and the boys actually slept in that
9 bedroom. I slept on the couch.

10 Q. Did your daughters ever spend the
11 night there?

12 A. Spend the night?

13 Q. Yes.

14 A. No, sir.

15 Q. Ever?

16 A. No.

17 Q. Not one night?

18 A. No.

19 Q. At Jane Lane?

20 A. No. There was not a decent bedroom
21 there for them to stay in.

22 Q. Ma'am, did you ever work the third
23 shift?

24 A. At Jane Lane?

25 Q. Yes.

1 A. No, sir.

2 Q. Did you ever work the third shift at
3 South Lewis Street?

4 A. No, sir.

5 Q. Where and when did you work the
6 third shift?

7 A. I started working weekend third
8 shift at the Board of Disabilities May -- I
9 don't remember the exact date, but it was in
10 May 2010 (sic).

11 Q. When you worked third shift, what
12 hours would you work?

13 A. I worked Saturday and Sunday, 8:00
14 p.m. at night until 8:00 a.m. in the morning.

15 Q. So you did not work the third shift
16 prior to May of 2010?

17 A. Not since my children have been
18 born, no.

19 Q. When you did work third shift after
20 May of 2010, what would you do with your
21 children?

22 A. There were a couple of weeks,
23 because of some stuff that happened with my
24 parents, that [REDACTED] stayed with her friend,
25 Angie. My other daughter stayed with my

1 sister, Becky. My boys went to my mother-in-
2 law's, Jodie's mother, Judy.

3 When I was working third shift, they
4 would go there on Friday evenings and stay
5 until Mondays. So they were not there past
6 Friday and they did not come back home until
7 my shift was completed. That was only while
8 I was working third. I worked weekend third
9 approximately a year before I switched to
10 first.

11 Q. From July 8th, 2003 to July 8th,
12 2009, did you ever work the third shift?

13 A. I did work third shift. I started
14 my job at the Board of Disabilities in May of
15 2007 on weekend third and I worked weekend
16 third approximately one year before I
17 switched to weekend first.

18 Q. Okay, so I misunderstood when I said
19 2010. So there was a time that you did work
20 third shift during that period of time?

21 A. In 2007, yes. May of 2007 is when I
22 began working there and I worked weekend
23 third.

24 Q. Was there ever a night that your
25 daughter, [REDACTED] was at your home when you

1 were working weekend third?

2 A. No, sir. Actually there was no one
3 in my home. Jodie and my boys stayed at my
4 mother-in-law's house and the girls stayed
5 with my parents.

6 Q. Was there ever an opportunity for
7 your husband and your daughter [REDACTED] to
8 interact at nighttime, in any fashion?

9 A. During that timeframe, no, sir.

10 Q. When y'all moved to Hilltop Drive,
11 was ---

12 A. High Top.

13 Q. High Top Drive. When you moved to
14 High Top Drive, were there occasions when
15 [REDACTED] would spend the night at the home
16 while Jodie was there?

17 A. At High Top Drive?

18 Q. Yes.

19 A. Not while I was working. I was also
20 there. There were some nights when she was
21 at High Top Drive and Jodie was also at High
22 Top Drive.

23 Q. Tell me what you did, your sleeping
24 arrangements and what precautions you took
25 during those periods of time ---

1 A. There were some family issues, some
2 stuff going on actually about that whole
3 entire time.

4 The master bedroom, Jodie and the two
5 boys had that bedroom.

6 There were two bedrooms on the other end
7 of the house that the girls actually shared a
8 room. They had bunk beds and they shared a
9 room.

10 I slept on the couch in the living room,
11 which was in between the master bedroom and
12 the bedroom on the other end. It was a
13 doublewide.

14 Q. Do you ever remember hearing or
15 seeing anything inappropriate between your
16 daughter, [REDACTED] and your husband, Jodie,
17 during those periods of time?

18 A. No, sir.

19 Q. And y'all moved to Hilltop (sic)
20 Drive when? High Top Drive.

21 A. We moved to High Top Drive in
22 September of 2006. The girls came home and
23 started staying nights with me -- it was
24 sometime in 2007. I want to say August. I
25 know that it was right around when school was

1 starting. That's when I was switching over
2 to weekend first. They started staying home
3 at nights, with me, around -- I don't
4 remember exactly but I'm saying around August
5 2007.

6 But sometime in 2008, I know it was the
7 earlier part of the year ---

8 Q. According to school records, it was
9 in April of 2008. Mr. Skelton testified to
10 those.

11 A. Okay. I didn't remember exactly
12 when but I know at some point in 2008, due to
13 problems with [REDACTED] and my other daughter,
14 [REDACTED] went back to live with my parents.
15 She went to school at Liberty and lived with
16 my parents.

17 She did come back home, maybe the end of
18 that year or the beginning of the 2009 -- I
19 can't remember exactly but there was a while
20 that she lived with my parents. She had
21 issues there and my daddy told me to come get
22 her.

23 Q. Don't tell me what he said.

24 A. Well, -- yeah. But I had to go get
25 her maybe December 2008 is when I went back

1 to pick her up.

2 She come back to High Top and we started
3 the same thing, problems and issues, and she
4 went back to my parents.

5 Then she didn't stay with me again until
6 we moved to Lee Street, which was June 2010.

7 Q. You understand the dates that your
8 husband has been charged with this actions on
9 your daughter, 2003 to 2009?

10 A. Yes.

11 Q. There has been some testimony that
12 you've not been supportive of her. How would
13 you respond to that?

14 A. She is my daughter. I love her, I
15 support her a hundred percent in everything I
16 can. If me telling the truth seems that I am
17 not supporting her, I can't help that because
18 I am not going to lie for anybody and I'm not
19 going to lie on anybody. All I can do is
20 tell the truth, that's all that I can do.

21 Q. And you -- thank you. That's all
22 the questions that I have for you. Answer
23 any questions that the State may have.

24 A. Yes, sir.

25 CROSS EXAMINATION

1 BY SOLICITOR ODOM:

2 Q. How old were the girls when you got
3 with Jodie?

4 A. When I got with Jodie?

5 Q. Yeah, how old were they?

6 A. Are you talking about ---

7 Q. What were their ages?

8 A. I'm trying to think of when me and
9 Jodie first started -- maybe three and five.

10 Q. Three and five?

11 A. (Affirmative nod).

12 Q. How long have you been knowing
13 Jodie?

14 A. I've been knowing Jodie -- he was a
15 neighbor when I was around nine years old.

16 Q. And y'all used to date when y'all
17 were teenagers?

18 A. I knew him. I wouldn't say we
19 "dated" but, yes, I hung out some and stuff
20 when I was fifteen. My friend and I used to
21 walk and sometimes we'd stop down there.

22 Q. You said three and five is how old
23 your daughters were?

24 A. I think. I don't remember exactly.
25 We talked but we didn't date seriously until

1 -- we started dating seriously, I think in
2 May of 2001.

3 Q. When did y'all get married?

4 A. When did we get married? Oh, gosh,
5 when did we get married. October of 2006, I
6 think.

7 Q. You are not sure?

8 A. (No verbal response).

9 Q. Do you know?

10 A. I think it was 2006. We were
11 together before we got married.

12 Q. How long were you together before
13 you got married?

14 A. As I said, we started dating
15 seriously as a couple in May of 2001. Before
16 that we were just friends. The boys were
17 born before we were married.

18 Q. So when did you first move in
19 together?

20 A. That would have been -- I don't
21 remember the exact date.

22 Q. What year?

23 A. I want to say the very end of 2001,
24 beginning of 2002.

25 Q. Where did y'all live?

1 A. We moved into a house on Howell
2 Road. I actually lived there as a child
3 also.

4 Q. Where did y'all live next?

5 A. From that house we went to South
6 Lewis Street. As you know, we moved into
7 South Lewis Street before -- I moved there
8 before Matthew was born. Matthew was born in
9 September of 2002, so it would have been July
10 or August of 2002 when we moved into South
11 Lewis Street. It was my parents' home.

12 Q. What was -- what is the date of
13 birth of [REDACTED]

14 A. 7-8-96.

15 Q. How old are your parents?

16 A. Let's see. My daddy is seventy-one
17 and my mama is sixty-six, I think. Sixty-
18 seven. She turned sixty-seven in January.

19 Q. So you love your kids?

20 A. Very much so.

21 Q. You'd do anything that you could to
22 help them?

23 A. Of course.

24 Q. Why didn't you take [REDACTED] to
25 counseling?

1 A. I did. I took [REDACTED] for counseling
2 many times. I'd set her up for counseling.

3 There was times when I had to work and I
4 would ask my parents to take them, because
5 they were always with my parents when I was
6 working and ---

7 Q. So it's not your fault that she
8 didn't go back to counseling. It's your
9 parents' fault?

10 A. No. I would take her if I was off
11 work. They would not take her when I was
12 working.

13 Q. In 2003 was her first case at
14 Behavioral Health Services and she went one
15 time, and she was six years old. Why didn't
16 you take her?

17 A. Because I was working and I was the
18 only one with income coming into the house,
19 and I could not miss work.

20 Q. Why couldn't Jodie take her if he's
21 not working?

22 A. Because Jodie would not have
23 interaction with my girls. He would not take
24 them. He was never left alone with them and
25 he would not take them to appointments ---

1 Q. You've really harped on that, how he
2 was never, never, ever alone with them. Why
3 were you so scared to leave them alone with
4 him?

5 A. I didn't like leaving my children
6 with anyone other than my parents. Also ---

7 Q. What about your little boys?

8 A. --- I ---

9 SCOTT DOVER: Let her answer the
10 question. She keeps interrupting her.

11 WITNESS: Actually he was the boys'
12 father. But there had been previous
13 accusation made by [REDACTED] and my other
14 daughter, against other men. Because of
15 that, I was always leery. Jodie wasn't their
16 father and I just feel comfortable leaving
17 the girls alone or having him take care of
18 them anywhere alone when they were little.

19 CROSS EXAMINATION CONTINUED

20 BY SOLICITOR ODOM:

21 Q. You didn't trust him enough to try
22 to have a blended family?

23 A. It's not that I didn't trust him
24 enough. I was worried because of what I'd
25 experienced where [REDACTED] father put her up.

1 She told numerous things on me ---

2 Q. Ma'am, do not -- you do not need to
3 comment on what anyone told you.

4 A. No. This is what I experienced
5 myself, going through DSS cases.

6 THE COURT: All right, you need to
7 answer the questions.

8 WITNESS: That is why. I was always
9 worried because I had been put in that
10 situation, I didn't want him to be put in
11 that situation.

12 CROSS EXAMINATION CONTINUED
13 BY SOLICITOR ODOM:

14 Q. So you cared a lot about him?

15 A. I would care about -- I wouldn't
16 want anybody to be put in a situation ---

17 Q. How much money did you put towards
18 his attorney?

19 A. Out of pocket, that was my own
20 personal money, that wasn't joint money?

21 Q. No, any money? You said that he is
22 not working, so how much money did you put
23 towards the attorney?

24 A. There was tax money where he was on
25 my taxes but it was very little. His family

1 paid his attorney.

2 Q. Where were you sitting this morning
3 in the courtroom?

4 A. I don't understand the question.

5 Q. Where were you sitting this morning
6 in the courtroom?

7 A. When they brought us in for the
8 jury? I was on the back pew, back row.

9 Q. Who was -- were was his mom, was she
10 back there with you?

11 A. Yes, she was on down. I was sitting
12 beside my sister.

13 Q. You said that Jodie, when you
14 weren't home that he wouldn't stay home even
15 though the girls weren't there. Why wouldn't
16 he want to be comfortable in his own home?

17 A. Jodie has nerve problems. He would
18 go to his mother's because he couldn't take
19 care of the boys properly by himself and he
20 wanted his mom's help. He went to his
21 mother's and she helped take care of them.

22 Q. What about his drinking? Was that
23 ever a problem with y'all?

24 A. He does a problem with alcohol,
25 yes. Because of an incident that occurred in

1 December of 2002, I wouldn't let him drink in
2 the house. If he drank at friends, I'd make
3 him stay there. Or I would leave if he was
4 intoxicated.

5 Q. Now, when y'all moved to Lee Street,
6 he would have friends over; is that right?

7 A. At Lee Street?

8 Q. (Affirmative nod).

9 A. A couple of times, yes, when I was
10 at work.

11 Q. Would that upset you or anything,
12 that he would have friends?

13 A. I wasn't upset that he friends. He
14 had one particular friend that I didn't want
15 in my house, around my children. That did
16 upset me and I did run him off..

17 Q. What was that friend's name?

18 A. Scotty Hamilton.

19 Q. Would Scotty Hamilton upset [REDACTED]
20 too? Didn't y'all have a discussion about
21 Scotty? Wasn't she pretty upset that Scotty
22 was over at the house?

23 A. They actually called me -- I was at
24 work and I left work and made him leave my
25 house, yes

1 Q. Now, you testified about the
2 bedrooms at all these different places, how
3 the girls didn't have a bedroom, all this and
4 that. So at Jane Lane, tell me again --
5 because I am getting the houses confused --
6 whose bedroom was where?

7 A. Jane Lane was a small trailer. I
8 can't remember if it was two bedrooms or
9 three bedrooms but I know that there was only
10 one bedroom that was useable.

11 I remember the back bedroom, that the
12 floor was falling in.

13 I know that there was only one bathroom,
14 because the commode was literally falling
15 through in that house.

16 I moved there because I had to from Lewis
17 Street because my son Alex had really bad
18 asthma and there was mold that was causing
19 him to stay really sick. I didn't have a lot
20 of money so I kind of had to go where I could
21 at the time, and my dad was letting the
22 trailer on South Lewis Street go back. So
23 this was kinda of to get where I could get as
24 a home.

25 I, so, I moved there and Jodie and the

1 boys did stay in that back bedroom. I put
2 the crib and all of that in there and I slept
3 on the couch.

4 Q. All right. So at High Top, the
5 girls had a room there; right?

6 A. Yes.

7 Q. Where was that bedroom?

8 A. It was a doublewide and when you
9 walked in the door -- the house was -- you
10 know, you walked in the door this way.

11 The master bedroom was to the right.

12 There was the living area and the
13 kitchen.

14 There was a short hallway, a bathroom on
15 the left and then a bedroom on the corner
16 which is where the girls slept.

17 Another bedroom to the right.

18 Q. So the girls had a room together?

19 A. Yes. Later on [REDACTED] moved into
20 that other bedroom. She didn't really stay
21 there a lot but -- for the majority of the
22 time that she was there, her and Katlyn
23 shared that one room and slept at my parents.

24 Q. Where did the boys stay?

25 A. The boys slept in our room because

1 they were used to it, and I was on the couch.
2 So they usually slept in my bed.

3 Jodie and I were split up a good bit of
4 the time that we were on High Top.

5 Q. Ma'am, you don't need to -- that's
6 fine, there is not a question.

7 So you testified that you and Jodie
8 hadn't shared a bed -- well, on Lee Street,
9 did y'all share a bedroom?

10 A. Not really.

11 Q. So were y'all having sex?

12 A. No.

13 Q. So y'all just didn't -- weren't
14 intimate for -- for years?

15 A. It was a while. He cheated on me
16 and I let him stay because of the boys, but
17 we weren't intimate for a lot of that time.

18 Q. So you think that he was getting it
19 somewhere else? He was cheating or whatever?

20 A. I know he was.

21 Q. Now, you weren't in here earlier but
22 I'm sure you know that [REDACTED] had nine
23 different counseling cases open with
24 Behavioral Health Services. We have talked
25 about the first one. You said that she

1 didn't go back because your parents wouldn't
2 take her?

3 A. And I was working at the time. That
4 is when she was smaller. And I did try to
5 get her in counseling to where they would
6 meet with her at the school.

7 Q. Now, that was the next time, the
8 second case.

9 What about the third case, why did she
10 only go once? Why didn't you take her then?

11 A. What year was that? I guess that's
12 when we went to High Top and she was -- she
13 refused to go and I spoke with the counselor
14 about that. There were several times that I
15 would get [REDACTED] in and then she would ---

16 Q. How old was she?

17 A. At High Top?

18 Q. Yes.

19 A. I don't remember the exact year that
20 we put her in counseling.

21 Q. What year did you live at High Top?

22 A. We moved there in 2006, moved out in
23 2010.

24 Q. So how old would she have been in
25 2006?

1 A. I'm trying to remember if she
2 started counseling after she came back from
3 living with my parents or before she went to
4 live with my parents, because ---

5 Q. Well, how old would she have been
6 when ---

7 A. She would have been between eleven
8 and thirteen but I don't remember if it was
9 before or after when she had the counselor
10 actually come to the house. Sometimes she
11 would meet her there. But then [REDACTED]
12 refused to talk to her and ---

13 Q. And you said that you -- you think
14 this was 2008?

15 A. I know that she lived with my
16 parents in 2008. I can't remember if that
17 counselor -- when I sent her to counseling, I
18 can't remember if it was all before all of
19 that happened with her and Katie and she went
20 to live with my parents and come back or if
21 it was after she come back after she'd lived
22 with my parents.

23 Q. The first counseling session, in
24 2003, you didn't take her because you were
25 working.

1 In 2004, she went at school.

2 In 2007, she was ten years old. Why did
3 she just go to one visit? Why didn't you
4 take her in 2007?

5 A. I was taking her in 2007.

6 Q. She had one visit. Why wouldn't you
7 take her back?

8 A. I took her in 2007 when I could.
9 But [REDACTED] refuse, she would throw a fit.
10 That's why I requested that they meet with
11 her at school.

12 Q. So at ten years old, you didn't take
13 her because she didn't want to go?

14 A. [REDACTED] would physically fight you
15 from the time she was six years old if she
16 did not want to do something. It was
17 horrible. There would be times I'd take her
18 to school and I'd have to have the principal
19 come out to get her out of the car.

20 Q. So September of 2008, one visit.
21 Why didn't you take her then?

22 A. She was living with my parents.
23 They were supposed to be taking her to
24 counseling. The school requested counseling.
25 During the whole time she was living with my

1 parents, that's when she was living with my
2 parents..

3 Q. Okay, 2009? I'm guessing it's just
4 going to be the same, that it is never going
5 to be your fault that's she didn't go.
6 Right?

7 A. I encouraged her. I wanted her to
8 go to counseling. I tried to get help for
9 [REDACTED] I really wish I had known when she
10 was living with my parents -- because the
11 teachers then actually said something and I
12 actually may have gotten somewhere, gotten
13 help for her. But I was not made aware of
14 any of that.

15 Q. Why did your daughters live with
16 your parents before you and Jodie got
17 married?

18 A. Because their father was extremely
19 abusive. He tried to kill me. He called on
20 numerous occasions, threatening my life. He
21 didn't actually threaten the girls' life but
22 some people that he hung out with -- and he
23 called certain people gypsies and he'd say
24 that they would kill me and they would also
25 kill my daughters.

1 Q. So that threat went away when your
2 daughters started living with you?

3 A. I don't understand what you're
4 asking.

5 Q. You said that they didn't live with
6 you because you felt threatened by him.

7 A. Well, he started threatening me and
8 after he tried to kill me, broke in my house
9 and tried to kill me, and I was working in
10 Greenville, my parents were keeping my
11 children, I was working the second shift.
12 But when I would have the girls he would
13 threaten -- he tried to kill me. He come got
14 me one night, he tried to bash my head into a
15 bathtub.

16 Q. All right.

17 A. So I did not feel that my children
18 were safe. He was into drugs ---

19 Q. Well, what changed? My question is
20 what changed? They started living with you
21 at some point, so what happened to change to
22 where you didn't feel ---

23 A. Well, what happened is that once --
24 once I finally got away from him, because he
25 took off because he had warrants on him, once

1 I felt the threat was over and, uh, when we
2 moved into South Lewis Street, I wanted to
3 bring the girls home. I tried to bring them
4 home but they were used to sleeping with my
5 mom and being with my mom, so when they would
6 wake up in the evenings they would cry and
7 they would scream and they would call my
8 parents. Even -- several times I asked them
9 not to come get them, because I wanted them
10 to get used to staying with me. But they
11 would come anyway.

12 Q. But you are the parent, right?

13 A. Yes, but I felt like it was
14 traumatizing to my children because they were
15 used to my parents. I had to work so much,
16 because -- with everything that I went
17 through, there was one point that I was
18 working sixteen hours a day, seven days a
19 week.

20 Q. So was it just easier for your
21 parents to keep them?

22 A. With me working. I could not keep
23 my children while I worked.

24 Q. You didn't work twenty-four hours a
25 day, did you?

1 A. At one point I was working sixteen
2 hours a day, seven days a week. I left my
3 children with my parents while I was working.
4 I was with my children when I wasn't working.

5 Q. So all these years you've just kind
6 of dumped them off on your parents. Then you
7 get them back and you wouldn't even take your
8 daughter to counseling?

9 A. I never dumped them off on my
10 parents. When I would try to take her to
11 counseling once she was back in my home, when
12 she would go to counseling, I would take her
13 to counseling. I even set up a counselor,
14 her name was Bonnie, and she come out to the
15 house because I felt like if she would come
16 to the house that it would do away with the
17 fight of trying to get [REDACTED] there. Her
18 name was Bonnie Forbes and she actually come
19 to my house to counsel [REDACTED]

20 Q. Did you ever catch [REDACTED] smoking
21 cigarettes?

22 A. I did.

23 Q. Did you catch her drinking?

24 A. The only time, if you want to call
25 it caught her drinking, was at a New Year's

1 party. But this was when she was older, like
2 thirteen or fourteen. She had snatched a
3 bottle of liquor from a friend's house,
4 jumped in the closet and drank it.

5 Q. How do you feel about the girls
6 having babies at such young ages?

7 A. Well, I definitely wish that they
8 would have waited.

9 Q. What did you do to kind of keep an
10 eye on them to keep it from happening?

11 A. I ---

12 SCOTT DOVER: I am going to object to
13 that. What relevance does that have to with
14 my client, whether he did this or not?

15 THE COURT: Yeah.

16 SOLICITOR ODOM: It is going to her
17 credibility.

18 THE COURT: I will let her go into this
19 a little bit.

20 SCOTT DOVER: Okay.

21 CROSS EXAMINATION CONTINUED

22 BY SOLICITOR ODOM:

23 Q. Who was watching the girls when this
24 happened?

25 A. They got pregnant once we moved to

1 Lee Street. And [REDACTED] actually had went
2 back to my parents. David, who is the father
3 of my oldest grandchild, actually lived at my
4 parents with her.

5 Katlyn was supposed to be staying with a
6 friend. I went to the house and everything.
7 It was a girl. But come to find out that
8 Isaiah lived there and she was going there on
9 the weekends.

10 As I stated, I switched to weekend first.
11 I worked from 8:00 a.m. to 8:00 p.m. on
12 Saturdays and Sunday.

13 At first, you know, when they were a
14 little bit younger, they would go to my
15 parents but then it got to where they would
16 stay there and then they would stay with
17 friends on weekends.

18 I did check out -- I did go to the house
19 where Katlyn was staying with her friend. A
20 girl come to the door. I met a lady, a next
21 door neighbor. And I didn't know until
22 David, which was dating [REDACTED] told me that
23 Isaiah was there, because that was his
24 cousin.

25 Q. How old was Katlyn when she got

1 pregnant?

2 A. She had Alexa when we was thirteen
3 -- she was twelve. So January of 2012 -- she
4 was thirteen when she had Alexa. I don't
5 believe that she had turned thirteen when I
6 found out that she was pregnant.

7 Q. So you didn't have eyes on your
8 daughters at all times?

9 A. Ma'am, when you work, do you have
10 your eyes on your children?

11 Q. Ma'am, there is no need to get an
12 attitude. Answer my question.

13 A. I answered your question. I could
14 not watch my kids while I worked.

15 Q. Even though you couldn't watch your
16 kids all the time, you know without a doubt
17 that they were never alone with Jodie?

18 A. You're talking about Lee Street, so
19 you're talking about after the accusations.
20 She stopped the accusations in 2009. I
21 didn't move to Lee Street until 2010. My
22 grandchildren were not born until 2012. So
23 you're asking me questions pertaining to
24 Jodie after she says it stopped.

25 Q. I'm ---

1 A. I'm telling you that prior to ---

2 Q. Ma'am, I didn't ask a question, so
3 you don't need to ---

4 THE COURT: Yes. Listen to the
5 question. You can explain your answer after
6 you answer the question.

7 WITNESS: Yes, sir.

8 CROSS EXAMINATION CONTINUED

9 BY SOLICITOR ODOM:

10 Q. Do you have a problem with
11 authority?

12 A. I do not.

13 Q. Do you have a problem with
14 aggression?

15 A. I do not.

16 Q. Do you get angry easily?

17 A. I do not.

18 Q. Would you do anything to protect
19 your kids?

20 A. Of course.

21 Q. Would you do anything to keep your
22 boys from being hurt?

23 A. Of course.

24 SOLICITOR ODOM: No further questions.

25 THE COURT: Redirect?

1 SCOTT DOVER: No redirect.

2 THE COURT: You may step down.

3 (WITNESS STEPS DOWN)

4 SCOTT DOVER: Your Honor, we have one
5 witness who should be much shorter than that.
6 I don't know what your pleasure is.

7 THE COURT: It's 5:00 o'clock. Are
8 y'all okay for just a little bit?

9 (Affirmative response from various jurors).

10 Okay, very quickly.

11 SCOTT DOVER: Yes, sir. Defense calls
12 Rebecca Miller.

13 (WITNESS TAKES STAND)

14 REBECCA MILLER, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SCOTT DOVER:

19 Q. Ms. Miller, I am going to stand here
20 to be sure that all jurors can hear you. How
21 are you related to [REDACTED] Child [REDACTED]

22 A. I am her aunt.

23 Q. You are her maternal aunt?

24 A. Yes, sir.

25 Q. You are her mother's sister,

1 correct?

2 A. Yes, sir.

3 Q. Your sister just testified -- Wendy.

4 A. Yes.

5 Q. Were there times when the children
6 were placed in your care, when [REDACTED] or
7 Katlyn were placed in your care?

8 A. Yes, sir.

9 Q. Can you tell the jury what type of
10 relationship that you had with your nieces?

11 A. I've got a good relationship with
12 them.

13 Q. Do you get along with them and love
14 them?

15 A. I do.

16 Q. Do they love you?

17 A. Yes.

18 Q. Do y'all talk frequently?

19 A. Yes, sir.

20 Q. Even today?

21 A. Yes, sir.

22 Q. Ma'am, your niece, have you been
23 closely associated with her her entire life?

24 A. Yes, sir.

25 Q. How close in proximity have you

1 lived to her at times?

2 A. Very close.

3 Q. How close?

4 A. I could see their trailer from mine.

5 Q. Between July of 2003 when [REDACTED]
6 turned seven and 2009, where did [REDACTED] live
7 primarily?

8 A. With her grandparents.

9 Q. Your parents?

10 A. (Affirmative nod).

11 Q. Is that a yes?

12 A. Yes, sir.

13 Q. Why is that, ma'am? How do you know
14 that?

15 A. Because that's my parents. I talk
16 to them every day and I know that they stayed
17 there.

18 Q. Did you live close to them?

19 A. What dates?

20 Q. From the time she was seven until
21 the time that she was thirteen?

22 SOLICITOR ODOM: I am going to object
23 to some of this as being hearsay. He is
24 asking her to base her testimony on what
25 someone else has told her.

1 DIRECT EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. I asked you what did you know. Did
4 you know ---

5 THE COURT: All right.

6 DIRECT EXAMINATION CONTINUED

7 BY SCOTT DOVER:

8 Q. How do you know that, personally?

9 A. Because that's my parents, I know
10 where they live.

11 Q. Tell me, what did you do and see to
12 confirm that?

13 A. Because I was there, talked to my
14 parents every day.

15 Q. Did you see them there, your nieces?

16 A. Yes.

17 Q. Would there be times when you were
18 all in the same car together?

19 A. Yes.

20 Q. Why?

21 A. Well, I worked at the mill with my
22 parents. I rode out and back with them every
23 day, every morning and every afternoon.

24 Q. And what would you do every
25 afternoon on your way home?

1 A. My parents would pick me up that
2 morning and they would drop the girls off to
3 Wendy, for them to go to school. We got off
4 at 3:00, they would pick the girls back up
5 because Wendy worked the second shift.

6 Q. Would you ride in the car home with
7 them too?

8 A. (Affirmative nod), they would drop
9 me off at my trailer.

10 Q. You have to say yes or no.

11 A. "Yes, sir."

12 Q. Okay. So did you see them on a
13 daily basis?

14 A. Yes, sir.

15 Q. Do you know where they were living?

16 A. Yes, sir.

17 Q. Where were they living?

18 A. Let's see -- they moved so much:
19 South Lewis Street, Hilltop (sic), and Jane
20 Lane.

21 Q. Did you see your sister almost on a
22 daily basis?

23 A. Yes, sir.

24 Q. And did you see your nieces on
25 almost a daily basis?

1 A. Yes, sir.

2 Q. Was there ever an occasion that you
3 know of that [REDACTED] spent the night at Jane
4 Lane in Six Mile, South Carolina?

5 A. I've never known of her to stay
6 there.

7 Q. What was the practice of the
8 daughters, as far as where they would spend
9 the night if Jodie Williams was spending the
10 night with your sister, Wendy?

11 A. They always stayed at my parents
12 whether he was there or not there.

13 Q. At night?

14 A. (Affirmative nod), at night.

15 Q. Do you know of any time that Jodie
16 Williams would have been in the same home
17 with [REDACTED] ^{Child} [REDACTED] without the mother or
18 someone being there?

19 A. No, they was not there with him.

20 Q. Was there ever an occasion where the
21 mother was working third shift, your sister,
22 that those girls were in that house -- or
23 that [REDACTED] was in that house alone with
24 Jodie Williams, her entire life?

25 A. No.

1 Q. Do you support your nieces?

2 A. I do.

3 Q. Have you been with them when they've
4 been interviewed by Mr. Kelley?

5 A. (No verbal response).

6 Q. Have you taken them to law
7 enforcement in this case?

8 A. I have.

9 Q. Have you always been there for them?

10 A. I have.

11 Q. Are you against them today?

12 A. No. I'm not.

13 Q. Based on your own personal knowledge
14 of your niece, [REDACTED] was there ever a time
15 when she would have access to Jodie Williams
16 at night?

17 A. No.

18 SCOTT DOVER: That's all the questions
19 that I have.

20 THE COURT: Cross-examination.

21 CROSS EXAMINATION

22 BY SOLICITOR ODOM:

23 Q. Have you talked to Mr. Dover before
24 today?

25 A. Before today?

1 Q. Yes.

2 A. I haven't been to his office.

3 Q. That was not my question. Have you
4 ever spoken with him?

5 A. Yes, I have.

6 Q. Were you with [REDACTED] twenty-
7 four/seven from the time she was seven until
8 the time when she was thirteen?

9 A. No, I was not with her 24/7.

10 SOLICITOR ODOM: That's it.

11 THE COURT: Redirect?

12 SCOTT DOVER: None.

13 THE COURT: You may step down.

14 (WITNESS STEPS DOWN)

15 SCOTT DOVER: Your Honor, the next two
16 witnesses might be lengthy, so ---

17 THE COURT: Approach so we can figure
18 out the schedule for tomorrow.

19 (OFF RECORD BENCH CONFERENCE)

20 THE COURT: We will start at 9:00
21 o'clock. Does that work for everybody? I
22 will tell you what we're worried about, what
23 I'm worried about. As y'all know, there were
24 a bunch of juror that didn't show up on
25 Monday. Well, they are showing up at 9:00 in

1 the morning, so we are trying to figure out
2 which judge is going to handle those jurors.
3 I think we will start back at 9:00 if that
4 suits everybody.

5 We are going to break for the day. I
6 will give you my four little rules:

7 Do not discuss the case among yourselves
8 or with anyone else.

9 Do not do any research about the parties
10 or about this case, about the law or
11 anything.

12 Do not pay any attention or watch any
13 media reports on radio, TV, social media or
14 anything.

15 If anybody should contact you, other than
16 the Clerk's Office, please get as much
17 information about that as possible and report
18 that to the bailiffs.

19 Have a good evening. We will see you in
20 the morning at 9:00.

21 (JURY OUT @ 5:09 P.M.)

22 SCOTT DOVER: Judge, I wanted to ask
23 again if my client -- this is the first case
24 that I've tried with you of a criminal
25 nature. My client has been out on bond since

1 2014 and ---

2 THE COURT: He's going into the custody
3 of the county.

4 SCOTT DOVER: Can they have him back by
5 8:30 so that I can talk with him?

6 THE COURT: You can work that out with
7 them.

8 (DEFENDANT IN CUSTODY)

9 (COURT IN RECESS)

10 (TRANSCRIPT CONTINUED NEXT PAGE)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

SEPTEMBER 1, 2017

9:00 A.M.

3

4

(DEFENDANT PRESENT)

5

6

SOLICITOR ODOM: Your Honor, these is a
witness in the courtroom that I believe ---

7

8

SCOTT DOVER: She is not going to
testify.

9

10

SOLICITOR ODOM: She is on the witness
list and I still want her sequestered.

11

12

THE COURT: If she is not going to
testify -- and now she can't.

13

14

SOLICITOR ODOM: Good enough.

15

THE COURT: So now are we ready to
bring the jury in?

16

17

SOLICITOR ODOM: Yes, sir.

18

SCOTT DOVER: Yes, sir.

19

THE COURT: Bring the jury in.

20

(JURY IN @ 9:00 A.M.)

21

22

THE COURT: Good morning, ladies and
gentlemen. We are going to move right along
with the case today. The defense is still in
their case. Mr. Dover, call your next
witness.

23

24

25

SCOTT DOVER: May it please the Court,

1 Jamie Gantt.

2 (WITNESS TAKES STAND)

3 JAMIE GANTT, having been sworn to tell
4 the truth, and nothing but the truth,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY SCOTT DOVER:

8 Q. You need to speak up a little louder
9 than that, okay?

10 A. Jamie Gantt.

11 Q. Ms. Gantt, where do you live?

12 A. I live at 210 Ridgeland Circle in
13 Easley.

14 Q. Do you know Jodie Williams?

15 A. Yes, sir, I do.

16 Q. Do you know his mother?

17 A. Yes, sir, I do.

18 Q. Do you know [REDACTED] Child

19 A. Yes, sir, I do.

20 Q. Do you know her mother, Wendy?

21 A. Yes, sir, I do.

22 Q. Do you recall a time when they lived
23 on Jane Lane in Six Mile, South Carolina?

24 A. Yes, sir.

25 Q. Where were you living at that time?

1 A. Railroad Street in Pickens.

2 Q. Who lived next to you?

3 A. Wendy's kids and her parents.

4 Q. What are her parents' names?

5 A. Fred and Clara Kelley.

6 Q. How close in proximity to the Kelley
7 home did you live at that time?

8 A. Two houses down.

9 Q. Did you see them every day?

10 A. Yes, sir, I did.

11 Q. Can you tell this jury if there was
12 one day during the time that Jodie Williams
13 and Wendy Williams lived at Jane Lane in Six
14 Mile that [REDACTED] Child [REDACTED] spent the night with
15 them?

16 A. No, sir.

17 Q. How do you know that?

18 A. Because Fred and Clara took them to
19 school every day and picked them up every
20 day.

21 Q. Did you see this?

22 A. Yes, sir, I did.

23 Q. Was there any opportunity for [REDACTED]
24 Child [REDACTED] to spend the night with Jodie Williams
25 while they lived at Jane Lane in Six Mile,

1 South Carolina?

2 A. No, sir.

3 Q. Thank you. That's all the questions
4 that I have for you.

5 THE COURT: Cross-examine.

6 CROSS EXAMINATION

7 BY SOLICITOR ODOM:

8 Q. Ms. Gantt, you used to date Jodie;
9 right?

10 A. No, ma'am.

11 Q. Y'all never dated?

12 A. No, ma'am.

13 Q. You are telling this jury that years
14 ago that y'all didn't date?

15 SCOTT DOVER: Your Honor, she has asked
16 her twice and she has answered twice.

17 THE COURT: Sustained.

18 SOLICITOR ODOM: That's all that I've
19 got.

20 THE COURT: Redirect?

21 SOLICITOR ODOM: No redirect.

22 THE COURT: You may step down.

23 (WITNESS STEPS DOWN)

24 SOLICITOR ODOM: Chris Williams.

25 (WITNESS TAKES STAND)

1 CHRIS WILLIAMS, having been sworn to tell
2 the truth, and nothing but the truth,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY SCOTT DOVER:

6 Q. Mr. Williams, how do you know Jodie
7 Williams?

8 A. Jodie is my brother.

9 Q. Between the time of 2003, July of
10 2003, and July of 2009, please tell this jury
11 how often you would see your brother, his
12 wife and his stepchildren.

13 A. Well, on a frequent basis. Jodie
14 and I -- before I went to school for
15 occupational therapy, he and I worked
16 together in construction some, so he'd
17 actually ride to work with me on a daily
18 basis.

19 Q. I guess I need to ask you, I forgot
20 to ask you, how old are you?

21 A. I'm 38 years old.

22 Q. What do you do for a living?

23 A. I am an occupational therapist and
24 an ordained minister.

25 Q. During the time that we are talking

1 about here, 2003 and 2009, did you know

2 [REDACTED] Child [REDACTED]

3 A. Yes, I knew [REDACTED] very well.

4 Matter of fact, [REDACTED] -- you know, she would

5 -- I would go over there and visit some.

6 [REDACTED] would actually come over to our house
7 some on Railroad Street.

8 [REDACTED] was -- had a troubled past. She
9 had already made false accusations ---

10 SOLICITOR ODOM: Objection. Objection,
11 Your Honor.

12 THE COURT: Sustained. Anything --
13 I will ask that that be stricken from the
14 record. Ladies and gentlemen, I have
15 stricken that from the record. Whatever
16 statement that he made is not to be
17 considered by you in any way during your
18 deliberations.

19 DIRECT EXAMINATION CONTINUED

20 BY SCOTT DOVER:

21 Q. Did you have conversations with your
22 brother during this period of time as it
23 pertained to him being with these two girls,
24 [REDACTED] specifically.

25 A. Yes, I did.

1 Q. I am just asking about your brother,
2 not anything about [REDACTED] Did your brother,
3 what was he telling you about his relation-
4 ship with ---

5 SOLICITOR ODOM: Objection. Hearsay.

6 SCOTT DOVER: He is a party. That's not
7 hearsay.

8 SOLICITOR ODOM: No, sir.

9 THE COURT: Sustained. I don't think
10 he quite qualifies as party.

11 SOLICITOR ODOM: Party opponent and it
12 is self-serving hearsay, so that is why it
13 does not fit. Party opponent, the State can
14 use but not the defense.

15 SCOTT DOVER: You sustained it, so I will
16 move on.

17 THE COURT: Yes.

18 SCOTT DOVER: Okay.

19 DIRECT EXAMINATION CONTINUED

20 BY SCOTT DOVER:

21 Q. Tell me your -- did you go over to
22 their home?

23 A. Yes.

24 Q. To Jodie's, Wendy's and [REDACTED]
25 home?

1 A. Yes.

2 Q. Did you -- how often would you go
3 there?

4 A. Occasionally. I would go when they
5 lived on Lewis Street. I'd go and maybe play
6 a video game. There were times when I did
7 help them move and had interaction with the
8 family.

9 Q. Did you ever see -- was there ever
10 an opportunity when your brother was alone
11 with [REDACTED] Child [REDACTED]

12 A. No, because we'd had conversations
13 about ---

14 Q. Don't tell me what your brother
15 said. I'm going to ask him that.

16 A. Okay.

17 Q. But you were there.

18 A. (Affirmative nod).

19 Q. Did you ever see an opportunity
20 where they were alone together?

21 A. No.

22 Q. At any location that they lived at?

23 A. No.

24 Q. Now, when you -- where were you
25 living at the time?

1 A. 708 Railroad Street in Pickens.

2 Q. Would you ever see your brother
3 there at your home?

4 A. Yes, he would come frequently on the
5 weekends. When Wendy was working, he'd come
6 and stay on weekends at my house. He would
7 bring his boys, which were my nephews. They
8 would come and stay Friday night, Saturday
9 night and then Sunday night.

10 Q. Was that common throughout their
11 relationship during 2003 to 2009?

12 A. Yes.

13 Q. Jodie stayed you and your mom at
14 your home there on Railroad Street?

15 A. Yes.

16 SCOTT DOVER: That's all the questions
17 that I have for you.

18 THE COURT: Cross-examination?

19 CROSS EXAMINATION

20 BY SOLICITOR ODOM:

21 Q. You said that you never saw Jodie
22 and [REDACTED] alone, is that what you testified
23 to?

24 A. Yes.

25 Q. So if you were with them, they

1 wouldn't have been alone; would they?

2 A. Could you repeat the question?

3 Q. You say that you never saw them
4 alone. But wouldn't that be impossible,
5 because if you were there they wouldn't have
6 been alone together.

7 A. I don't understand what you're
8 asking.

9 Q. That's all right. You love your
10 brother?

11 A. Yes.

12 Q. You love your mom?

13 A. Definitely.

14 Q. You love your nephews?

15 A. Yes.

16 SOLICITOR ODOM: That's all that I've
17 got.

18 THE COURT: Redirect?

19 SCOTT DOVER: No, Your Honor.

20 THE COURT: You may step down.

21 (WITNESS STEPS DOWN)

22 THE COURT: call your next witness.

23 SCOTT DOVER: Jodie Williams.

24 (WITNESS TAKES STAND)

25 JOSEPH C. WILLIAMS, II, having been sworn

1 to tell the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SCOTT DOVER:

5 Q. Mr. Williams, did you retain my
6 services to represent you four years ago?

7 A. Yes, sir, I did.

8 Q. When you were charged with this
9 offense, how did you plead to the offense?

10 A. I pled not guilty.

11 Q. Have you maintained that the entire
12 time?

13 A. Yes, sir, I have.

14 Q. Sir, have you had the occasion to
15 review the dates between July the 8th, 2003
16 and July 8th, 2009, completely?

17 A. Yes.

18 Q. Are you familiar with those time
19 periods and where y'all lived?

20 A. In 2008 ---

21 Q. Are you familiar with them?

22 A. Yes.

23 Q. During those periods of time, did
24 you ever give [REDACTED] Child [REDACTED] with cigarettes?

25 A. No, sir.

1 Q. Did you ever supply her with
2 alcohol?

3 A. No, sir.

4 Q. Did you ever put your mouth on her
5 private parts?

6 A. No, sir.

7 Q. Did you ever allow her to put her
8 mouth on your private parts?

9 A. No, sir.

10 Q. At any time?

11 A. At any time, no, sir. I never did.

12 Q. Were you ever alone with [REDACTED]

13 [REDACTED] at night?

14 A. No. There was -- they were always
15 spending the night with her grandparents
16 because there was -- I refused to stay with
17 them.

18 Q. Tell this jury why you would never
19 leave yourself alone with this girl?

20 A. Because she'd made accusations
21 against ---

22 SOLICITOR ODOM: Objection, Your Honor.
23 This is -- I think we need a sidebar.

24 THE COURT: We will send the jury out.
25 You will get your morning break early. Do

1 not discuss the case. We will be with you
2 shortly.

3 (JURY OUT @ 9:09 A.M.)

4 THE COURT: I know where you're headed
5 with it but how can you get that in?

6 SCOTT DOVER: It is absolutely -- it's
7 my position that it is absolutely admissible.
8 It's not offered for the truth of the matter
9 asserted. It's why he acted the way his did,
10 his motive, his intent. His testimony is
11 going to be that 'I would never have left
12 myself alone with her because she was
13 accusing all these other guys of abuse and I
14 would never do that.' I think that's
15 admissible.

16 SOLICITOR ODOM: Your Honor, this is
17 exactly why the rape shield was written.
18 To say -- false accusations, that is not
19 admissible. To say whether or not she made
20 accusations -- there's testimony both ways.
21 The counselor said unfounded accusations.
22 [REDACTED] testified that she didn't make those
23 accusations.

24 The counselor testified that the mother
25 is the one that gave the history during the

1 assessment.

2 So for them to say false accusations,
3 misleading the jury, twisting the testimony,
4 he -- he can say that didn't want to be
5 around the child because he didn't want to be
6 accused of anything.

7 That's the same purpose and get to the
8 same point as if they're trying to paint this
9 wide, nasty picture of the victim that is
10 just not true.

11 SCOTT DOVER: Your Honor, the State's
12 witness testified that this young lady had
13 accused two other men during that period of
14 time of raping her, and a third one later on.
15 I believe that -- that testimony is in the
16 record and I believe my client can testify as
17 to his motive and his intent of why he
18 wouldn't be around her.

19 THE COURT: Well, I think that -- I
20 think that -- again, we're getting into some
21 probative versus prejudice here.

22 I think that he can get into it a little
23 bit, but I don't think that anybody can get
24 up here and definitely say because of false
25 accusations. I know that that is kind of --

1 I know that's where your previous witness was
2 headed.

3 I think it is appropriate to say -- you
4 know, they've got information in there
5 already about that, about previous things and
6 I think he can say 'because I did not want to
7 be accused of anything', along those lines.
8 But I don't want to get into triple hearsay,
9 which is what we're doing.

10 SCOTT DOVER: And I want to instruct
11 him outside the presence of the jury, you're
12 not to use the words "false allegations", you
13 can't say anything. All you can say is based
14 on what she -- her allegations in the past.

15 THE COURT: I don't -- I think it is
16 sufficient to say -- again, is that not still
17 running into -- I mean, it is hearsay.

18 It goes to his motive but it's just a
19 backdoor -- you know, I think he can say why
20 he didn't want to do it but not make any
21 statements about what she has said
22 previously. I think you can still get into
23 what she ---

24 SCOTT DOVER: Let me think about that.
25 I want to make sure that the witness complies

1 with your instructions.

2 THE COURT: Yeah.

3 SCOTT DOVER: Can we go through his
4 testimony right now as a proffer and let me
5 ask ---

6 THE COURT: I'll let you proffer.

7 SCOTT DOVER: Mr. Williams, I am going
8 to ask you some questions on a proffer. Did
9 you ever leave yourself alone with [REDACTED]

10 [REDACTED] Child [REDACTED]

11 DEFENDANT: No, sir, I did not.

12 SCOTT DOVER: Why?

13 DEFENDANT: Because I was fearful of
14 her because of past ---

15 THE COURT: Again, he can say 'I was
16 fearful of being accused of anything' but I
17 don't think that he can say because of her
18 previous allegations.

19 I mean, that's already in the record.
20 anyway but I don't think he can say.

21 SCOTT DOVER: Did you know her very
22 well? You knew [REDACTED] You'd lived with her
23 several years?

24 DEFENDANT: Yes, I knew [REDACTED] very
25 well.

1 SCOTT DOVER: Based on your knowledge
2 of her and what you thought of her, what
3 actions did you take?

4 DEFENDANT: I refused to baby sit her
5 in any kind of way. [Child] [Child] her
6 grandma, would get mad about it because I
7 wouldn't ---

8 SCOTT DOVER: You can't say.

9 DEFENDANT: Well, I was fearful of
10 babysitting.,

11 SCOTT DOVER: All right. I think we're
12 good. Do you understand the instructions?

13 DEFENDANT: Yes, sir.

14 THE COURT: Are we ready to bring the
15 jury in?

16 SOLICITOR ODOM: Yes, sir.

17 THE COURT: Thank you.

18 (JURY IN @ 9:14 A.M.)

19 THE COURT: You may continue your
20 examination.

21 DIRECT EXAMINATION CONTINUED

22 BY SCOTT DOVER:

23 Q: Mr. Williams, let's go back to my
24 questions that I was asking you a while ago.
25 You are [Child] stepfather?

1 A. Yes, sir.

2 Q. You lived with her mother?

3 A. Yes, sir.

4 Q. Y'all are, separated now?

5 A. Yes.

6 Q. You and her mother have two children
7 together?

8 A. Yes. Matthew and Alex Williams.

9 Q. Between 2003 and 2009, did you ever
10 leave yourself alone with [REDACTED] Child [REDACTED]

11 A. No, sir, I did not.

12 Q. Why?

13 A. Because I was fearful that she may
14 make up some kind of allegations towards me.

15 Q. And what would you do, sir, if that
16 child was going to be in the house at night?

17 A. Usually I would go over to my
18 mother's house and stay.

19 Q. After the boys were born, did you
20 take them with you?

21 A. Yes, sir, I did.

22 Q. Were you ever left alone with [REDACTED]
23 Child [REDACTED] in any trailer, home, tent or anything
24 else at night ---

25 A. No, sir, I was not.

1 Q. --- in the entire time?

2 A. No, sir, I was not.

3 Q. Was there ever any opportunity to do
4 the things that she's said that you did to
5 her?

6 A. No, sir.

7 SCOTT DOVER: That's all the questions
8 that I have for you.

9 THE COURT: Cross examination?

10 CROSS EXAMINATION

11 BY SOLICITOR ODOM:

12 Q. When did you and Wendy Williams
13 start seeing each other?

14 A. We started seeing each other around,
15 I'd say, 2001. Maybe 2002.

16 Q. When did y'all actually meet those?

17 A. We met when she used to be -- when I
18 lived at 708 Railroad Street growing up. She
19 lived across the street next to the Blue
20 Flame. I don't remember what the address
21 was. In the neighborhood.

22 Q. How old were y'all when you first
23 started knowing her?

24 A. Well, I was probably fifteen. She
25 was probably eleven. A long time.

1 Q. Would she come over to your house or
2 anything?

3 A. We'd see her walk by with her friend
4 Carla Sweeten (phonetic) sometimes. She'd
5 walk by with her friend, Carla. When they
6 got up to about fourteen or fifteen years old
7 they would walk around the neighborhood to
8 socialize with people and stuff like that.

9 Q. Did y'all date or anything when you
10 were younger?

11 A. No, we were just friends.

12 Q. So how did it come about that y'all
13 got together in 2001?

14 A. well, she was going through a
15 divorce with her first husband, Alan Cisson.
16 I got -- I run into her at a convenience
17 store, we started talking. Next thing you
18 know we started hanging out, dating some.

19 Q. So where were you living when y'all
20 started dating?

21 A. At 708 Railroad Street.

22 Q. Where was she living?

23 A. Uh, -- she was living in the trailer
24 park over on Lewis Street, in a different
25 trailer.

1 Q. So she was on South Lewis?

2 A. Yes, she was already living there.

3 Q. All right. So y'all started dating
4 in 2001. What kind of stuff would y'all do
5 when you dated?

6 A. Well, we'd just go see a movie, go
7 see friends, stuff like that.

8 Q. How often would y'all do stuff?

9 A. Well, a couple days a week at first.

10 Q. And where were you working?

11 A. Where was I working then?

12 Q. (Affirmative nod).

13 A. I was working with West
14 Construction. It was as a framing carpenter.

15 Q. What was she doing, what was she
16 working as?

17 A. Uh, I don't really recall what Wendy
18 was doing then, where she was working at.

19 Q. So when y'all were dating, the girls
20 lived with her?

21 A. No, they didn't. They stayed with
22 their grandparents.

23 Q. What did you think of that?

24 A. I didn't know what the reason was
25 why she wasn't close with her friends -- I

1 mean her daughters. I never asked why she
2 didn't stay with them or anything.

3 Q. All right.

4 A. She told me that ---

5 Q. No.

6 A. All right.

7 Q. All right. So did you -- when is
8 the first time that you met the girls?

9 A. I met them at Lewis Street in -- I
10 guess it was around -- they was probably
11 three to five. It was around 2002, somewhere
12 around in there.

13 Q. What was your impression of them?

14 A. Well, I thought they were -- just
15 small kids.

16 Q. When did you and Wendy move in
17 together?

18 A. When did we move in together?

19 Q. (Affirmative nod).

20 A. We moved in together -- I stayed
21 with her some up there on South Lewis --
22 well, first of are we moved to Our Road and
23 lived together there for about six months to
24 start with. We had the whole house.

25 Q. And then?

1 A. Then we moved over to South Lewis
2 Street.

3 Q. Did y'all live in the trailer that
4 she had lived in before?

5 A. No. Fred and Clara moved out
6 because -- I don't remember what the issue
7 was, but anyway me and Wendy moved in there.

8 Q. Where were the girls at that point?
9 Where were they living?

10 A. They -- I'm trying to remember where
11 Fred and Clara moved to after that.

12 It might have been -- they rented a house
13 over behind Ingles in Pickens but I don't
14 remember the address of that.

15 Q. So were you excited to get married?

16 A. Yes, that was years later when we
17 got married. Yeah, I guess I was excited to
18 get married because, you know, we had two
19 boys and I wanted to make the relationship
20 work.

21 Q. What about when your first son was
22 born, were you excited to be a parent?

23 A. Yes. Yes, I was very excited to be
24 a parent.

25 Q. Did you want to be a parent to

1 Wendy's girls too?

2 A. To be honest with you, I don't guess
3 I ever really did because they didn't belong
4 to me.

5 Q. But do you love them?

6 A. Yes, I love them.

7 Q. Do you love [REDACTED] like a daughter?

8 A. Yes, I still love [REDACTED]

9 Q. All right. So -- you heard Wendy
10 testify yesterday that she went to great
11 lengths to keep you away from her daughters.
12 Did that not make you feel uncomfortable?

13 A. No, not really because she said that
14 she didn't really trust them.

15 Q. / I just want your answers. I don't
16 need you to put words in anybody else's
17 mouth.

18 A. Yes, ma'am.

19 Q. So you decided to marry a woman and
20 have kids with a woman who didn't want you
21 around her daughters. Right?

22 A. Well, it wasn't ---

23 SCOTT DOVER: I object to that question,
24 Your Honor. That is not what he said.
25 That's misleading the witness.

1 If he can't get into he hearsay, then I
2 object to that. That's not what he said.

3 SOLICITOR ODOM: It's just ---

4 THE COURT: Re-ask the question.

5 CROSS EXAMINATION CONTINUED

6 BY SOLICITOR ODOM:

7 Q. Did it not make you think twice
8 about marrying a woman when you couldn't be
9 around her daughters?

10 A. Well, I didn't really think a lot
11 about it at the time. I guess I should have.

12 Q. All right. Are y'all still together
13 now?

14 A. No, ma'am, we've been split up for
15 two years, separated.

16 Q. Y'all got like a legal separation?

17 A. No, but we plan on getting a
18 divorce.

19 Q. How often would you say that you and
20 Wendy had sex when y'all were married?

21 A. Well, we had sex on a normal basis
22 for a while but I was, you know, unfaithful a
23 few times and it caused problems with the
24 relationship.

25 Q. So for a while, what is "a while"?

1 A. A couple of years.

2 Q. Is that while the boys were being
3 born?

4 A. What do you mean? The problem with
5 sex?

6 Q. Yes.

7 A. No, it was after that. I mean, me
8 and Wendy really had a troubled relationship
9 the whole time that we was together, before
10 we got married and even afterwards.

11 But, you know, we'd always get back
12 together and try to make it work. But there
13 was times, you know, when I would move out
14 and go back to my mother's house. There were
15 times when I'd go back.

16 Q. Where did you work at South Lewis
17 Street?

18 A. I worked for John West, doing
19 construction.

20 Q. And when you moved to Jane Lane,
21 where did you work?

22 A. On Jane Lane, I worked for Masters
23 Electric for a while and then I worked for
24 Cornell Dubilier for a while.

25 Q. What about at High Top Drive?

1 A. High Top, let's see, let me think.
2 High Top Drive. Give me just a second -- I
3 went to work -- I worked for Tim Anderson for
4 while. Anderson Construction at High Top.
5 Then some of that time period I was
6 unemployed.

7 Q. What would you do when you were
8 unemployed?

9 A. Just try to find odd jobs, stuff
10 like that.

11 Q. Would you keep the house?

12 A. You mean clean the house?

13 Q. Yes.

14 A. I would help clean the house some,
15 yes.

16 Q. Wendy told us about an alcohol
17 problem. Did you have an alcohol problem?

18 A. Wendy considers any drinking an
19 alcohol problem. I did have a social drink
20 with my friends, you know, like watching a
21 ballgame and stuff like that. But I never
22 drank every day and I was never an alcoholic.

23 Q. What about medications?

24 Q. What about any medications?

25 Q. Yes, sir.

1 A. I take Celexa for anxiety and
2 depression.

3 Q. And how long have you been taking
4 that?

5 A. For years I've been on anti-anxiety
6 and anti-depression medicines, since my early
7 twenties, since around twenty-four years old.
8 I am forty-five now.

9 Q. You said that you and Wendy had some
10 marital issues going on. Did you feel like
11 you could talk to her about stuff?

12 A. Yes. I always kept the hope of us
13 working things out because of the children,
14 even though -- you know, there were a lot of
15 times that me and Wendy didn't see eye to
16 eye. But it wasn't all bad. There were
17 times when we got along well, too. We just
18 had what you'd call a rocky relationship.

19 Q. Y'all did love each other?

20 A. Yes, we still love each other. Yes.

21 Q. So what kind of things would you do
22 with the girls when they were around?

23 A. When the girls were around, me and
24 Wendy would go to the park or whatever with
25 them. We'd go over to mama's some, for

1 Christmas and -- you know, just normal
2 things.

3 Q. The girls lived with y'all at High
4 Top?

5 A. At High Top Drive, Fred and Clara
6 lived right below us a couple houses down, so
7 they would come back and forth. They had a
8 bedroom up there at High Top, so -- you know,
9 they stayed there sometimes at night.

10 But also part of the time they would stay
11 with Fred and Clara too, which was a couple
12 of trailers down.

13 Q. All right. So you testified that
14 you were just never ever alone with the
15 girls?

16 A. No. I was fearful to ever watch
17 them or babysit them in any kind of way.

18 Q. So you never took them to the
19 grocery store on your own?

20 A. No.

21 Q. Your wife never took a bath, was in
22 the bathtub for five minutes, or anything
23 when the girls were in the house?

24 A. Not that I recall.

25 Q. And your wife went to sleep or

1 anything to give you an opportunity to even
2 walk in the same room as [REDACTED]

3 A. No, ma'am.

4 SOLICITOR ODOM: That's all that I
5 have.

6 THE COURT: Redirect.

7 SCOTT DOVER: No redirect.

8 THE COURT: You may step down.

9 DEFENDANT: May I make one comment?

10 SCOTT DOVER: Please don't.

11 (WITNESS STEPS DOWN)

12 THE COURT: You may call your next
13 witness.

14 SCOTT DOVER: The defense rests, Your
15 Honor. The defense rests.

16 THE COURT: All right. If you will go
17 back to your jury room at this time, I need
18 to discuss something with the attorneys.

19 Do not discuss the case. We will be with
20 you shortly.

21 (JURY OUT @ 9:30 A.M.)

22 THE COURT: What are your intentions?

23 SOLICITOR ODOM: I do have a rebuttal
24 witness. I might need to get him on the
25 stand outside the presence of the jury to re-

1 enforce that we're not going to talk about
2 anything to do with Katlyn.

3 THE COURT: Just one witness?

4 SOLICITOR ODOM: Yes.

5 THE COURT: How long is he going to
6 take?

7 SOLICITOR ODOM: I don't think that it
8 will be long since it's going to be kind of
9 painful testimony since he's hard of hearing.

10 THE COURT: Okay.

11 SOLICITOR ODOM: But it won't be long.
12 on my part, I can't say as to Mr. Dover.

13 THE COURT: Okay, let's take just a few
14 minutes and then you can call him. Five
15 minutes.

16 (BRIEF RECESS)

17 (OFF RECORD DISCUSSION)

18 (DEFENDANT PRESENT)

19 THE COURT: Are you ready?

20 SOLICITOR ODOM: Yes, sir.

21 THE COURT: Who is your witness?

22 SOLICITOR ODOM: Fred Kelley.

23 THE COURT: Back on the record -- any
24 Motions? Anything that we need to take up
25 since the defense has rested?

1 SOLICITOR ODOM: None from the State?

2 SCOTT DOVER: Your Honor, I am going to
3 renew my Motion at the end of our case.

4 THE COURT: Right. At the break you
5 handed up the criminal record regarding the
6 next witness, regarding a conviction or
7 assault and battery of a high and aggravated
8 nature.

9 My understanding that the State's
10 position is that the actual -- not the
11 conviction but the actual details behind it
12 are not admissible. Is that correct?

13 SOLICITOR ODOM: That's my position.

14 THE COURT: Mr. Dover, I will be glad
15 to hear from you. I don't see any cases
16 offhand. Does anybody have any cases that
17 kind of discuss this issue?

18 SOLICITOR ODOM: I've got one, *State v.*
19 *Colf*.

20 THE COURT: What is the cite on it?

21 SOLICITOR ODOM: 337 South Carolina
22 622, but it is saying that there is no
23 violation of the confrontation clause to
24 refuse to allow cross examination on a
25 witness' remote convictions. That's kind of

1 iffy on that one.

2 But then also that older convictions are
3 very probative of credibility especially if
4 the victim has not committed more crimes
5 since his release.

6 So based on that case but also 609(a)(1)
7 that with a witness, pursuant to Rule 403,
8 evidence of conviction must be admitted if
9 the probative value of admitting the evidence
10 substantially outweighs prejudice, confusion
11 of the issues or misleads the jury. Evidence
12 of the conviction but not underlying facts.

13 THE COURT: Right. It's very specific
14 -- it is carved out -- all right. *State v.*
15 *Joseph* says, (reading): *"A witness may be*
16 *impeached on prior convictions, however the*
17 *details of the crime of which the witness'*
18 *conviction where the details could be*
19 *considered mitigating of aggravating are not*
20 *admissible."* That is *State v. Joseph*, 491 SE
21 2nd 275.

22 SCOTT DOVER: May I ---

23 THE COURT: Right. I think that goes
24 with 609. It carves out a specific exception
25 and it says a conviction and I think that is

1 very, -- I think that goes along with that.

2 SCOTT DOVER: Your Honor, my argument is
3 based upon the fact that we have recodified
4 the law so many times since 1981 that the
5 warrant, the arrest warrant of this next
6 witness, if charged today would not be an
7 assault and battery of a high and aggravated
8 nature but would be more in the CSC 3rd or
9 Lewd Act.

10 THE COURT: You say that but then every
11 day people agree to assault and battery with
12 this same facts as here, that a plea deal is
13 worked out.

14 SCOTT DOVER: You're exactly correct.
15 Your Honor, I just want to publish for the
16 record my argument that the affidavit in
17 which the next witness pled guilty before
18 Judge Eppes states the following, (reading):
19 *"That the accused, Fred Kelley, did commit*
20 *the unlawful act of violent injury to the*
21 *person of another, namely Sara Barnes, age*
22 *thirteen, at their residence off Black Bottom*
23 *Road, Liberty, South Carolina, by touching*
24 *her in genital area, removed some of her*
25 *clothes, attempted to penetrate her. Said*

1 *act was accompanied by certain sensitive*
2 *aggravation to which the law of assault and*
3 *battery of a high and aggravated nature."*

4 Your Honor, that is my argument. My
5 client is charged with sort of the same
6 offense at this time. To simply ask him
7 would he pled guilty to assault and battery
8 of a high and aggravated nature does not, in
9 fairness, state exactly what he pled guilty
10 to.

11 THE COURT: I understand your argument
12 but I am not sure that we can go back and
13 change the -- under Rule 609, I will allow
14 the conviction but the conviction of the
15 actual charge only.

16 SCOTT DOVER: Your Honor, I would like
17 at some point to make a copy of this and put
18 this in the record as a Court's -- as a
19 proffer, at the appropriate time, to protect
20 myself on that issue.

21 THE COURT: All right.

22 SCOTT DOVER: So what I'm hearing from
23 the bench is that I may ask him -- that he
24 may be impeached by the fact that he pled
25 guilty to the offense of assault and battery

1 of a high and aggravated nature?

2 THE COURT: Correct.

3 SCOTT DOVER: Thank you, sir. I
4 understand your ruling.

5 THE COURT: Do you want to mark that
6 now and then you can make a copy?

7 SCOTT DOVER: Yes, sir.

8 COURT REPORTER: Defense Exhibit 1.

9 SCOTT DOVER: As a proffer.

10 COURT REPORTER: As proffer.

11 (SO ENTERED AS DEFENDANT'S EXHIBIT 1)

12 SCOTT DOVER: Thank you.

13 SOLICITOR ODOM: Anything else? Did
14 you say that you wanted to ---

15 SOLICITOR ODOM: I do but after -- I
16 just want to be clear that during cross that
17 he is not going to attempt to elicit any
18 testimony to try to open the door. I don't
19 want him trying to trick the witness, because
20 the witness is already hard of hearing and I
21 don't want Mr. Dover to do anything to open
22 the door.

23 SCOTT DOVER: Well, I may disagree with
24 the Court's ruling but I would never do that.
25 I will follow his instructions.

1 THE COURT: Do you want to do that
2 before we bring in the jury?

3 SOLICITOR ODOM: Yes, sir. The State
4 is calling Fred Kelley to the stand.

5 (WITNESS TAKES STAND)

6 FRED KELLEY, having been sworn to tell
7 the truth, and nothing but the truth,
8 testified as follows:

9 PROFFER TESTIMONY OF FRED KELLEY

10 DIRECT EXAMINATION

11 BY SOLICITOR ODOM:

12 Q. Can you state your name for the
13 record?

14 A. My name? I'm hard of hearing.

15 Q. Yes, sir, can you state your name
16 for the record?

17 A. My name is Fred Kelley.

18 Q. And do you know why you are here
19 today?

20 A. Yes, sir -- yes, ma'am.

21 Q. I just want to make it clear that
22 you know that we're not going to talk about
23 Katlyn's case any.

24 A. Okay.

25 Q. If I stand here, can you hear me all

1 right?

2 A. Barely.

3 THE COURT: Can you hear me?

4 WITNESS: Yes, sir. If I can look at
5 you, I can. I read lips too.

6 THE COURT: If you hear something
7 coming from me, that means that you need to
8 stop talking. Okay?

9 WITNESS: Okay.

10 SOLICITOR ODOM: I think I am good. Do
11 you want him to remain on the stand or sit
12 back down for the jury.

13 THE COURT: Why don't you have him ---

14 SOLICITOR ODOM: You can have a seat on
15 the front row. We'll get the jury to come in
16 and then I'll call you to the stand.

17 WITNESS: All right.

18 (WITNESS STEPS DOWN)

19 THE COURT: Okay, bring the jury in.

20 (JURY IN @ 9:58 A.M.)

21 THE COURT: Ladies and gentlemen, as
22 indicated the defense has rested and now the
23 State has an opportunity to call any reply
24 witnesses.

25 Let me just tell you that the next

1 witness is hard of hearing, so you'll just
2 have to be patient on this. There'll be a
3 lot of hollering.

4 Call your next witness.

5 SOLICITOR ODOM: The State calls Fred
6 Kelley.

7 (WITNESS TAKES STAND)

8 FRED KELLEY, having been sworn to tell
9 the truth, and nothing but the truth,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR ODOM:

13 Q. What is your name?

14 A. Fred Kelley.

15 Q. And how are you -- are you related
16 to [REDACTED] Child [REDACTED]

17 A. I am her grandfather.

18 Q. Who is -- how are you related to
19 her?

20 A. She my daughter's child.

21 Q. Who is your daughter?

22 A. Wendy Williams.

23 Q. How long have you known [REDACTED]

24 A. Ever since she was a baby, ever
25 since she was born. I had her up to when she

1 was about six years old and then she was out
2 and back with her mama and them.

3 Q. Before I forget it, let me go ahead
4 and ask did you plead guilty to an assault
5 and battery of a high and aggravated nature
6 in 1981?

7 A. Yes, I did.

8 Q. How often would [REDACTED] and Katlyn
9 stay with you?

10 A. Well, ---

11 SCOTT DOVER: Your Honor, I object
12 unless she can lay a foundation for the
13 timing that we are talking about.

14 THE COURT: Yeah.

15 DIRECT EXAMINATION CONTINUED
16 BY SOLICITOR ODOM:

17 Q. Do you remember the year when [REDACTED]
18 and Katlyn first started staying with you?

19 A. Well, when Katlyn was born -- Wendy
20 stayed at my house. Whenever Katlyn was
21 born, whenever Katlyn was three days ago her
22 mama brought her, laid her in my lap and
23 walked out the door. We seen her about five
24 months later when she come back.

25 Q. Were you -- who is your wife?

1 A. Clara Kelley.

2 Q. Are y'all still married?

3 A. Yes, ma'am.

4 Q. Did y'all live together then?

5 A. Yes, ma'am.

6 Q. All right. At what age -- how old
7 was [REDACTED] if you remember, when she started
8 staying with her mama more?

9 A. Well, they was out and back by the
10 time they was six but she was, I don't know,
11 when we lived over there, ten or eleven and I
12 was going to try to get custody of her and
13 Katie. Her mama had them all out to her
14 house and had DSS ---

15 SCOTT DOVER: Your Honor, objection to
16 what her mama -- objection.

17 THE COURT: All right.

18 SCOTT DOVER: I object to what her
19 mother did.

20 THE COURT: Mr. Kelley, don't talk
21 about what anybody else said. All right?

22 WITNESS: Okay.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR ODOM:

25 Q. So when y'all lived on South Lewis,

1 where did Wendy live?

2 A. Well, she lived -- she stayed on
3 South Lewis in the trailer that I did live
4 there.

5 Q. So do remember the kids, [REDACTED] and
6 Katlyn, staying with Jodie and Wendy on South
7 Lewis?

8 A. Yeah. They stayed with them some
9 when they lived there. Yes, ma'am.

10 Q. Did you ever see [REDACTED] and Jodie
11 there without Wendy?

12 A. When Wendy would be gone somewhere.

13 Q. Was that once or more than once?

14 A. Well, I -- I didn't see them as much
15 there as the other places that they lived.

16 Q. Do you remember seeing [REDACTED] and
17 Jodie without Wendy at High Top Drive?

18 SCOTT DOVER: I object to the leading
19 question.

20 THE COURT: Hold on. I'm going to give
21 her a little latitude in light of the
22 circumstances.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR ODOM:

25 Q. Where did you live when Wendy and

1 Jodie lived at High Top Drive?

2 A. I lived at that trailer down below
3 them.

4 Q. Did you know [REDACTED] to be there with
5 Jodie alone?

6 A. Yes, ma'am.

7 Q. How did you know that?

8 A. Well, when they went back home. She
9 worked the third shift and when they'd stay
10 up there, with Jodie.

11 Q. Was that often?

12 A. Yeah.

13 Q. One moment -- I will be right back.

14 A. Okay.

15 Q. Do you currently have any kids in
16 your home now?

17 A. I have Katlyn. Katlyn, my other
18 granddaughter.

19 Q. Do you have custody of her?

20 A. I have full custody of her.

21 Q. You and your wife?

22 A. Yes, ma'am.

23 Q. Did you ever have to go pick up
24 Katlyn -- excuse me. Did you ever have to go
25 pick up [REDACTED] from anyplace that she lived

1 late at night?

2 SCOTT DOVER: I object unless they can
3 lay a foundation as to the dates and times,
4 if he knows the dates and times that we are
5 talking about during the indictment.

6 THE COURT: I am going to let it go.
7 I think it's a proper question.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR ODOM:

10 Q. Did you ever have to go pick up
11 [REDACTED] late at night from any of the homes?

12 A. From Lee Street in Liberty.

13 Q. Did you ever have to go pick her up
14 from anywhere else?

15 SCOTT DOVER: I object to that.
16 Leading.

17 THE COURT: Sustained.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR ODOM:

20 Q. On High Top Drive?

21 SCOTT DOVER: Your Honor, I object to
22 that. He's answered. She asked him the
23 question, leading as it was. He answered it.
24 I object to her now ---

25 THE COURT: Rephrase your question.

1 Ask it again.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR ODOM:

4 Q. One more question and then Mr. Dover
5 will be able to question you.

6 A. Okay.

7 Q. I just want to be clear, did you
8 ever see [REDACTED] alone with Jodie?

9 A. Yes, ma'am.

10 SOLICITOR ODOM: Please answer anything
11 that Mr. Dover has for you.

12 CROSS EXAMINATION

13 BY SCOTT DOVER:

14 Q. Mr. Kelley, I don't think you're
15 going to have any problem hearing me.

16 A. Okay.

17 Q. Can you hear me?

18 A. Not too well.

19 Q. Then I will stand close to you.

20 A. Okay.

21 Q. When [REDACTED] lived on Lee Street, she
22 was more than ten years of age. They moved
23 to Lee Street later on, didn't that? Not Lee
24 Street -- yeah, Lee Street in Liberty.

25 A. No, they moved from High Top to Lee

1 Street.

2 Q. Right, after High Top. So it was
3 after your granddaughter lived at High Top
4 that they moved to Lee Street?

5 A. Yes, sir.

6 Q. Sir, what time do you go to bed?

7 A. What time do I go to bed?

8 Q. Yeah.

9 A. Different times.

10 Q. What time do you normally go to bed?

11 A. Well, 9:00, 10:00, 11:00, sometimes
12 later according to how I feel.

13 Q. Who was the president in 2003?

14 A. Who was president in 2003?

15 SOLICITOR ODOM: I am going to object
16 on relevance.

17 THE COURT: I am going to let him
18 answer that.

19 WITNESS: George Bush, I guess.

20 CROSS EXAMINATION CONTINUED

21 BY SCOTT DOVER:

22 Q. Was he?

23 A. Yeah.

24 Q. How many times have you met with the
25 solicitor, Ms. Odom?

1 A. One time.

2 Q. This morning?

3 A. (Affirmative nod), one time. This
4 morning.

5 Q. Did she talk to you about what she
6 was going to ask you?

7 A. Some of it.

8 SCOTT DOVER: Thank you.

9 THE COURT: Any redirect?

10 SOLICITOR ODOM: No, sir.

11 THE COURT: You may step down.

12 (WITNESS STEPS DOWN)

13 THE COURT: Anything else?

14 SOLICITOR ODOM: No, sir.

15 THE COURT: Ladies and gentlemen, the
16 State has rested on their reply, so that
17 concludes all the evidence that is going to
18 be before y'all.

19 We have some things that we have to go
20 over to get ready for the charge and the
21 closing arguments. So it is not time for you
22 to start your deliberations yet.

23 But we're going to have to ask you to go
24 back to your jury room so that we can go over
25 everything. We will bring you back out as

1 soon as we can. Thank you. Do not discuss
2 the case.

3 (JURY OUT @ 10:10 A.M.)

4 THE COURT: Anything from either party
5 at this point? Defense first.

6 SCOTT DOVER: I renew my Motion for a
7 directed verdict now at the conclusion of all
8 the testimony.

9 I submit to you that the evidence is not
10 sufficient to warrant the case going to the
11 jury beyond a reasonable doubt of the
12 allegations charged.

13 THE COURT: I think that the evidence
14 that has been presented clearly presents a
15 factual issue for the jury to make that
16 decision.

17 SCOTT DOVER: Thank you, sir.

18 THE COURT: Motion denied.

19 THE COURT: Anything else from the
20 State?

21 SOLICITOR ODOM: No, sir.

22 THE COURT: Do y'all want to discuss
23 jury charges and verdict?

24 SCOTT DOVER: Yes, sir.

25 THE COURT: What I like to do normally

1 is kind of talk with the attorneys in
2 chambers and then we can put anything on the
3 record that needs to be.

4 (IN CHAMBERS CHARGE CONFERENCE)

5 THE COURT: We discussed the verdict
6 form. You've both looked at the verdict
7 form.

8 SCOTT DOVER: I'm sorry, Your Honor, if
9 I could look at that.

10 (COUNSEL REVIEW OF VERDICT FORM)

11 SCOTT DOVER: Your Honor, you have my
12 full attention now.

13 THE COURT: That's fine. You both have
14 looked at the verdict form. Any objection?

15 SOLICITOR ODOM: None from the State?

16 SCOTT DOVER: I have reviewed it and it
17 appears to be a proper form.

18 THE COURT: All right. Also we went
19 through the jury charge. I don't believe
20 that anyone had any issues with the jury
21 charge?

22 SOLICITOR ODOM: No, sir, none from the
23 State.

24 SCOTT DOVER: None, Your Honor.

25 THE COURT: Okay, are we ready for the

1 jury?

2 SOLICITOR ODOM: Yes, sir.

3 SCOTT DOVER: Yes, sir.

4 THE COURT: Anything else that we need
5 to put on the record that I've failed to
6 address?

7 SCOTT DOVER: Not from the defense.

8 SOLICITOR ODOM: Nothing from the
9 State.

10 THE COURT: All right. I appreciate
11 everyone's efficiency in getting this trial
12 through -- everybody has done a good job.
13 Bring in our jury.

14 (JURY IN @ 10:50 A.M.)

15 THE COURT: Ladies and gentlemen, as
16 indicated before, both sides have rested.
17 That means that all the evidence is before
18 you for your consideration.

19 Now we'll be going into the closing
20 arguments of counsel. This is not evidence.
21 The evidence has been presented. This is
22 their argument of what they believe the
23 evidence shows.

24 Once they complete that, then I will
25 charge you on the law.

1 At this time, please devote your
2 attention to the attorneys. Ms. Odom.

3 SOLICITOR ODOM: Thank you, Your Honor.
4 Mr. Dover.

5 The real tragic thing about having to
6 call a child sex abuse to trial is getting
7 this victim on the stand and she, or he in
8 some cases, will disclose very embarrassing
9 moments of some of the worst part of their
10 lives.

11 We have to talk about that and get all
12 these details, then for the rest of the case
13 -- hours, days -- they are ripped apart.
14 Everything that said is dissected. It's hard
15 enough to get up here on the stand but then
16 they are just attacked, belittled, blamed for
17 something that was not their fault.

18 It's easy to see why sex abuse victims
19 don't want to come forward.

20 [REDACTED] she got up here yesterday and she
21 poured her heart out. She didn't want to
22 have to do this. It wasn't something that
23 she enjoyed, not something she was looking
24 forward to. It didn't look like she was
25 having fun up there.

1 She has nothing to gain by this, nothing
2 to gain.

3 The defense wants to paint her as a liar
4 and a terrible person. How long has this
5 been going on. She's in her early twenties
6 now and it started when she was just -- in
7 kindergarten. It's been going on fifteen
8 years. She disclosed three and a half years
9 ago.

10 She's had to talk to so many people.
11 We've had records of her, you know, her
12 statement from before to various people at
13 various places. She's always been consistent
14 with the core facts. She knows what
15 happened. She's told you what happened.

16 She was molested at a young age. It
17 started gradually with touching and moved on.
18 It got worse as she got older.

19 She testified that while it started with
20 touching that it moved on to oral sex on her
21 and then her performing oral sex on the
22 defendant.

23 They want you to believe that she was --
24 that she was mad about something and that is
25 why she made it up. That doesn't make sense.

1 That doesn't carry water, that some simple
2 little family squabble some three-and-a-half
3 years ago, that she has stuck to her guns,
4 that she got up here and testify. Like some
5 simple argument over a boy and she mad at her
6 mama because she can't hang out with a boy.
7 So she's going to accuse her stepdaddy of
8 something and stick to it all these years?

9 Not only does it not make sense, but if
10 you think about it as a whole she wasn't even
11 living there. She wasn't living with her
12 mom. She testified that she was living with
13 her grandparents, she got pregnant, she had
14 her son and two years is when all this arose.
15 So if she wanted to hang out with a boy, she
16 would have been hanging out with a boy. That
17 just doesn't make any sense at all.

18 So what prompted her disclosure.
19 Disclosure, you heard Ms. Galloway-Williams
20 say yesterday is just when a victim tells,
21 when they finally tell.

22 [REDACTED] says that she was upset that she
23 had a little boy and her sister had a little
24 girl, right at the same -- those kids are
25 seven weeks apart. Her niece, Alexa, lived

1 with her mom, with Jodie, lived with her
2 brothers. While the abuse had stopped at
3 that point for [REDACTED] she was worried.
4 She'd gotten older. She had begun to
5 understand a little more about life in
6 general. She'd had a baby. She was
7 understanding more and sometimes knowledge
8 becomes fear, because she knew what had
9 happened. It happened to her. She was
10 worried.

11 You know, she said how Jodie's friends
12 were over there and stuff was going on that
13 she didn't like. [REDACTED] testified that she
14 knowledge that Jodie would keep Alexa, her
15 niece. She was just uncomfortable about the
16 whole thing.

17 It's one thing for yourself to be abused
18 because you know what you can handle, you
19 know what you can do. But it's another thing
20 for someone that you love to be abused and
21 for them to be in that situation. Especially
22 someone who cannot ask for help, who is a
23 child. So she was worried about her niece.

24 So how do we -- besides [REDACTED]
25 testimony, how do we know that's true?

1 Wendy Williams, wonderful mother that she
2 is, she got up her yesterday and said, 'Yeah,
3 it's true. Jodie did -- that he had some
4 issues. He had some people other to the
5 house.' Scotty. That it was to the extent
6 that she didn't like it or that it wasn't
7 something that could wait for her to get off
8 of work or handle with a phone call. She
9 left work and went to the house to break it
10 up. Something was going on to the extent
11 that she didn't like it. That's exactly what
12 [REDACTED] said.

13 Wendy Williams, as much as she wanted to
14 push [REDACTED] under the bus, confirmed that for
15 us. There was stuff going on there, stuff
16 that [REDACTED] was worried about.

17 Now, a big to-do, I felt like, was made
18 over that FaceBook post that [REDACTED] read out.
19 A FaceBook posts made nearly four years ago.
20 [REDACTED] used some pretty salty language. She
21 was seventeen. I feel like it is pretty easy
22 for people to forget what a teenager -- who a
23 teenager is, how teenagers speak. Teenagers
24 are different.

25 You have a girl, a child, a child who has

1 had a child herself, who is not in school,
2 who has been shuffled around from place to
3 place, who does not want what is going on --
4 you have someone who is angry. She was angry
5 because she was scared that something might
6 happen to her niece. So, yeah, she used
7 salty language. That is how teenagers talk.

8 You know, to me it just wasn't -- yeah,
9 maybe if she hadn't cussed so much that would
10 be great. But that shows how genuinely upset
11 she was.

12 Now, the drinking, that is another thing
13 that Wendy Williams confirmed. [REDACTED] had
14 said how the defendant, when he would abuse
15 her, had often times been drinking.
16 Drinking, you've heard, can lower your
17 inhibitions, "liquid courage." Maybe you're
18 not -- maybe you want to do something but you
19 are not going to do it sober, you need just
20 something to get you over to that point. Or
21 maybe you're just going to get drunk and do
22 what you want. But he had a problem bad
23 enough for Wendy to have said something.

24 When he got on the stand he said, 'Yeah,
25 I drink from time to time and Wendy thought

1 it was a big deal, she thinks any alcohol is
2 a big deal.' But he doesn't think he
3 necessarily has a problem. They're not
4 having the same thoughts here.

5 So you've got a wife who says "no
6 alcohol" and you have a husband who wants a
7 beer every now and then. So he's going to
8 drink if he wants to.

9 She was working third, so she doesn't
10 know what was going on, whether he was
11 drinking or not.

12 [REDACTED] testified to that, that a lot of
13 times he would be drunk -- that she would
14 smell the alcohol. A little bitty girl,
15 knowing what beer smells like, because he's
16 sat there drinking it and it's on his breath
17 when he's all over her.

18 [REDACTED] also said that she had some adult
19 conversations with him. That he had told her
20 that him and her mom weren't fooling around,
21 that they weren't intimate, that they weren't
22 having sex. Now, for a child to know that
23 somebody to tell them. She was pretty
24 forthcoming with that yesterday and he was
25 forthcoming with it today. They weren't

1 having sex.

2 I asked her yesterday, 'well, he wasn't
3 getting it from you, I guess he was getting
4 it somewhere else.' I hate that phrase and I
5 hate that wording, but it is used so much.
6 She said, 'yeah, he was, I caught him
7 cheating on me.' She said he'd cheated on
8 her.

9 He said he'd cheated on her. So he was
10 going away from his wife to satisfy his
11 needs.

12 Now, say -- you might say that the
13 defendant didn't tell her that. Well, she
14 knew it from someone. She knew that they
15 weren't having sex, from someone. Jodie told
16 her or her mama told her. Either way you
17 have adults or an adult having a very adult
18 conversation with a very little girl, a girl
19 who should not know about that stuff.

20 That was confirmed through Angie Farmer
21 over Behavioral Health Services, that this
22 little girl had knowledge about sexual
23 behavior.

24 Now, you could also say that's explained
25 through some of the other testimony -- and I

1 want to touch on that just a little bit. I
2 feel like there's been a lot of jumping up
3 and down, objections, trying to adhere to the
4 Rules and all that. That's just how Court
5 goes. We need to make sure that everybody
6 adheres to the Rules.

7 One thing that has kind of been drawn
8 attention to is how there had been other
9 potential sexual abuse regarding the girls.
10 I have been a stickler about how that's been
11 worded, so let's look at the testimony.

12 Ms. Farmer said yes, that was some --
13 two other men where [REDACTED] told Ms. Farmer
14 that 'they tried to rape me.' Ms. Farmer
15 said that was an unfounded case.

16 Well, what Ms. Farmer also said is that
17 the mother gives the information during the
18 assessment. The mother gives this
19 information, the mother reports it to the
20 counselor. The mother sits in there while
21 the child is being interviewed. There is a
22 lot going on in this child's life.

23 The other case wasn't commented about too
24 much at all but, regardless, that happened a
25 little later on in her life.

1 Now, Wendy Williams, her testimony -- I
2 didn't know to really think of her. She'd
3 never met with me. I'd never talked to her
4 before yesterday, that was the first time
5 that I ever saw her. Yet she thought it was
6 real important to tell someone, not the
7 prosecutor, but -- 'you know, this never
8 happened.'

9 But when she got on the stand -- you
10 know, I just couldn't quite figure her out.
11 She was so, 'no, absolutely not -- one
12 hundred percent, never could have happened.'
13 It is so absurd to me that you're working
14 these sixteen-hour days and you're just
15 working like a dog, it's all you can do to
16 take a breath but, yet, you know that your
17 children are never around your husband --
18 even when your children are living with you?
19 That just seems so absurd to me, that he
20 never would have been around them even for
21 one second. It was 'no', without any doubt.

22 What's her motive. What is her angle
23 her. Well, maybe it's embarrassing for her
24 to know that the man you're supposed to love,
25 the man that you have kids with is messing

1 with your kid. Maybe it is embarrassing for
2 her to think that all these years this was
3 going on right under her nose and she didn't
4 even know about it.

5 It's easier for people to put their head
6 in the sand. It's easier for people to say
7 'this doesn't happen in Pickens County.'
8 'This doesn't happen to our kids here.' This
9 happens other places. This happens here. It
10 happened to [REDACTED]

11 Maybe Wendy Williams couldn't, you know,
12 -- that the very thought of it just sickened
13 her. It is sickening to think about.

14 But another way to think about it, you
15 know, a mother protects their child. There
16 is no easy fix for something like this.

17 And it is not easy for [REDACTED] to think
18 about either. You know, when her mom goes to
19 kiss her stepdaddy, that [REDACTED] knows where
20 his face had been. It's not a pleasant thing
21 to have to think about.

22 It's easier for people to push it away
23 and to even blame the victim somehow. To
24 say, 'No, she's making it up.'

25 Now, another point that Mr. Dover made

1 was, 'Well, you know, [REDACTED] has had other
2 instances where she's been the victim of
3 possible sexual abuse and she talked about
4 those. So if she could talk about those, she
5 could talk about this.' No, absolutely not.

6 There is no way that you can equate being
7 abused by one person -- 'if you can talk
8 about that, you can talk about this',
9 (negative gesture). Even adults who have had
10 different sexual partners may not want to
11 talk about some of them. You know, a man
12 that has been with three women may not --
13 there's one of those that he might not want
14 to talk about. He might not want to
15 disclose.

16 It's even worse when the person that
17 abused you is someone who is supposed to love
18 you, to protect you. Instead he's treating
19 you like an adult when you're in elementary
20 school. Of course it was confusing for her
21 because she was a child.

22 Now, a lot was talked about on the
23 addresses, dates, her grades. I tried to
24 clean it up a little bit since we were going
25 to have somebody from school come testify.

1 Like many of these cases, as you heard Shauna
2 Galloway-Williams say, kids aren't great at
3 remembering dates or timeframes or when
4 something happened. They are going to
5 remember like a big event. If you had a
6 five-year-old in here today, you might say
7 Christmas is four months away and they might
8 be so excited because, 'on, that's so close,
9 that's just four months away.' Oh, they
10 could be like, 'but that's so far away, it's
11 never going to get here.' Children don't
12 have a solid concept of time like adults do.
13 So I tried to narrow it down a little bit.

14 This is something that I've done just to
15 demonstrate, this is not evidence. So if
16 this contradicts anything that you've heard
17 from the stand, go with your memory. I've
18 done this to try to make it a little clearer,
19 because I swear sometimes during this case I
20 felt like we were running through mud or
21 something. It was just a little bit
22 difficult. This chart considers the testimony
23 of different witnesses.

24 South Lewis Street, [REDACTED] testified that
25 is when she first moved -- first lived with

1 Jodie. You heard her testify that she didn't
2 remember the first incident but it was late
3 at night, mama was asleep, she couldn't sleep
4 -- [REDACTED] couldn't -- because she had
5 nightmares. She'd stay up watching TV.

6 Jodie came in there and started rubbing on
7 her, started grooming her; started talking to
8 her, kissing on her a little bit. You heard
9 Ms. Galloway-Williams say that that is very
10 common, that that is how it starts. She
11 equated it with maybe a touching of the butt
12 that could be -- 'did he mean to do that.'

13 This was the same thing. You know,
14 rubbing her chest, comforting her, rubbing
15 her back. Maybe it could be something
16 different but for a child they're not going
17 to know. It is something that an adult would
18 even have trouble with.

19 She testified that her and her sister
20 walked to school. They lived close to
21 Pickens Elementary and went to school there.

22 Now, in 2002, -- [REDACTED] was born in 1996,
23 July of 1996. So in 2002 she was going to be
24 six, turning seven during that summer. So
25 the abuse became then. She was very young.

1 Now, once they moved to Jane Lane. You
2 heard that Jane Lane referred to as Six Mile
3 or Pickens, towards Six Mile, possibly a
4 Pickens address, Pickens County.

5 This was when the abuse escalated. It
6 escalated to oral sex. Let me just talk
7 about that for a second, and then I'll touch
8 on it more in a moment.

9 But the oral sex was a little girl having
10 to perform it on a man, or a man performing
11 it on a little girl, it's still oral sex
12 either way. They may have different terms,
13 cunnilingus or fellatio, but they're both
14 classified under the statute.

15 Now, after Jane Lane they moved to High
16 Top Drive. This is where [REDACTED] testified
17 the majority of the abuse occurred.

18 Now, before I forget to touch on it,
19 another big thing that was made was how
20 during one of her prior testimonies she'd
21 stated that she didn't have to begin
22 performing oral sex on him until they moved
23 to High Top. Then when she testified
24 yesterday she said, 'I think that it was the
25 week before we moved from Jane Lane.'

1 A big deal was made about that one week,
2 but she's been consistent about the abuse,
3 about the timeframe. You're asking an adult
4 who is trying to block this out to remember
5 something that happened fifteen years ago at
6 a specific house. It is a big deal in a
7 criminal case because we have to prove
8 jurisdiction, that it happened in Pickens
9 County. That's why we harp on the addresses.
10 But both of those addresses are in Pickens
11 County.

12 High Top was the worse. She said that he
13 started making her suck his penis, when he
14 would ejaculate that she would have to go and
15 brush her teeth. That is an interesting
16 little tidbit to me, that he would always
17 have her brush her teeth. Then she started
18 brushing her teeth. She thought it was
19 nasty, she didn't want it in her mouth. But
20 him instructing her to do, I would venture to
21 say that maybe that could be construed as
22 maybe getting rid of evidence, getting rid of
23 any possible smell.

24 Now, the last time that anything happened
25 she is very clear about. It was the most

1 vivid description. The last time anything
2 happened, she was twelve years old. She said
3 it happened about a week before she lost her
4 virginity. A few minutes ago I said that
5 kids don't seem to remember things unless, as
6 far as dates, something big happens. This
7 was something big for her. Yeah, she was
8 young. She was still a child. The order of
9 stuff might not make sense but remembered
10 this.

11 She remembered losing her virginity and
12 she remembered Jodie driving her over there
13 and him hanging out with the mom while she
14 lost her virginity, the drinking going on and
15 all that. That is very vivid, and she is
16 very concrete on that.

17 She is concrete on everything but she is
18 able to provide more details because of the
19 event that happened and because when she let
20 him know that she'd lost her virginity, he
21 stopped fooling around with her.

22 You know, people do things for different
23 reasons. Sometimes a defendant that is
24 abusing a child, that be some of the guilt
25 for doing something that they shouldn't.

1 Kind of "exciting", convenience that this
2 child is in the home and he can get what he
3 wants. You know, 'nobody is going to believe
4 her.' Maybe he just feels a child is his own
5 personal little doll.

6 But after [REDACTED] lost her virginity,
7 Jodie didn't want to have anything to do with
8 her, for whatever reason.

9 Now, [REDACTED] also said that he tried to
10 hem it with her. Those are my words, not
11 hers. When I say hem it up, he made a
12 conscious decision to stop the abuse. He
13 went to her, in an attempt to keep her quiet,
14 to make sure that she wasn't going to say
15 anything. For so very long she didn't say
16 anything but now that he's ready to stop he
17 needed to make sure that she wasn't going to
18 be saying anything. So he told her that he
19 was sorry. He seemed genuine to her. He
20 told her that he'd ask God to forgive him.
21 To her, it seemed genuine.

22 Now, the Judge is going to read you the
23 law once the attorney get through with our
24 closings. I just want to put it up there (on
25 screen) while I talk about it. Sometimes I

1 talk fast, though I've been told that I talk
2 slow. But just so that there is no
3 misunderstanding I wanted you to be able to
4 see what the law is.

5 These crimes are criminal sexual conduct
6 with a minor first degree and criminal sexual
7 conduct with a minor second degree. That is
8 what he has been charged with.

9 The date range for the criminal sexual
10 conduct is that it stopped when she turned
11 eleven. Even though the crime -- the facts
12 are the same, that he was having a sexual
13 relationship with her. The crimes are
14 different because of her age. And in the
15 criminal sexual conduct second degree,
16 because of his age too.

17 You heard testimony from [REDACTED] from
18 Wendy about his age. Criminal sexual conduct
19 second with a minor, that he engaged in
20 sexual battery with a victim fourteen years
21 of age or less but who was at least eleven
22 years old. With that, she testified that the
23 last incident occurred when she was twelve.
24 So she was eleven or older at that point.

25 Now, sexual battery. Sexual battery is

1 intercourse, cunnilingus -- which is when
2 someone performs oral sex on a woman, --
3 fellatio -- when someone performs oral sex on
4 a man. Those are sexual battery. So the
5 accused engaged in sexual battery with the
6 victim and the different crimes are based on
7 her different ages.

8 The entire range these incident occurred
9 was several years. [REDACTED] testified that it
10 occurred on a regular, frequent basis
11 depending on where they lived.

12 Now, a couple of other points that I want
13 to make before I move on. These crimes would
14 happen at nighttime when other people were
15 asleep, they would happen when nobody else
16 was around.

17 You know, mama wants you to believe that
18 there is just no way possible. Even the
19 defendant today, I asked about, 'is there any
20 way possible' and 'nope.'

21 'Mama never went to the store or
22 anything?'

23 'Nope, no way possible.'

24 All these years, you know, she moved out
25 when she was fourteen or whatever, so ten

1 years of her living on and off with them, he
2 never stayed home with the kids while mama
3 went to the store? They never were left
4 alone together, somebody was always with
5 them? I kinda like wanted to get into him a
6 little bit but there is no benefit for me
7 there.

8 Like if I had kind of just tried to rip
9 him to shreds, there's really no benefit
10 there because he was pretty solid to the
11 point where I said, 'Well, is it possible
12 that your wife took a shower, took a bath and
13 you had access to the girls?' 'No.' So she
14 never took a bath, never took a shower.

15 So I said, 'isn't it possible that she
16 went to sleep and you were left alone with
17 the girls.' No, never went to sleep.

18 How crazy is this? How illogical is
19 this, that they want you to believe that they
20 went to such great lengths, to avoid sleep,
21 just to make sure that her daughters never
22 had a chance to be alone with him? This is
23 preposterous.

24 Now, I want to talk about the witnesses a
25 little bit, skim over them.

1 You heard Angie Farmer from Behavioral
2 Health Services. She talked about [REDACTED]
3 counseling history. That is pretty alarming
4 there. That a child her age had so many
5 different cases, that she would go for an
6 assessment and have maybe one appointment and
7 then that was the end because nobody could be
8 bothered to take a child who clearly had
9 issues and clearly needed help -- no one
10 could be bothered to bring her back for
11 counseling. People were too busy. Mama said
12 she had to work. Why didn't her parents do
13 it?

14 It was very clear yesterday that nothing
15 was mom's fault. It was very clear that it
16 was other people who -- 'they should have
17 done this', 'they should have done that.'
18 I've never heard somebody use the word "I" so
19 much in my life. Nothing was her fault.

20 The fact that [REDACTED] had issues, [REDACTED]
21 was "horrible." Raising her was horrible,
22 that's how she described her ten-year-old
23 daughter, was "horrible."

24 [REDACTED] clearly needed help. Angie Farmer
25 listed out symptoms of child abuse, child

1 sexual abuse. She separately listed out
2 symptoms that [REDACTED] had. [REDACTED] clearly had
3 issues. She had a lot going on in her life.
4 She had aggression, she had anger. It is
5 understandable to have anger when in the
6 place you're supposed to feel safe you keep
7 getting touched. She acted out, as any child
8 does.

9 They made a big deal about it being
10 alleged that she had lied. Children lie.
11 Adults lie. You know, "lie" is such a nasty
12 word. But, you know, if somebody walks by
13 you in the morning and says, 'you having a
14 good morning' and you say 'yeah', maybe
15 you're not having a good morning and that's a
16 lie. Or, you know, your best friend gets an
17 outfit and you say, 'that's nice.' That may
18 be a lie. So people lie. Children lie.
19 Adults lie.

20 Angie Farmer told us that she had
21 anxiety, aggression, depression. She was
22 having problems with relationships. She was
23 promiscuous at a young age. For a twelve-
24 year-old to have sex, most twelve year olds
25 wouldn't know where to start.

1 So she had all these issues, including
2 nightmares and not trusting. She has been
3 kicked around more than a soccer ball. She
4 has had a rough childhood.

5 After Ms. Farmer -- well, she actually
6 testified right before Ms. Farmer, was Ms.
7 Galloway-Williams. She's an expert who deals
8 in child sexual abuse, just like Ms. Farmer
9 does.

10 Now, Ms. Galloway-Williams, she had never
11 met with [REDACTED] She didn't know all these
12 little details of the case like Ms. Farmer
13 did. She is what we call a "blind expert."
14 They don't know the details of the case,
15 they're just talking in general to better
16 educate us, to educate the jury. People want
17 to deny sexual abuse in our community and
18 it's easy to just kind of look over the fact
19 that is child abuse.

20 She explained disclosure, delayed
21 disclosure. It's very common for there to be
22 delayed disclosure because kids may not know
23 how to disclose or may not be comfortable
24 disclosing. [REDACTED] was in and out of that
25 home for years. She didn't know when she was

1 going to go back or if was not going back.

2 Why would she expose herself to potential

3 harm if she didn't have to?

4 Furthermore, she got used to it and

5 thought it, was normal. He would give her

6 gifts, give her alcohol, cigarettes, made her

7 feel special by the things that he would say

8 to her, treated her like an adult talking bad

9 about her mama, telling her that she needed

10 to help around the house, that she was so

11 good, how much he loved her. That is

12 grooming. That is like putting your foot in

13 the door and easing on in. That's making

14 somebody feel comfortable, especially for a

15 child who doesn't know better. It's easy

16 enough for adults to get fooled into

17 relationships or have some confusion about

18 exactly how the other person feels but this

19 was a man manipulating a little girl. It

20 went on for so long that she just kind of

21 accepted it.

22 Sometimes it ends easier just to do what

23 you've got to do and then move on. She

24 testified that she was worried, she was

25 worried that it was going to break up the

1 family. She loves her sister and she loves
2 her little brothers and she didn't want
3 anything to harm them. She loves her mom,
4 strange as it is. But she had reasons
5 herself to just kind of lay low.

6 When it came out, when all is said and
7 done she's been thrown under the bus and
8 attacked for speaking up. She'd gotten to
9 that breaking point and was able to speak up.

10 Shauna also said the guilt, the shame,
11 living in the house the fear of punishment,
12 the fear of breaking up her family, he would
13 threaten her, threaten to break up the
14 family, threaten her that she would be sent
15 away, to be embarrassed as a child to love
16 someone even though they are doing something
17 bad to you.

18 You know, as an adult we -- I may love my
19 husband to death but when he doesn't help
20 with the dishes and I get home from work and
21 I have to the dishes, I'm not very happy with
22 him. But just because I'm not happy in one
23 aspect that doesn't mean that it ruins the
24 entire relationship. That's a minor example
25 but for a child -- for an adult we can say

1 dishes here, sex there. But for a child it's
2 different, everything is different for a
3 child.

4 She did say that being out of the home
5 could affect the disclosure.

6 She talked about grooming some. That
7 some possible indicators could be living with
8 other people, coming back in the home, uh,
9 you know, a single-parent home if the child
10 needs attention or has a horrible
11 relationship with the mom. All of these are
12 possible indicators.

13 Now, she also touched on victims
14 behavior, how it is normal in these cases for
15 a victim to be aggressive, to have depression
16 and that it can affect a child for the rest
17 of their lives; just like it is doing with
18 [REDACTED] now.

19 So with -- there is a bunch of stuff that
20 you can consider in this case. This isn't --
21 you don't just have to take everything at
22 their words, just consider black-and-white.

23 You can take a witness and -- for
24 example, you can take everything that a
25 witness says. You can believe everything

1 that a witness says, you can believe nothing,
2 you can believe some of it. It's up to you
3 to decide who is telling the -- who you
4 believe and when you believe then. You don't
5 just have to listen to what they say, you can
6 remember how they said it, what motive they
7 may have, their demeanor, are they biased in
8 any way.

9 [REDACTED] Think about her motives.

10 The defendant. Think about his motive
11 to lie in any way. Is he biased in any way?

12 His brother. Of course if your brother
13 is in trouble, you're going to say what you
14 need to say. You're going to take care of
15 your own. He was going to say what he needed
16 to say. One interesting tidbit that did come
17 out with his brother is how the defendant
18 said [REDACTED] never lived at South Lewis
19 Street. The brother said, 'yeah, I'd go over
20 there and we'd play video games with the
21 kids, I spent time with them, they would come
22 over to my mama's, and we'd go over there.'
23 I mean, he confirmed that they lived there,
24 even though his intention was to get up there
25 and try to save the day, whatever. But his

1 bias is clear. That's the defendant's
2 brother.

3 Now, the mother, her bias is clear too.
4 The last thing I asked her was something
5 about her sons. I said 'you love your sons,
6 you don't want to see them get hurt do you.'
7 Her sons, that's their daddy. Their daddy is
8 on trial. Her sons still live with her, who
9 are still young, whom she hasn't pawned off
10 on somebody else. They still live with her.
11 Of course she doesn't want to see them get
12 hurt, she doesn't want to see their daddy get
13 in trouble. And she doesn't want to admit
14 that she was a crappy mother. So her motive
15 was pretty clear.

16 Also her sister -- I wish they would have
17 talked about their testimony beforehand
18 because they weren't very consistent with the
19 shifts, who worked which shift, what dates it
20 was and things -- they just wanted to make it
21 clear no way, no way, no way was those girls
22 there. I asked, 'So you were with [REDACTED]
23 twenty-four/seven.' So you knew, twenty-
24 four/seven for five years, so you knew that
25 she was never with Jodie.'

1 She gave me some smart answer and rolled
2 her eyes. Like the mama. Attitude. Snappy.
3 Rolling the eyes, doing the little (lip
4 smack) -- attitude galore. Wendy's daughter
5 is up here pouring her heart out, her husband
6 is on trial, and she wants to get up there
7 and click her teeth, snap her tongue? Her
8 sister wants to get up there and roll her
9 eyes? This is serious. We're dealing with
10 people's lives here and you're going to come
11 up here and get an attitude?

12 The bottom line with them is that it is
13 unrealistic to believe that they lived
14 together on and off for ten years and they
15 never had a moment alone together. That is
16 unrealistic.

17 The standard you use in this case when
18 you're deciding guilt is reasonable doubt.
19 So reasonable doubt, the Judge is going to
20 charge you is just the doubt that causes a
21 person to hesitate to act. It is not a
22 hundred percent, it's reasonable doubt.

23 So if you believe that this happened to
24 [REDACTED] you believe that it happened to her
25 before she turned eleven, he's guilty of

1 criminal sexual conduct first degree.

2 If you believe that it happened to her
3 when she was between the ages of eleven and
4 fourteen, he's guilty of criminal sexual
5 conduct second degree.

6 Don't throw your common sense out the
7 window. Use your common sense to look at
8 everything, compare everything. This isn't
9 some unreachable standard of one hundred
10 percent. Are you sure this happened? Do you
11 believe her when she got up here and told you
12 this? Guilty.

13 With that, you can also -- you take the
14 crimes separately. There are two charges.
15 You can find him guilty on both, you can find
16 him guilty on one and not the other. You can
17 find him not guilty on both.

18 Look at them as separate charges. Just
19 because they are two charges, your decision
20 does not have to be the same. Consider them
21 separate.

22 Now, there's been a lot of jumping up and
23 down. You know, even with like with shaking
24 hands with witnesses after they've testified.
25 Sidebars and all our objections. There has

1 been a lot of action in this case. It may
2 not seem like it to y'all but there has.

3 Sometimes what I'm feeling is written on
4 my face. I've been told that by a lot of
5 people, even growing up. If something was
6 wrong with me, my mama could tell, it was
7 written on my face. So if I've done anything
8 to offend y'all or if y'all have thought,
9 'man, she needs to check herself', I
10 apologize. This case isn't about me. It's
11 not about Mr. Dover, it's not about the
12 judge. So if I've done anything to offend
13 you, if I've made any kind of faces at all,
14 I apologize. This case isn't about us.
15 It's about [REDACTED] Child [REDACTED]

16 One person that I didn't talk about that
17 I need to talk about is the grandfather, Fred
18 Kelley. He's hard of hearing. I was a
19 little hesitant to put him up there because I
20 knew that it would be kind of awkward. You
21 never want to make someone testify but I
22 needed to put somebody up there. All this
23 about they were one hundred percent never
24 alone? No.

25 Fred Kelley has been there from the

1 beginning. He was there the day that [REDACTED]
2 was born, him and his wife. They helped
3 raise those girls on and off when it was
4 convenient for mama. At point you heard him
5 say that they even tried to get custody, but
6 nope, -- that meant no food stamps, DSS or
7 whatever and mama wouldn't let them have
8 custody.

9 But Fred Kelley said they were alone,
10 'we lived next to them, I could see she was
11 at work, the kids would be there alone with
12 him all the time.'

13 Think about his testimony, consider him
14 as a witness. Even though he was the last to
15 testify, don't forget about him. The order
16 of the witnesses doesn't matter. You look at
17 each witness as a whole. You consider them
18 as a whole.

19 As I said, this case isn't about me or
20 Mr. Dover. It's about [REDACTED] Child [REDACTED] It's
21 about Jodie Williams. It's about what he did
22 to her, what he made her do to him, for
23 years. It is about her finally coming
24 forward.

25 This kid, this young woman now, didn't

1 have a chance. She has lived in at least
2 seven homes with two or three different
3 people. She's been kicked to the curb.
4 She's been thrown away. She's been thrown
5 to the wolves. She's never had a chance.

6 It's easy for a victim of child abuse to
7 know what you want but not to know how to get
8 it. She wanted it to stop but didn't fully
9 understand it. She's finally been able to
10 come forward.

11 When you go back in the jury room, I ask
12 you to give her, to give the defendant, to
13 give everyone in the courtroom the respect of
14 considering the evidence. You don't have to
15 make a quick decision. It might be Friday
16 and y'all might walk out of here and that
17 might be the end of it. But for [REDACTED]

18 [REDACTED] Child it's not the end of it. This will
19 stay with her forever. Whether y'all say
20 guilty or not guilty, it's not going to
21 change the fact that she was molested for
22 years. Give her the respect of considering
23 all the evidence and do the only thing that
24 you can do, find him guilty of both counts.

25 THE COURT: Mr. Dover.

1 SCOTT DOVER: May it please the Court,
2 Ms. Odom.

3 Almost four years ago this December four
4 people came to see me: Jodie Williams, Wendy
5 Williams, Becky Miller and Chris Williams.
6 They told me then, four years ago, that there
7 is no way that what [REDACTED] Child [REDACTED] is saying
8 occurred.

9 When you think about it, he would have
10 been a fool to have put himself in that
11 position. As I told you in my opening
12 remarks yesterday the truth is constant, it
13 never changes. It never changed from 2015 to
14 2017.

15 Shauna Galloway-Williams, not her first
16 rodeo. I've tried other cases with her. I
17 know what she believes. She has told me and
18 she said, told you, over the years that when
19 you have legitimate child abuse that child
20 can go back in their brain -- it's like a
21 ditch in the brain, at any time you can go
22 right back to that. You can smell, you can
23 taste, you can put yourself back in the very
24 position you were in when it happened to you.
25 You can remember it like it was yesterday.

1 You can remember it -- you can remember what
2 the person smelled like, what the person was
3 wearing, what you were wearing. It's like
4 PTSD almost. She said that, that ability to
5 laser focus in.

6 When I take this case and I stand up
7 here, this is a case of he said versus she
8 said. No one knows what happened at those
9 addresses except [REDACTED] ^{Child} [REDACTED] and Jodie
10 Williams. Those are the only two people that
11 knows what happened. I don't know it. Ms.
12 Odom doesn't know it. No one else in this
13 courtroom knows exactly what happened except
14 them two.

15 The law of the United States of America
16 that was founded over two hundred years ago
17 stated from England that you cannot prove
18 yourself innocent. A person such as Mr.
19 Williams, there's no way that he can prove
20 himself innocent if someone comes up and say
21 something like this about him. But he
22 doesn't have to. Judge Gravely will tell you
23 that.

24 The State of South Carolina must prove
25 the facts of the case to you twelve, twelve

1 of the fourteen of you, must prove
2 unanimously to all of you beyond a reasonable
3 doubt that each and every thing that they are
4 testifying to, that make up the facts of the
5 indictments, are proven to you in such a
6 manner that you would feel comfortable using
7 that same evidence to make the most decisions
8 of your day.

9 As I stated early on, the way that I try
10 these cases, you can't prove someone
11 innocence, but you can listen carefully and
12 you can tell when someone is lying or not
13 telling the truth.

14 Ms. Odom and I agree on one thing, that
15 we are very passionate about our jobs. I
16 take the truth as something that is very
17 important. I'm sure that my emotions show
18 too. When someone is not doing what I think
19 is proper, it might seem like I am attacking
20 them. I apologize for that, just like she
21 does. I'd ask that you not hold it against
22 my client if I was too attacking.

23 But when I know that there are kids out
24 there in our community that are really
25 getting sexually abused and need protection,

1 to have someone like [REDACTED] Child [REDACTED] come up
2 here and do what she did, I get a little
3 upset about it because I know what a child
4 that gets abused -- at least what I've been
5 told by the experts, like Ms. Galloway-
6 Williams, as to what they can do.

7 I submit to you that there is no way that
8 that young lady -- like Ms. Odom said, you
9 can remember the important things of your
10 life. She can remember when she lost her
11 virginity. It does not make sense that she
12 cannot remember where she was on the day that
13 she -- the first time that she was told to
14 put her lips on around a man's penis.

15 That fact alone, she said in her prior
16 testimony that it only happened at High Top
17 Drive. I had no way of knowing what her
18 testimony was going to be today -- no way --
19 or yesterday. But when she said that
20 (fingersnap), she's lying. It didn't happen
21 at Jane Lane. She told y'all under oath that
22 it happened at Jane Lane, in Six Mile. That
23 is where she said -- that's what the exhibit
24 says. But she swore under oath earlier that
25 no, -- and I don't want to misquote her,

1 (reviewing deposition). (Reading): "The
2 oral sex had started when I was ten -- eleven
3 years, and the only place the oral sex
4 happened at was High Top Drive."

5 Almost four years ago the mother who
6 loves her and the aunt who -- let me back up
7 a little bit.

8 Ms. Odom spent a long time talking about
9 the dysfunction of this family. If that's
10 what this case is about, then you should find
11 them all guilty because they're as
12 dysfunctional as it gets.

13 But that is not what this case is about.
14 That's what she wants you to focus on.

15 This case is about whether to not Jodie
16 Williams had the opportunity and committed
17 the acts charged.

18 When I first met with this family -- the
19 mother -- the aunt that was always there to
20 support her, the aunt was there when the
21 police department took custody of these
22 children, when the parents couldn't take care
23 of them, Becky Miller did that. She always
24 was there and loved these kids. These kids
25 love her. [REDACTED] Child. [REDACTED] loves her today.

1 She supports her, they both support each
2 other.

3 She told me the and she told you today
4 that there is no way that this could have
5 happened because those kids were never left
6 in Jodie's care at night. Now, remember,
7 that she says all of this happened at night
8 when her mother was sleeping or working the
9 third shift. That's what she said.

10 The mother says, *'I never left my kids*
11 *with him when I went on the third shift.'*
12 Becky Miller said that as well.

13 The other witness, she said, *'I lived*
14 *right next to them and I know that those kids*
15 *weren't over there on Jane Lane.'*

16 But the situation is this, the mother
17 knew -- remember at six years of age, before
18 this even happened, this child was referred
19 to counseling for lying and exaggerating
20 physical abuse and sexual abuse.

21 At eight years old, her teacher referred
22 her for lying and exaggerating stories of
23 physical and sexual abuse.

24 She didn't have any problems disclosing
25 sexual abuse at six and at eight. She had

1 accused other people -- three other people --
2 of raping her during that period of time.
3 But she never opened her mouth that her
4 stepfather was doing it, because he wasn't
5 doing it. He didn't have that opportunity.

6 The only time that she said it was in
7 2013. She told the fourteen of you herself
8 that she did it to protect her niece.

9 Well, she didn't know -- she didn't
10 remember posting on FaceBook why she really
11 did it. "World War III is about to begin."

12 I can't begin to comprehend the
13 dysfunction between the mother and the
14 daughter in this case. But I'm not going to
15 -- Ms. Odom was taking great liberties in
16 trying to interpret what people were thinking
17 and doing. I'm not going to do that because
18 I don't think it's my place.

19 But for whatever reason, this child
20 lashed out at that mom. Said, 'Watch this.'
21 She used some very bad language to her
22 mother, and that was all over those boys.

23 When you do something like she -- and,
24 remember, that she's a veteran at this. She
25 has accused people all of her life of

1 sexually abusing her. She knew exactly what
2 she was doing when she e-mailed her mother
3 and then went to her dad, who she was
4 estranged from, and told him and they called
5 the police in 2013.

6 In 2011 she had been asked if he'd abused
7 her and she said no.

8 In 2009 her counselor specifically asked
9 her, on October 2nd, 2009, 'Is anyone else
10 abusing you? Is your stepfather abusing
11 you?' She denied it and defended him.

12 But in 2013 she was mad at her mom and
13 she lashed out. She made a statement that
14 she can't take back. When you say that, when
15 you let that out and you make that kind of
16 statement, then you're stuck with it. Law
17 enforcement comes in, arrests are made and
18 you go to court. You can't back out of your
19 statement then, you've got to defend it.
20 That is what she's tried to do.

21 But she couldn't do it, because she
22 wasn't telling the truth.

23 I caught her in lie after lie. You can't
24 have it both ways, folks. You owe it to the
25 community at large to protect those innocent

1 kids who really are being abused.

2 Look at the facts of this case, those
3 kids and all kids being abused, both experts
4 said that you would remember exactly how and
5 when it happened, that sort of thing. She
6 couldn't, because it's not true. If she had
7 been forced to oral sex with him at Jane
8 Lane, she would have remembered that in 2015
9 when I asked her under oath.

10 These are tough cases, guys. They're
11 tough on the lawyer, they're tough on the
12 Judge, they're tough on the State. They are
13 tough on the witnesses and their families.
14 And what has happened here has torn this
15 family even further apart.

16 But you fourteen stood up and raised your
17 right hand, swore and took an oath, that you
18 would listen to the evidence, you would weigh
19 the evidence and you would determine if the
20 State of South Carolina and [REDACTED] Child [REDACTED] had
21 convinced you unanimously of the facts of the
22 case beyond a reasonable doubt.

23 If you can ask yourself right now if she
24 has done that and you don't have a doubt in
25 your mind, a reasonable doubt in your mind

1 that she is telling the truth about this,
2 then you should go back in that jury room and
3 you should write Guilty on both counts and
4 send this man to jail.

5 But if you do not believe -- if you don't
6 have that type of conviction, if she has not
7 proven that to you to that degree, then you
8 are duty bound -- it's not what you believe,
9 like Ms. Odom says, that is not the law. The
10 law is have they proven it to you beyond a
11 reasonable doubt. If they have not, then you
12 owe our community the same duty and find him
13 not guilty.

14 I appreciate your time. The family
15 appreciates your time. Mr. Williams
16 appreciates your time. We trust you now, the
17 fourteen of you -- in a minute it will be
18 whittled down to twelve -- to go back there,
19 weight the evidence and determine did she
20 prove her case beyond a reasonable doubt and
21 then speak the truth.

22 Do the verdict that speaks the truth and
23 nobody can argue with that.

24 I appreciate the time that you have given
25 here today. Thank you.

1 THE COURT: Ms. Odom?

2 SOLICITOR ODOM: Thank you, Your Honor.

3 I want to make a brief response to some of
4 the remarks Mr. Dover made. I won't take
5 much more of your time.

6 I don't want to have you confused, so I
7 make no bones about it, my focus, your focus
8 is on the facts. Yes, she had it rough from
9 the beginning. But it doesn't matter if
10 she'd had a perfect life. If she was abused,
11 she was abused. Focus on the crime.

12 When you get back there you're not
13 checking the sheet about 'yeah, she had a bad
14 mom', this or that. You're checking the
15 sheet about did the defendant sexually abuse
16 her.

17 Now, Mr. Dover said that the defendant
18 would have been a fool to have put himself in
19 that position. The defendant testified that
20 from the beginning he said that he wasn't
21 left alone with them. By putting -- by
22 saying, you know, that he would have been a
23 fool to have put himself in that position,
24 that's like a slap in the face to all the
25 other stepdads out there. That is saying

1 that no stepdad should ever be alone with a
2 stepchild because that's an inherent risk.
3 That is saying that when moms and dads get
4 married that have prior children, that the
5 family shouldn't be blended. That you should
6 try to have a good relationship. That you
7 should push your child away. No. That makes
8 no sense. And it makes no sense that mom
9 would have gone to great lengths to keep the
10 kids away from him like that.

11 Now, one point that I do disagree with
12 Mr. Dover on is his view that Shauna
13 Galloway-Williams kind of said everything is
14 like a ditch, that you can go back to it and
15 you can remember it exactly. No. I don't
16 think that's what she testified to. But it
17 is how you remember it. If y'all need to
18 relisten to any testimony, that's fine.

19 But it my understanding that she
20 testified that children have problems
21 remembering specific things, that that is not
22 unusual. You can draw from your own
23 experience of being a child -- or having
24 kids. Do kids have problems remembering
25 things exactly.

1 He kind of harped on did the oral sex
2 begin at High Top or on Jane Lane, and said
3 that her not remembering doesn't make sense.
4 I don't think a ten-year-old, when she is
5 having to perform oral sex on her stepdad,
6 she's not going to immediately get up and go
7 find a calendar and mark on the calendar the
8 first time she did oral sex. She is not
9 going to find a calendar. She is not going
10 to look at somebody's phone and go, 'it was
11 this date.' She probably is not going to go
12 outside and take a mental picture of, 'okay,
13 I was living here.' She is going to remember
14 being on her knees, she is going to remember
15 the taste in her mouth. That's what she is
16 going to remember.

17 He said about the aunt, that she has
18 always been in her life. I don't think that
19 was the testimony. The aunt testified that
20 when they were younger, for a couple of years
21 that she would ride to work with her parents,
22 the grandparents. Then I think Lieutenant
23 Kelley testified that aunt had brought her to
24 the Sheriff's Office. So that's a gap of
25 eight years, as I remember the testimony.

1 Now, he did say that nobody knows exactly
2 what happened except the victim and the
3 defendant. That is true in all of these type
4 cases. This is a secret crime. Sex crimes
5 are usually secret crimes. A defendant isn't
6 going to take a little girl out to, you know,
7 the parking lot of WalMart and sexually abuse
8 her. He isn't going to do it while everybody
9 is watching a football game in the middle of
10 the living room. This is a secret crime.
11 This is how it goes. This is how defendants
12 get victims.

13 One thing that I take great exception to
14 is him calling her a veteran. A veteran.
15 That is disgusting. She is a victim.

16 Reasonable doubt. If you have a doubt,
17 is it reasonable? If -- if you're outside
18 and it starts raining and I say to you that
19 that rain is coming from a cloud and you say
20 'no, because I think a ten-armed five-eyed
21 space alien that lives a hundred light years
22 away flew in, in a teacup, and poured a
23 bottle of water out, I think that's where the
24 "rain" came from.' Is that really reasonable
25 if you have that like crazy doubt? It's a

1 reasonable doubt.

2 Give this victim the closure that she
3 deserves. Find the Defendant guilty of both
4 charges.

5 THE COURT: All right, ladies and
6 gentlemen, it is now my opportunity to charge
7 you on the law. This will take just a few
8 minutes and then you will be able to get back
9 to your jury room to begin your
10 deliberations.

11 As I told you at the very beginning of
12 this case, we have two indictments. The
13 indictments charge the Defendant, Mr.
14 Williams, with criminal sexual conduct with a
15 minor in the first degree and criminal sexual
16 conduct with a minor in the second degree.

17 I told you then and I want to remind you
18 that the fact that a person was charged,
19 arrested and indicted in this case is not
20 evidence in any way to be considered by you.
21 Nor does it create any presumption or
22 inference.

23 These indictments are merely the charging
24 papers which are presented to the court and
25 bring to this court, uh, bring this matter to

1 this court for consideration.

2 I also remind you that your deliberations
3 that you are only to consider the evidence
4 and the law that I give you and not any
5 previous experiences that you've had or
6 specific knowledge that you may have. I'll
7 go into that in a little bit more detail in
8 just a few minutes.

9 As indicated, there are two separate and
10 distinct charges here. The indictments are,
11 again, criminal sexual conduct with a minor
12 in the first degree and criminal sexual
13 conduct with a minor second degree.

14 I will go into details on each of those
15 charges and what the elements are but the
16 basic difference are the age of the victim at
17 the time of the alleged acts.

18 Each indictment charges a separate and
19 distinct offense. You are to consider those
20 separately, you are to consider the evidence
21 and law applicable to each and your decision
22 on each should be uninfluenced by your
23 decision on the other one.

24 In other words, the defendant may be
25 convicted or acquitted on any or all, on both

1 charges. You will be asked to write a
2 separate verdict of guilty or not guilty on
3 each charge.

4 As indicated, the Defendant has pled not
5 guilty to these indictments, each indictment.
6 That pled puts the burden squarely on the
7 shoulders of the State to prove the Defendant
8 guilty.

9 A person charged with committing a
10 criminal offense in South Carolina is never
11 required to prove themselves innocent. I
12 charge you that this is an important rule of
13 law.

14 A defendant in a criminal case, no matter
15 what the seriousness of the charge(s), will
16 always be presumed innocent of the crime for
17 which an indictment is issued unless guilt
18 has been proven by evidence satisfying you of
19 that guilt beyond a reasonable doubt.

20 This presumption of innocence does not
21 end when you begin your deliberations but it
22 accompanies the defendant throughout the
23 trial until you have reached a verdict of
24 guilt based on the evidence satisfying you of
25 guilt beyond a reasonable doubt.

1 The presumption of evidence (sic) is like
2 a robe of righteousness which is placed about
3 the shoulders of a defendant. It remains
4 with that defendant until it has been
5 stripped from the defendant by a jury when
6 they determine that he is guilty beyond a
7 reasonable doubt.

8 The presumption of innocence is not a
9 mere legal theory. It's a fundamental basis
10 of our Constitutional government. It's not
11 just a legal phrase. It's a substantial
12 right to which every defendant coming in the
13 courtroom is entitled unless you the jury is
14 satisfied by the evidence of the defendant's
15 guilt beyond a reasonable doubt.

16 All right. We've used this phrase
17 "beyond a reasonable doubt." Let's go
18 through that and let me tell you what that
19 is under the law. A reasonable doubt is
20 that doubt which would make a honest,
21 conscientious juror searching for the truth
22 in a case to hesitate to act.

23 Proof beyond a reasonable doubt is proof
24 that leaves you firmly convinced of the
25 defendant's guilt.

1 There are very few things in this world
2 that are known with absolute certainty. In
3 criminal cases the law does not require the
4 State to overcome every possible doubt.

5 If based on your consideration of the
6 evidence you're firmly convinced that the
7 defendant is guilty of the crimes charged,
8 you must find the defendant guilty.

9 If, on the other hand, you think that
10 there is a real possibility that the
11 defendant is not guilty, you must give the
12 defendant the benefit of the doubt and find
13 him not guilty.

14 As I said at the beginning, each of us
15 has different duties in the trial of this
16 case.

17 As the trial judge, it is my response-
18 bility to preside over the case, rule on
19 every evidence that is presented and determine
20 what the law of the case is; which I am
21 charging you at this time.

22 You are only to consider the competent
23 evidence which was presented. If there was
24 any testimony, questions or evidence stricken
25 from the record in this case, you must

1 disregard that testimony or evidence. You
2 should not consider that in any way during
3 your deliberations.

4 You are only to consider the testimony
5 that was admitted and any stipulations that
6 were a part of the case.

7 I have a duty to charge you on the law
8 that is applicable to this case. As the
9 presiding judge, I am the sole judge of what
10 that law is. You may have your ideas of what
11 you think the law is or what the law should
12 be, picked up from some TV program or some
13 prior experience, but that's not what you
14 should be considering. You've taken an oath
15 that you will consider the law as I give it
16 you and that you will disregard anything
17 other than that.

18 In every case tried in a court before a
19 jury, the jury is the sole and exclusive
20 judge of the facts of the case.

21 As a judge, I am not allowed to have any
22 opinion on the facts. If anything that I've
23 done in this case has intimated, inferred or
24 made you think that I have an opinion on the
25 facts of the case, please disregard that

1 because I do not. That would be me invading
2 your duties and your provence as the jury to
3 determine what those facts are.

4 The law does not allow me to have an
5 opinion about the facts. It is totally up to
6 you to determine what the facts of this case
7 are.

8 You are to give every piece of evidence
9 the value, the weight and to determine what
10 the truth of the evidence is.

11 There are two types of evidence in this
12 matter. There is direct evidence and there
13 is circumstantial evidence. There is really
14 no difference in the weight that you are to
15 give these, no different standard by which
16 you judge the evidence.

17 Direct evidence is the testimony of a
18 person who claims to have actual knowledge of
19 a fact, such as an eyewitness. It is
20 evidence that immediately establishes the
21 main face to be proven.

22 Circumstantial evidence is proof of a
23 chain of facts and circumstances indicating
24 the existence of those facts. It is evidence
25 which immediately establishes a fact from

1 which the main fact may be inferred.

2 Circumstantial evidence is based on inference
3 and not on personal knowledge or observation.

4 Again, the law makes no distinction
5 between the weight or value to be given
6 either circumstantial evidence or direct
7 evidence. Nor is there a higher standard or
8 a greater degree of certainty required of
9 circumstantial evidence than of direct
10 evidence. You are to weigh all of the
11 evidence in the case to determine guilt
12 beyond a reasonable doubt.

13 Again, after weighing all the evidence,
14 if you are convinced by the evidence that the
15 defendant is guilty, then you are to find him
16 guilty.

17 If, on the other hand, you are not
18 convinced of the defendant's guilt beyond a
19 reasonable doubt, then you are to find him
20 not guilty.

21 As I mentioned at the very beginning, one
22 of the things that you have to determine in
23 your deliberations is the credibility of the
24 witnesses. Credibility means believability.

25 It becomes your duty to evaluate and

1 analyze the witnesses based on the common
2 experiences of the twelve of you as to which
3 ones are telling the truth, which ones are
4 not.

5 In determining the believability of the
6 witnesses who have testified, you may believe
7 one witness over many, you may believe many
8 witnesses over one. You may believe part of
9 the testimony of a witness and reject the
10 remaining part of the testimony of the same
11 witness. Or you can accept testimony of a
12 witness, or reject all the testimony of a
13 witness. Again, there is no magic formula
14 for that. It is the weight that you feel
15 should be given that witness.

16 You may consider whether any witness has
17 exhibited to you any interest, any bias, any
18 prejudice or other motive in the case.

19 You may also consider the appearance and
20 manner of a witness while on the witness
21 stand.

22 There has been evidence presented that a
23 witness or witnesses made prior statements
24 which are not consistent with a witness'
25 present testimony. You may use this to

1 decide if you believe a witness' testimony.

2 You may also use evidence of the earlier
3 contradictory statement to determine the
4 truth of those statements. It is up to you
5 to decide whether to believe any earlier
6 statements or the testimony given here at
7 trial.

8 If a witness has shown to have knowingly
9 testified untruthfully concerning any
10 material matter, you may consider this in
11 determining whether to trust the witness'
12 testimony as to other matters. You may
13 reject all testimony of that witness or give
14 all or part of the testimony the weight that
15 you feel is appropriate.

16 There were several witnesses that were
17 qualified as expert witnesses. As I told you
18 at the time, normally a person is not allowed
19 to testify as to their opinions. They are
20 only allowed to testify on what they directly
21 observed, smelled, tasted or felt.

22 An expert witness is an exception to
23 that. If a person is an expert in their
24 particular field, then they can testify about
25 their opinion within that field. They may

1 state the reasons for the opinion.

2 You should consider any expert opinions
3 received in this case like all other
4 evidence. You are to give it the weight that
5 you feel is appropriate.

6 If you feel that the opinions of an
7 expert are not based on sufficient education
8 and experience or if you conclude that the
9 reasons given in support of the opinion are
10 not sound or that the opinion is outweighed
11 by other evidence, you may disregard the
12 opinion of an expert in its entirety.

13 The testimony of an expert witness is to
14 be given no greater weight than the testimony
15 of any other witness simply because the
16 witness is an expert.

17 Further, you are not required to accept
18 an expert's opinion even though it is not
19 contradicted. Again, it's like -- the basic
20 rule is that you give it the weight that you
21 feel is appropriate.

22 In order to establish criminal liability
23 -- and now we are going into intent, what is
24 described as intent.

25 In order to establish criminal liability,

1 criminal intent is required. For example,
2 the mental state required to be proven by the
3 State for a particular crime might be
4 purpose, intent, knowledge, recklessness or
5 criminal negligence. Criminal intent must be
6 proven by the State beyond a reasonable
7 doubt.

8 Criminal intent is always a matter that
9 must be determined by the jury from the
10 circumstances surrounding the situation.

11 There is no way to prove intent to a
12 mathematical certainty. There is no way that
13 medical science can dissect a person's brain
14 and determine what the person had in mind, so
15 the law says that criminal intent may be
16 inferred from the circumstances shown to have
17 existed.

18 The particular charges here -- again,
19 there are two separate charges: criminal
20 sexual conduct with a minor in the first
21 degree and criminal sexual conduct with a
22 minor second degree.

23 Let me go through the elements with you
24 on criminal sexual conduct with a minor in
25 the first degree. First, the State must

1 prove beyond a reasonable doubt that the
2 defendant engaged in a sexual battery with
3 the victim. The second element is that the
4 State must prove beyond a reasonable doubt
5 that the victim was less than eleven years
6 old at the time of the incident. All right.

7 So let me talk about the first element,
8 sexual battery. A sexual battery -- and this
9 comes straight from the statute, (reading):
10 *"A sexual battery is sexual intercourse,*
11 *cunnilingus, fellatio, anal intercourse, or*
12 *any intrusion, however slight, of any*
13 *person's body or of any object into the*
14 *genital or anal openings of another person's*
15 *body except when the intrusion is*
16 *accomplished for medically recognized*
17 *treatment of diagnostic purposes."*

18 If you find that the State had not shown
19 beyond a reasonable doubt that a sexual
20 battery occurred, you would not deliberate
21 as to this charge and your verdict would be
22 Not Guilty as to this indictment.

23 But if you find that a sexual battery did
24 occur, then you must decide the second
25 element -- the age of the victim.

1 The second indictment is for criminal
2 sexual conduct with a minor second degree.
3 All of the elements are basically the same
4 with the exception that the alleged victim,
5 for second degree, must be between the ages
6 of eleven and fourteen.

7 The defendant is charged with second
8 degree and the elements are again -- first,
9 that the defendant engaged in sexual battery
10 with a victim -- and, again, I define sexual
11 battery as the same definition as for first.
12 It's the same for both second and first.

13 Again, the State must prove beyond a
14 reasonable doubt that the defendant engaged
15 in a sexual battery with a victim that was at
16 least eleven years old but not more than
17 fourteen years of age at the time of the
18 battery.

19 Consent, willingness, ignorance or
20 indifference on the part of a minor, if any,
21 as to what was taking place, does not in any
22 way affect the charge of criminal sexual
23 conduct with a minor, because an unmarried
24 woman under the age of fourteen cannot
25 consent legally consent to sexual

1 intercourse.

2 Those are the two charges and the
3 elements of those charges.

4 Now, I am going to go through the verdict
5 form with you. Mister Foreman, I'm handing
6 you the verdict form so you can follow along.

7 At the top of the form it has the caption
8 of the case. That is for filing purposes and
9 doesn't really have any relevance to you.

10 It says to please answer each question
11 below. One is as to Indictment 15-GS-39-
12 1030, that's as the charge of first degree
13 criminal sexual conduct with a minor. It
14 says, "We, the jury, unanimously find ..." --
15 and you must check one or the other. You
16 must check either Guilty or Not Guilty.

17 If you find that the State has met its
18 burden on this particular charge on all
19 elements beyond a reasonable doubt, you would
20 check Guilty.

21 If you find as to this indictment that
22 the State has failed to meet its burden, then
23 you would check Not Guilty.

24 Then you go through the same exercise as
25 to Indictment 17-GS-39-0700, a charge of

1 criminal sexual conduct with a minor second
2 degree.

3 If you find that the State has met its
4 burden and proven beyond a reasonable doubt
5 all the elements of the charge of criminal
6 sexual conduct with a minor in the second
7 degree, you would check Guilty.

8 If you find as to this indictment that
9 the State has failed to meet its burden, then
10 you would check Not Guilty.

11 Don't pay any attention to the order the
12 answers are listed in. Of course, I had to
13 put them in some order.

14 Once you have reached your verdicts, you
15 are the foreperson would sign your name, date
16 it, and knock on the door to indicate to the
17 bailiff that you have reached your verdicts.

18 Let me remind you that all twelve of you
19 -- I say all twelve of you. Even though our
20 alternates have sat diligently through the
21 trial, heard everything and been an extremely
22 important part of this process, unfortunately
23 the law does not allow you to be a part of
24 the deliberations. That doesn't mean that
25 your role has not been important. Very often

1 a juror falls sick, is not able to make it
2 back for some reason -- earlier this week it
3 happened -- and the alternate has to be ready
4 to step in. But when it comes to
5 deliberations, if the first twelve can serve
6 then the alternate cannot be a part of the
7 deliberations. I don't want to minimize
8 your role, because it has been very
9 important.

10 As to twelve of you, all twelve must
11 agree on the verdict. It has to be an
12 unanimous verdict, cannot be the majority, on
13 each charge, each indictment.

14 Your verdict cannot be based on sympathy,
15 passion, prejudice, emotion or any
16 consideration except the evidence in this
17 case and the law that I have charged you.

18 Now I'm going to send you back to your
19 jury room but you cannot start deliberating
20 yet. We need to make sure that I haven't
21 forgotten to tell you something or that I've
22 misstated something.

23 Your signal to begin deliberations will
24 be is when the bailiff brings you the
25 exhibits and the verdict form. At that point

1 he will ask the alternates to step out.
2 That is your signal when you may begin
3 deliberating.

4 Let me give you a couple ground rules for
5 deliberation. Should you have any questions,
6 Mister Foreman, you will write out on a piece
7 of paper what your question is, date it and
8 sign it, and give that to the bailiff. The
9 bailiff will bring it to me and I will
10 respond either in writing -- if it is
11 something that I need to bring you back in
12 for, then we will return you to the
13 courtroom.

14 I also want to let you know that all the
15 evidence that you will use to deliberate with
16 is in the record. Therefore -- the reason I
17 say is that juries commonly come back and ask
18 'what about this case' or 'we'd like to see
19 that report' or 'we'd like to see' whatever.
20 That is not permissible. The evidence is
21 closed. Whatever is in now, that's what you
22 have to consider.

23 But if you have any other questions, just
24 present those in writing to the bailiff.

25 Also, I'm not going to starve you to

1 death like I did yesterday. I want you to
2 start your deliberations and we should have
3 lunch delivered pretty soon if it is not
4 already here. It's pizza. During your
5 deliberations, it is totally permissible to
6 continue your deliberations during lunch.

7 At this time, I'm sending you back to
8 your jury room, all fourteen of you. Do not
9 begin deliberating until you receive the
10 exhibits and the verdict form and the
11 alternates leave the jury room.

12 (JURY OUT @ 12:16 P.M.)

13 THE COURT: Any exceptions or objection
14 to the jury charge? From the State?

15 SOLICITOR ODOM: No, sir.

16 THE COURT: Any exceptions or
17 objections from the Defendant?

18 SCOTT DOVER: / None.

19 THE COURT: Please review the exhibits
20 with the court reporter. Well, we didn't have
21 any evidence (sic), did we? I mean we didn't
22 have any exhibits, did we?

23 COURT REPORTER: No, sir. Defense
24 Exhibit 1 was a proffer, the State had no
25 exhibits.

1 THE COURT: Take the verdict form back
2 and have the alternates step out. We will be
3 at-ease until we hear from the jury.

4 (JURY IN DELIBERATION @ 12:20 P.M.)

5 (ALTERNATES EXCUSED)

6 (NOTIFIED OF JURY QUESTION @ 1:00 P.M.)

7 (DEFENDANT PRESENT)

8 THE COURT: We have a question. The
9 defendant and his counsel are present. State
10 is present.

11 On the record, question number one, "Can
12 we read the FaceBook post? Forrest Ballew,
13 Foreman."

14 Response, "Although reference, the
15 FaceBook post was not admitted as evidence."
16 Signed "Perry Gravely, dated 9/1/17."

17 Any objection to that, from the State?

18 SOLICITOR ODOM: None from the State?

19 THE COURT: From the defense?

20 SCOTT DOVER: That it is not entered
21 into evidence?

22 THE COURT: Not admitted in evidence.

23 SCOTT DOVER: Okay, that's fine.

24 No exception.

25 COURT REPORTER: That has been marked

1 as Court's Exhibit 2.

2 (SO ENTERED AS COURT'S EXHIBIT 2)

3 THE COURT: Okay, we will be at-ease
4 until we hear from the jury.

5 (JURY IN DELIBERATIONS)

6 (NOTIFIED OF JURY QUESTION @ 1:35 P.M.)

7 (DEFENDANT PRESENT)

8 THE COURT: Court's Exhibit 3 is
9 another question, "Can we read or hear the
10 transcript of [REDACTED] aunt?" Signed by
11 Forrest Ballew with today's date.

12 (SO ENTERED AS COURT'S EXHIBIT 3)

13 THE COURT: Court's Exhibit 4 is
14 another question, "Can we read or hear the
15 transcript of Wendy Williams' testimony?"
16 Also signed by the Foreman with today's date.

17 (SO ENTERED AS COURT'S EXHIBIT 4)

18 THE COURT: My court reporter advises
19 me that Wendy's is thirty-one minutes long
20 and Becky's testimony is twelve minutes long.

21 I don't know if they want to hear the
22 whole thing but I'll bring them to determine
23 if that is what they want to hear.

24 SOLICITOR ODOM: Your Honor?

25 THE COURT: Yes?

1 SOLICITOR ODOM: Just to bring it to
2 the Court's attention, there are minors in
3 the courtroom now. I don't know your policy
4 on ---

5 THE COURT: As long as everybody acts
6 nice. We are to have no response whatsoever.
7 Bring the jury in.

8 (JURY IN @ 2:50 P.M.)

9 THE COURT: Mister Foreman, I have your
10 questions, which have been marked Court's
11 Exhibits 3 and 4.

12 Question 2, "Can we hear or read the
13 transcript of [REDACTED] aunt?"

14 Question 3, "Can we read or hear the
15 transcript of Wendy Williams' testimony."

16 We do not have a transcript but we can
17 replay those for you. For your information,
18 one was thirty-one minutes long and one was
19 twelve minutes. Based on your questions, I
20 understand that you want us to replay those
21 two and that will be.

22 I think we need to turn the AC off so
23 that we can hear, like we did on the last
24 one.

25 If you hear what you want to hear, let us

1 know and we can stop replaying the testimony.

2 Anything from the State or Defense before

3 we ---

4 SOLICITOR ODOM: Nothing from the
5 State, Your Honor.

6 THE COURT: From the defense?

7 SCOTT DOVER: No, sir, Your Honor.

8 We join in the request to turn the HVAC off.

9 THE COURT: Yes, if you (Clerk) could
10 do that for us, we'd appreciate it.

11 CLERK: Yes, sir -- (complies).

12 COURT REPORTER: Testimony of Becky
13 Miller, Direct Examination by Mr. Dover:

14 *REBECCA MILLER, having been sworn to tell*
15 *the truth, and nothing but the truth,*
16 *testified as follows:*

17 *DIRECT EXAMINATION*

18 *BY SCOTT DOVER:*

19 *Q. Ms. Miller, I am going to stand here*
20 *to be sure that all jurors can hear you. How*
21 *are you related to* [REDACTED] *Child* [REDACTED]

22 *A. I am her aunt.*

23 *Q. You are her maternal aunt?*

24 *A. Yes, sir.*

25 *Q. You are her mother's sister,*

1 correct?

2 A. Yes, sir.

3 Q. Your sister just testified -- Wendy.

4 A. Yes.

5 Q. Were there times when the children
6 were placed in your care, when [REDACTED] or
7 Katlyn were placed in your care?

8 A. Yes, sir.

9 Q. Can you tell the jury what type of
10 relationship that you had with your nieces?

11 A. I've got a good relationship with
12 them.

13 Q. Do you get along with them and love
14 them?

15 A. I do.

16 Q. Do they love you?

17 A. Yes.

18 Q. Do y'all talk frequently?

19 A. Yes, sir.

20 Q. Even today?

21 A. Yes, sir.

22 Q. Ma'am, your niece, have you been
23 closely associated with her her entire life?

24 A. Yes, sir.

25 Q. How close in proximity have you

1 lived to her at times?

2 A. Very close.

3 Q. How close?

4 A. I could see their trailer from mine.

5 Q. Between July of 2003 when [REDACTED]
6 turned seven and 2009, where did [REDACTED] live
7 primarily?

8 A. With her grandparents.

9 Q. Your parents?

10 A. (Affirmative nod).

11 Q. Is that a yes?

12 A. Yes, sir.

13 Q. Why is that, ma'am? How do you know
14 that?

15 A. Because that's my parents. I talk
16 to them every day and I know that they stayed
17 there.

18 Q. Did you live close to them?

19 A. What dates?

20 Q. From the time she was seven until
21 the time that she was thirteen?

22 SOLICITOR ODOM: I am going to object
23 to some of this as being hearsay. He is
24 asking her to base her testimony on what
25 someone else has told her.

1 DIRECT EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. I asked you what did you know. Did
4 you know ---

5 THE COURT: All right.

6 DIRECT EXAMINATION CONTINUED

7 BY SCOTT DOVER:

8 Q. How do you know that, personally?

9 A. Because that's my parents, I know
10 where they live.

11 Q. Tell me, what did you do and see to
12 confirm that?

13 A. Because I was there, talked to my
14 parents every day.

15 Q. Did you see them there, your nieces?

16 A. Yes.

17 Q. Would there be times when you were
18 all in the same car together?

19 A. Yes.

20 Q. Why?

21 A. Well, I worked at the mill with my
22 parents. I rode out and back with them every
23 day, every morning and every afternoon.

24 Q. And what would you do every
25 afternoon on your way home?

1 A. My parents would pick me up that
2 morning and they would drop the girls off to
3 Wendy, for them to go to school. We got off
4 at 3:00, they would pick the girls back up
5 because Wendy worked the second shift.

6 Q. Would you ride in the car home with
7 them too?

8 A. (Affirmative nod), they would drop
9 me off at my trailer.

10 Q. You have to say yes or no.

11 A. "Yes, sir."

12 Q. Okay. So did you see them on a
13 daily basis?

14 A. Yes, sir.

15 Q. Do you know where they were living?

16 A. Yes, sir.

17 Q. Where were they living?

18 A. Let's see -- they moved so much:
19 South Lewis Street, Hilltop (sic), and Jane
20 Lane.

21 Q. Did you see your sister almost on a
22 daily basis?

23 A. Yes, sir.

24 Q. And did you see your nieces on
25 almost a daily basis?

1 A. Yes, sir.

2 Q. Was there ever an occasion that you
3 know of that [REDACTED] spent the night at Jane
4 Lane in Six Mile, South Carolina?

5 A. I've never known of her to stay
6 there.

7 Q. What was the practice of the
8 daughters, as far as where they would spend
9 the night if Jodie Williams was spending the
10 night with your sister, Wendy?

11 A. They always stayed at my parents
12 whether he was there or not there.

13 Q. At night?

14 A. (Affirmative nod), at night.

15 Q. Do you know of any time that Jodie
16 Williams would have been in the same home
17 with [REDACTED] ^{Child} [REDACTED] without the mother or
18 someone being there?

19 A. No, they was not there with him.

20 Q. Was there ever an occasion where the
21 mother was working third shift, your sister,
22 that those girls were in that house -- or
23 that [REDACTED] was in that house alone with
24 Jodie Williams, her entire life?

25 A. No.

1 Q. Do you support your nieces?

2 A. I do.

3 Q. Have you been with them when they've
4 been interviewed by Mr. Kelley?

5 A. (No verbal response).

6 Q. Have you taken them to law
7 enforcement in this case?

8 A. I have.

9 Q. Have you always been there for them?

10 A. I have.

11 Q. Are you against them today?

12 A. No. I'm not.

13 Q. Based on your own personal knowledge
14 of your niece, [REDACTED] was there ever a time
15 when she would have access to Jodie Williams
16 at night?

17 A. No.

18 SCOTT DOVER: That's all the questions
19 that I have.

20 THE COURT: Cross-examination.

21 CROSS EXAMINATION

22 BY SOLICITOR ODOM:

23 Q. Have you talked to Mr. Dover before
24 today?

25 A. Before today?

1 Q. Yes.

2 A. I haven't been to his office.

3 Q. That was not my question. Have you
4 ever spoken with him?

5 A. Yes, I have.

6 Q. Were you with [REDACTED] twenty-
7 four/seven from the time she was seven until
8 the time when she was thirteen?

9 A. No, I was not with her 24/7.

10 SOLICITOR ODOM: That's it.

11 THE COURT: Redirect?

12 SCOTT DOVER: None.

13 THE COURT: You may step down.

14 COURT REPORTER: Next is the testimony
15 of Wendy Williams, Direct Examination by Mr.
16 Dover:

17 THE COURT: Let us know if you get to a
18 point and you've heard enough.

19 WENDY WILLIAMS, having been sworn to
20 tell the truth, and nothing but the truth,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY SCOTT DOVER:

24 Q. Ms. Williams, how are you related to
25 my client Jodie Williams?

1 A. We were married by currently are
2 separated.

3 Q. Pardon?

4 A. We were married. We're separated.

5 Q. You are separated now?

6 A. Yes.

7 Q. Tell me how you are related to Miss

8 [REDACTED] Child [REDACTED]

9 A. She's my daughter.

10 Q. How many children do you have?

11 A. Four.

12 Q. What are their ages?

13 A. Twenty-one, nineteen, one soon to be
14 fifteen, one thirteen.

15 Q. How many grandchildren do you have?

16 A. Five.

17 Q. Ma'am, you have sequestered? Been
18 here all day, under my subpoena?

19 A. That's correct.

20 Q. I am going to ask you some questions
21 about your daughter's testimony and where
22 y'all lived? Do you recall a time when you
23 and your husband, Jodie Williams, lived on
24 Lewis Street in Pickens, South Carolina?

25 A. Yes, sir. It was South Lewis

1 Street.

2 Q. Was there ever an opportunity -- was
3 there ever a time when Mr. Williams, Your
4 Honor, was left alone with your daughter,

5

6 A. No, sir.

7 Q. Could you please explain that to the
8 jury, why you can say that?

9 A. At that time my children stayed with
10 my parents. I would get them after school.
11 Anytime they were in my home it was during
12 waking hours only. The majority of the time
13 he was at his mother's or at work. There
14 were a few times that he would come in
15 shortly before ---

16 Q. When you say "he", please tell us
17 who you are talking about.

18 A. Jodie. Jodie would come in sometime
19 shortly before my parents would come get them
20 or I would take them. But during that time
21 period they were not in the house during
22 sleeping hours or in the evening, and they
23 were never left alone with Jodie during that
24 time.

25 Q. Was there ever a night that you,

1 your husband and your daughter, [REDACTED] would
2 have been at that home overnight?

3 A. There was one time.

4 Q. All right. Tell us about it. .

5 A. She had broke her collarbone, had
6 a bicycle accident. I took her to the
7 emergency room, she had broken her
8 collarbone. They gave her some pain
9 medication. She was pretty much knocked out,
10 so I took her home with me and I propped her
11 on the living room couch, head in my lap, and
12 I stayed on the couch with her that night to
13 make sure that she was okay, because I was
14 leery with her having taken the pain
15 medication.

16 Q. Your mother and father's names are
17 what?

18 A. Fred and Clara Kelley.

19 Q. They -- your daughter lived with
20 them on a nightly basis?

21 A. At night, (affirmative nod). Yes,
22 sir.

23 Q. Was there -- do you know what I mean
24 by the word "access", where there would have
25 been an opportunity for Jodie to be sexually

1 or nonsexually with your daughter at night?

2 A. I understand what you mean.

3 Q. Was there ever an opportunity at
4 South Lewis Street, as this child's mother,
5 that Jodie Williams had access to [REDACTED]

6 [REDACTED] Child [REDACTED]

7 A. No, sir.

8 Q. Now, y'all moved from Lewis Street
9 to where?

10 A. To Jane Lane.

11 Q. Tell us about the accommodations at
12 Jane Lane?

13 A. They were horrible. There was only
14 one bedroom that was suitable to stay in. So
15 Jodie and the boys actually slept in that
16 bedroom. I slept on the couch.

17 Q. Did your daughters ever spend the
18 night there?

19 A. Spend the night?

20 Q. Yes.

21 A. No, sir.

22 Q. Ever?

23 A. No.

24 Q. Not one night?

25 A. No.

1 Q. At Jane Lane?

2 A. No. There was not a decent bedroom
3 there for them to stay in.

4 Q. Ma'am, did you ever work the third
5 shift?

6 A. At Jane Lane?

7 Q. Yes.

8 A. No, sir.

9 Q. Did you ever work the third shift at
10 South Lewis Street?

11 A. No, sir.

12 Q. Where and when did you work the
13 third shift?

14 A. I started working weekend third
15 shift at the Board of Disabilities May -- I
16 don't remember the exact date, but it was in
17 May 2010 (sic).

18 Q. When you worked third shift, what
19 hours would you work?

20 A. I worked Saturday and Sunday, 8:00
21 p.m. at night until 8:00 a.m. in the morning.

22 Q. So you did not work the third shift
23 prior to May of 2010?

24 A. Not since my children have been
25 born, no.

1 Q. When you did work third shift after
2 May of 2010, what would you do with your
3 children?

4 A. There were a couple of weeks,
5 because of some stuff that happened with my
6 parents, that [REDACTED] stayed with her friend,
7 Angie. My other daughter stayed with my
8 sister, Becky. My boys went to my mother-in-
9 law's, Jodie's mother, Judy.

10 When I was working third shift, they
11 would go there on Friday evenings and stay
12 until Mondays. So they were not there past
13 Friday and they did not come back home until
14 my shift was completed. That was only while
15 I was working third. I worked weekend third
16 approximately a year before I switched to
17 first.

18 Q. From July 8th, 2003 to July 8th,
19 2009, did you ever work the third shift?

20 A. I did work third shift. I started
21 my job at the Board of Disabilities in May of
22 2007 on weekend third and I worked weekend
23 third approximately one year before I
24 switched to weekend first.

25 Q. Okay, so I misunderstood when I said

1 2010. So there was a time that you did work
2 third shift during that period of time?

3 A. In 2007, yes. May of 2007 is when I
4 began working there and I worked weekend
5 third.

6 Q. Was there ever a night that your
7 daughter, [REDACTED] was at your home when you
8 were working weekend third?

9 A. No, sir. Actually there was no one
10 in my home. Jodie and my boys stayed at my
11 mother-in-law's house and the girls stayed
12 with my parents.

13 Q. Was there ever an opportunity for
14 your husband and your daughter [REDACTED] to
15 interact at nighttime, in any fashion?

16 A. During that timeframe, no, sir.

17 Q. When y'all moved to Hilltop Drive,
18 was ---

19 A. High Top.

20 Q. High Top Drive. When you moved to
21 High Top Drive, were there occasions when
22 [REDACTED] would spend the night at the home
23 while Jodie was there?

24 A. At High Top Drive?

25 Q. Yes.

1 A. Not while I was working. I was also
2 there. There were some nights when she was
3 at High Top Drive and Jodie was also at High
4 Top Drive.

5 Q. Tell me what you did, your sleeping
6 arrangements and what precautions you took
7 during those periods of time ---

8 A. There were some family issues, some
9 stuff going on actually about that whole
10 entire time.

11 The master bedroom, Jodie and the two
12 boys had that bedroom.

13 There were two bedrooms on the other end
14 of the house that the girls actually shared a
15 room. They had bunk beds and they shared a
16 room.

17 I slept on the couch in the living room,
18 which was in between the master bedroom and
19 the bedroom on the other end. It was a
20 doublewide.

21 Q. Do you ever remember hearing or
22 seeing anything inappropriate between your
23 daughter, [REDACTED] and your husband, Jodie,
24 during those periods of time?

25 A. No, sir.

1 Q. And y'all moved to Hilltop (sic)

2 Drive when? High Top Drive.

3 A. We moved to High Top Drive in
4 September of 2006. The girls came home and
5 started staying nights with me -- it was
6 sometime in 2007. I want to say August. I
7 know that it was right around when school was
8 starting. That's when I was switching over
9 to weekend first. They started staying home
10 at nights, with me, around -- I don't
11 remember exactly but I'm saying around August
12 2007.

13 But sometime in 2008, I know it was the
14 earlier part of the year ---

15 Q. According to school records, it was
16 in April of 2008. Mr. Skelton testified to
17 those.

18 A. Okay. I didn't remember exactly
19 when but I know at some point in 2008, due to
20 problems with [REDACTED] and my other daughter,
21 [REDACTED] went back to live with my parents.
22 She went to school at Liberty and lived with
23 my parents.

24 She did come back home, maybe the end of
25 that year or the beginning of the 2009 -- I

1 can't remember exactly but there was a while
2 that she lived with my parents. She had
3 issues there and my daddy told me to come get
4 her.

5 Q. Don't tell me what he said.

6 A. Well, -- yeah. But I had to go get
7 her maybe December 2008 is when I went back
8 to pick her up.

9 She come back to High Top and we started
10 the same thing, problems and issues, and she
11 went back to my parents.

12 Then she didn't stay with me again until
13 we moved to Lee Street, which was June 2010.

14 Q. You understand the dates that your
15 husband has been charged with this actions on
16 your daughter, 2003 to 2009?

17 A. Yes.

18 Q. There has been some testimony that
19 you've not been supportive of her. How would
20 you respond to that?

21 A. She is my daughter. I love her, I
22 support her a hundred percent in everything I
23 can. If me telling the truth seems that I am
24 not supporting her, I can't help that because
25 I am not going to lie for anybody and I'm not

1 going to lie on anybody. All I can do is
2 tell the truth, that's all that I can do.

3 Q. And you -- thank you. That's all
4 the questions that I have for you. Answer
5 any questions that the State may have.

6 A. Yes, sir.

7 CROSS EXAMINATION

8 BY SOLICITOR ODOM:

9 Q. How old were the girls when you got
10 with Jodie?

11 A. When I got with Jodie?

12 Q. Yeah, how old were they?

13 A. Are you talking about ---

14 Q. What were their ages?

15 A. I'm trying to think of when me and
16 Jodie first started -- maybe three and five.

17 Q. Three and five?

18 A. (Affirmative nod).

19 Q. How long have you been knowing
20 Jodie?

21 A. I've been knowing Jodie -- he was a
22 neighbor when I was around nine years old.

23 Q. And y'all used to date when y'all
24 were teenagers?

25 A. I knew him. I wouldn't say we

1 "dated" but, yes, I hung out some and stuff
2 when I was fifteen. My friend and I used to
3 walk and sometimes we'd stop down there.

4 Q. You said three and five is how old
5 your daughters were?

6 A. I think. I don't remember exactly.
7 We talked but we didn't date seriously until
8 -- we started dating seriously, I think in
9 May of 2001.

10 Q. When did y'all get married?

11 A. When did we get married? Oh, gosh,
12 when did we get married. October of 2006, I
13 think.

14 Q. You are not sure?

15 A. (No verbal response).

16 Q. Do you know?

17 A. I think it was 2006. We were
18 together before we got married.

19 Q. How long were you together before
20 you got married?

21 A. As I said, we started dating
22 seriously as a couple in May of 2001. Before
23 that we were just friends. The boys were
24 born before we were married.

25 Q. So when did you first move in

1 together?

2 A. That would have been -- I don't
3 remember the exact date.

4 Q. What year?

5 A. I want to say the very end of 2001,
6 beginning of 2002.

7 Q. Where did y'all live?

8 A. We moved into a house on Howell
9 Road. I actually lived there as a child
10 also.

11 Q. Where did y'all live next?

12 A. From that house we went to South
13 Lewis Street. As you know, we moved into
14 South Lewis Street before -- I moved there
15 before Matthew was born. Matthew was born in
16 September of 2002, so it would have been July
17 or August of 2002 when we moved into South
18 Lewis Street. It was my parents' home.

19 Q. What was -- what is the date of
20 birth of [REDACTED]

21 A. [REDACTED] Child -96.

22 Q. How old are your parents?

23 A. Let's see. My daddy is seventy-one
24 and my mama is sixty-six, I think. Sixty-
25 seven. She turned sixty-seven in January.

1 Q. So you love your kids?

2 A. Very much so.

3 Q. You'd do anything that you could to
4 help them?

5 A. Of course.

6 Q. Why didn't you take [REDACTED] to
7 counseling?

8 A. I did. I took [REDACTED] for counseling
9 many times. I'd set her up for counseling.

10 There was times when I had to work and I
11 would ask my parents to take them, because
12 they were always with my parents when I was
13 working and ---

14 Q. So it's not your fault that she
15 didn't go back to counseling. It's your
16 parents' fault?

17 A. No. I would take her if I was off
18 work. They would not take her when I was
19 working.

20 Q. In 2003 was her first case at
21 Behavioral Health Services and she went one
22 time, and she was six years old. Why didn't
23 you take her?

24 A. Because I was working and I was the
25 only one with income coming into the house,

1 and I could not miss work.

2 Q. Why couldn't Jodie take her if he's
3 not working?

4 A. Because Jodie would not have
5 interaction with my girls. He would not take
6 them. He was never left alone with them and
7 he would not take them to appointments ---

8 Q. You've really harped on that, how he
9 was never, never, ever alone with them. Why
10 were you so scared to leave them alone with
11 him?

12 A. I didn't like leaving my children
13 with anyone other than my parents. Also ---

14 Q. What about your little boys?

15 A. --- I ---

16 SCOTT DOVER: Let her answer the
17 question. She keeps interrupting her.

18 WITNESS: Actually he was the boys'
19 father. But there had been previous
20 accusation made by [REDACTED] and my other
21 daughter, against other men. Because of
22 that, I was always leery. Jodie wasn't their
23 father and I just feel comfortable leaving
24 the girls alone or having him take care of
25 them anywhere alone when they were little.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. You didn't trust him enough to try to have a blended family?

A. It's not that I didn't trust him enough. I was worried because of what I'd experienced where [REDACTED] father put her up. She told numerous things on me ---

Q. Ma'am, do not -- you do not need to comment on what anyone told you.

A. No. This is what I experienced myself, going through DSS cases.

THE COURT: All right, you need to answer the questions.

WITNESS: That is why. I was always worried because I had been put in that situation, I didn't want him to be put in that situation.

CROSS EXAMINATION CONTINUED

BY SOLICITOR ODOM:

Q. So you cared a lot about him?

A. I would care about -- I wouldn't want anybody to be put in a situation ---

Q. How much money did you put towards his attorney?

1 A. Out of pocket, that was my own
2 personal money, that wasn't joint money?

3 Q. No, any money? You said that he is
4 not working, so how much money did you put
5 towards the attorney?

6 A. There was tax money where he was on
7 my taxes but it was very little. His family
8 paid his attorney.

9 Q. Where were you sitting this morning
10 in the courtroom?

11 A. I don't understand the question.

12 Q. Where were you sitting this morning
13 in the courtroom?

14 A. When they brought us in for the
15 jury? I was on the back pew, back row.

16 Q. Who was -- were was his mom, was she
17 back there with you?

18 A. Yes, she was on down. I was sitting
19 beside my sister.

20 Q. You said that Jodie, when you
21 weren't home that he wouldn't stay home even
22 though the girls weren't there. Why wouldn't
23 he want to be comfortable in his own home?

24 A. Jodie has nerve problems. He would
25 go to his mother's because he couldn't take

1 care of the boys properly by himself and he
2 wanted his mom's help. He went to his
3 mother's and she helped take care of them.

4 Q. What about his drinking? Was that
5 ever a problem with y'all?

6 A. He does a problem with alcohol,
7 yes. Because of an incident that occurred in
8 December of 2002, I wouldn't let him drink in
9 the house. If he drank at friends, I'd make
10 him stay there. Or I would leave if he was
11 intoxicated.

12 Q. Now, when y'all moved to Lee Street,
13 he would have friends over; is that right?

14 A. At Lee Street?

15 Q. (Affirmative nod).

16 A. A couple of times, yes, when I was
17 at work.

18 Q. Would that upset you or anything,
19 that he would have friends?

20 A. I wasn't upset that he friends. He
21 had one particular friend that I didn't want
22 in my house, around my children. That did
23 upset me and I did run him off.

24 Q. What was that friend's name?

25 A. Scotty Hamilton.

1 Q. Would Scotty Hamilton upset [REDACTED]
2 too? Didn't y'all have a discussion about
3 Scotty? Wasn't she pretty upset that Scotty
4 was over at the house?

5 A. They actually called me -- I was at
6 work and I left work and made him leave my
7 house, yes

8 Q. Now, you testified about the
9 bedrooms at all these different places, how
10 the girls didn't have a bedroom, all this and
11 that. So at Jane Lane, tell me again --
12 because I am getting the houses confused --
13 whose bedroom was where?

14 A. Jane Lane was a small trailer. I
15 can't remember if it was two bedrooms or
16 three bedrooms but I know that there was only
17 one bedroom that was useable.

18 I remember the back bedroom, that the
19 floor was falling in.

20 I know that there was only one bathroom,
21 because the commode was literally falling
22 through in that house.

23 I moved there because I had to from Lewis
24 Street because my son Alex had really bad
25 asthma and there was mold that was causing

1 him to stay really sick. I didn't have a lot
2 of money so I kind of had to go where I could
3 at the time, and my dad was letting the
4 trailer on South Lewis Street go back. So
5 this was kinda of to get where I could get as
6 a home.

7 I, so, I moved there and Jodie and the
8 boys did stay in that back bedroom. I put
9 the crib and all of that in there and I slept
10 on the couch.

11 Q. All right. So at High Top, the
12 girls had a room there; right?

13 A. Yes.

14 Q. Where was that bedroom?

15 A. It was a doublewide and when you
16 walked in the door -- the house was -- you
17 know, you walked in the door this way.

18 The master bedroom was to the right.

19 There was the living area and the
20 kitchen.

21 There was a short hallway, a bathroom on
22 the left and then a bedroom on the corner
23 which is where the girls slept.

24 Another bedroom to the right.

25 Q. So the girls had a room together?

1 A. Yes. Later on [REDACTED] moved into
2 that other bedroom. She didn't really stay
3 there a lot but -- for the majority of the
4 time that she was there, her and Katlyn
5 shared that one room and slept at my parents.

6 Q. Where did the boys stay?

7 A. The boys slept in our room because
8 they were used to it, and I was on the couch.
9 So they usually slept in my bed.

10 Jodie and I were split up a good bit of
11 the time that we were on High Top.

12 Q. Ma'am, you don't need to -- that's
13 fine, there is not a question.

14 So you testified that you and Jodie
15 hadn't shared a bed -- well, on Lee Street,
16 did y'all share a bedroom?

17 A. Not really.

18 Q. So were y'all having sex?

19 A. No.

20 Q. So y'all just didn't -- weren't
21 intimate for -- for years?

22 A. It was a while. He cheated on me
23 and I let him stay because of the boys, but
24 we weren't intimate for a lot of that time.

25 Q. So you think that he was getting it

1 somewhere else? He was cheating or whatever?

2 A. I know he was.

3 Q. Now, you weren't in here earlier but
4 I'm sure you know that [REDACTED] had nine
5 different counseling cases open with
6 Behavioral Health Services. We have talked
7 about the first one. You said that she
8 didn't go back because your parents wouldn't
9 take her?

10 A. And I was working at the time. That
11 is when she was smaller. And I did try to
12 get her in counseling to where they would
13 meet with her at the school.

14 Q. Now, that was the next time, the
15 second case.

16 What about the third case, why did she
17 only go once? Why didn't you take her then?

18 A. What year was that? I guess that's
19 when we went to High Top and she was -- she
20 refused to go and I spoke with the counselor
21 about that. There were several times that I
22 would get [REDACTED] in and then she would ---

23 Q. How old was she?

24 A. At High Top?

25 Q. Yes.

1 A. I don't remember the exact year that
2 we put her in counseling.

3 Q. What year did you live at High Top?

4 A. We moved there in 2006, moved out in
5 2010.

6 Q. So how old would she have been in
7 2006?

8 A. I'm trying to remember if she
9 started counseling after she came back from
10 living with my parents or before she went to
11 live with my parents, because ---

12 Q. Well, how old would she have been
13 when ---

14 A. She would have been between eleven
15 and thirteen but I don't remember if it was
16 before or after when she had the counselor
17 actually come to the house. Sometimes she
18 would meet her there. But then [REDACTED]
19 refused to talk to her and ---

20 Q. And you said that you -- you think
21 this was 2008?

22 A. I know that she lived with my
23 parents in 2008. I can't remember if that
24 counselor -- when I sent her to counseling, I
25 can't remember if it was all before all of

1 that happened with her and Katie and she went
2 to live with my parents and come back or if
3 it was after she come back after she'd lived
4 with my parents.

5 Q. The first counseling session, in
6 2003, you didn't take her because you were
7 working.

8 In 2004, she went at school.

9 In 2007, she was ten years old. Why did
10 she just go to one visit? Why didn't you
11 take her in 2007?

12 A. I was taking her in 2007.

13 Q. She had one visit. Why wouldn't you
14 take her back?

15 A. I took her in 2007 when I could.
16 But [REDACTED] refuse, she would throw a fit.
17 That's why I requested that they meet with
18 her at school.

19 Q. So at ten years old, you didn't take
20 her because she didn't want to go?

21 A. [REDACTED] would physically fight you
22 from the time she was six years old if she
23 did not want to do something. It was
24 horrible. There would be times I'd take her
25 to school and I'd have to have the principal

1 come out to get her out of the car.

2 Q. So September of 2008, one visit.

3 Why didn't you take her then?

4 A. She was living with my parents.

5 They were supposed to be taking her to
6 counseling. The school requested counseling.

7 During the whole time she was living with my
8 parents, that's when she was living with my
9 parents.

10 Q. Okay, 2009? I'm guessing it's just
11 going to be the same, that it is never going
12 to be your fault that's she didn't go.
13 Right?

14 A. I encouraged her. I wanted her to
15 go to counseling. I tried to get help for
16 ██████████ I really wish I had known when she
17 was living with my parents -- because the
18 teachers then actually said something and I
19 actually may have gotten somewhere, gotten
20 help for her. But I was not made aware of
21 any of that.

22 Q. Why did your daughters live with
23 your parents before you and Jodie got
24 married?

25 A. Because their father was extremely

1 abusive. He tried to kill me. He called on
2 numerous occasions, threatening my life. He
3 didn't actually threaten the girls' life but
4 some people that he hung out with -- and he
5 called certain people gypsies and he'd say
6 that they would kill me and they would also
7 kill my daughters.

8 Q. So that threat went away when your
9 daughters started living with you?

10 A. I don't understand what you're
11 asking.

12 Q. You said that they didn't live with
13 you because you felt threatened by him.

14 A. Well, he started threatening me and
15 after he tried to kill me, broke in my house
16 and tried to kill me, and I was working in
17 Greenville, my parents were keeping my
18 children, I was working the second shift.
19 But when I would have the girls he would
20 threaten -- he tried to kill me.. He come got
21 me one night, he tried to bash my head into a
22 bathtub.

23 Q. All right.

24 A. So I did not feel that my children
25 were safe. He was into drugs ---

1 Q. Well, what changed? My question is
2 what changed? They started living with you
3 at some point, so what happened to change to
4 where you didn't feel ---

5 A. Well, what happened is that once --
6 once I finally got away from him, because he
7 took off because he had warrants on him, once
8 I felt the threat was over and, uh, when we
9 moved into South Lewis Street, I wanted to
10 bring the girls home. I tried to bring them
11 home but they were used to sleeping with my
12 mom and being with my mom, so when they would
13 wake up in the evenings they would cry and
14 they would scream and they would call my
15 parents. Even -- several times I asked them
16 not to come get them, because I wanted them
17 to get used to staying with me. But they
18 would come anyway.

19 Q. But you are the parent, right?

20 A. Yes, but I felt like it was
21 traumatizing to my children because they were
22 used to my parents. I had to work so much,
23 because -- with everything that I went
24 through, there was one point that I was
25 working sixteen hours a day, seven days a

1 week.

2 Q. So was it just easier for your
3 parents to keep them?

4 A. With me working. I could not keep
5 my children while I worked.

6 Q. You didn't work twenty-four hours a
7 day, did you?

8 A. At one point I was working sixteen
9 hours a day, seven days a week. I left my
10 children with my parents while I was working.
11 I was with my children when I wasn't working.

12 Q. So all these years you've just kind
13 of dumped them off on your parents. Then you
14 get them back and you wouldn't even take your
15 daughter to counseling?

16 A. I never dumped them off on my
17 parents. When I would try to take her to
18 counseling once she was back in my home, when
19 she would go to counseling, I would take her
20 to counseling. I even set up a counselor,
21 her name was Bonnie, and she come out to the
22 house because I felt like if she would come
23 to the house that it would do away with the
24 fight of trying to get [REDACTED] there. Her
25 name was Bonnie Forbes and she actually come

1 to my house to counsel [REDACTED]

2 Q. Did you ever catch [REDACTED] smoking
3 cigarettes?

4 A. I did.

5 Q. Did you catch her drinking?

6 A. The only time, if you want to call
7 it caught her drinking, was at a New Year's
8 party. But this was when she was older, like
9 thirteen or fourteen. She had snatched a
10 bottle of liquor from a friend's house,
11 jumped in the closet and drank it.

12 Q. How do you feel about the girls
13 having babies at such young ages?

14 A. Well, I definitely wish that they
15 would have waited.

16 Q. What did you do to kind of keep an
17 eye on them to keep it from happening?

18 A. I ---

19 SCOTT DOVER: I am going to object to
20 that. What relevance does that have to with
21 my client, whether he did this or not?

22 THE COURT: Yeah.

23 SOLICITOR ODOM: It is going to her
24 credibility.

25 THE COURT: I will let her go into this

1 a little bit.

2 SCOTT DOVER: Okay.

3 CROSS EXAMINATION CONTINUED

4 BY SOLICITOR ODOM:

5 Q. Who was watching the girls when this
6 happened?

7 A. They got pregnant once we moved to
8 Lee Street. And [REDACTED] actually had went
9 back to my parents. David, who is the father
10 of my oldest grandchild, actually lived at my
11 parents with her.

12 Katlyn was supposed to be staying with a
13 friend. I went to the house and everything.
14 It was a girl. But come to find out that
15 Isaiah lived there and she was going there on
16 the weekends.

17 As I stated, I switched to weekend first.
18 I worked from 8:00 a.m. to 8:00 p.m. on
19 Saturdays and Sunday.

20 At first, you know, when they were a
21 little bit younger, they would go to my
22 parents but then it got to where they would
23 stay there and then they would stay with
24 friends on weekends.

25 I did check out -- I did go to the house

1 where Katlyn was staying with her friend. A
2 girl come to the door. I met a lady, a next
3 door neighbor. And I didn't know until
4 David, which was dating [REDACTED] told me that
5 Isaiah was there, because that was his
6 cousin.

7 Q. How old was Katlyn when she got
8 pregnant?

9 A. She had Alexa when we was thirteen
10 -- she was twelve. So January of 2012 -- she
11 was thirteen when she had Alexa. I don't
12 believe that she had turned thirteen when I
13 found out that she was pregnant.

14 Q. So you didn't have eyes on your
15 daughters at all times?

16 A. Ma'am, when you work, do you have
17 your eyes on your children?

18 Q. Ma'am, there is no need to get an
19 attitude. Answer my question.

20 A. I answered your question. I could
21 not watch my kids while I worked.

22 Q. Even though you couldn't watch your
23 kids all the time, you know without a doubt
24 that they were never alone with Jodie?

25 A. You're talking about Lee Street, so

1 you're talking about after the accusations.
2 She stopped the accusations in 2009. I
3 didn't move to Lee Street until 2010. My
4 grandchildren were not born until 2012. So
5 you're asking me questions pertaining to
6 Jodie after she says it stopped.

7 Q. I'm ---

8 A. I'm telling you that prior to ---

9 Q. Ma'am, I didn't ask a question, so
10 you don't need to ---

11 THE COURT: Yes. Listen to the
12 question. You can explain your answer after
13 you answer the question.

14 WITNESS: Yes, sir.

15 CROSS EXAMINATION CONTINUED

16 BY SOLICITOR ODOM:

17 Q. Do you have a problem with
18 authority?

19 A. I do not.

20 Q. Do you have a problem with
21 aggression?

22 A. I do not.

23 Q. Do you get angry easily?

24 A. I do not.

25 Q. Would you do anything to protect

1 your kids?

2 A. Of course.

3 Q. Would you do anything to keep your
4 boys from being hurt?

5 A. Of course.

6 SOLICITOR ODOM: No further questions.

7 THE COURT: Redirect?

8 SCOTT DOVER: No redirect.

9 THE COURT: Okay. I believe those
10 are the two testimonies that y'all wanted to
11 hear. Please return to your jury room and
12 continue your deliberations.

13 (JURY OUT @ 2:18 P.M.)

14 THE COURT: Anything from the State?

15 SOLICITOR ODOM: Nothing from the
16 State?

17 THE COURT: From the Defendant?

18 SCOTT DOVER: Nothing from the Defendant.

19 THE COURT: All right, we will be at-
20 ease until we get another question.

21 (NOTIFIED OF JURY QUESTION @ 2:40 P.M.)

22 SCOTT DOVER: My client is in the
23 restroom but he'll be right back.

24 THE COURT: Okay.

25 (DEFENDANT ENTERS COURTROOM)

1 (DEFENDANT PRESENT)

2 THE COURT: Okay, we have another
3 question. Court's Exhibit ---

4 COURT REPORTER: Court's Exhibit 5.

5 (SO ENTERED AS COURT'S EXHIBIT 5)

6 THE COURT: Question number four, which
7 is Court's Exhibit 5, "Can we hear the
8 [REDACTED] testimony again?" Signed by Forrest
9 Ballew, dated today.

10 Ms. Garrison, how long is this?

11 COURT REPORTER: It's about eighty to
12 ninety minutes.

13 THE COURT: I want to put on there a
14 question of, "If there is a specific portion
15 that you want to review, ---

16 SCOTT DOVER: Or all.

17 THE COURT: Right. " --- a specific
18 portion or all of it."

19 Then we have another question, Question
20 Number 5, which is Court's Exhibit 6, is:
21 "If we cannot agree on a verdict, what do we
22 do? What happens?"

23 (SO ENTERED AS COURT'S EXHIBIT 6)

24 THE COURT: At this point, I don't
25 think at this time that I want to give the

1 Allen charge. I want to send this question
2 back and see if they want to listen to any
3 specific portion of [REDACTED] testimony. On
4 the other note I'm going to write that they
5 should continue deliberating. So I am going
6 to send both of those notes back there and
7 see what kind of response we get.

8 Any objection or exception to that?

9 SCOTT DOVER: On the Allen charge,
10 should we say that's premature or something,
11 just in your own words, at this time and that
12 we can address that if it comes to it.
13 That's my thought.

14 THE COURT: Okay, here are my
15 responses. To question four, Court's Exhibit
16 5, "Can we hear [REDACTED] testimony?"

17 Response, "This testimony is
18 approximately ninety minutes. Do you want to
19 hear a specific portion or all of it?"

20 Question 5, Court Exhibit 6, "If we
21 cannot agree on a verdict, what do we do?
22 What happens?"

23 My response is, "Continue your delibera-
24 tions. If you continue to have an impasse, I
25 will give you additional instructions at that

1 time."

2 Any exceptions to that, from the State?

3 SOLICITOR ODOM: No, Your Honor.

4 THE COURT: Or the Defendant?

5 SCOTT DOVER: None.

6 THE COURT: All right, give those to
7 the jury.

8 (NOTES DELIVERED TO JURY @ 2:45 P.M.)

9 THE COURT: If you'll just wait, we
10 should have an answer shortly.

11 If there are any minors in the courtroom,
12 I don't want them to be in here if we have to
13 replay [REDACTED] testimony, due to the graphic
14 nature of it. I don't want a minor to hear
15 that.

16 SCOTT DOVER: I don't believe that there
17 are any in here now.

18 (NOTIFIED OF JURY NOTE @ 2:50 P.M.)

19 COURT REPORTER: Court's Exhibit 7.

20 (SO ENTERED AS COURT'S EXHIBIT 7)

21 THE COURT: Okay, we have a response
22 and they want to hear the testimony. The
23 response is, "Several want to hear it again."
24 So we will bring them in and replay that.
25 Cut the HVAC off again, please.

1 CLERK: (Complies).

2 (JURY IN @ 2:52 P.M.)

3 THE COURT: Mister Foreman, I under-
4 stand that you want to hear the testimony of
5 [REDACTED] Child [REDACTED] If at any point you've heard
6 enough, just let us know.

7 COURT REPORTER: Testimony of [REDACTED]
8 Child [REDACTED] direct examination by Solicitor Odom,
9 (audio playing):

10 Child [REDACTED] Child [REDACTED] having been sworn to
11 tell the truth, and nothing but the truth,
12 testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR ODOM:

15 Q. What is your name?

16 A. Child [REDACTED] Child [REDACTED]

17 Q. What is your date of birth?

18 A. 7-8-1996.

19 Q. How old are you now?

20 A. Twenty-one (21).

21 Q. Tell me about your family. Do you
22 have any kids?

23 A. I do, I have three little boys:
24 a five-year-old, an eighteen-month-old and a
25 four-month-old.

1 Q. What town do you live in now?

2 A. I live in Liberty, South Carolina.

3 Q. Who do you live with?

4 A. I actually stay with my grandparents
5 and am in the process of getting my own
6 place.

7 Q. Do you have any brothers and
8 sisters?

9 A. I do. I have a sister, Katlyn, and
10 two brothers, Matthew and Alex.

11 Q. Does your -- how old is your sister?

12 A. My sister just turned nineteen and
13 my brothers are twelve and fourteen. They
14 were born in 2000 and 2002, I think. I
15 haven't got to see them a lot in the last few
16 years.

17 Q. Do you have any nieces or nephews?

18 A. I do. I have two nieces, one is
19 five and one is two months.

20 Q. Who is their parent?

21 A. My sister, Katlyn.

22 Q. So your sister has a five-year-old
23 and a newborn?

24 A. Yes, ma'am.

25 Q. What about your mom and dad, do you

1 -- tell me their names?

2 A. My dad Ernest Allen Cisson and my
3 mom's name is Faye Williams (phonetic).

4 Q. And do you have much of a
5 relationship with your dad?

6 A. Not really. It's been kind of in
7 and out my whole life.

8 Q. Were your parents married?

9 A. They were but they separated when I
10 was around two or three, I was really small.

11 Q. Where is the first address that you
12 remember living when you were little?

13 A. The first address I remember living
14 at was South Lewis Street. My grandparents
15 actually lived there and I stayed there.
16 That was before my mom and daddy moved into
17 the exact same place where my grandparents
18 had moved out. That's when I started staying
19 with them.

20 Q. So who is Jodie?

21 A. Joseph Williams is my stepdad.

22 Q. And do you remember how old you were
23 when you met him?

24 A. I was around four or five when I met
25 him. I believe that I was four when they

1 first got together, but my mom was like --
2 they dated for a while before she actually
3 took me around him. The first time that I
4 met him was at his mother's house, Judy
5 Williams'.

6 Q. So did you ever come to live with
7 the defendant? You said that he moved in
8 when your grandparents moved out?

9 A. South Lewis Street, (affirmative
10 nod). That's actually when -- when Jodie and
11 my mom started dating, my grandparents lived
12 at 1002 South Lewis Street.

13 My grandparents actually moved out when I
14 was around six, almost seven. That's when my
15 mom and Jodie moved into their house and took
16 over payments on the trailer that they were
17 purchasing. That's when we -- like when I
18 started living with him.

19 Q. Can you describe the trailer?

20 A. On South Lewis Street?

21 Q. How many bedrooms did it have?

22 A. It had three. You walk in, there
23 was the living room, kitchen was to the left,
24 the master bedroom that was my mom's and
25 Jodie's was on the far end. There was a

1 little washroom like in between the kitchen
2 and the bedroom. To the right there was a
3 middle bedroom, then another bedroom and a
4 bathroom.

5 Q. Did you have your own bedroom
6 there?

7 A. We did have our own room there, the
8 back room. But when we was there, I would
9 sleep in the living room floor and watch TV
10 until I fell asleep. I have really bad night
11 terrors when I was young.

12 Q. Did you start school when you lived
13 there?

14 A. I did. I had always went to Pickens
15 Elementary and then whenever Mama and Jodie
16 moved into South Lewis Street is whenever I
17 started -- I was like seven and my sister was
18 five, my brother was -- I can't remember, but
19 he wasn't -- Matthew wasn't born then. But I
20 do know that I had to walk me and my sister
21 to school from South Lewis Street when we
22 stayed with my mama and Jodie.

23 Q. How far is the school from the
24 trailer?

25 A. Not far. If you're familiar with

1 *Pickens Elementary School, there is a*
2 *Catholic church in between and there was a*
3 *trailer park right below. We lived in that*
4 *trailer park, in the first trailer. So we*
5 *had to cross two roads and go through the*
6 *church parking lot to get to the school.*

7 *Q. Now, [REDACTED] I know this is going to*
8 *be hard but I need to get into some detail*
9 *about why we're here today. Do you remember*
10 *when any abuse started?*

11 *A. The first time that anything started*
12 *with me and Jodie Williams, I was around*
13 *seven -- in between seven and eight. I was*
14 *in first grade at Pickens Elementary School*
15 *and I lived on South Lewis Street.*

16 *I was laying in the floor one night in*
17 *the living room. Him and my mama had been*
18 *arguing, Jodie was up drinking. My sister,*
19 *she was already in bed. My mom, she has*
20 *already went to her room and laid down.*
21 *Jodie had been outside and, you know, the*
22 *majority of that time while I was watching*
23 *TV.*

24 *I was scared. I was, like, always scared*
25 *for some reason. I had night terrors.*

1. Jodie come in there one night, he laid
2 down in the floor beside me on the pallet.
3 He was playing with my ear. He was rubbing
4 my back. He started rubbing me on the legs.
5 You know, kissing me on the side of the head.
6 Telling me everything was going to be okay.

7 Then it went from like everything being
8 okay to he wanting to talk about my mom, him
9 and my mom's problems. That kind of like
10 where the rubbing started. Then later on,
11 throughout the time from that very first
12 incident until I was twelve, it steadily led
13 up to more and more.

14 Q. That first night though when you
15 said that he started rubbing on you and he
16 was rubbing on your legs and -- where else
17 was he rubbing?

18 A. He was rubbing on my -- close to my
19 privates, like right at my leg and my groin.
20 But he didn't do anything that first time
21 besides rub on me and like kiss me on the
22 cheek and stuff.

23 He tried to make it out like he was just
24 trying to help me go to sleep, that my mama
25 wouldn't talk to him and he needed, you know,

1 to talk to somebody. It was just really -- I
2 don't know how to explain it. That was the
3 first time that he'd ever really touched me
4 like that.

5 Q. Did he rub you on your chest?

6 A. He basically rubbed me like every-
7 where.

8 Q. Did he rub you under your clothes?

9 A. Under my shirt, on my stomach and on
10 my back. But at that point he'd never put
11 his hands in my pants at that time.

12 Q. And you said that your mom was in
13 the bed at this point?

14 A. Yes, ma'am.

15 Q. Tell me how the abuse progressed
16 from there.

17 A. Well, it kinda just happened like
18 that several times. You know, he would get
19 drunk, him and my mom would argue, then he
20 would come talk to me about my mom not
21 wanting to have anything to do with him. I
22 am not sure why I was being talked to about
23 that. But, uh, my mom wouldn't have sex with
24 him and he was always drinking and cheating
25 on my mom.

1 Then we had moved to Jane Lane in Six
2 Mile, uh, and that is when he started like
3 kissing on my private area and stuff like
4 that. And also a lot of the -- the first
5 time -- the first time he made me su-- --
6 (emotional) -- made me put my mouth on his
7 penis, the first time was right before I had
8 to leave Jane Lane. Then I had to go stay
9 with my grandparents for a little while
10 because my mom and my youngest brother,
11 Matthew, broke out in some kind of rash at
12 Jane Lane. They'd found out that whoever
13 lived there prior had cooked meth or
14 something the trailer and me and my sister
15 went to my grandparents. My grandparents at
16 the time lived on Railroad Street and we
17 stayed there until my mom and Jodie moved to
18 133 High Top Drive. That is where the
19 majority of everything that he done to me
20 happened at.

21 Q. Going back to Jane Lane, describe
22 that trailer to me.

23 A. You walked in, it was kind set up
24 the same way as Lewis Street, three bedrooms.
25 You go in the living room and the kitchen and

1 *living room was kind of together.*

2 *There was a very back bedroom on the end*
3 *that was supposed to be my brothers, that had*
4 *all their toys and stuff in it. But, you*
5 *know, they didn't stay in it. My brother*
6 *never stayed in their own room.*

7 *On the other end there was a bedroom -- a*
8 *middle bedroom that was mine and Katlyn's, me*
9 *and Katlyn had the smallest room in the house*
10 *with a twin-size mattress that we shared when*
11 *we stayed there.*

12 *Jodie and Matthew and Alex, my two*
13 *brothers, slept in the back bedroom.*

14 *My mother slept on the couch.*

15 *Q. Now, you say when you stayed there.*
16 *Was it common for y'all to stay somewhere*
17 *else from time to time?*

18 *A. We have always, our entire lives,*
19 *been out and back between my mom and Jodie's*
20 *and my grandparents. We have been out and*
21 *back so many times that it is very hard for*
22 *me to tell you dates and exact times, because*
23 *my life was never stable enough for me to do*
24 *that.*

25 *But on Jane Lane, we would stay with them*

1 some, but we was out and back until the whole
2 thing with the rash happened with my mom and
3 my brothers, and we had to stay with Nana and
4 Papa there completely for a couple of months
5 until they moved to High Top.

6 Q. Now, I need to talk about the abuse
7 in a little more detail. You stated that at
8 South Lewis ---

9 SCOTT DOVER: I'm going to object to her
10 leading. She was leading her a little bit
11 before, suggesting where he'd touched her and
12 stuff like that.

13 THE COURT: All right. Don't lead,
14 please.

15 SOLICITOR ODOM: I was just stating her
16 exact testimony, what she'd said. I was not
17 leading.

18 THE COURT: Okay.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR ODOM:

21 Q. So what you said was that the abuse
22 began at South Lewis.

23 A. (Affirmative nod).

24 Q. And you said that he touched you.

25 A. (Affirmative nod).

1 Q. At Jane Lane, what was the abuse
2 escalating to?

3 A. Like I said, when it started on
4 Lewis Street it kept happening, talking about
5 my mom and his situation, trying to make me
6 feel like it was my job to fill her shoes, to
7 watch after my brothers, to be there for him,
8 that he loved me. That's how it all started.
9 He made me feel like I, as a child, should be
10 an adult.

11 Then at Jane Lane, the times that I would
12 stay by myself -- because there were times
13 when my sister would go to my grandparents
14 and I would still be there, because I had a
15 friend that lived next door that I would hang
16 out with there as well.

17 There were times that he would come in my
18 room there. That was the first time -- it
19 was maybe a week or two before I moved in
20 with my grandparents from Jane Lane, was the
21 first time he had made me -- (pause) -- made
22 me suck his penis.

23 Q. Did he ever perform oral on you?

24 A. Yes.

25 Q. Tell me about that. When would that

1 occur? What time of day would it be?

2 A. It happened a couple of times on
3 Jane Lane. That's the first time he ever --
4 as far as oral sex happened, was Jane Lane.
5 Up until that point it was always just
6 rubbing and like kissing on me and talking to
7 me about stuff.

8 He put his mouth on my private area. He
9 rubbed my privates with his hands, with his
10 fingers. He never fully penetrated me with
11 his fingers but he did, like, -- this is
12 really hard to explain.

13 Q. Take your time.

14 A. He would take his fingers and, you
15 know, rub them on the outside of -- and have
16 his mouth on me.

17 Q. Where would your mom be?

18 A. A lot of times my mom was in bed in
19 her room or on the couch -- (emotional),
20 sorry. My mom slept on the couch on Jane
21 Lane. I don't really understand why she -- I
22 don't know why they were together, they never
23 slept together.

24 Q. What rooms would the abuse occur in?

25 A. Usually when -- like on Jane Lane,

1 it was always when my sister would spend the
2 night somewhere else. It would happen in my
3 room.

4 Q. Were you still having night terrors
5 at this point?

6 A. I still have them to this day.

7 Q. Where would your brothers be?

8 A. My brothers were always asleep in
9 the back room, the very back room. At that
10 time on Jane Lane they had a queen size bed
11 mattress and my brother had twin size
12 mattresses kind of like pushed up against the
13 queen size mattress. That is where my
14 brothers slept, was on the twin mattresses.

15 Q. Moving on to High Top, do you
16 remember how old you were when you lived
17 there, what grade you were in?

18 A. I know that when we lived on High
19 Top, that when we moved there that I was
20 starting fifth grade and that was the first
21 time that I'd ever switched schools, was
22 Holly Springs. In the fifth grade I was --
23 (pause) -- I was ten, I believe, when we went
24 to High Top.

25 Q. And where did ---

1 A. Eleven, I was almost eleven. Ten,
2 almost eleven.

3 Q. Where did your grandparents live
4 when y'all lived at High Top?

5 A. My grandparents? We lived at 133
6 High Top and my grandparents actually lived
7 -- I can't remember their house number but it
8 was actually like a couple of driveways down
9 from us.

10 Q. What happened at High Top, what sort
11 of abuse?

12 A. The continuance of making me suck
13 his dick, several times repeatedly it
14 happened. Nine times out of ten he would be
15 drunk or high when this happened.

16 I tried to stay at my grandparents when I
17 lived on High Top Drive. I did stay with
18 them some there. I tried my best to stay
19 with my grandparents as much as I could.

20 But my grandparents at that time had
21 tried to talk to someone to get custody of me
22 and my sister. When they done that, DSS was
23 involved and we were forced to go back and
24 live with my mom and Joseph on High Top
25 Drive.

1 Q. Now, when the oral sex would occur,
2 when you would perform oral sex on the
3 defendant, would he ejaculate?

4 A. Most of time when I -- I had -- when
5 I had to do it, whenever he would start to
6 get off I would spit, because it was nasty.
7 Then after I -- after I'd done that he would
8 make me go brush my teeth.

9 Q. Did you have to brush your teeth
10 every time?

11 A. Every time.

12 Q. Did you do that on your own or at
13 his instruction?

14 A. At his instruction and on my own,
15 because it was nasty.

16 Q. At High Top, do you remember where
17 your mom or Jodie worked?

18 A. My mom, at High Top Drive, worked at
19 where she still works at now, the Pickens
20 County Board of Disabilities and Special
21 Needs.

22 Joseph at that time, he had done side
23 jobs for people and stuff like that, but
24 Joseph -- my mom, as far as financial and
25 stuff like that would -- was the family

1 provider. It was not him.

2 Q. When this abuse was occurring, was
3 the defendant -- you've touched on it a
4 little bit, but what kind of things would he
5 say to you?

6 A. Well, when -- like I said, you know,
7 with it starting earlier with him talking to
8 me about stuff with my mom, uh, my mom -- my
9 mom and my biological dad had a lot of
10 problems. In return, I did have a lot of
11 issues because I didn't understand, being so
12 young, why my dad was taken away from me and
13 stuff. And Jodie was always there to comfort
14 me through that and, you know, be there for
15 me and make me feel that my mom hated me.
16 You know, that she was a bitch, that she did
17 not love me. I -- to this day, it is still a
18 struggle to try to work through that with my
19 mom because he turned me against her. He
20 made me feel that I had to do things for him
21 to have a life, for him to do things to me.

22 Q. When you say that, what do you mean
23 that you had to do things to him?

24 A. My mom, she -- I don't know or know
25 -- I know that she didn't mean to hurt me but

1 she did by staying locked up in her room,
2 because Joseph abused everybody. It was not
3 just ---

4 Q. All right. Getting back to the
5 things that he would say, were you ever -- is
6 there anything else that he would say while
7 he was abusing me?

8 A. He would tell me that the only
9 reason he was doing it was because he loved
10 me and that he didn't have a choice because
11 my mom would not have anything to do with
12 him, that it was my job to protect my
13 brothers, to be there for them. That I
14 couldn't tell anybody because if I told
15 anybody that we would all be ripped away.

16 So I was scared, I was terrified. My
17 brothers and my sisters, I took care of them.
18 I didn't want to see anything happen to them.

19 But he made me feel it was normal. He
20 did. I really thought that what I was doing
21 was normal.

22 Q. Would he ever give you anything?

23 A. He'd give me cigarettes, he'd give
24 me beer, he'd give me liquor, pot, stuff that
25 I -- you know, I cannot believe. I was so

1 young. Just having kids now just makes me
2 more disgusted with it. I mean, I spent most
3 of my childhood doing drugs.

4 Q. Did your mom ever catch you smoking?

5 A. My mom did catch me smoking
6 cigarettes a few times. Every time she would
7 take them and tell me not to do it, but she
8 never really knew that the whole time that
9 Jodie was the one buying them for me either.

10 Q. Did you feel special when he would
11 give you stuff?

12 A. Yeah, it made me feel kinda like I
13 was -- I don't know, an adult maybe. I mean,
14 I was young and he'd kind of put me up on a
15 pedestal like. You know, anything that I'd
16 done he'd give me cigarettes and the like.
17 I felt like I was my brothers' mom. I felt
18 like I was the woman of the house, if that
19 makes any sense.

20 Q. Did they ever talk to you about
21 other adult things, like bills or anything?

22 A. Not really like that because my mom
23 always took -- that's the only thing that my
24 mom really done, was work and take care of
25 bills.

1 Q. Do you remember the last time that
2 any abuse occurred?

3 A. The very last time that the abuse
4 occurred, it was around like the week before
5 I turned thirteen. Because I'd gotten my
6 first boyfriend, his name was Jimmy. And
7 then I actually found out that Jodie knew my
8 boyfriend's mother, they went to school
9 together. And I lost my virginity, I'd had
10 sex for the first time about a week before I
11 turned thirteen.

12 COURT REPORTER: The balance of that
13 answer was stricken by the Court on Motion of
14 Mr. Dover.

15 THE COURT: Ladies and gentlemen, I've
16 ordered that be stricken. You are not to
17 consider that in any way during your
18 deliberations.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR ODOM:

21 Q. You were just saying that you lost
22 your virginity when you were twelve.

23 A. (Affirmative nod).

24 Q. What location were you at?

25 A. I was at my boyfriend's mom's house.

1 It was over off of Reece Mill Road. I don't
2 remember the address. We didn't date long.

3 Q. Were you -- how did you get to the
4 house?

5 A. Jodie took me.

6 Q. So Jodie took you over there that
7 night?

8 A. Yes.

9 Q. After you had sex with your
10 boyfriend, did you tell Jodie?

11 A. He knew. We were all given alcohol
12 that night. It was a party.

13 SCOTT DOVER: Objection. The question
14 was did she tell Jodie.

15 THE COURT: Please respond to the
16 question.

17 WITNESS: Yes, sir.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR ODOM:

20 Q. You said that he knew, but did you
21 tell him?

22 A. (No verbal response).

23 Q. Did y'all discuss it?

24 A. Yes.

25 Q. After that, did the abuse stop?

1 A. About a week after that happened,
2 Jodie come to me and he told me that he asked
3 God to forgive him, and he asked me to
4 forgive me. He swore to me that if I would
5 forgive him that he would never touch me
6 again. At that time, I was really kind of
7 confused because of what I thought was
8 normal. I said 'I forgive you' and I started
9 dating other people. It never happened
10 again.

11 Years went by and that's when -- that's
12 when it stopped.

13 Q. You said earlier that you still have
14 night terrors.

15 A. (Affirmative nod).

16 Q. Do you have any other issues?

17 A. I suffer from anxiety and PTSD. I
18 was recently diagnosed in the last few years.
19 I've been struggling with it.

20 Q. Do you ever have trouble with
21 relationships?

22 A. I've had a lot of issues. My oldest
23 son's dad was -- I've allowed myself to be
24 hurt by many people because of what I've been
25 through. I've went through a lot of

1 counseling and classes here the last few
2 months to try to learn what healthy relation-
3 ships are because that was something that I
4 was never taught.

5 Q. Does this abuse affect your intimate
6 life, your intimate relationship?

7 A. Sometimes it does. It used to a lot
8 more than it does now, but through the lady
9 that I've been talking to about it I've
10 become more of what I feel is a survivor than
11 a victim and that's helped a lot.

12 Q. Now, tell me -- do you remember how
13 old you were when you disclosed about the
14 abuse?

15 A. When I reported it, it was in
16 November of 2013. I was 17.

17 Q. What prompted you to report?

18 A. I don't want to say anything that I
19 am not allowed to say. There were some
20 things going on in my mom's, uh, with my
21 sister and her friends. There was some
22 partying going on there. My niece was there,
23 involved.

24 Q. How old was your niece at that time?

25 A. She was about two.

1 Q. So were you and your sister pregnant
2 at the same time?

3 A. Yes. My oldest little boy and her
4 oldest little girl are like seven weeks
5 apart.

6 Q. So how old were you when you had
7 your little boy?

8 A. I was fifteen.

9 Q. And how old was your sister?

10 A. Thirteen.

11 Q. So your niece was living at the
12 home?

13 A. Yes.

14 Q. Why would that have prompted you to
15 tell?

16 A. There was an incident that happened
17 a couple of days before I made the report.
18 Jodie and a friend of his ---

19 SCOTT DOVER: Your Honor, I would object
20 unless she has some foundation for what
21 happened. If she was there and has an
22 independent recollection of this -- I don't
23 know what she's getting into. If it is based
24 on what was going on at ---

25 THE COURT: Hold on. If you could ask

1 the questions ---

2 SOLICITOR ODOM: I can rephrase it.

3 THE COURT: Rephrase it.

4 SCOTT DOVER: Thank you.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR ODOM:

7 Q. Were you worried about your niece?

8 A. Yes, I was.

9 Q. How old did you say your niece was?

10 A. She was two.

11 Q. Where were you living at that point
12 when you disclosed?

13 A. They was living at my mom's at that
14 point.

15 Q. Where were you living?

16 A. I was living with my grandparents.
17 I moved in with my grandparents again after
18 -- when I found out that I was pregnant.

19 Q. Who was living at your mom's house
20 on Lee Street?

21 A. At that time it was Jodie, my mom,
22 my brothers, my sister, my niece.

23 Q. Did your mom work?

24 A. She did, at the Board of
25 Disabilities.

1 Q. Who kept your niece?

2 A. My sister was supposed to be the one
3 that took care of her but ---

4 SCOTT DOVER: Your Honor, this is where I
5 would the Solicitor -- I would object except
6 as to what this witness knows of that. Not
7 what she heard. Now, if she knows who was
8 keeping the niece, then that is a proper
9 question. But if it is based on hearsay or
10 speculation, I would object.

11 THE COURT: You may ask her that
12 question -- and make sure that you respond to
13 the question.

14 WITNESS: Yes, sir.

15 DIRECT EXAMINATION CONTINUED
16 BY SOLICITOR ODOM:

17 Q. Do you have personal knowledge?

18 A. I have personal knowledge that my
19 mom took care of my niece through the week
20 and when she worked on the weekends that my
21 sister was leaving my niece under the care of
22 Joseph.

23 Q. Would you still -- even though you
24 lived with your grandparents, would you still
25 go visit with your mom and them?

1 A. Yes, I would go see my sister, my
2 brothers and my niece.

3 Q. All right. So when you told -- let
4 law enforcement know, where were you?

5 A. I actually called the police from
6 Lee Street, at my mom's house. The police --
7 because of my mom leaving work and actually
8 coming over there to her house where I had
9 called the police, Pickens County asked if we
10 could move it to my grandparents to take the
11 statements, at 141 Wiley Road in Liberty.

12 So I was followed by the police to my
13 grandparents, to give the statement there.

14 Q. So which officer did you speak with
15 at that point?

16 A. It was a Pickens County deputy and,
17 honestly, -- I reported almost four years ago
18 and I cannot remember his name.

19 Q. After you gave your initial
20 statement, did you speak with any other
21 officers?

22 A. Yes, ma'am.

23 Q. Who did you speak with?

24 A. Jan Kelley.

25 Q. Did you also give him a statement?

1 A. I did.

2 Q. Do you have personal knowledge about
3 how the defendant is?

4 A. (No verbal response).

5 Q. Do you know how old Jodie is?

6 A. Yes, ma'am.

7 Q. How old is he?

8 A. He's 44.

9 Q. How do you know that?

10 A. Because his birthday was April 8th,
11 1972.

12 Q. And how do you know his birth date?

13 A. Am I allowed to say? I just know
14 his birthday. When we were little and my mom
15 got food stamps, that was our pin code -- his
16 date of birth. That's how I've always known.

17 Q. Is Jodie Williams in the courtroom
18 today?

19 A. Yes, he is.

20 Q. Can you point him out to me?

21 A. He's sitting right there.

22 Q. Can you tell me what color shirt
23 that he has on?

24 A. He has a blue shirt on.

25 SOLICITOR ODOM: Your Honor, at this

1 time I would like the record to reflect that
2 she is pointing out the defendant.

3 SCOTT DOVER: Without objection.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR ODOM:

6 Q. Is he the man who molested you?

7 A. He is.

8 Q. I just have a few more questions for
9 you, [REDACTED] Were there times when you lived
10 with your mom and Jodie that she worked late
11 or where she was at work and you were at
12 home?

13 A. Can you repeat that?

14 Q. Sure. Were there times when you
15 lived with your mom and Jodie that she worked
16 late or where she was at work and you were at
17 home?

18 A. Yes.

19 Q. Were there times when you were alone
20 with Jodie?

21 A. Yes.

22 Q. Would you go to visit Jodie's mother
23 any?

24 A. There were some times when we would
25 go to Judy's. Me and my sister never really

1 got invited to stuff at his mom's house. His
2 mom did not like us at all. But there was
3 times when I would be riding with Jodie to go
4 drop my brothers off, for him to go out to,
5 uh, what he'd say was band practice.

6 Q. Do you remember any times when you
7 were living with your mom and Jodie that he
8 would just stay at his mom's house?

9 A. There were times that Jodie stayed
10 at his mom's house, but he did not always
11 stay at his mom's house. Only if him and
12 mama was arguing.

13 SOLICITOR ODOM: Beg the Court's
14 indulgence one moment.

15 THE COURT: Sure.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR ODOM:

18 Q. Do you remember how often the abuse
19 would occur?

20 A. It was often but it was like random.
21 It was a lot, too many times for me to count.

22 Q. Did it occur before you turned
23 eleven?

24 A. It's hard for me to remember exactly
25 ages. I know that the first time that it

1 happened was not long before we left Jane
2 Lane and went to stay with my grandparents.
3 That was the first time he made me do that
4 oral sex to him.

5 Then after High Top is when the majority
6 of when that happened, of the oral sex.

7 Then it stopped about a week before I
8 turned thirteen.

9 SOLICITOR ODOM: Please answer any
10 questions that Mr. Dover has for you.

11 THE COURT: Cross-examine.

12 SCOTT DOVER: May it please the Court.

13 CROSS EXAMINATION

14 BY SCOTT DOVER:

15 Q. Ma'am, the offense that you just
16 told the jury about, would you agree with me
17 that had that happened that would be one of
18 the most traumatic things in a person's life?

19 A. It has been.

20 Q. And it is one that people -- it
21 would be etched in your memory forever?

22 A. It has been.

23 Q. And you would remember exactly the
24 way that it occurred?

25 A. I would.

1 Q. And isn't it true, ma'am, that if
2 these events happened the way that you said
3 they did that the only witnesses to these
4 events would be yourself and Jodie Williams?

5 A. That's correct.

6 Q. There is no physical evidence,
7 correct?

8 A. (No verbal response).

9 Q. You never went to the doctor and got
10 checked out or anything like that?

11 A. No, sir.

12 Q. And you never uttered a word to
13 anybody about my client, Jodie Williams,
14 doing any of these thing to you for ten
15 years. Is that correct?

16 A. (Affirmative nod). No, sir, I did
17 not.

18 Q. So that is correct?

19 A. That is correct.

20 Q. And you just told this jury today
21 that the first time that it occurred was when
22 you were living at South Lewis Street, when
23 you were about seven or eight years old.
24 That you were lying on the floor, that your
25 mom had already laid down -- am I correct

1 *about those two things?*

2 A. Yes.

3 Q. That you were on a pallet in the
4 *floor, is that right?*

5 A. Correct.

6 Q. That Jodie laid down beside you,
7 *started talking to you, kissing you,*
8 *caressing you and rubbing on you. Is that*
9 *the truth?*

10 A. That is the truth.

11 Q. But, ma'am, earlier -- I've asked
12 *you these same questions before, haven't you?*

13 A. You sure have.

14 SCOTT DOVER: Your Honor, if I could
15 *approach the witness.*

16 SOLICITOR ODOM: Your Honor, if I could
17 *see ---*

18 SCOTT DOVER: Sure, (tenders).

19 SOLICITOR ODOM: (Review).

20 CROSS EXAMINATION

21 BY SCOTT DOVER:

22 Q. Turn with me in that document to
23 *Page 10.*

24 A. Okay.

25 Q. You were placed under oath and sworn

1 to tell the truth when these questions were
2 asked of you. Is that correct?

3 A. Give me just a second to read this.

4 Q. Yes, take your time.

5 A. What ---

6 Q. Turn back with me to the cover page.
7 This testimony was provided by you on June
8 22, 2015. Is that right?

9 A. Yes, sir.

10 Q. Two years ago?

11 A. Yes, sir.

12 Q. Turn with me to Page 16. I am going
13 to stand over here next to Ms. Odom so that
14 she can see what I am asking. When you were
15 asked what happened two years ago, please
16 tell the jury, starting on Line 4 of what you
17 said happened then. Just read it.

18 A. (Reading): "I was around seven or
19 eight years old. It was while I was still at
20 Pickens Elementary. I am pretty sure I was
21 in first or second grade. My mom had done
22 went to bed. It was late. I was still up.
23 Jodie was still up. Jodie had been
24 drinking."

25 Q. Go ahead.

1 A. (Reading): *"It started off with,*
2 *'Do you want to try this cigarette?' It was*
3 *a different flavored cigarette. I'm sure, I*
4 *was little. I didn't know anything about it*
5 *and I started smoking vanilla-flavored*
6 *cigarettes. The next thing I know he asked*
7 *me if I wanted to go lay on the floor and*
8 *watch a movie and he'd make a pallet."*

9 Q. All right. Now, you also told this
10 jury just a few moments ago that my client
11 required you or asked you to perform oral sex
12 on him while you were living at Jane Lane in
13 Six Mile, South Carolina. Didn't you tell
14 tem that?

15 A. Yes, the first time that it happened
16 was at Jane Lane.

17 Q. And that would certainly be
18 something that a young woman at your age
19 would certainly remember in her life, your
20 life; wouldn't it?

21 A. Yes.

22 Q. Where that occurred, don't you
23 think?

24 A. I do remember.

25 Q. Turn over to Page 18, ma'am, of your

1 same testimony, two years ago.

2 A. Okay.

3 Q. Under oath when I asked you that
4 question, starting on Line 5, tell this jury
5 what you testified to under oath then.

6 A. Where do you want me to ---

7 Q. Line 5, that's your answer.

8 A. (Reading): "One of the first times
9 he put his mouth on me is when we had -- it
10 was right we had moved to High Top Drive in
11 Pickens, is when the oral sex had started,
12 around ten or eleven years old. That is the
13 only place the oral sex happened at, was High
14 Top Drive."

15 Q. Over two years ago you stated that
16 the only place the oral sex occurred was at
17 High Top Drive. Didn't you tell us that?

18 A. Yes. I've also spoken with them as
19 well because this happened to me so many
20 times that I had to go back -- there was
21 times in counseling, trying to get this out
22 of my head that I was confused about dates
23 and times because of being so young when this
24 happened to me.

25 Q. But, ma'am, you would agree with me,

1 just like you told this jury a few moments
2 ago, that if that had occurred to you that
3 you would have remembered exactly the place
4 you were living when it occurred. Don't you
5 think?

6 A. I can ---

7 Q. Don't you think?

8 A. I can remember seeing him do it to
9 me. I suffer from PTSD, like I can visually
10 see it.

11 Q. And for someone to do that, you
12 would be going back in time to that very
13 place where it occurred. People have a vivid
14 memory, to where you can -- people can
15 remember where you were, what you were
16 wearing, what ---

17 SOLICITOR ODOM: I am going to object.
18 I'm not sure what his question actually is or
19 if he has one.

20 SCOTT DOVER: I'll re-ask it.

21 THE COURT: Okay.

22 CROSS EXAMINATION CONTINUED

23 BY SCOTT DOVER:

24 Q. Wouldn't you believe that you'd be
25 able to go back and remember exactly where

1 you were when that happened to you?

2 A. I can remember several places
3 visually.

4 Q. And you told us two years ago --
5 strike that, I withdraw that question.

6 Is your memory better today of these
7 events that happened fourteen years ago than
8 they were two years ago?

9 A. I have went back and really, really
10 made sure that I went over little detail.
11 This was over a five-year period of time that
12 this happened to me. I'm sorry if I can't
13 remember every single little detail but the
14 main things that hurt me, that traumatized me
15 is what I remember and have to live with
16 every day of my life.

17 Q. Ma'am, you just told this jury that
18 at ten years of age, that you had to put your
19 mouth on your stepfather's penis; didn't you
20 tell them that?

21 A. Yes, because I did.

22 Q. And wouldn't you think that you
23 would remember where you were when that
24 happened?

25 SOLICITOR ODOM: Your Honor, I am going

1 to object. This has been asked and answered.

2 THE COURT: I'll let her answer this
3 question.

4 WITNESS: The first time ---

5 CROSS EXAMINATION CONTINUED

6 BY SCOTT DOVER:

7 Q. Don't you think you'd remember?

8 A. The first time ---

9 SOLICITOR ODOM: Objection, he needs to
10 let her answer.

11 THE COURT: She can answer the
12 question, then explain.

13 WITNESS: The first time I ever put
14 my mouth ---

15 SCOTT DOVER: Please answer my question.

16 CROSS EXAMINATION CONTINUED

17 BY SCOTT DOVER:

18 Q. Please answer my question, don't you
19 think that you would remember where you were
20 when that type event occurred to you at ten
21 year old?

22 A. I do remember. I do remember.

23 Q. And you just told this jury that it
24 was in Six Mile, South Carolina not at High
25 Top in Pickens County; didn't you?

1 A. Correct.

2 Q. And you told ---

3 A. I didn't have -- it happened so many
4 times that it is very hard to remember. I
5 was seven to twelve years old.

6 Q. You remember ---

7 A. I'm sorry if I make a mistake.

8 Q. --- vividly the first time that you
9 had sex and where that was. Correct?

10 A. Yes.

11 Q. Don't you think you -- is it not
12 reasonable to believe that you would remember
13 the first time that you put your mouth on a
14 male's penis?

15 A. I do.

16 Q. And don't you think you'd be able to
17 tell consistently where that happened?

18 A. At that time the Family Court was
19 very, very stressful for me.

20 Q. You -- I'm sorry, I didn't mean to
21 cut you off.

22 A. I remember visually the first time
23 that I had to put my mouth on his penis. I
24 will sit here if I need to and give detail as
25 to where and when.

1 Q. You just told this jury that it
2 happened in Six Mile and you told us two
3 years ago that it happened on High Top Drive.
4 Didn't you?

5 A. The majority of the stuff happened
6 on High Top Drive.

7 Q. Well, am I quoting you right that
8 "the only place that the oral sex happened
9 was at High Top Drive", Lines 7 and 8. Did
10 I read that right?

11 A. That's correct. I made one mistake,
12 because the last time -- the last week that I
13 stayed in Six Mile was the first time that he
14 made me put my mouth on his penis, and then I
15 went to my grandparents.

16 Q. So that's one of those little things
17 that you made a mistake about?

18 A. I did make a mistake.

19 Q. You told us -- isn't it true, ma'am,
20 that you made this report and told the police
21 about it while you were in the presence of
22 your father, your biological father?

23 A. Yes, the first person that I
24 reported to was my biological father. And my
25 biological father did tell me ---

1 SCOTT DOVER: I object. Your Honor, I
2 didn't ask her to say what ---

3 THE COURT: Sustained. Don't say
4 what anyone else said. Just answer the
5 question.

6 CROSS EXAMINATION CONTINUED

7 BY SCOTT DOVER:

8 Q. And would you also agree with me
9 that at the time that you told this that you
10 were in a pretty difficult argument/fuss with
11 your mother?

12 A. Am I allowed to say what went on?

13 Q. Were y'all having a fuss, an
14 argument?

15 A. There was a dispute. Yes, there was
16 a fuss.

17 Q. And you were upset that your mother
18 was allowing your sister to be around a boy
19 that she wouldn't allow you to be around, by
20 the name of Joseph Bates? Isn't that
21 correct?

22 A. No.

23 Q. Was law enforcement on November of
24 2013, the first people that you told that
25 Jodie Williams had abused you?

1 A. The first person that ever knew
2 anything, my oldest son's dad, I'd told him
3 that stuff had happened. I never told him
4 details. But the very first person that I
5 fully come out to and finally opened up to
6 was my biological father, Ernest Cisson.

7 Q. But you did tell any individual
8 named David Baker, the father of your first
9 child, you did tell us that you told him
10 about this earlier on; didn't you?

11 A. I was fourteen years old and he had
12 questioned me about me and Jodie being around
13 each other. He was very controlling and he
14 asked me if anything had ever happened. I
15 said stuff had happened but that I didn't
16 want to talk about it. It was not his
17 concern. I never went into detail with him.

18 Q. You didn't in 2010 tell me that you
19 told David Baker that Jodie Williams had
20 required you to have oral sex with him?

21 A. I remember talking to you.

22 Q. Turn to your testimony on Page 19.
23 Let's look at that question. Line 14, your
24 answer -- the question was, who was the very
25 first person who you told what was going on?

1 Am I reading this correctly, (reading): "The
2 first person that I ever told was my son's
3 dad. I was fourteen years old. It was not
4 long after I got pregnant with my little
5 boy... "

6 SOLICITOR ODOM: Your Honor, I am going
7 to object. He's just reading off the
8 transcript. He's not actually asking ---

9 SCOTT DOVER: I'm asking her.

10 CROSS EXAMINATION CONTINUED

11 BY SCOTT DOVER:

12 Q. Isn't that what you said to us?

13 A. What I said in that statement is
14 true. I had always struggled with oral sex
15 with anybody that I'd been in a relationship
16 with and that did bring on him questioning me
17 about Jodie.

18 Q. So you would expect us, if the jury
19 is going to listen to this testimony, that
20 David Baker is going to be a witness that is
21 going to come forward and be a witness and
22 say that you told him this in 2010?

23 SOLICITOR ODOM: Objection to this,
24 because he is asking her ---

25 THE COURT: Sustained.

1 CROSS EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. Did you tell David Baker that this
4 happened to you in 2010?

5 SOLICITOR ODOM: Objection to the
6 wording of the question. That could be
7 answered in two different -- two completely
8 different ways.

9 CROSS EXAMINATION CONTINUED

10 BY SCOTT DOVER:

11 Q. Did you tell David Baker that you
12 had a problem with oral sex because of your
13 abuse by Jodie Williams in 2010?

14 A. I did.

15 Q. Are you telling this jury under
16 oath, let's make sure that I've got this
17 correct, that there were nights that you
18 spent at the home of your mother when your
19 sister was not present. Is that what you are
20 telling this jury?

21 A. Yes.

22 Q. And are you telling this jury also
23 that there were nights that you spent alone
24 with Jodie Williams while she was at work.
25 Did I get that right?

1 A. Can you repeat that?

2 Q. Are you telling this jury that there
3 were many nights when your mother worked that
4 you were left alone in that home with Jodie
5 Williams?

6 A. Yes.

7 Q. Is it true that you told Detective
8 Kelley on November 30th, 2013, -- you said
9 that -- you said that Jodie -- "he", Jodie --
10 "did use his fingers on several occasions" by
11 inserting them into your vagina. Did you
12 tell him that?

13 A. Yes, as I said earlier.

14 Q. Turn over to Page 33 in your
15 testimony in 2015.

16 A. (Complies).

17 Q. Was the question posed to you, "Did
18 he ever put any part of his body in your
19 vagina?" What was your answer.

20 A. His penis. Speaking of his penis,
21 he never penetrated me with his penis.

22 Q. So I misquoted that? The question
23 was, "Did he ever put any part of his body in
24 your vagina?"

25 A. Yes, it was.

1 Q. And your answer was "No, ma'am."

2 A. Yeah.

3 Q. Is a finger a part of your body?

4 A. At that time I thought she meant by
5 rape. I've never said that he raped me.

6 Q. Just another one of those little
7 things that you made a mistake on?

8 SOLICITOR ODOM: Objection, Your Honor.
9 That's completely inappropriate. It's a
10 comment about the testimony.

11 THE COURT: Sustained.

12 CROSS EXAMINATION CONTINUED

13 BY SCOTT DOVER:

14 Q. In 2009, -- let me ask this
15 question. You were in counseling from 2002
16 through 2011 with Behavioral Health Services
17 of Pickens County; isn't that correct?

18 A. I've been in and out of Behavioral
19 Health my entire life, sir.

20 Q. And in 2009, your counselors asked
21 you specifically had your stepfather ever
22 abused you; didn't they?

23 A. I don't remember that.

24 Q. Do you remember what your answer was
25 to them?

1 A. In 2009?

2 Q. Yes.

3 A. That was eight years ago. Nope,
4 nothing was ever mentioned about my stepdad
5 at that point. I never reported anything
6 until I was seventeen.

7 Q. When you were seven years of age, if
8 my math is right that would be 2003; correct?

9 A. Yes..

10 Q. And these indictments that the jury
11 heard earlier was that these events allegedly
12 occurred to you from the date of your seventh
13 birthday, July the 8th, 2003, until July 8th of
14 2009, when you turned thirteen. Is that what
15 you have charged Jodie Williams with?

16 SOLICITOR ODOM: Objection.

17 SCOTT DOVER: I apologize. I will
18 rephrase the question.

19 CROSS EXAMINATION CONTINUED

20 BY SCOTT DOVER:

21 Q. Is that what your allegations have
22 been towards Jodie Williams?

23 A. Yes.

24 Q. So in 2009, if someone asked you if
25 you had been abused or touched or messed with

1 by Jodie Williams and you answered no, would
2 that be a lie?

3 A. I never was asked anything. I never
4 reported anything about it.

5 Q. If someone asked you that questions
6 specifically in 2009 and you said that "he
7 never messed with me", would that have been a
8 lie?

9 A. Could you please explain that to me
10 a little bit?

11 Q. Yes.

12 A. I am really confused on what you're
13 asking.

14 Q. I apologize. I'm sorry. You've
15 told this jury that my client has done some
16 very horrible things to you from the time of
17 your seventh birthday in 2003 until your
18 thirteenth birthday in 2009. Has that been
19 your testimony?

20 A. Yes. Not my exact birthdays but,
21 yes, seven to twelve.

22 Q. So in 2009, you would have been
23 thirteen. Correct?

24 A. Yes.

25 Q. The question is, if your counselor

1 had asked you at that time if your stepfather
2 had ever messed with you and you answered
3 that "he never messed with me", would that
4 have been a lie?

5 A. (No verbal response).

6 Q. Did you lie to cover up for Jodie?

7 A. He ---

8 SOLICITOR ODOM: I am going to object.
9 He's calling for speculation. He asked her
10 if she remembers that and she said no. So
11 now he is getting into some hypothetical?

12 THE COURT: No, I think it's
13 appropriate.

14 SCOTT DOVER: Thank you.

15 CROSS EXAMINATION CONTINUED

16 BY SCOTT DOVER:

17 Q. There were times, ma'am, when your
18 mother was very supportive of you and your
19 counseling at Behavioral Health Services,
20 wasn't she?

21 A. No.

22 Q. Never?

23 A. No. Me and my mom had a lot of
24 disagreements. The problems that I had from
25 all the issues between her and my dad and her

1 and Jodie, I never got any help with anything
2 that I was going through.

3 My mom felt like she was doing everything
4 right and wasn't doing anything wrong. So
5 counseling never was helpful to me, because
6 instead of me being allowed to speak for
7 myself, my mother told them what she thought
8 my problem was and they went from there.

9 Q. Isn't it true that you went to
10 counseling when you lived with your grand-
11 parents and your grandmother went up there
12 with you?

13 A. I don't recall that.

14 Q. While you were in counseling in
15 2002, 2011, you informed your counselors that
16 there had been ---

17 SOLICITOR ODOM: Objection. He's not
18 asking the question. He's attempting to
19 testify that ---

20 SCOTT DOVER: I will rephrase the
21 question.

22 THE COURT: Yes, please.

23 SOLICITOR ODOM: Thank you.

24 CROSS EXAMINATION CONTINUED

25 BY SCOTT DOVER:

1 Q. Isn't it true that when you were in
2 counseling at Behavioral Health Services from
3 2002 to 2011, that there were times when you
4 told your counselor that your mother had
5 physically abused you?

6 A. Yes. There was times when there
7 were physical altercations between me and my
8 mother.

9 Q. Isn't it also true that you told
10 them that other men had physical abused you?

11 A. I don't recall that.

12 Q. You don't recall anybody else -- but
13 it is also true, isn't it, that you never
14 once told your counselors that your
15 stepfather, Jodie Williams, was physically
16 abusing you?

17 A. That's true. I never told them
18 anything about it.

19 Q. Do you recall, ma'am, when you were
20 eight years of age and you were in the third
21 grade at Pickens Elementary School, getting
22 referred to Behavioral Health Services in
23 Pickens County for lying and telling
24 exaggerated stories?

25 A. I don't recall that.

1 Q. You don't recall that?

2 A. I remember in the third grade, I
3 remember my teacher -- actually my teacher
4 involved herself in my life and I done
5 spelling bees and things in third grade. I
6 don't ever remember being called a liar or
7 anything of that sort in third grade. I was
8 eight years old.

9 Q. Do you remember in 2005 -- strike
10 that. Isn't it true, Miss ^{Child} [REDACTED] that you
11 lived the majority of your time in 2007 and
12 2008 with your grandparents and not your
13 mother?

14 A. 2008, I would have been -- as I said
15 before, those times at High Top Drive, my
16 grandparents did live below my mother and we
17 stayed with my grandparents, I'd say, for a
18 good two to three months there before my
19 grandparents tried to obtain custody and we
20 were forced to go back to live with my mother
21 and Jodie on High Top Drive.

22 Q. You were required to leave your
23 mother and Jodie in April of 2008 by the
24 Department of Social Services, were you not?

25 A. Well, see, I'm confused on which

1 time you're talking about because I was
2 placed out and back so many times.

3 Q. Mr. Skelton testified a few moments
4 ago that in 2008 that you made a change, you
5 changed living with your mother -- that you
6 changed schools -- from living with your
7 mother to your grandmother. My question is,
8 were you not with your grandparents from
9 April of 2008 to December of 2008?

10 A. Okay. Right before -- on High Top
11 Drive, like I just stated, I would live with
12 my grandparents. Then I was forced to go
13 back to stay with my mother and Jodie.

14 Now, after that we stayed with mama and
15 Jodie at High Top Drive for several months
16 and finally it was lifted from DSS to where I
17 could go back to my grandparents.

18 I mean, I was screaming to go back to my
19 grandparents and my mom finally let me go
20 back to my grandparents. Nobody understood
21 why I didn't want to stay there at the time
22 but it was because I was being abused and
23 couldn't open my mouth about, out of fear
24 about my brothers and my sister being taken.

25 Q. And that was before 2009 when you

1 were in counseling at Behavioral Health
2 Services.?

3 A. I've been in counseling several
4 times. Most of the time -- anytime that I
5 went it was two or three sessions and then it
6 would be nothing because my mom done my
7 counseling with me. I was not the one that
8 really was receiving any treatment.

9 Q. Were you fearful -- are you telling
10 this jury that you were fearful of telling
11 the people, your counselors, at Behavioral
12 Health Services that people had sexually
13 abused you?

14 A. I've always been fearful of saying
15 anything about what Jodie done to me.

16 Q. But you weren't fearful of telling
17 them about others?

18 A. I don't know what you're talking
19 about.

20 SOLICITOR ODOM: Objection, Your Honor.
21 I think we need to approach.

22 THE COURT: How much more time do you
23 think you have?

24 SCOTT DOVER: Probably about ten more
25 minutes.

1 THE COURT: All right. I'm going to
2 ask you to go back to your jury room. The
3 reason I am doing this is because the next
4 witness -- I know it's getting kind of late
5 but the next witness has to leave and we are
6 going to try to get them in before lunch.
7 There may be some scheduling issues that we
8 need to address. I think that may be some
9 snacks back there that will tide you over
10 until lunch.

11 So if y'all will step back to your jury
12 room, we will be with you shortly.

13 Don't discuss the case. We will be with
14 you as quickly as we can. Thank you.

15 (READBACK AND DISCUSSION BETWEEN COUNSEL
16 AND THE COURT MUTED ON PLAYBACK BEFORE JURY)

17 COURT REPORTER: Testimony resumed as
18 the jury returned to the courtroom.

19 THE COURT: Thank you, ladies and
20 gentlemen. Mr. Dover, you may continue your
21 examination.

22 CROSS EXAMINATION RESUMED

23 BY SCOTT DOVER:

24 Q. Ma'am, before the break I believe
25 you had testified that you were fearful of

1 telling your counselors what Jodie, your
2 stepfather had done to you. Is that what you
3 said?

4 A. Correct.

5 Q. And my question was, you weren't
6 fearful of telling your counselor that others
7 had sexually abused you, were you?

8 A. I am still confused on what you're
9 talking about with that. I don't recall
10 telling them about any other incidents.

11 Q. I want you to go with me to Page 36.
12 That's all that I am going to ask you about
13 that line of questioning. I want to go back
14 to a question I asked you earlier. Go with
15 me to Page 36 of your prior testimony.

16 A. Okay.

17 Q. Remember me asking you questions in
18 front of the jury a few moments ago about if
19 your counselors asked you in 2009 if Jodie
20 Williams had sexually abused you. Do you
21 remember me asking you that question?

22 A. (No verbal response).

23 Q. If you could answer that question
24 first. It's not about your testimony. Do
25 you remember me asking you that a few moments

1 ago?

2 A. About ---

3 Q. Yes, and you said that you didn't
4 remember the counselors asking you that?

5 A. (No verbal response).

6 Q. Do you remember saying that? Did I
7 get that right?

8 A. Yeah, I don't remember the
9 counselors, besides the one time that there
10 was an incident that I'm not allowed to speak
11 of that happened that I was ---

12 Q. You're reading that, but that's not
13 my question. My question to you is, just a
14 few moment ago -- do you remember me asking
15 you some questions and I asked you if you
16 recalled your counselor asking you in 2009 if
17 your stepfather had sexually abused you.

18 A. (No verbal response).

19 Q. Do you remember me asking you that
20 question?

21 A. My counselor never asked me ---

22 Q. Ma'am, if you'd try to answer my
23 question.

24 THE COURT: Answer his question and
25 then you can explain.

1 CROSS EXAMINATION CONTINUED

2 BY SCOTT DOVER:

3 Q. Do you remember me asking that
4 question a few moments ago?

5 A. Yes.

6 Q. And you told the jury that you
7 didn't remember telling your counselor that,
8 didn't you?

9 A. Can you please repeat that? I
10 thought you asked me if my counselor had
11 asked me that.

12 Q. I did. I thought you told the jury
13 that you didn't recall them asking you that.

14 A. No, I don't recall my counselor
15 asking me that.

16 Q. So let's turn to Page 36.

17 A. (Complies).

18 Q. My question to you back two years
19 ago was, on October 2nd, 2009, if your
20 therapist asked you if that had happened,
21 that the sexual assault had happened to you.
22 Didn't I ask you that question?

23 A. (Affirmative nod).

24 Q. And what did you respond on Line 15.
25 What did you tell us?

1 A. (Reading): *"They asked me, I never*
2 *told them anything."*

3 Q. *Didn't I ask you this follow up*
4 *question, "And you denied it, didn't you?"*
5 *Did I ask you that?*

6 A. *Yes, I did.*

7 Q. *And what was your answer at that*
8 *time? Line 17.*

9 A. (Reading): *"I told them that*
10 *nothing ever happened with me.." ---*

11 Q. *That's all that you need, that's all*
12 *that is relevant. Just a few more questions.*
13 *At that same time in 2009, weren't you in*
14 *counseling for problems with telling the*
15 *truth when you didn't get your way?*

16 A. *No.*

17 Q. *You do remember going, in 2011, to*
18 *get some assistance for your child at the*
19 *parenting place, do you not?*

20 A. *I went to get assistance in 2011 at*
21 *the parenting place for my child.*

22 Q. *On November 2nd, 2011, you went to*
23 *the Healthy Families intake to get assistance*
24 *for your child and yourself. Do you remember*
25 *that?*

1 A. I was pregnant with my oldest child
2 and I -- I went to -- (pause).

3 Q. So 2011 would be two years before
4 you were with your dad and you reported this
5 on Jodie, is that correct? 2013 is when you
6 reported this to law enforcement?

7 A. Yes.

8 Q. And you were with your biological
9 father when that happened. Correct?

10 A. Yes.

11 Q. In 2011, November the 2nd, 2011, is
12 that your signature right there?

13 A. (Upon review), yes. I went there
14 for parenting classes and stuff. I was a new
15 mother and I was pregnant with ---

16 Q. And didn't they ask you ---

17 SOLICITOR ODOM: Your Honor, I am going
18 to object on Rule 5 grounds. I've never seen
19 this before.

20 SCOTT DOVER: I think we should take that
21 up in a sidebar.

22 THE COURT: Objection is overruled.

23 SCOTT DOVER: Thank you.

24 COURT REPORTER: At this point there
25 was an off record sidebar, then cross

1 examination continued by Mr. Dover:

2 Q. On November 2nd, 2011, in the forms
3 that you have pleaded there were a couple of
4 questions there. One of the questions says,
5 "I am now under eighteen years of age and I
6 am/have been a . . ." -- and the first
7 question is, "The victim of sexual abuse by a
8 relative or family member such as a parent,
9 stepparent or guardian." Was that question
10 asked of you at that time, in 2011?

11 A. Yes, and I did not check anything.
12 I did not say anything about it. This was
13 before I ever reported it.

14 Q. And it keeps on going down there,
15 they ask you if you were the victim of sexual
16 abuse by a nonfamily member such as a rape,
17 date rape, sexually unwanted touches. You
18 told them that you had been that, didn't you?

19 A. Am I allowed to explain.

20 THE COURT: Answer the question.

21 WITNESS: I did. Am I allowed to
22 explain?

23 CROSS EXAMINATION CONTINUED

24 BY SCOTT DOVER:

25 Q. So you were asked in 2011 and you

1 denied it. Right?

2 A. I did.

3 Q. You were asked ---

4 A. I never denied it. I just never
5 said about it.

6 Q. And in 2009, we now know that you
7 were specifically asked by your counselor and
8 you denied it. Correct?

9 A. DSS workers and a guidance counselor
10 at school questioned me when an incident had
11 been reported to DSS, that I'm not allowed to
12 speak of.

13 Q. Ma'am, in 2013, ten hours before you
14 called the sheriff's department, you issued a
15 whole bunch of e-mails out, didn't you?

16 A. (No verbal response).

17 Q. FaceBook?

18 A. (No verbal response).

19 Q. Is that a copy of your son there,
20 your child, is that his picture on your
21 FaceBook page?

22 A. (No verbal response).

23 Q. Is that his picture, in a swing?

24 A. Yes, that's a picture of my child in
25 his swing. What does that have ---

1 Q. Let me ask you this question, did
2 you publish on your FaceBook page, ten hours,
3 before you made these allegations, (reading):
4 "I think its funny people wanna say they beat
5 someones ass when in reality they the ones
6 who got beat. Pussy ass niggas wanna run wont
7 face a man but wanna talk shit when
8 everybodys gone. world war 3 is about to
9 begin and everybody gonna wish they never
10 fucked with me ! that aint a threat , that's
11 a promise!"

12 Ten hours before you did that, didn't you
13 put that on your FaceBook page?

14 A. You know, I make a lot of posts on
15 FaceBook. I don't have the prettiest mouth
16 but this was not posted anywhere the time
17 that any of this happened. So I -- I really
18 -- the stuff that was on it, my mom and my
19 sister and stuff partying ---

20 Q. Just answer my question, did you
21 post this ten hours before you went to law
22 enforcement?

23 A. Yeah.

24 Q. That's all I ---

25 A. It was way before that.

1 Q. --- asked. Remember me asking you
2 those questions a while ago about you having
3 a falling out with your mom about this Joseph
4 Bates being able to hang around your sister
5 you not being able to hang around with Joseph
6 Bates. Do you remember asking me those
7 questions?

8 A. I do, but I don't understand what
9 you're getting at.

10 Q. Well, let me help you understand
11 that.

12 SOLICITOR ODOM: Your Honor, if I could
13 just see what ---

14 WITNESS: There was never an argument
15 about me being around Joseph Bates. Joseph
16 was my sister's friend. He was not my
17 friend.

18 CROSS EXAMINATION CONTINUED

19 BY SCOTT DOVER:

20 Q. Now, this one happens on Facebook to
21 be posted November 29th, 7:38 p.m. -- that's
22 when your post here is. Correct.

23 THE COURT: Are you objecting?

24 SOLICITOR ODOM: I object. I think
25 that if he is going to read it out that he

1 needs to give her a chance to review it, to
2 say if it is even her or not.

3 CROSS EXAMINATION CONTINUED

4 BY SCOTT DOVER:

5 Q. Under your FaceBook post on November
6 29th at 7:38 p.m., is this a copy of it?

7 A. (Upon review), that was an argument
8 between me and my mom.

9 Q. Now, going back, for the record, I
10 think Officer Rackley said that he was
11 alerted at -- do you remember when Officer
12 Rackley said that he went out there to take a
13 statement from you?

14 A. (No verbal response).

15 Q. Do you remember that?

16 A. (No verbal response).

17 Q. I know that it was November 30th, but
18 do you remember what time he testified to?

19 A. It was during the daytime and it was
20 on a weekend. It was on a Saturday. It was
21 actually the -- about two hours before the
22 Clemson game started that day.

23 Q. So the 29th at 7:38 p.m. would have
24 been the day before you called law enforce-
25 ment in the middle of the day before the

1 Carolina-Clemson game?

2 A. Yes, we were all arguing.

3 Q. Why don't you just go ahead and read
4 to this jury what you posted on FaceBook at
5 7:38 p.m. on November 29th?

6 SOLICITOR ODOM: I am going to object
7 to her just having this like reading for
8 several minutes from this FaceBook post.
9 It's not relevant. He hasn't established
10 anything showing it is relevant. I think he
11 needs to lay a little bit better foundation
12 than having the witness read a narrative.

13 SCOTT DOVER: Your Honor, I asked her
14 the question earlier if she and her mom was
15 in a fight over Joseph Bates and him being
16 allowed to be around her sister, Katlyn. She
17 said that was not what it was about. So this
18 should tell us what the fuss was about.

19 SOLICITOR ODOM: Your Honor, also if he
20 is seeking to have a witness publish
21 something to the jury, I think that he needs
22 to try to introduce it into evidence.

23 THE COURT: I think that's proper. You
24 have to introduce it into evidence.

25 CROSS EXAMINATION CONTINUED

1 BY SCOTT DOVER:

2 Q. Please publish -- please read to the
3 jury what you put on your FaceBook page on
4 the 29th day of November at 7:38 p.m.

5 A. This was a private message.

6 Q. Please read to the jury what you
7 said.

8 A. This was not a post, though.

9 Q. Your private message.

10 A. This was a private message to my
11 mother.

12 Q. Please tell us what you you're your
13 mother.

14 A. (Reading): "You tell daddy I aint
15 gonna control your house ? I aint trying to
16 control your house that's what all them
17 teenagers are there for you and your fucked
18 up daughter kaitlyn . you sit there and allow
19 all those punks at your house and let them
20 come back after they get kaitlyn to fight me
21 and are doin all those drugs at your house
22 smoking weed in the building and letting
23 alexa come right in there with em."

24 Q. This was your niece, right?

25 A. Yes, Alexa is my niece. This was my

1 main concern.

2 Q. Go ahead.

3 SOLICITOR ODOM: Objection. I am going
4 to ask that she be allowed to read the whole
5 thing and that he not insert ---

6 THE COURT: Right, then you can explain
7 later.

8 SCOTT DOVER: I apologize.

9 CROSS EXAMINATION CONTINUED

10 BY SCOTT DOVER:

11 Q. Please continue.

12 A. (Reading): "alexa is wondering
13 around inside and outside not bein watched
14 walkin around with knives outta the
15 dishwasher cuz she aint bein watched last
16 time I checked dss has done said if they get
17 a wiff of this shit again that shit would be
18 done . and its like no one down there cares
19 and obviously you don't neither cuz you allow
20 them down there anyway Katie is gonna end up
21 dead or in jail because of them and you aint
22 doin shit to stop it and I'm here to tell you
23 that your being there doesn't make a damn bit
24 of a difference and your indenial if you
25 think it does I get treated like shit for

1 givin a fuck about my brothers and my niece
2 because they dont deserve to be taken away
3 from their family because of everyone elses
4 bullshit but no I'm always the bitch startin
5 shit and I'm put down and everyone else comes
6 before me and you let them . you're my mom
7 and I feel like you don't give a fuck about
8 me so guess what i'm gonna quit givin a fuck
9 about everyone and everything and worry about
10 me because all yall are doing is distracting
11 me from what I need to be focused on . i'm
12 tired of worryin bout my niece all the time n
13 whether she's watched or not I shouldnt have
14 to . that's my babygirl and I'm no longer
15 gonna be there for her because its hurting me
16 way too much and i can't take it anymore i'm
17 coming to get my shit from your house and I'm
18 not comin back bye."

19 Q. Now, you told this jury earlier in
20 direct examination that the reason that you
21 went to law enforcement and complained was
22 because you were fearful about your niece,
23 Alexa, and Jodie Williams. Isn't that what
24 you told them?

25 A. But that ---

1 Q. Isn't that what you told them? Yes
2 or no?

3 A. Yes, but -- the day before. This is
4 from the day before. I never told my mother
5 about Jodie. I ain't never told my mother
6 about Jodie.

7 Q. Ma'am, the truth of the matter is
8 that you were worried about your niece,
9 Alexa, being about these "fucked up boys" as
10 you called Joseph Bates.

11 A. Yes, Joseph was -- but Jodie
12 Williams was one of them. He was giving them
13 the drugs. I witnessed it, I watched him
14 doing it, giving them alcohol. They was
15 drinking. My niece was a baby running
16 around.

17 Q. That's all that I have for you.
18 Thank you.

19 THE COURT: Redirect?

20 REDIRECT EXAMINATION

21 BY SOLICITOR ODOM:

22 Q. [REDACTED] sometimes it seems like you
23 would get a little confused by Mr. Dover's
24 questions. Would you say that?

25 A. There were ---

1 SCOTT DOVER: I object to that.

2 WITNESS: There were some questions
3 that got me a little confused. I mean ---

4 THE COURT: Overruled.

5 WITNESS: --- like I said, it's very
6 hard to remember exact dates and times
7 because we were out and back between my
8 grandparents and -- not only did my mom and
9 stepdad move constantly but my grandparents
10 did as well, so there were so many places we
11 were out and back. I was seven to twelve
12 years old. I'm sorry if I misplaced a place
13 for the wrong place.

14 REDIRECT EXAMINATION CONTINUED

15 BY SOLICITOR ODOM:

16 Q. Are you confused, though, about who
17 molested you for years?

18 A. No, I know who molested me.

19 Q. And who was that?

20 SCOTT DOVER: Your Honor, I object to
21 that. I didn't ask her any questions about
22 that. That's not proper ---

23 WITNESS: I'm sorry.

24 THE COURT: I am going to let her.

25 REDIRECT EXAMINATION CONTINUED

1 BY SOLICITOR ODOM:

2 Q. Go ahead.

3 A. I'm sorry. I just screamed from my
4 anxiety. Can you repeat that, please?

5 Q. Who molested you?

6 A. My stepdad, Joseph Williams.

7 Q. And is there any doubt about that?

8 A. There is ---

9 SCOTT DOVER: Objection to a leading
10 question, Your Honor.

11 THE COURT: Yeah, ---

12 SCOTT DOVER: That's an improper
13 question.

14 SOLICITOR ODOM: That's ---

15 REDIRECT EXAMINATION CONTINUED

16 BY SOLICITOR ODOM:

17 Q. Do you know who molested you?

18 A. Yes, I know who molested me.

19 SCOTT DOVER: That has been asked and
20 answered twice. I object to her asking her
21 again.

22 SOLICITOR ODOM: Judge, ---

23 THE COURT: Proceed.

24 SOLICITOR ODOM: That's my last
25 question. I would like to just get it out.

1 I know it's been asked and answered. I was
2 trying to finish this.

3 THE COURT: All right.

4 SOLICITOR ODOM: [REDACTED] thank you for
5 testifying. Judge, that is all I have.

6 SCOTT DOVER: Nothing further.

7 COURT REPORTER: That concluded the
8 testimony of [REDACTED]

9 THE COURT: All right, ladies and
10 gentlemen. If you will, go back to your jury
11 room and continue your deliberations.

12 (JURY OUT @ 4:20 P.M.)

13 THE COURT: Any exceptions or objection
14 from the State?

15 SOLICITOR ODOM: No, Your Honor.

16 THE COURT: From the Defendant?

17 SCOTT DOVER: No, sir, Your Honor.

18 THE COURT: We will be at-ease until
19 the next question.

20 (JURY IN DELIBERATIONS)

21 (NOTIFIED OF JURY NOTE @ 5:05 P.M.)

22 (DEFENDANT PRESENT)

23 THE COURT: Question Number 6, Court
24 Exhibit 7.

25 (SO ENTERED AS COURT'S EXHIBIT 7)

1 THE COURT: "What is the next step?
2 We can't get an unanimous verdict." Signed,
3 Forrest Ballew, dated today.

4 As the law requires, I will now read them
5 an *Allen* charge and we will see where we go
6 from there.

7 Bring them out.

8 (JURY IN @ 5:09 P.M.)

9 THE COURT: Mister Foreman, I have
10 received your note, number six, "*What is*
11 *the next step? We can't get an unanimous*
12 *verdict.*"

13 First of all -- and I don't want to know
14 how anyone has voted, but I'm just going to
15 ask based on what you've told me, is it
16 correct that you have not been able to reach
17 an unanimous verdict?

18 FOREMAN: Yes.

19 THE COURT: All right. Now, I can't --
20 I've now got to -- the law requires me to
21 read to you an *Allen* charge.

22 Ladies and gentlemen, you've stated that
23 you've unable to agree on a verdict in this
24 case. As I instructed you earlier, the
25 verdict must be unanimous.

1 When a matter is in dispute it is not
2 always easy for two people to agree. When
3 twelve people must agree it becomes even more
4 difficult.

5 In most cases absolute certainty cannot
6 be reached and is not expected. However, you
7 the duty to make every reasonable effort to
8 reach an unanimous verdict. In doing this,
9 you should consult with one another, express
10 your own views, and listen to the opinions of
11 your fellow jurors. Tell each other how you
12 feel and why you feel that way. Discuss your
13 difference with open minds.

14 I'm sure that y'all have done up to this
15 point and I appreciate all the hard work that
16 you've done up to this point.

17 Although the verdict of the jury must be
18 unanimous, every one of you has a right to
19 your own opinions. The verdict that you
20 agree to must be your own verdict, a result
21 of your own convictions. You should not give
22 up firmly-held beliefs merely to be in
23 agreement with your fellow jurors.

24 The majority should consider the
25 minority's position and the minority should

1 consider the majority's position.

2 You should carefully consider the
3 respective opinions of each other and re-
4 evaluate your position for reasonableness,
5 correctness and impartiality.

6 You must lay aside all outside matters
7 and re-examine the question before you based
8 on the law and the evidence in this case.

9 If you do not agree on verdicts in this
10 case, I must declare a mistrial. In that
11 case, it does mean that anybody "wins."
12 It just means that at some future time this
13 case will be tried again with some other jury
14 sitting where you sit now. The same
15 participants will come in, the same lawyers
16 will ask basically the same questions and get
17 basically the same answers. We would go
18 through this process again.

19 You were selected in the same manner and
20 from the same source as any future jury would
21 be. There is no reason for me to suppose
22 that the case could ever be submitted to
23 twelve more intelligent, impartial,
24 conscientious and competent jurors than you.
25 Or that more clear evidence could be produced

1 on one side or the other.

2 That is what the Allen charge is.

3 Therefore I must ask that you continue
4 your deliberations. I know that y'all have
5 worked very hard and I can tell from your
6 questions that this has been a very difficult
7 process for you.

8 In light of that, I'm required by law to
9 ask you to return to your jury room and
10 continue deliberations.

11 Let me know if you have any additional
12 questions. Thank you.

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

14 THE COURT: Any exception or additions
15 to the Allen charge, from the State?

16 SOLICITOR ODOM: No, Your Honor.

17 THE COURT: From the defense?

18 SCOTT DOVER: No, sir.

19 THE COURT: We will be at-ease awaiting
20 the verdict.

21 (JURY IN DELIBERATIONS)

22 (NOTIFIED OF VERDICT @ 5:35 P.M.)

23 (DEFENDANT PRESENT)

24 THE COURT: I am advised that we have
25 a verdict. I will bring the jury back in.

1 I will let everybody know that we will not
2 tolerate any outbursts, any response to this
3 at all. These deputies right here, I will
4 have them take you into custody if there is
5 anything out of the ordinary. So, be
6 advised. I expect everyone to act
7 accordingly.

8 (JURY IN @ 5:37 P.M.)

9 THE COURT: Mister Foreman, I
10 understand that you have reached a verdict.

11 FOREMAN: Yes, Your Honor.

12 THE COURT: Please hand it to the
13 Clerk.

14 CLERK: (Tenders to Court).

15 THE COURT: The verdict form has been
16 properly completed. Mister Clerk, if you
17 could publish the verdict.

18 CLERK: Yes, sir. State of South
19 Carolina versus Joseph Campbell Williams,
20 III, as to Indictment 15-GS-39-1030,
21 (reading): "We, the jury, unanimous find the
22 Defendant, Joseph Campbell Williams, II,
23 guilty of first degree criminal sexual
24 conduct with a minor."

25 As to Indictment 2017-GS-39-0700,

1 (reading): "We, the jury, unanimously find
2 the Defendant, Joseph Campbell Williams, II,
3 guilty of second degree criminal sexual
4 conduct with a minor."

5 If this was your verdict and is still
6 your verdict, so say you all by raising your
7 right hand -- (unanimous response by Jurors).

8 Thank you very much.

9 THE COURT: Anything else from the
10 jury, from the State?

11 SOLICITOR ODOM: Not from the State?

12 THE COURT: Anything else from the
13 jury, from the Defendant?

14 SCOTT DOVER: Nothing.

15 THE COURT: All right. Ladies and
16 gentlemen, thank you for your deliberations
17 here. I appreciate your attention.

18 At this time, go back to your jury room.
19 I'll step back there in just a few minutes
20 and talk to you if you have any questions.

21 (JURY DISMISSED)

22 THE COURT: Do you have the sentencing
23 sheets?

24 SOLICITOR ODOM: I do, Your Honor.

25 THE COURT: We will be at-ease for just

1 a minute.

2 (BRIEF RECESS)

3 (DEFENDANT PRESENT)

4 SCOTT DOVER: Shall I go ahead and make
5 my Motion?

6 THE COURT: Yes.

7 SCOTT DOVER: Your Honor, I renew my
8 Motion that I made at the end of the case.
9 I also make a Motion that you, acting as the
10 Thirteenth Juror, consider the evidence in
11 the case and weigh in on that and reverse the
12 verdict of the juror and find the Defendant
13 not guilty based on the facts, evidence and
14 testimony presented in the case.

15 That is not eloquently stated but ---

16 THE COURT: I understand. I understand
17 your position. I believe that the nature of
18 the testimony made it clearly a jury decision
19 and I find no basis for changing that. So
20 your Motion is denied.

21 SCOTT DOVER: Thank you.

22 THE COURT: Are you ready for
23 sentencing?

24 SCOTT DOVER: We are.

25 THE COURT: Mr. Williams, the jury

1 returned a verdict of Guilty on both counts.
2 My role at this point is merely the
3 sentencing of this matter.

4 I will hear from the victim, if she would
5 like to say anything, and then I will hear
6 from Mr. Dover.

7 SOLICITOR ODOM: Thank you, Your Honor.
8 Shannon Odom on behalf of the State. The
9 victim, [REDACTED] Child [REDACTED] does wish to address
10 the court.

11 [REDACTED] Child [REDACTED] Your Honor, I would
12 like to thank this Court for giving me the
13 closure that I need to live past this. Thank
14 you for giving me what I deserve. That's all
15 that I have to say.

16 THE COURT: For the record, I would
17 indicate that while I preside over the trial
18 that the jury was the one that returned the
19 verdicts.

20 Mr. Dover? Mr. Williams?

21 I assume that you have nothing further?

22 SOLICITOR ODOM: No, Your Honor,
23 nothing further from the State.

24 THE COURT: Mr. Dover.

25 SCOTT DOVER: Your Honor, you heard it

1 all. He's forty-five, he is the father of
2 two other boys. Their mother, his wife, has
3 been here with him.

4 I've certainly -- I've advised him of
5 your rulings in this case at this point,
6 that the jury has reached their verdict,
7 I've advised him of the consequences. He
8 understands that the consequences are dire,
9 are strict and severe.

10 We just ask that you use your best
11 judgment in sentencing. You've heard all the
12 testimony and we just ask that you sentence
13 him appropriately.

14 THE COURT: Mr. Williams, is there
15 anything that you would like to tell me?

16 DEFENDANT: No, sir.

17 THE COURT: All right. On 15-GS-39-
18 1030, criminal sexual conduct on a minor in
19 the first degree, the sentence of the Court
20 is thirty (30) years with the sexual
21 registry.

22 On 17-GS-39-0700, on the charge of
23 criminal sexual conduct with a minor second
24 degree, the sentence of the Court is ten (10)
25 years.

1 Those are consecutive.

2 Good luck to you, sir.

3 SCOTT DOVER: Thank you, Your Honor

4 (TRIAL CONCLUDED)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF PICKENS)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the jury trial
held in the within action heard on August 31 and
September 1, 2017, before The Honorable Perry H.
Gravelly;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.

Deborah Garrison

Greenville, South Carolina

November 30, 2017

DATE _____

PURPOSE _____

CUE COLUMN

NOTES

PENGAD 800-531-6989	COURT'S
	EXHIBIT NO. <u>1</u>
	IDENTIFICATION/EVIDENCE
	DKT. # <u>15921080</u>
	DATE: <u>8/31/17</u>

Forrest A. Ballen

Foreman (RM)

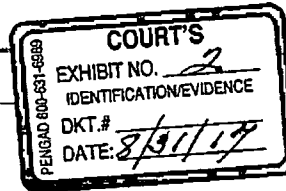
SUMMARY

DATE

PURPOSE

CUE COLUMN

NOTES



#1

Question:

Can we read
the Facebook post?

Forrest Ballen

Response:

Although referenced, the Facebook
post was not admitted as
evidence.

Ray Murray
9/1/17

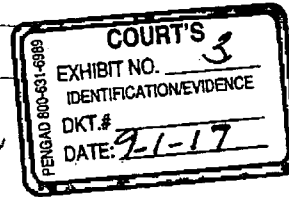
SUMMARY

DATE _____

PURPOSE _____

CUE COLUMN

NOTES



#2

Can we hear or
read the transcript
from Nicole's Aunt?

Forrest Ballen

9/1/17

SUMMARY

DATE _____

PURPOSE _____

CUE COLUMN

NOTES

PENGAD 800-631-6989	COURT'S
	EXHIBIT NO. <u>4</u>
	IDENTIFICATION/EVIDENCE
	DKT.#
DATE: <u>9-1-17</u>	

#3

Can we hear or
read the transcript
from the Weerdy
Williams testimony?

9/1/17

Forrest Ballou

SUMMARY

UE COLUMN

NOTES

Q#4

Can we hear
Nicole's testimony
again?

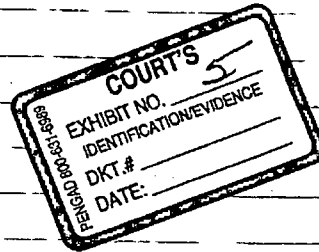
Forrest Ballen

9/1/17

Response:

This testimony
is approximately
90 minutes.

Do you want
to hear a
specific portion
or all of it?



Phy by
9/1/17

Several want
to hear it
again
- Ballen

SUMMARY

CUE COLUMN

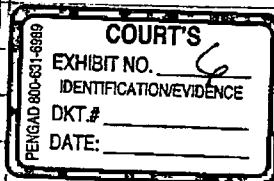
NOTES

#5

If we can not
agree on a verdict
unanimously what
do we do?
What happens?

Forrest Ballcoo

9/11/17



Response: At this point, I will
ask for you to continue
your deliberations, but if
you continue to have an
impasse, I will give
you additional instructions
at that time.

Pls. on 9/11/17

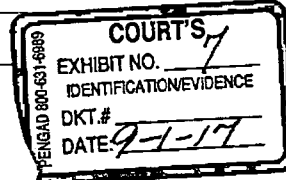
SUMMARY

DATE _____

PURPOSE _____

CUE COLUMN

NOTES



#6

What is the next step
we can't get
a unanimous
verdict?

James Gallen

9/1/17

SUMMARY

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

4/24/2014

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

[REDACTED]

ACTION OF GRAND JURY

TRUE BILL
Date MAR 21 2017

Melanie Davis
Foreperson of Grand Jury

VERDICT

Guilty

A. M. Bell
Foreperson of Petit Jury
Date: 4-1-17

DOCKET NO. 2017-GS-39-0700
SSO

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

MAR 21 2017

TERM 2017

THE STATE

vs.

JOSEPH CAMPBELL WILLIAMS II

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE (11-14)

VIOLATION § 16-03-0655(B)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE
(11-14)

At a Court of General Sessions, convened on **MAR 21 2017** the Grand Jurors of Pickens
County present upon their oath:

That JOSEPH CAMPBELL WILLIAMS II did in Pickens County, between the dates of July 8th, 2007
and July 8th, 2009, commit a sexual battery on [REDACTED] who was fourteen years of age or less but who
was at least eleven years of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] of the
South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Waller Jr.

Clerk of Court
Pickens County, SC

Dated 5/15/18

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

Shirley Gosh
SOLICITOR

BAR # 77891

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

4/24/2014

ARREST WARRANT NUMBER

2014A3910300185

ACTION OF GRAND JURY

TRUE BILL

DATE AUG 22 2017

Daniel Davis
Foreperson of Grand Jury

VERDICT

Guilty

J. A. Blevins
Foreperson of Petit Jury

Date: 9-1-17

AMENDED DOCKET
NO. 2015-GS-39-1030

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

AUG 22 2017

TERM 2015

THE STATE

vs.

JOSEPH CAMPBELL WILLIAMS II

Amended Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(1)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Pickens

VS

Joseph Campbell Williams II

AKA:

Race: WHITE Sex: M Age: 45

DOB

Address

City, S

DL#:

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

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

TO: Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Sharon F. Odom 77891 9999
Odom, Sharon SC Bar# Defendant PRO SE SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/1/17☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION; ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____ days/hours Public Service Employment

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk John P. WellsCourt Reporter Deborah Garrison

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS3900700

A/W#: 2017GS3900700

Date of Offense: 7/8/2007

S.C. Code § : 16-03-0655(B)

CDR Code #: 0396

SENTENCE SHEET

up to 20 years☒ CONVICTED OF or ☐ PLEADS

Second deg.

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Sharon F. Odom 77891 9999
Odom, Sharon SC Bar# Defendant PRO SE SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/1/17☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION; ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____ days/hours Public Service Employment

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk John P. WellsCourt Reporter Deborah Garrison

SCCA/217 (07/2016)

Presiding Judge My H. GayJudge Code: 2755Sentence Date: 9/1/17☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

AUG 22 2017

the Grand Jurors of Pickens

County present upon their oath:

That JOSEPH CAMPBELL WILLIAMS II did in Pickens County, between the dates of July 8, 2003 and July 8, 2007, commit a sexual battery on [REDACTED] who was less than eleven years of age. This is in violation of §16-3-655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended.

Certified Copy

Harold P. Walker

Clerk of Court
Pickens County, SC

Dated 5/15/18

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

Shirley S. Odom T1891
SOLICITOR BAR #

COUNTY OF Pickens

STATE VS.

Joseph Campbell Williams II

AKA:

Race: WHITE Sex: M Age: 45

DOB:

Address:

City, State:

DL#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct, 1st Deg W/Minor <11 YrINDICTMENT/CASE#: 2015GS3901030A/W#: 2014A3910300185Date of Offense: 7/8/2003S.C. Code §: 16-03-0655(A)(1)CDR Code #: 0385

SENTENCE SHEET

25 years - life☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Shannon Odom 71891

Odom, Shannon

SC Bar#

Defendant

DOVER, SCOTT

09807

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections; ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/1/17☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ <u>3.75</u>

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter Deborah Garrison

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2753Sentence Date: 9/1/17

_____ days/hours Public Service Employment

Obtain GED ☐

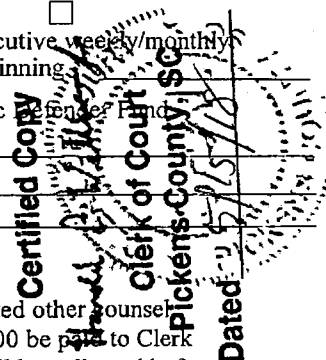
Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
Court of General Sessions
Perry H. Gravely, Circuit Court Judge

Appellate Court Case No.: 2017-001867

The State, ... Respondent,

v.

Joseph Campbell Williams, II, ... Appellant.

CERTIFICATE OF SERVICE

I certify that on May 16, 2018, I served the Record on Appeal and certificates on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below:

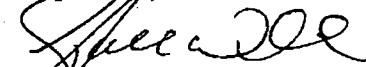
Joshua A. Edwards, Assist Atty Gen
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Attorney for Respondent

and to:

Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
Counsel for Appellant

May 16, 2018.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY

Court of General Sessions
Perry H. Gravely, Circuit Court Judge

Appellate Court Case No.: 2017-001867

The State, ... Respondent,

v.

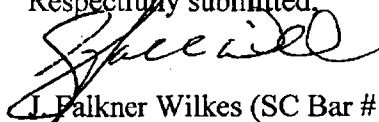
Joseph Campbell Williams, II, ... Appellant.

CERTIFICATE

I certify that the Record on Appeal contains all of the matter designated by the parties and no irrelevant matter.

I further certify that the Record on Appeal has been redacted in accordance with the Supreme Court's Order on redaction of personal identifiers and private data.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
Counsel for Appellant

May 16, 2018.