

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions
Roger M. Young, Circuit Court Judge

Appellate Case No. 2016-001264

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SC Court of Appeals

The State,..... Respondent

v.

Larry Durant,..... Appellant.

RECORD ON APPEAL VOLUME II OF II

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INDEX

Volume I

Trial Transcript (May 23026, 2016).....	1
K.R. (SW) (<i>in camera</i>)	
Direct Examination by Ms. Abee	21
Cross-Examination by Mr. Kent.....	29
Re-Direct Examination by Ms. Abee.....	37
A.R. (SW) (<i>in camera</i>)	
Direct Examination by Ms. Abbe.....	38
Cross-Examination by Mr. Kent.....	45
Re-Direct Examination by Ms. Abee.....	53
T.H. (SW) (<i>in camera</i>)	
Direct Examination by Ms. Abee.....	57
Cross-Examination by Mr. Kent.....	61
D.B. (SW) (<i>in camera</i>)	
Direct Examination by Ms. Abee	69
Cross-Examination by Mr. Kent.....	73
Argument on <i>Lyle</i> /Rule 404(b), SCRE Evidence	
State by Ms. Abee.....	78
Defense by Mr. Kent.....	83
State by Ms. Abee.....	93
Ruling by the Court.....	95

Opening Statements

State by Mr. Fernandez	178
Defense by Mr. Kent.....	181

Natalie Kelly (SW)

Direct Examination by Mr. Fernandez.....	188
Cross-Examination by Mr. Kent.....	195
Re-Direct Examination by Mr. Fernandez	223
Recross-Examination by Mr. Kent	224

K.R. (SW)

Direct Examination by Ms. Abee	227
Cross-Examination by Mr. Kent.....	242

Ulanda McRae (SW)

Direct Examination by Mr. Fernandez.....	248
Cross-Examination by Mr. Kent.....	257

A.R. (SW)

Direct Examination by Ms. Abee	259
Cross-Examination by Ms. Blazer	273
Re-Direct Examination by Ms. Abee.....	276

James Tallon (SW)

Direct Examination by Mr. Fernandez.....	281
Cross-Examination by Ms. Blazer	288

Jessica Stowe (SW)

Direct Examination by Mr. Fernandez.....	290

Cross-Examination by Ms. Blazer.....	300
T.H. (SW)	
Direct Examination by Ms. Abee	305
Cross-Examination by Ms. Blazer.....	313
Re-Direct Examination by Ms. Abee.....	316
Jennifer Bartman (SW)	
Direct Examination by Mr. Fernandez.....	318
Cross-Examination by Ms. Blazer.....	325
D.B. (SW)	
Direct Examination by Ms. Abee	340
Cross-Examination by Ms. Blazer.....	348
Re-Direct Examination by Ms. Abee.....	353
Lizzie Johnson (SW)	
Direct Examination by Mr. Fernandez.....	356
Cross-Examination by Mr. Kent.....	364
Re-Direct Examination by Mr. Fernandez.....	385
Kathy Saunders (SW)	
Direct Examination by Ms. Abee	398
Cross-Examination by Mr. Kent.....	406
Valerie Williams (SW)	
Direct Examination by Abee	422
Cross-Examination by Mr. Kent.....	430
Re-Direct Examination by Mr. Abee.....	467

David Kellin (SW)

Direct Examination by Ms. Abee	469
Cross-Examination by Mr. Kent.....	480
Re-Direct Examination by Ms. Abee.....	488
Recross-examination by Mr. Kent.....	490

Damara Samuels (SW)

Direct Examination by Ms. Abee	493
Cross-Examination by Mr. Kent.....	497

Jacob Mitchell (SW)

Direct Examination by Mr. Fernandez.....	499

Volume II

Jacob Mitchell (SW) (continued)

Direct Examination by Mr. Fernandez (continued).....	501
Cross-Examination by Mr. Kent.....	502

Directed Verdict Motion.....	507

Marvin Johnson, Jr. (DW) (*in camera*)

Direct Examination by Mr. Kent	519
Cross-Examination by Ms. Abee.....	521

Marvin Dawson, Jr. (DW)

Direct Examination by Mr. Kent	530
Cross-Examination by Ms. Abee.....	555
Re-Direct Examination by Mr. Kent.....	562

A.R. (DW)	
Direct Examination by Mr. Kent	565
Natalie Kelly (DW)	
Direct Examination by Mr. Kent	569
Myer Donald Whack (DW)	
Direct Examination by Mr. Kent	570
Cross-Examination by Mr. Fernandez	582
Elvin Vaughn (DW)	
Direct Examination by Mr. Kent	594
Cross-Examination by Ms. Abee	602
Keshona Edwards (DW)	
Direct Examination by Ms. Blazer	606
Continued Direct Examination by Ms. Blazer	623
Cross-Examination by Ms. Abee	625
Arlisa Vaughn (DW)	
Direct Examination by Mr. Kent	628
Cross-Examination by Mr. Fernandez	635
Jason Leonard, M.D. (DW)	
Direct Examination by Mr. Kent	640
Cross-Examination by Ms. Abee	646
Direct Verdict Motion	653
Closing Arguments	
Defense by Mr. Kent	656

State by Ms. Abee.....	674
Charge by the Court.....	696
Note from Jurors	705
<i>Allen</i> Charge.....	708
Verdict	712
Sentence of Court.....	785
Transcript of Post-Trial Motions.....	734
Defendant's Exhibit 1 (Dawson's Report)	771
Court's Exhibit 1 (Pre-Trial Brief).....	774
Court's Exhibit 2 (Note from Jurors)	776
Rule 5, SCRCrimP Motion	777
<i>Brady</i> Motion	781
Motion for New Trial	786
Indictments	
2014-GS-43-00947 (CSCM 2 nd Degree re K.R.)	789
2014-GS-43-00948 (CSC 3 rd Degree re L.M.).....	790
2014-GS-43-00949 (CSC 3 rd Degree re A.R.)	792
2014-GS-43-00950 (CSC 3 rd Degree re T.H.)	794
Sentencing Sheet	796
Rule 210(g), SCACR Certification	797

1 Q Could you please identify him for us?

2 A Gentleman sitting in the middle over there at the
3 Defendant table.

4 Q Okay. What article of clothing is he wearing?

5 A He's wearing a gray suit and sunglasses.

6 Q Tell us about what you -- what your responsibility
7 was that day and where you met Mr. Durant?

8 A We received a search warrant to take a photograph of
9 Mr. Larry Durant. And so we were to meet him at the
10 hospital, Tuomey. Being that it was local, we met him at
11 the hospital and served the search warrant, took a
12 photograph.

13 Q And the photographs that you were specifically
14 authorized to take, what body part were you specifically
15 authorized to take a photograph of?

16 A Yes, sir, it was of his penis.

17 Q And did you, in fact, take those photographs?

18 A Yes, sir, I did.

19 Q Approximately, how long did the process last?

20 A Couple of minutes.

21 Q Okay.

22 A It didn't take very long.

23 (WHEREUPON, State's Exhibit No. 12 was marked
24 for identification.)

25 MR. FERNANDEZ: Permission to approach the witness?

1 THE COURT: Sure.

2 BY MR. FERNANDEZ:

3 Q I'm going to show you what's been marked as State's
4 Exhibit No. 12. Are you familiar with that photograph?

5 A Yes, sir.

6 Q Did you take this photograph?

7 A I did.

8 Q All right. And what does the photograph show?

9 A It's a picture of Mr. Durant's penis.

10 MR. FERNANDEZ: I move to place State's Exhibit No.
11 12 into evidence.

12 THE COURT: Over objection, it's admitted.

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

15 MR. FERNANDEZ: Beg the Court's indulgence.

16 (Pause.)

17 MR. FERNANDEZ: No further questions.

18 THE COURT: Are you going to publish it to the jury?

19 CROSS-EXAMINATION

20 BY MR. KENT:

21 Q How are you doing, sir?

22 A Good. How are you?

23 THE COURT: Hold on. You admitted it into evidence.
24 Are you going to --

25 MR. FERNANDEZ: Not at this time, sorry.

1 THE COURT: Okay.

2 BY MR. KENT:

3 Q And I don't have very many questions for you. Are
4 you doing okay?

5 A Yes, sir.

6 Q The only thing I have, a couple of things. And you
7 may or may not be familiar with it. But you had mentioned
8 that Mr. Durant met y'all at the hospital. He didn't meet
9 you on his own. He was taken there by law enforcement.
10 He didn't want to voluntarily come, correct?

11 A I believe so, yes, sir.

12 Q Yeah, he didn't voluntarily show up and say hey, take
13 a picture of my penis. He was taken there by law
14 enforcement and his pants were forced down and y'all took
15 a picture of him; is that correct?

16 A No, sir.

17 Q Did he voluntarily come and just say I want to be
18 here?

19 A We met at the -- we met at Tuomey. I believe that
20 was in the -- stipulation in the search warrant that we
21 would meet at Tuomey. We asked him if he would remove his
22 pants and he did so.

23 Q And he was represented by an attorney and there was
24 no attorney there with him at all, correct?

25 A I don't believe so.

1 Q You didn't see me there, did you?

2 A No, sir.

3 Q Okay. So there was no lawyer. He was there, had a
4 search warrant, pants pulled down and you took a picture
5 of his penis?

6 A Correct.

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

8 THE COURT: Redirect?

9 MR. FERNANDEZ: Nothing,, Your Honor.

10 THE COURT: You may step down.

11 MR. FERNANDEZ: Permission to excuse this witness
12 from his subpoena?

13 THE COURT: You're free to go.

14 Any other witnesses?

15 MS. ABEE: Your Honor, the State has no further
16 witnesses at this time.

17 THE COURT: All right.

18 Well, folks, you have now heard all the State's
19 evidence. At this point in the trial, the State rests and
20 so we will move to the next phase of the trial. But we'll
21 do it after lunch since it's 12:30 right now. Let's have
22 you back in the jury room at 2:00 o'clock.

23 Again, while you've heard the State's case, that
24 doesn't necessarily mean the trial is over with, so let us
25 again remember the instructions I've been giving you not

1 to discuss the case with each other or anyone else. Don't
2 try to find out anything about the case on social media or
3 any of the internet. Don't publish anything on social
4 media. And if anybody does approach you to talk to you
5 about the case while you're at lunch, please report that
6 as soon as you get back.

7 Go ahead and enjoy your lunch. If you would, be back
8 in the jury room by 2:00 o'clock. Thank you.

9 (WHEREUPON, the jury left the courtroom at 12:25
10 p.m.)

11 THE COURT: All right. Before we break, I know you
12 asked if you could have time to make a decision. I did
13 just want to tell Mr. Durant, what we talked about, I
14 guess, on Monday or maybe it was the start of trial
15 yesterday.

16 Mr. Durant, do you recall that I told you that do you
17 have the right to testify, which would include calling
18 other witnesses -- or put up a defense, which would
19 include calling other witnesses and testifying yourself,
20 but you are not required to. You don't have to testify,
21 and if you don't, I will tell the jury not to hold that
22 against you while they're deliberating. You also do not
23 have to call any witnesses if you don't want to or offer
24 any other kind of evidence.

25 Over the lunch hour, you will need to make that

1 decision, that final decision. I'm going to give you and
2 your lawyers the opportunity to discuss that and make that
3 final decision after lunch. But it is that time of the
4 trial where you have to decide. Again, it is your right
5 and your right alone, but you will certainly want to
6 discuss that with your lawyers and seek their counsel on
7 that. So you'll need to make a decision when we come back
8 at 2:00 o'clock.

9 Now, I know you'll have -- do you have any motions
10 you want to make right now?

11 MR. KENT: I do and I can make them very quickly.

12 THE COURT: Go ahead.

13 MR. KENT: The first, before I even get into my DV
14 motions, I would -- at the point in which the State's
15 expert testified, just so the record is clear, I know the
16 record indicates that I have no objection. I think that's
17 all that would have been said on the record, that I have
18 no objection to this witness testifying as a blind expert.
19 At that point in time, we had a side bar. I told the
20 Court before he had testified that I would be objecting to
21 his testimony, just for the record.

22 THE COURT: Just for the record, you did say that on
23 side bar that you did object to Mr. --

24 MR. KENT: Kellin.

25 THE COURT: -- Kellin's testimony.

1 MR. KENT: Just so the record is clear, just if you
2 want to -- anything Ms. Abee might just want to put on the
3 record, just objecting to his testimony before he
4 testified.

5 MS. ABEE: Yes, Your Honor. We would contend that
6 his testimony was admissible under the Court's most recent
7 holdings in State v. Anderson and State v. Brown, which
8 allows for the use of a blind expert to testify in the
9 areas of the child maltreatment and child abuse dynamics,
10 replacing the former forensic interviewer testimony that
11 would testify regarding those as to not unduly bolster any
12 of credibility of the witnesses. That's why we used a
13 blind expert, who has no knowledge of the witnesses in the
14 case or the case itself testifies as to those dynamics as
15 to not unduly bolster any of the credibility of any of the
16 victims.

17 THE COURT: All right. Anything else? Do you have
18 any other motions?

19 MR. KENT: Your Honor, at this point in time, one, we
20 would renew all motions made during the course of trial.
21 Again, for the record, the Court has been very generous in
22 allowing us to simply make our pretrial motions and those
23 pretrial motions were protected as every individual
24 testified throughout the course of trial. That would
25 be -- Ms. Blazer will have to correct me if I'm wrong,

1 that would be the initial motion we made in which the
2 Court referenced the CSC charges, that would be our Lyle
3 motion. That would be our motion as to the seclusion of
4 the picture of Mr. Durant's penis.

5 I think that would be all of the motions that were
6 made during the course of the trial. Your Honor, I'd ask
7 those be subsumed in our directed verdict motion, taking
8 the evidence in the light most favorable to the nonmoving
9 party, who, of course, in this situation is the State of
10 South Carolina. We would at this point in time, on behalf
11 of Mr. Durant, move for a directed verdict based summarily
12 on the motions made pretrial.

13 THE COURT: Well, as further pretrial motions and
14 all, those are again denied. Directed verdict motions are
15 also denied. There is direct evidence and substantial
16 circumstantial evidence sufficient to get the case to the
17 jury at this point. So those are denied.

18 Now, while you're at lunch, Dan is going to run off
19 the proposed jury charges, which at this point say the
20 Defendant testified, and we'll make amendments. But if we
21 come back and you're not going to put up a case, then
22 we're going to go into closing arguments, so we'll give
23 you those so you can take a look at that.

24 I'd also -- before you break, if you would, let's
25 make sure what is and is not into evidence before you do

1 that.

2 MR. FERNANDEZ: Yes, Your Honor. As we talked
3 before, there are two pieces of evidence we still need --
4 this would be obviously a good time to do it, during the
5 lunch break, but two pieces of evidence that need to be
6 substituted. And whether Your Honor prefers that we mark
7 the former exhibits as Court's Exhibits to keep it a part
8 of the record or just to swap them out completely, I'll
9 leave to it Your Honor.

10 THE COURT: I can't imagine that it would make any
11 difference if you just swapped out and put in the redacted
12 ones.

13 MR. FERNANDEZ: That's correct, Your Honor. We'll do
14 that.

15 THE COURT: We'll just go with common sense.

16 MR. FERNANDEZ: Just so the record is clear, Your
17 Honor, we are substituting the same documents. There
18 would simply be one name redacted out of those documents,
19 Lavana Mills; I believe. Lavana Mills will be redacted
20 because she did not testify at this trial.

21 THE COURT: Okay. Anything else?

22 MS. ABEE: No.

23 THE COURT: All right. Well, we'll see you folks
24 back at 2:00 o'clock.

25 (WHEREUPON, a lunch break was taken.)

1 (WHEREUPON, State's Exhibit Nos. 8 and 9 were
2 changed after being redacted.)

3 THE COURT: All right. We've got everybody back in.
4 It looks like the Defendant is in the courtroom.

5 Did you get the document substituted in that you
6 wanted?

7 MR. FERNANDEZ: Yes, Your Honor. We just handled
8 that. There is still is, actually, one document that
9 needs to be swapped. We'll simply have to figure that out
10 when there's another break.

11 MR. KENT: We'll get it done, Your Honor.

12 THE COURT: All right. What have you decided about a
13 defense?

14 MR. KENT: Your Honor, we will be putting on a
15 defense.

16 THE COURT: You will?

17 MR. KENT: Yes, sir.

18 THE COURT: Okay.

19 MS. ABEE: And, Your Honor, I do believe there is
20 something we need to take up prior to the jury coming back
21 in regarding a potential defense witness that they have.

22 THE COURT: What is that?

23 MS. ABEE: About 17 minutes ago, I was handed a
24 report by a handwriting expert, who conducted an analysis
25 on March 23rd of 2016, regarding the handwriting to the

1 deeds that we talked about that have been forged.

2 Your Honor, I know Mr. Kent, and he told me that he
3 had just received the report himself, however, I do find
4 it a little suspicious that this examination was conducted
5 on March 23rd, 2016. We've had a reciprocal Rule 5 filed
6 since the beginning of this case. However, we are just
7 now getting this handwriting analysis today, two months
8 and two days after the examination was actually conducted,
9 Your Honor. I also take some serious questions with the
10 report itself.

11 I would move that this report be excluded. We just
12 got it, have not had time to vet it out. In fact, one of
13 the reasons why I stated why we didn't call the forgery
14 case is because we hadn't had time to have a handwriting
15 analysis review this or hadn't had one done and the
16 Defense or Mr. Kent didn't say anything that they had done
17 it, Your Honor.

18 Further, I moved to enter the forgery under the res
19 gestae theory. You held it was inadmissible. We followed
20 that. It was the Defense themselves that put up that
21 testimony, Your Honor, opened the door for these charges
22 to come in. Your Honor, we would contend that it's
23 because they, in fact, knew the results of this
24 examination. In fact, when Mr. Kent was cross-examining
25 Ms. Samuels today about her signatures on the report, he

1 specifically I'm not going to disagree with you, Ms.
2 Samuels. I know that's not your signature on the second
3 deed. Your Honor, we were sandbagged with this at the
4 very last second, right before they decided to put up a
5 defense. And we would move that it be excluded from being
6 entered into evidence on their behalf.

7 THE COURT: Mr. Kent.

8 MS. BLAZER: Actually, I'll respond, Your Honor.
9 First of all, our witness list Mickey Dawson, who is a
10 widely-known expert in handwriting analysis in South
11 Carolina. And they've been in possession of that witness
12 list since well before the trial.

13 Moreover, as the Court will recall, yesterday
14 afternoon, Ms. Johnson testified and on cross-examination
15 of her, the issue of the forgery did arise. And I don't
16 -- I do not think the Court's ruling with regard to the
17 fact that the forgery is not the res gestae of this
18 present case prevented us from asking for questions about
19 that.

20 Indeed, she opened the door to this defense. As you
21 are aware, there is an existing forgery count out there
22 that's been out there for quite some time. And Mr. Dawson
23 was retained for the purposes of assisting in that defense
24 should that case ever be called in the future. After the
25 testimony yesterday afternoon, I picked up the phone and

1 called Mr. Dawson and I spoke to him out in the hallway at
2 about 5:00 o'clock. I said, I think we need to know what
3 your report is going to say. And based on the answers he
4 gave me on the telephone, I said, Yes, I'd like you to
5 please draft a report and please come tomorrow. And he
6 will tell the Court today that he actually drafted and
7 printed the report this morning before he drove here.

8 THE COURT: He drafted it? Why is it dated
9 March 23rd?

10 MS. BLAZER: I think his inspection probably was done
11 in March. I don't have any information about that. I
12 think that's probably the answer, that he began looking at
13 the documents as early as March, but I don't think he
14 would perjure himself and say he drafted it today if he
15 had drafted it in March. The first time I saw it was
16 about five minutes before Ms. Abee saw it.

17 And, you know, in reviewing Rule 5, we do have a
18 reciprocal obligation with regard to disclosure and we
19 have a continuing duty to disclose. When a report doesn't
20 exist, there's nothing to disclose. When a report does
21 exist, we do have a duty to disclose it. And when it came
22 into our possession, it was immediately turned over to
23 Ms. Abee.

24 MS. ABEE: Just a couple of things briefly, Your
25 Honor. One, the purpose for which they're stating that

1 they're using it is because Lizzie Johnson said that was
2 not her signature. Lizzie Johnson was a witness in this
3 case. They brought it up. So in order to, I'm assuming,
4 impeach the credibility of Lizzie Johnson, they want to
5 put in this handwriting expert to say that this is now her
6 handwriting.

7 However, to analyze handwriting under 901(b)(2), Your
8 Honor, under the South Carolina Rules of Evidence, you
9 don't have to have an handwriting expert. Nonexperts can
10 look at that, including the jury, and determine the
11 similarities or the differences between the handwriting.
12 So we are not in any way taking away the argument from
13 them that this signature was, in fact, Lizzie Johnson's
14 and that she was lying.

15 Your Honor, further, I still take question with the
16 fact that they just received the report five minutes
17 before I received it, yet again, Ms. Samuels was
18 questioned on the stand today and Mr. Kent said to her, I
19 don't disagree that this is your signature. And she even
20 made some comment to the effect of oh, you agree with me.
21 He said, I agree with you. So I don't quite understand
22 how he knows that that is not Ms. Samuel's signature, yet
23 didn't know what the results of this report that we were
24 handed 20 minutes ago were going to be, Your Honor.

25 MR. KENT: Your Honor, if I may, I don't want to

1 double team. I know Ms. Blazer had been arguing, if it
2 would be okay to explain our position?

3 THE COURT: Go ahead.

4 MR. KENT: Your Honor, candidly, had I been speaking
5 to Mr. Dawson? Yes, our office had been speaking to Mr.
6 Dawson. As you're aware, there is a separate forgery
7 count that's three years old. Based upon the separate
8 forgery count that's three years old, I have had phone
9 conversations with Mr. Dawson. I explained to him what I
10 was looking for and told him what I wanted on the separate
11 forgery account.

12 We have talked on the telephone. No report had been
13 prepared. I received, literally, I guess would be last
14 week from your law clerk requesting a pretrial brief.
15 After looking at the pretrial brief, looking at the fact
16 that they wanted to talk about the forgery, I contacted
17 Mr. Dawson. I actually had my secretary contact his
18 office and talk to him, asked him about the details. I
19 said prepare us a report if he can, but I never talked to
20 him again. I never got a report. As an officer of the
21 court, I'll tell you candidly. Mr. Dawson will come in
22 here and tell you he has never prepared a report.

23 Ms. Blazer talked to him yesterday evening. She
24 talked to him again outside of the courtroom. She talked
25 to him on my cell phone, told him that he would be

1 necessary, told him to -- asked him to prepare a report.
2 He came this morning. I called him to make sure he was
3 here. He came into the room that we were sitting in right
4 about at 1:30. He came in, he gave a report.

5 I immediately contacted Ms. Blazer downstairs. I
6 said Mickey Dawson is up here. Can you come up here? She
7 walked up, looked at it. I said, Can you do me a favor?
8 Go to the prosecutor's room, let them know that Mr. Dawson
9 is here. He has prepared a report. They're welcome to
10 review the report and welcome to talk to Mr. Dawson, which
11 they did. They talked to Mr. Dawson and look at the
12 report.

13 As an officer of the court, to suggest that I had a
14 report earlier than I did, it's simply not true. I'll put
15 Mr. Dawson on the stand and invite any Court inquiry as to
16 anything that has happened. As you're aware, there's a
17 separate forgery charge. And to say that I'm not allowed
18 to prepare for that charge is not proper. There was no
19 report made whatsoever.

20 Additionally, to say that I'm not following 901 --
21 it's not saying I'm not following 901. What the rule says
22 is I can put on a defense that I feel is viable in this
23 case and that's what I'm doing. That would be our
24 position.

25 MS. ABEE: And --

1 THE COURT: You want him to testify to whose
2 signature's a forgery?

3 MR. KENT: He's going to testify as to the deeds that
4 are already placed into evidence. He has been requested
5 to examine three things on the document. Number one, he
6 has been requested to examine Larry Durant's signature.
7 Number two, he's been requested to examine -- I'm sorry,
8 four things on the document. Larry Durant's signature,
9 he's been requested to examine Lizzie Johnson's signature.
10 He has been requested to examine Samara Samuels's
11 signature, who was recalled by the State to say that that
12 is a forgery and that's not her name on the document. And
13 he has been requested specifically to look at the notary
14 body and to go through the documents. I would also
15 note -- well, I'm not going to say that, Your Honor.

16 MS. ABEE: And, Your Honor, I'm not saying that he
17 had a report in his hand, this report previously. I agree
18 with Mr. Kent that -- I mean, I believe him when he tells
19 me he just got this report in his hand. However, he knew
20 that this existed and these handwriting samples were sent
21 over on -- let's see, they were received in the laboratory
22 for examination on March 23rd, 2016. I have no doubt that
23 the report wasn't prepared until recently as last night or
24 this morning. However, I just can't help but feel that
25 that was a purposeful way of circumventing the reciprocal

1 Rule 5 that had been filed, which would have asked them to
2 hand over this report to us, obviously, a lot more than 20
3 minutes ahead of time, Your Honor. Not to mention -- and
4 I know this would go to the weight of the report and not
5 whether or not it's admissible, but there were no
6 handwriting exemplars taken in this case. You have a
7 handwriting expert that is looking at one document and
8 then another document to determine which one is real and
9 which one is fake. There's no handwriting exemplars.

10 Lizzie Johnson has not gone to SLED or gone to
11 Mr. Dawson's office in order to write out everything so
12 that he can accurately prepare it. Mr. Dawson himself
13 told us back in the room when I got this report that he
14 was preparing it off a copy. Your Honor, we haven't had
15 adequate time to prepare for any sort of rebuttal to this
16 and it should be inadmissible at this point in time.

17 THE COURT: Let's call him in. I want to find out
18 when this report came into existence.

19 MR. KENT: Mr. Dawson is in the courtroom, Your
20 Honor.

21 (Out of the presence of jury.)

22 THE BAILIFF: Place your left hand on the Bible,
23 raise your right hand. State your name, please.

24 THE WITNESS: Marvin Dawson, Jr., also known as
25 Mickey Dawson.

1 MARVIN DAWSON, JR., after being
2 duly sworn, testified as follows:

3 THE BAILIFF: Come around, sir. State your name,
4 spell your last for the record.

5 THE WITNESS: Marvin H. Dawson, Jr., D-A-W-S-O-N,
6 known also as Mickey Dawson.

7 MR. KENT: Your Honor, did you want to question the
8 witness?

9 THE COURT: You go ahead.

10 MR. KENT: You just want me to question him.

11 DIRECT EXAMINATION

12 BY MR. KENT:

13 Q Mr. Dawson, how are you doing, sir?

14 A Fine.

15 Q I'm just going to get into the gravamen of what we're
16 dealing with. You were asked by my office to look at a
17 bunch of documents, isn't that true?

18 A Correct.

19 Q And you've been asked -- quite some time ago, we sent
20 documents to your office involving signatures and things
21 of that nature, correct?

22 A Several months back, yes, sir.

23 Q At any point in time since I sent those documents to
24 you -- well, actually, let me ask you this. Did I ask you
25 for a report on those cases?

1 A No, sir.

2 Q When did you actually prepare a report on those
3 cases?

4 A This morning.

5 Q This morning. When would be the first time you gave
6 me a report on those cases?

7 A Approximately an hour and 10 minutes ago.

8 Q Okay. About an hour and 10 minutes ago?

9 A Yes, sir.

10 Q Immediately after getting the report, did I have the
11 prosecution come in and look at the same report and give
12 them an opportunity to speak to you?

13 A Would you repeat that again, please?

14 Q I'm sorry. Immediately after getting the report,
15 within a substantial period of time, did I call the
16 prosecution and have them come in and look at your report
17 and give them an opportunity to speak to you?

18 A That's my impression, yes.

19 Q But I would not have had a report before the two of
20 us talked on this last break before 2:00 o'clock?

21 A That's correct.

22 Q And you have not prepared any other report for me on
23 anything whatsoever?

24 A No, sir.

25 Q And none was requested of you until --

1 A None was requested until early evening, last evening.

2 Q Last evening, you received a phone call from Cameron
3 Blazer?

4 A From the staff. I don't recall, it could have been.

5 Q From the staff or who told you late last evening that
6 we needed a copy of your report and we needed you to come
7 testify today?

8 A That is correct.

9 MR. KENT: Thank you so much.

10 MS. ABEE: If I may, Your Honor?

11 THE COURT: Go ahead.

12 CROSS-EXAMINATION

13 BY MS. ABEE:

14 Q Mr. Dawson, you stated that you received these
15 documents several months ago, is that fair?

16 A Correct.

17 Q Did you look at them?

18 A Yes, I did.

19 Q Did you do any analysis on them back then?

20 A Yes, I did.

21 Q Did you communicate at all with Mr. Kent, Ms. Blazer
22 about those results?

23 A Yes, I did.

24 Q So they were aware of the results that you then put
25 in this report this morning?

1 A Perhaps, not necessarily this exact verbiage, no.

2 Q But they were aware that you had looked at the
3 documents, right?

4 A Yes, I believe that's correct.

5 Q And you stated that you had already performed your
6 examination, right?

7 A Yes, for the most part.

8 Q Is it typical for you to not create a report when
9 you're doing the examination?

10 A It's a client's requested report. I may not. It's
11 up to them.

12 Q So do you keep notes when you're doing the
13 examination?

14 A I do, yes.

15 Q And is that what your report is based off of?

16 A Pretty much so, yes.

17 Q And you wait until you're asked by the attorney to
18 create the report, right?

19 A That's correct.

20 Q You don't create it before then?

21 A No, ma'am.

22 Q Do they specifically ask you not to create it before
23 then?

24 A No.

25 Q Why don't you create when you're doing the

1 examinations?

2 A That's a separate act, if you would, in the protocol
3 and I wait until my client asks me for a report.

4 Q Okay. So let me get this straight. You do the
5 examination. You take the results. You communicate some
6 of that with the defense attorney, but then you don't put
7 it into a report until they ask you to do so; is that
8 right?

9 A That's correct.

10 MS. ABEE: Your Honor, may I have one second?

11 (Pause.)

12 MS. ABEE: I have no further questions for

13 Mr. Dawson, Your Honor.

14 THE COURT: Anything else?

15 MR. KENT: Nothing further, Your Honor.

16 THE COURT: Okay. All right. You can step down.

17 You can go back out.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: All right. Well, he didn't create a
20 report until last night. They didn't have to give it to
21 you ahead of time.

22 MS. ABEE: Your Honor, we would still contend this is
23 a blatant attempt to circumvent Rule 5. He stated that he
24 performed the analysis, that he knew the results. He
25 communicated those results to Mr. Kent, and then he sits

1 there and he waits until the Defense asks him to create a
2 report. Therefore, not having to turn it over in advance
3 to the State, Your Honor. I mean, it's a blatant attempt
4 to circumvent what the purpose of Rule 5 is. Just say go
5 ahead and do your analysis, go ahead and let me know what
6 all the answers are, but don't put it in a report because
7 then I don't have to turn it over. I mean, we don't have
8 any time to sit here and vet out whether or not this is
9 accurate or not accurate, nor do we even have the
10 foundation to do so because there's no handwriting
11 exemplars for any of the three people whose signatures and
12 handwriting are being examined, Your Honor.

13 THE COURT: Well, if I told you it wouldn't be the
14 first time I've ever seen a defense lawyer do that, would
15 it surprise you?

16 MS. ABEE: I can't say it would, Your Honor.

17 THE COURT: Well, I don't believe that they violated
18 Rule 5, but I can give you some time to study it if you
19 want. I'll give you the rest of the day and we'll resume
20 tomorrow morning if you would like to have some time to
21 study it and prepare for it.

22 MS. ABEE: Your Honor, in order to do that, we'd have
23 to have a handwriting analyst from SLED and I would have
24 to get handwriting exemplars, so we would ask that
25 handwriting exemplars be ordered from the Defendant as

1 well as Ms. Samuels and Ms. Lizzie Johnson at this time.

2 THE COURT: Well, you had the opportunity to do all
3 of that if you wanted to. If you want time to study his
4 report, that's a different thing. But you've had two
5 years to do any kind of expert handwriting analysis for
6 the State you wanted to, so that's not what I'm offering
7 to let do you. I'm offering to give you some time. You
8 said you had roughly 20, 30 minutes to study this report.
9 I'll give you half an hour, hour. I'll give you, you
10 know, the rest of the day until 9:30 tomorrow morning if
11 you want since you just, you know, got surprised with it.

12 MS. ABEE: Can I have one second --

13 THE COURT: Sure.

14 MS. ABEE: -- to talk with my co-counsel?

15 (Pause.)

16 MS. ABEE: Your Honor, I really hate to do this, but
17 I think it is our burden or, at least, our ethical
18 position to, at least, get someone to look at this and for
19 us to have the rest of the day to explain what's going on
20 and adequately prepare for the testimony of Mr. Dawson.
21 If there's other witnesses they want to call and we want
22 to put them on, I'm happy to do that while everyone else
23 goes and tries to figure out this so we don't slow the
24 court process or waste the jury's time. I am happy to do
25 that. I don't know if they're anticipating calling any

1 other witnesses. But as far as Mr. Dawson is concerned, I
2 would like some time with this report.

3 THE COURT: I understand.

4 Do you have any other witnesses that you want to call
5 this afternoon?

6 MR. KENT: I do, Your Honor. Respectfully, though, I
7 would like to call Mr. Dawson first if we're going to give
8 them the afternoon to review.

9 THE COURT: Okay. How many witnesses do you
10 anticipate that you will have and will you finish
11 tomorrow?

12 MR. KENT: I will 100 percent finish tomorrow, yes,
13 sir.

14 THE COURT: Okay.

15 MR. KENT: I would anticipate that I would call five
16 to six witnesses.

17 THE COURT: And getting to the jury would be about
18 what time of day, do you think?

19 MR. KENT: Two o'clock, I think the jury would have
20 the case. That will give us time to put on our case,
21 break for lunch and then give the jury the case by
22 2:00 o'clock.

23 THE COURT: All right. Well, we will then recess
24 until 9:30 tomorrow morning.

25 Bring the jury --

1 Do you want to say something?

2 MS. ABEE: No, I just didn't know if we were
3 dismissed or you were going to bring the jury in.

4 THE COURT: Oh, I'm going to bring the jury in and
5 tell them --

6 MS. ABEE: Yes, sir. I just wanted to make sure
7 before we left.

8 MR. KENT: Your Honor, may we approach?

9 (WHEREUPON, a bench conference was held.)

10 (WHEREUPON, the jury entered the courtroom at 2:23
11 p.m.)

12 THE BAILIFF: All the jurors are back in the
13 courtroom, Your Honor.

14 THE COURT: All right. Bear with us just one second.
15 Something came up just as you guys were coming in.

16 (Pause.)

17 (WHEREUPON, the bench conference was continued in the
18 presence of the jury, but outside the hearing of the
19 jury.)

20 THE COURT: All right. Folks, we ran into just a
21 little of a snag with scheduling and so I'm going to give
22 you the afternoon off, and we will resume tomorrow morning
23 at 9:30. Again, don't begin deliberations or discussions
24 about the case. We will finish it up tomorrow. No doubt,
25 this will put us back a few hours, but everyone

1 anticipates that you should get the case tomorrow to begin
2 your deliberations in the afternoon at the latest.

3 So go home tonight. Again, same thing, don't discuss
4 the case. Don't talk about it with anybody, including
5 other jury members. Don't try to find out anything about
6 the case, post on social media. And if anyone does talk
7 to you about the case, please report that back.

8 I noticed this morning's paper, I didn't see anything
9 about the case, but doesn't mean there won't be anything
10 in there tomorrow. So please refrain from looking at the
11 newspaper tomorrow if you would. And if anybody, again,
12 does approach you about the case, please report that
13 tomorrow when you get back.

14 Okay. Thank you for your patience. We'll see you at
15 9:30 tomorrow.

16 (WHEREUPON, the jury left the courtroom at 2:26
17 p.m.)

18 THE COURT: All right. Do you need me to call a
19 judge in Union tomorrow?

20 MS. BLAZER: I did tell Mr. Dawson that you might
21 give the judge in Union a call, just so they'd know.

22 THE COURT: Who is it?

23 MS. BLAZER: He's not sure. I'll find out.

24 THE COURT: If you'll find out, I'll be glad to call
25 them and explain what's going on. We'll take care of

1 that. Otherwise, we'll see everyone tomorrow morning at
2 9:30.

3 MS. BLAZER: Thank you, Your Honor.

4 MS. ABEE: Thank you, Your Honor.

5 (WHEREUPON, Court was adjourned for the day to
6 be reconvened on Thursday, May 26, 2016.)

7 THURSDAY, MAY 26, 2016

8 THE COURT: Anything we need to talk about with
9 the handwriting expert?

10 MS. ABEE: No, sir. We're ready for
11 cross-examination now. Thank you.

12 THE COURT: Everybody ready?

13 MR. KENT: Your Honor --

14 MS. ABEE: Sorry. I was going to say yes, Your
15 Honor.

16 MR. KENT: All I have, just by way of housekeeping,
17 Your Honor, we had mentioned earlier that you would give
18 me an opportunity -- we had e-mailed your law clerk a copy
19 of our pretrial brief and you said if I wanted, I could
20 make that a Court's Exhibit.

21 THE COURT: It doesn't do back to the jury room.

22 MR. KENT: No, sir.

23 THE COURT: For appellate purposes if you want it.

24 MR. KENT: Just to make sure it's part of the record.
25 It's a pretrial brief we've already served much earlier on

1 the Court as well as to prosecution. This will be a
2 Court's Exhibit, Your Honor.

3 THE COURT: Okay.

4 (WHEREUPON, Court's Exhibit No. 1 was marked for
5 identification only.)

6 THE COURT: All right. Well, if everybody is ready,
7 let's bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at
9 9:33 a.m.)

10 THE BAILIFF: All the jurors are back in the
11 courtroom, Your Honor.

12 THE COURT: All right. Folks, we will resume now
13 with the Defense calling their first witness.

14 MR. KENT: Your Honor, at this time, we would call
15 Mickey Dawson to the stand, Marvin H. Dawson.

16 THE BAILIFF: State your name, please.

17 THE WITNESS: Mickey Dawson, Marvin Dawson.

18 MARVIN DAWSON, JR., after being
19 duly sworn, testified as follows:

20 THE BAILIFF: Have a seat up here, sir. State your
21 name, spell your last for the record.

22 THE WITNESS: Marvin Dawson, Jr., D-A-W-S-O-N, known
23 also as Mickey Dawson.

24 DIRECT EXAMINATION

25 BY MR. KENT:

1 Q Mr. Dawson, how are you doing, sir?

2 A Fine. Thank you.

3 Q I'm going to give you the same admonitions that I've
4 given everybody else. Madam court reporter is taking down
5 every word that you are saying. She can't take down head
6 nods and shakes and things of that nature, so make sure
7 any question that I ask that you answer affirmatively
8 without a head nod or a shake or anything of that nature,
9 okay?

10 A Yes, sir.

11 Q Additionally, make sure we speak loud and clear
12 enough so everybody in the jury can hear everything you're
13 testifying to?

14 A Certainly.

15 Q First, I want to get into a little background. And
16 state your name one more time so the jury knows who you
17 are.

18 A Marvin Dawson, Jr.

19 Q You also go by the name of Mickey; is that correct?

20 A That's correct, sir.

21 Q Mickey, where do you live?

22 A Spartanburg, South Carolina.

23 Q We're going to do a little background. How long have
24 you lived in Spartanburg, South Carolina?

25 A Approximately 16 years.

1 Q What do you do for a living?

2 A I'm known as forensic document examiner, sometimes
3 called a handwriting expert.

4 Q Could you explain to the jury what that is?

5 A A document examiner examines handwriting,
6 typewriting, machine copies, mechanical impressions,
7 anything normally where a pen or instrument mechanically
8 would make a mark, impression on some kind of paper,
9 walls, whatever. We examine for authenticity or no
10 authenticity, is it genuine or nongenuine. And the other
11 examinations we may do, ink, paper, et cetera. It's a
12 rather far reaching definition of our job description.

13 Q How long have you been doing that for?

14 A Approximately 40 years, yes.

15 Q Would you tell the jury what type of training and
16 background and experience led to your profession?

17 A I have an undergraduate degree from the University of
18 South Carolina. I'm a graduate of the FBI National
19 Academy. I am Board certified by the American Board of
20 Forensic Document Examiners. I interned, two-year
21 internship with the Georgia Bureau of Investigation. Came
22 back to the South Carolina Law Enforcement Division, known
23 as SLED, and started SLED's document laboratory back in
24 the early 70's and staffed the laboratory and worked 1988,
25 '89. And then went to DSS to do their document work and

1 do the same work with the State. I retired from the State
2 of South Carolina after 27 years as a State Law
3 Enforcement officer. Twenty of those was in lab work as a
4 document examiner.

5 Q This is going to sound like a dumb question. I know
6 you went through some of it. You've had extensive
7 training in this area, forensic?

8 A Yes. I'm a member of the appropriate organizations
9 and Board certified as a Board examiner, member of the --
10 charter member of the Southeastern Association of Forensic
11 Document Examiners, a member of the American Academy of
12 Forensic Science Document Section, and a member of the
13 Question Document Society. I've been across -- numerous
14 work shops, seminars over the years. I've presented
15 papers before, each of those bodies on a national level.
16 I've taught the discipline to others, as well.

17 Q You said you've also taught forensic document review?

18 A I have, yes.

19 Q And then, finally, have you ever testified in any
20 court as an expert in forensic document review and
21 handwriting?

22 A Yes, I have.

23 Q How many times would you say that you have testified
24 in any court as to forensic --

25 A Approximately, a little over 350 times in federal,

1 state, municipal court, court marshals, regulatory boards,
2 et cetera over the years.

3 Q Have you ever been qualified as an expert in forensic
4 document review and even handwriting?

5 A In each of those times, yes.

6 Q So you have been qualified as an expert over 350
7 times in forensic document review and handwriting
8 analysis?

9 A I have, yes, that is correct.

10 MR. KENT: Your Honor, at this point in time, we
11 would offer Marvin H. Dawson as an expert in forensic
12 document review as well as handwriting analysis?

13 MS. ABEE: No objection, Your Honor.

14 THE COURT: All right. Folks, this witness has now
15 been qualified as an expert in the field of forensic
16 document review and handwriting analysis. The same
17 instructions I gave you earlier in the week on experts
18 applies to this witness, as well. You decide how much
19 weight to give his testimony based on all the evidence
20 that you'll hear throughout the trial.

21 You may resume.

22 BY MR. KENT:

23 Q Now, Mickey, at the beginning, I asked you. Now,
24 that we have more of an idea, I'll ask you a little bit
25 more, what goes into handwriting analysis, forensic

1 review, document review, what goes into that?

2 A Let me summarize it in this manner if I can. When we
3 learn to write, first grade, second grade, we have a copy
4 book that the county board gives us. It gives the school
5 board to teach from. We learn block letters. The next
6 couple of years, we start connecting those into cursive
7 writing. We continue this through our educational system,
8 if you would.

9 A document examiner says a person's handwriting
10 matures in the late teens or early 20's. That is, we kind
11 of get set in our ways. A person's handwriting is
12 identified or eliminated by individual characteristics or
13 habits. What happens is we get sloppy. Instead of making
14 the lower part of a G a certain way, we slash it down. An
15 A, instead of a nice round A, we make it oblong. Letter
16 forms we're taught to write, we deviate from and put our
17 little individual habits in there. Instead of an I dot,
18 maybe a slash. Instead of putting upper case and lower
19 case letters as we're taught, we may start deviating. Or
20 an A may be large than the following letter. Maybe
21 disconnecting letters. It's habits we have. And it's
22 individual habits we associate with the writing that we
23 can associate with the writer.

24 So we have a questioned, in this case, signature, and
25 then we have specimen signatures or known signatures. We

1 have signatures submitted that are known signatures of an
2 individual, the way the individual writes, the habits of
3 the individual. Then we compare the habits of the known
4 writer to the characteristics of the questioned writing
5 and try to determine its authenticity or nonauthenticity,
6 whether it's genuine or nongenuine.

7 Q And, Mickey, is this actually -- this is a science?

8 A It's a science, yes.

9 Q Is this like when I was a kid trying to forge my
10 mom's name on report cards and the teacher is like that
11 ain't your mom's signature? Is this the same or is it
12 much more intense than that?

13 A Well, that's a pictorial reference. We all get a --
14 we get a letter in the mailbox, can look at it and tell
15 whether's it from mom, dad, cousin, grandmother, whomever.
16 We recognize the pictorial similarity. A document
17 examiner looks at the internal writing of it, as the
18 characteristics I described a while ago. What's unique
19 about that writing?. What's unique about the way the
20 letters are formed, the individual parts? Pictorially, we
21 can associate with that.

22 Q Yes, sir.

23 A But to try to identify for these purposes, we need to
24 be a little bit more precise and that's where my
25 discipline comes in.

1 Q Now, there's two types of ways -- and please correct
2 me if I'm wrong, I'm not an expert. I understand there's
3 two types of ways that you guys can analyze things.
4 There's something called signatures exemplars. You can
5 get a bunch of signatures from somebody. And you can also
6 look at documents; is that correct?

7 A There are two types of known writing. Collected
8 writing, where you go into a person's social and work
9 environment, and requested writing, where you ask somebody
10 to sit down and write for you. So yes, you can have
11 exemplars, known writing, specimen writings, numbers.
12 There's several different names, but it's all the same
13 thing. Undisputed writings of the individual to use as
14 specimens to use as a benchmark to compare against the
15 questioned.

16 Q Now, you were contacted and hired by the Defense,
17 there's no doubt about that, correct?

18 A I was contacted by your office. I didn't know it was
19 the defense.

20 Q Okay. But you were contacted by my office and you
21 were asked to do some stuff?

22 A That's correct.

23 Q Could you explain to the jury just generically -- and
24 I'll give you a copy of your report. Just generically,
25 what you were asked to do and what you did?

1 A Thank you. This three-ring binder is my work binder.
2 In here contains my report and contains the evidence I had
3 to work with. And I was asked to examine two quit claim
4 deeds. One quit claim deed was identified to me as a
5 questioned document, that was the quit claim deed dated
6 November 1st, 2009. A second quit claim deed is dated
7 November 16th, 2009. And this was represented as a known
8 document.

9 Q Let me stop you real quick before we go any further.
10 I'm going to show you what's been premarked and placed
11 into evidence as State's Exhibit No. 10 and State's
12 Exhibit No. 11.

13 A Yes, sir.

14 Q I'm just going to ask you to review both of those
15 documents. Let the jury know if those are substantially
16 similar, if not the same as the documents you were asked
17 to review to make your analysis?

18 A Yes. State's Exhibit 10 appears to be the original
19 of my document that I reference as Q-1 or question one.
20 State's Exhibit 11 appears to be the original dated
21 November 1st, 2009, of what I refers as Q-2 or the second
22 questioned document. I have machine copies to work from.

23 Q Keep going. I interrupted you when you were telling
24 the jury what you used and what you did. Keep going.

25 A I had specimens of three writers submitted to me.

1 The first writer was a Larry Durant. A second writer was
2 a Lizzie Johnson. A third writer was a Samara S. Samuels.
3 I had those three writers submitted and said are
4 signatures genuine or nongenuine.

5 Q So, basically, you were asked to compare signatures?

6 A Yes, sir.

7 Q Now, you weren't asked to say did this person sign
8 this document? You were asked to say are these signatures
9 the same in the documents? Does that make sense?

10 A I was asked if the names on the documents were
11 executed by the individuals who wrote the same signature
12 on the known specimens.

13 Q And let me make that much more simple.

14 A Yeah, please do.

15 Q Yeah, because I get confused and I'm confusing.
16 Showing you State's Exhibit No. 10 and State's Exhibit
17 No. 11.

18 A Yes.

19 Q Is it safe to say you were asked to compare State's
20 Exhibit No. 10 to State's Exhibit No. 11?

21 A Yes, I was.

22 Q And you weren't asked who signed it, if anyone signed
23 it. You were just asked to compare State's Exhibit No. 10
24 to State's Exhibit No. 11; is that correct?

25 A That's correct.

1 (WHEREUPON, Defendant's Exhibit No. 1 was marked
2 for identification only.)

3 BY MR. KENT:

4 Q Okay. And you prepared a report in response to this?

5 A I did, yes.

6 Q And that is a report that you're talking about right
7 now?

8 A Yes.

9 Q All right. And inside your report -- and I think you
10 went through it, you included some other information other
11 than State's Exhibit No. 10 or 11. What else did you
12 utilize to have your findings?

13 A In my report, I stated it was most probable that
14 Larry Durant's signatures appearing on State's Exhibit 10
15 and 11 were not authored or written by the known writings
16 of Larry Durant. In other words, these signatures were
17 not genuine.

18 Q They were not genuine signatures?

19 A That is correct, sir.

20 Q And that's what you indicated in your report?

21 MR. KENT: Your Honor, at this point in time, I'd
22 like to enter Mr. Dawson's full report and finding into
23 evidence.

24 MS. ABEE: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (WHEREUPON, Defendant's Exhibit No. 1 was
2 admitted into evidence.)

3 MR. KENT: Permission to publish, Your Honor?

4 THE COURT: Go ahead.

5 BY MR. KENT:

6 Q Mr. Dawson, do you see your report right in front of
7 you on the computer screen?

8 A Oh, I do not.

9 Q We'll let you talk from your report and the rest of
10 us will be able to see. All right. Right now, we are
11 currently looking at the first page of your report of
12 examination?

13 A Yes, sir.

14 Q Can you explain to the jury as they're reading the
15 report of the examination, looking at Page 1, what it says
16 and what was done?

17 A Your office submitted a case to me, this case, on
18 March 21st, 2016, identified the documents. Q-1 was the
19 quit claim deed book -- was from a quit claim deed book
20 1131 page, et cetera, dated 9/16/09. It was a machine
21 copy. It's noted that Q-2 is from the quit claim book,
22 identified the pages, dated 1/11/09, is a machine copy.
23 The Q -1 was submitted as bearing the questioned signature
24 of Larry Durant. Q-2 was submitted as bearing the
25 questioned signature of Larry Durant, Lizzie Johnson and

1 Samara Samuels.

2 Q Under there, it says something about known of Larry
3 Durant. What does that mean when you ask for known
4 signatures?

5 A Known signatures, I'm referencing these specimens,
6 the documents that were submitted to me, saying these are
7 undisputed signatures of a writer. In this case K-1,
8 which is known one, was submitted to me as the known
9 writing of Larry Durant. A signature of page from a book
10 dated 5/31/13, a machine copy, has a signature, and there
11 was a collected signature. The second, K-2 is a one-page
12 white unlined paper bearing three requested signatures of
13 Larry Durant. It was undated and it was also a machine
14 copy. These were submitted as -- submitted to me as
15 signatures as a writer identified to me as Larry Durant.

16 Q I'm going to Page 2 of your report?

17 A Page 2, I've identified a writer as K-2. And that is
18 the known of a Lizzie A. Johnson. An affidavit of
19 forgery, dated 6/13/13, a machine copy. A witnessed
20 victim's statement dated 6/13/13, a machine copy, and her
21 signature which appeared on the Q-1 document, which was
22 submitted to me as a known signature of Ms. Johnson.

23 Q Okay. Then it also says known of Samara Samuels?

24 A Yes.

25 Q What is that?

1 A Samara Samuels is identified in this report as K-3 or
2 the third section of known writing. Have a witnessed
3 victim's statement dated 8/30/13, it's a machine copy.
4 Witnessed victim statement, Page 2, dated 8/30/13, a
5 machine copy. Affidavit of forgery dated 6/13/13, a
6 machine copy. And a witnessed victim's statement dated
7 6/13/13, a machine copy. Also, a signature of hers
8 appearing from Q-1. These were known signatures of
9 Ms. Samuels submitted to me -- submitted to me as known
10 signatures of Ms. Samuels.

11 Q Okay. Then you have down the purpose of the
12 examination. What was the purpose of the examination?

13 A The previously described documents were submitted for
14 the purpose of determining, if possible, the authorship or
15 authenticity of the questioned Larry Durant's signature
16 appearing on documents Q-1 and Q-2. And the authorship or
17 authenticity of the Lizzie A. Johnson signature appearing
18 on Q-2 and the authorship or authenticity of the Samara
19 Samuels signature appearing on Q-2.

20 Q And then you talk about the examinations and the
21 findings. Explain that.

22 A It listed the documents were examined in the
23 laboratory on April 14, April 15, May 19 and May 24 and a
24 detailed examination was undertaken, including microscopic
25 examination of the signatures appearing on the questioned

1 documents.

2 Q Now, I'm looking at Page 3 of your document?

3 A Yes, sir.

4 Q What are the results of the examination?

5 A The examination and comparison questioned documents,
6 number one, based on documents submitted, is determined it
7 is most probable that Larry Durant's signatures appearing
8 on documents Q-1 and Q-2 are not genuine. Based on the
9 limited standards, it's most probable that Lizzie A.
10 Johnson's signature appearing on document Q-2 is a genuine
11 signature. Based on limited standards, it is most
12 probable the Samara Samuels on document Q-2 is not a
13 genuine signature.

14 Q All right. Keep going with your results?

15 A Under remarks, the above is qualified upon
16 examination of original eight questioned signatures. I
17 was working from machine copies. It's requested that
18 additional specimen signatures be submitted for
19 examination. All documents are returned with this report
20 and a copy of this report will be in DDL file 166398
21 placed in storage for six years, after which it may be
22 destroyed.

23 Q So let's make this a little more simple. Starting
24 with document, which is also State's Exhibit No. 10, which
25 is directly in front of you, which you used to review, you

1 compared the person who signed Lizzie Johnson's signature
2 on document No. 10. Was that the same person in your
3 expert opinion who signed Lizzie Johnson on document No.
4 11?

5 A Based on the documents I had to work with, it's most
6 probable, yes.

7 Q Now, explain to the jury why you're saying most
8 probable. You don't have the originals?

9 A I did not have the original. I did not have the
10 original to work from and had limited standards, yes.

11 Q Now, had you had the originals, how would that have
12 changed your impression?

13 A At this point, I do not know. I didn't examine it.
14 But the original is void of characteristics we look for in
15 simulations or forgeries that would impact it. If the
16 original had those characteristics, it would impact it.
17 If the original does not, it would probably raise the
18 examination.

19 Q It would make it rather more probable? It would be
20 definitive?

21 A It would, yes.

22 Q And you have in front of you the originals right
23 there. Are there any differences you see between the
24 originals and the copies that you received?

25 A With all respect to the Court, I do examine on the

1 witness stand. I'll be glad to take any documents
2 submitted by the Court back to my laboratory, use the
3 appropriate instruments, time and examine them and bring
4 that back.

5 Q We're fine, Mr. Dawson. I don't think the jury wants
6 to sit here for another week, so we're going to go with
7 what we have right now, okay.

8 Now, looking at -- is there something you can tell
9 about the intelligence of a signature? I think you had
10 talked some signatures are intelligent signatures.

11 A I don't believe I said that.

12 Q Or the sophistication --

13 A Maybe you're talking about skill level.

14 Q Skill level of a signature. What does that mean?

15 A Well, Einstein had a very low skill writing. Some of
16 us just don't have the motor mechanisms as others would
17 have. Some of our writing is nice and very colorful and
18 pictorially pleasing. Others just scribble. We've all
19 seen doctor's signatures. So we refer to that in our
20 language as skilled versus unskilled signatures. And it's
21 one thing we use to evaluate -- it's part of the formula
22 we use, so to speak, to evaluate a signature.

23 Q And now going back with the next part of our
24 examination, we looked at the Samara Samuels signature.
25 And in comparing the signature of Samara Samuels from

1 document No. 10 to document No. 11, did you find that the
2 same person who signed Samara Samuels's signature in
3 document No. 10 was or was not the same person who signed
4 the signature on No. 11?

5 A I found it most probably that that writer of Samuel's
6 signature did not sign the notary block on State's
7 Exhibit 11.

8 Q So whoever signed Samara's signature on No. 10 did
9 not also sign -- most probably did sign No. 11?

10 A That was my opinion, yes.

11 Q And the Larry Durant's signatures, is there anything
12 you noted and realized about those signatures based upon
13 the known and samples that you were given?

14 A The Larry Durant had two signatures. Under
15 examination, it's most probable, based on what I had to
16 work with, that writer of the known Larry Durant's
17 signatures did not write either one of Larry Durant's
18 signatures on either State's Exhibit 10 or State's
19 Exhibit 11.

20 Q Did you also have an opportunity to look at the
21 notary block. And by notary block, I'm talking about the
22 thing that says the State of South Carolina, Richland,
23 South Carolina, basically, what the notary would write
24 before they sign. Did you have an opportunity to look at
25 that?

1 A Yes, I did.

2 Q And State's Exhibit No. 10, there's a notary block.
3 Then State's Exhibit No. 11, there's a notary block. Did
4 you make a determination based upon that?

5 A It appears there is common authorship of the same
6 person filled out the administrative part for the block,
7 even though the Samuels's signatures were different.

8 Q Finally, you prepared some charts. When you did your
9 investigation, there's certain things we look for that aid
10 in your investigation. Like, you have to put little red
11 dots and things of that nature where you can show the jury
12 how you look and see things; is that correct?

13 A That's correct.

14 Q And you prepared some charts that would aid you in
15 showing the jury how you actually deal with these things?

16 A We marked several of the indicators on there, whether
17 it's genuine or nongenuine, just for purposes of this
18 demonstrations. We don't mark all of them. If we did,
19 you'd have a whole red chart.

20 MR. KENT: I'd ask permission to have the witness
21 step down from the stand, Your Honor?

22 THE COURT: Sure.

23 MS. ABEE: Your Honor, I would just ask for
24 permission to reposition so I can see.

25 THE COURT: That's fine.

1 BY MR. KENT:

2 Q I'd like you to come down. And grab your charts.
3 First, we're going to look at the Lizzie Johnson
4 signature. And I want you to explain to the jury -- they
5 have it in front of them, also, but you can explain to
6 them what you did and what you showed?

7 A The first signature is from the -- the first
8 signature is from State's Exhibit 11, the November
9 document, quit claim document. And this signature is the
10 questioned signatures from November 11th right here. The
11 signatures down here are the specimen signatures, the
12 known writings of Ms. Johnson.

13 She has some very individual characteristics. The I
14 dot, for example, is right here, slash I dot here. You'll
15 find she slashes I dots down. Sort of an awkward rounded
16 A. You'll pick this up in the lower signature here.
17 Several types of Js. We all have alternate letter
18 designs. We may make a different letter once in a while
19 or periodically. This alternate design is very well
20 illustrated here in the J form the writer uses. You'll
21 see the O is compressed in here. You pick up the O
22 compressed in here. The H, very purported bow, and it
23 rides -- the bow of the H rides up into the form of the H.
24 You'll find that the N at the top left side is pointed,
25 rounds off. You'll pick this up coming through here. The

1 S has a loop in the lower part. You have the same loop
2 coming in here, all way down. The N is open. You'll find
3 the middle part of the N coming down and squiggly end
4 flares out. This is picked in all of these. The
5 signature appears to be fairly naturally written. The J
6 appears awkward. You'll pick up your awkward J in the
7 lower part down here. The stroke of the A comes down and
8 rides up the right-hand staff. You'll find it comes off
9 of it here, but you still have the A off-footed, as well.
10 So you have individual characteristics in this signature
11 that also appear in the three known signatures. That was
12 the basis of my most probable authenticity.

13 Q Okay. Now, let's grab the Samara Samuels. If you'll
14 give me one moment so I can switch this. Okay.

15 A The Samuels signature is from the November Q-2
16 document, as well. If you'll notice, it's very nicely
17 done. It's broader where the specimen signatures are more
18 compact. It has a different skill level, if you would.
19 This is more compressed or rapidly written. It's all
20 crunched up, different letter forms. And the N, once
21 again, is made with the open midpoint coming down, the U
22 point. The D is an open D, a loop to the front part.
23 You'll notice that you do not have this same D formation
24 down here. It's open. It's rounded with a single staff.
25 The S, horizontal, return loop back around the corner.

1 You have an entirely different S form coming off the base
2 down here. There are a number of differences between the
3 questioned and known. This is what separates it from a
4 known signature to a questioned signature or
5 nonauthenticated signature.

6 Q Okay. If you'll grab your next one. Just give me
7 one moment so I can catch up. Yes, sir.

8 A This is the notary block we were talking about. This
9 is the November Q-2 block. This is the September Q-1
10 block. The Samuels signature, which was just discussed
11 that is not a genuine signature, not authored by the same
12 writer of the specimen is here. You'll notice the
13 writings of the -- the administrative writings, I call it,
14 of the questioned and the known all fall in line. You
15 have a difference of an upper case B formation from
16 November below, but everything else is right on the money.
17 So it's common authorship of the block here and the block
18 here.

19 Q Thank you. If you'll go to your last one, sir.

20 A Larry Durant, this is your September, the good
21 document. This is the November, the Q-2 document. As you
22 see, the signatures are rapidly written. They vary in
23 style, they vary in substance from time to time. These
24 are the specimen signatures of Mr. Durant.

25 This is where we speak of skill level. Basically,

1 what I had to work with is the difference of skill,
2 difference of letter form. You can look at the D form.
3 The D structure is entirely different. If you notice the
4 D structure, staff comes up, above and around. This is to
5 the right of the staff, under the staff. It's made
6 entirely different. Not only is pictorially different,
7 but it's also structurally different.

8 Q Thank you, sir. Now, Mr. Dawson, when we talked, I
9 don't give you background of these individuals, their
10 vision or anything of that nature. We just submit the
11 documents to you; is that correct?

12 A I have no idea what this case is about except
13 signatures. I know nothing else about it.

14 Q And as a matter of, yesterday when we were talking,
15 your eyes perked up and got big when I mentioned to you
16 the individual who was alleged to have signed both of
17 those deeds was blind?

18 A That is correct.

19 Q Why was that?

20 A You would not expect a blind person to write a
21 signature on a baseline level. You would not expect a
22 blind person to -- or someone who has limited vision to
23 have the letter formations, the consistency of letter
24 formations across the top two signatures. Normally, a
25 person who has difficulty writing has various aids they

1 can use, but you can see normally the function of the
2 aids. They use a certain type of ruler or some type of
3 guide. Those guides are normally very visible. And in my
4 opinion, guides were not used on those. That's just
5 naturally executed by a writer.

6 Q Naturally executed by a writer?

7 A It appears so, based on machine copies, yes.

8 Q And you notice on the known samples, some of those
9 signatures go up and some of those signatures go down. Is
10 that what you were talking about that you would expect
11 with somebody with limited vision?

12 A Yes, even on unlined paper, you have sort of an
13 imaginary a baseline. Apparently, the writer of the
14 specimen signatures had difficulty developing the
15 baseline.

16 BY MR. KENT:

17 Q And again, one of the first things I talked to you
18 about is you did not get a bunch of signatures from
19 somebody named Lizzie Johnson, correct?

20 A They were not available, that's correct, my
21 understanding.

22 Q If you were told that in State's Exhibit No. 10 that
23 the individual admitted to signing that one, but said they
24 did not sign State's Exhibit No. 11, what would be your
25 expertise opinion? Would that be true or false?

1 A That does not even affect my opinion. I go by the
2 facts, I see them there. Many times, we have someone who
3 says something, whatever. That doesn't have any value, in
4 my opinion.

5 Q Okay. So your expertise opinion is the same person,
6 whoever it is, who signed Lizzie Johnson on State's
7 Exhibit No. 10 is the same person who signed Lizzie
8 Johnson on State's Exhibit No. 11?

9 A Based on what we had to work with, yes, sir.

10 Q Is it your opinion that the same person who signed
11 Samara Samuels on State's Exhibit No. 10 is not the same
12 person who signed Samara Samuels on State's Exhibit
13 No. 11?

14 A That's correct.

15 Q It's your opinion that the same person, whomever it
16 may be, who signed the body portion of the notary sample,
17 which says South Carolina, Richland, Larry Durant, Lizzie
18 A. Johnson, first November, 2009, as well as the
19 commission is the same person who did the same thing in
20 State's Exhibit No. 11?

21 A It would appear so, yes.

22 Q And then finally, it is your opinion that based upon
23 the known samples you were given, knowledge of
24 individual's eyesight now, that neither of the signatures
25 involved in State's Exhibit No. 10 nor State's Exhibit

1 No. 11 were Larry Durant's signatures?

2 A No, you have different letter forms in there.

3 MR. KENT: Thank you so much. That would be the
4 extent of my questions. Please answer any questions from
5 the State of South Carolina?

6 THE COURT: Cross?

7 MS. ABEE: Thank you, Your Honor. May it please the
8 Court, Your Honor?

9 THE COURT: Yes.

10 CROSS-EXAMINATION

11 BY MS. ABEE:

12 Q Mr. Dawson, when did you become a certified document
13 examiner?

14 A Nineteen -- certified -- Board certified?

15 Q Yes, sir.

16 A 1988, I believe.

17 Q And when did you start performing forensic document
18 examinations?

19 A Around 1972, '73.

20 Q And I think you said you worked from -- worked at
21 SLED, South Carolina Law Enforcement Division, from 1972
22 to 1988; is that right?

23 A That's correct.

24 Q I think you told us that you actually started the
25 document review lab then, right?

1 A I started the document laboratory at that time. I
2 had already started the forensic photography laboratory.
3 This is the second one I started, yes.

4 Q And then I think you said you went to DSS?

5 A That's correct.

6 Q And why did you leave SLED?

7 A I went to DSS. I do private practice, and I also did
8 work for the State. It's the best thing for me.

9 Q So you went from working for the state to working for
10 the state and doing private practice; is that right?

11 A That's correct.

12 Q Then after, I believe you said, 27 and a half years
13 in law enforcement, you became solely into private
14 practice, right?

15 A That is correct, yes.

16 Q And you've been doing private practice for how many
17 years now?

18 A Actually, I was -- that's a good question. I'm not
19 sure. I would have to say from about 1993, '92, '93.

20 Q So more than 20 years?

21 A Yes, ma'am.

22 Q Okay.

23 A That's correct.

24 Q And you talked a little bit about what it is that you
25 examine when you're looking at the signatures. And you

1 mentioned that you didn't have exemplars in this case,
2 right?

3 A I'm sorry?

4 Q You didn't have handwriting exemplars in this case,
5 right?

6 A I did have handwriting exemplars, yes, ma'am. I had
7 specimen writings.

8 Q You didn't have somebody sit there and write out full
9 pages in their own handwriting, right?

10 A Requested writing, no, I did not. I had only one set
11 of requested writing, and that was Mr. Durant.

12 Q Okay. So you had known handwriting samples requested
13 from Larry Durant, right?

14 A I had requested Mr. Durant, that's correct.

15 Q Yes, sir. You did not have them from Ms. Lizzie
16 Johnson?

17 A Actually, the answer to your question is no, but
18 probably 98 percent of the time, we don't have it.

19 Q Okay. So that's a no, you didn't have any
20 handwriting exemplars from Ms. Lizzie Johnson, right?

21 A No, I did not.

22 Q You also didn't have them from Ms. Samara Samuels,
23 rights?

24 A No. We prefer collective writing from the field over
25 someone sit down and write. Many times, there are some

1 writers who have a tendency to change their writing a
2 little bit and we don't have good samples.

3 Q And usually when you request these samples, they
4 don't just sign their name. They write out a bunch of
5 different things, right?

6 A You may in law enforcement, but a lot of times, we
7 like to have apples to apples and oranges to oranges. So
8 we ask them to write the exact verbiage of what we're
9 trying to examine. Otherwise, you have a questioned
10 document with an A, B, C here and they write D, E, F over
11 here and you can't compare the two. So we try to match up
12 the verbiage or statements or sentences, depends on what
13 the case is.

14 Q Well, with the handwriting exemplars that Mr. Durant
15 gave you, you had him sign his name three different times,
16 right?

17 A I didn't have him sign his name. Ma'am, I have an
18 idea who had him sign his name.

19 Q But you would agree with me, his name was signed
20 three different times for you to be able to compare?

21 A His name is signed three times, that is correct.

22 Q And that's not something you have of Ms. Lizzie
23 Johnson, correct?

24 A That is correct.

25 Q And that is something you did not have of Ms. Samara

1 Samuels, correct?

2 A That's correct.

3 Q And each person individually has a range of deviation
4 in their handwriting, right?

5 A Some have more than others. Some people write
6 absolutely by the textbook, write the same way all the
7 time, others bounce around. It all depends. So not
8 everyone has the same amount of deviation.

9 Q And if you have more samples of somebody's
10 handwriting, you're able to tell if they have this degree
11 of variation and deviance in their handwriting, correct?

12 A If you're looking for deviation, yes, but when you're
13 comparing I dot slashes continuously, you're comparing
14 disconnects continuously, comparing habits and they pop up
15 in three, four, or five, then you have a reasonable
16 expectation that it will pop up in others. But that is
17 correct, the more you have, the more deviation you can
18 show.

19 Q Did you request the handwriting exemplars from Larry
20 Durant?

21 A I probably did. I don't recall quite frankly. I
22 work cases all the time. Since I have those requested, I
23 probably did. I cannot say absolutely.

24 Q So if you would have requested them, someone would
25 have signed their name knowing that those were going to

1 you, correct?

2 A You'll have to talk to the counsel who took those. I
3 assume the attorney took them. I don't know.

4 Q But you would request them from, say, the attorney,
5 is that your normal practice?

6 A They were provided to me by my client, who was an
7 attorney in this case.

8 Q And I want to talk about something else with the
9 documents that you reviewed. You didn't review originals,
10 correct?

11 A I did not, no.

12 Q You reviewed machine copies, right?

13 A That is correct.

14 Q And machine copies do add some limitations as to what
15 you can and cannot tell about the handwriting, correct?

16 A As to characteristics, yes, but machine copies, also,
17 give you forms of the letters and how the letters connect.
18 So machine copies are pretty good. The originals, of
19 course, are the best evidence.

20 Q And, for example, machine copies can't tell you where
21 the pressure is when somebody's writing, correct?

22 A Depends on how good the copy is. Sometimes, machine
23 copies can show you the line variations, can show you the
24 variations and pen pressures. Other times, it does not.

25 Q And so you would prefer originals when trying to

1 determine whether or not someone is tracing, for example?

2 A Yes, I would.

3 Q Because that pen pressure marks can show you whether
4 somebody is actually tracing a signature, can it not?

5 A Not necessarily, some people write heavy anyway.

6 Some people just absolutely bear down, leave a track in
7 the paper. Other times, you will have the original and
8 you will find little track marks in there. When you have
9 a document or a signature, even a machine copy that shows
10 variation and line pressure even to a machine copy,
11 chances are you do not have a tracing or simulation or
12 forgery.

13 Q Your results in this case, you said it was most
14 probably, correct?

15 A That's correct, yes, ma'am.

16 Q And even you just stated on direct that your opinion
17 could change based on having the originals and having
18 handwriting exemplars, correct?

19 A That's a possibility. Remote as it may be, that's a
20 possibility, yes.

21 Q And Mr. Dawson, are you being paid for your time in
22 this case?

23 A I am being paid for my time, that's correct.

24 Q And you're being paid by the Defense for your time
25 here testifying?

1 A I'm being paid by someone, yes, ma'am.

2 Q The State didn't subpoena you or call you to the
3 stand, correct?

4 A That's correct.

5 Q And the State didn't ask you to prepare this report,
6 correct?

7 A The Defense is paying me. I don't know who through
8 the Defense is paying me.

9 Q So you were called here by the Defense, right?

10 A That's correct.

11 Q Mr. Dawson, you said you have no idea what this trial
12 is about, right?

13 A I do not, no.

14 Q So you have no idea that this is a criminal sexual
15 conduct case?

16 A No, I do not.

17 MS. ABEE: Thank you, Your Honor. I have no further
18 questions.

19 THE WITNESS: And that really wouldn't make any
20 difference. I was addressing the signatures.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MR. KENT:

24 Q You don't work for free, do you?

25 A I get paid for my time, sir.

1 Q So you didn't drive here from Spartanburg just
2 because I'm so charming, I'm assuming?

3 A I was asked to come and testify and paid for my time,
4 sir.

5 Q Looking at Defense Exhibit No. 1 -- and the jury will
6 have Defense Exhibit No. 1. And I know we went over it a
7 little bit, but you were given a lot more signatures than
8 just were in those deeds; is that correct?

9 A I had additional signatures, that is correct, several
10 additional signatures. I didn't load the charts up with
11 them, no.

12 Q So we gave you different signatures from things that
13 we knew were signed by a particular person?

14 A That's correct.

15 Q So we gave you different dates or different times of
16 signatures?

17 A What's listed in the report is what we received, sir.

18 Q So we just give you as much, you do your report based
19 upon your bevy of experience as long as you've been doing
20 this, testifying in over 355 -- 350 general sessions
21 trials qualified as an expert. Do you stand by the
22 opinion that you've given to the jury today?

23 A I'll stand on my report, yes, sir.

24 Q You stand by your report?

25 A Yeah.

1 MR. KENT: Thank you so much.

2 THE COURT: Recross?

3 MS. ABEE: No, Your Honor.

4 THE COURT: You may step down. Thank you.

5 MR. Kent: Thank you.

6 I ask this witness be excused, Your Honor.

7 THE COURT: You are free go.

8 Next witness? Take a break?

9 MR. KENT: Yes, sir.

10 THE COURT: Okay. Let's take a 10-minute break. I
11 will again instruct you not to begin your deliberations or
12 discussions about the case or discuss this in any manner.
13 We'll have you back in 10 minutes. All right.

14 (WHEREUPON, the jury left the courtroom at 10:20
15 a.m.)

16 THE COURT: All right. Back in 10 minutes.

17 (WHEREUPON, a short break was taken.)

18 THE COURT: All right. Ready?

19 MR. KENT: Yes, sir.

20 THE COURT: All right. Let the record reflect the
21 Defendant is in the courtroom.

22 Bring the jury in.

23 (WHEREUPON, the jury entered the courtroom at
24 10:32 a.m.)

25 THE BAILIFF: All the jurors are back in the

1 courtroom, Your Honor.

2 THE COURT: All right. Defense, call your next
3 witness.

4 MR. KENT: Thank you, Your Honor. At this point, the
5 Defense would recall to the stand A.R.

6 THE BAILIFF: Place your left hand on the Bible,
7 raise your right. State your name, please.

8 THE WITNESS: A.R.

9 A.R. _____, after being duly
10 sworn, testified as follows:

11 THE BAILIFF: Thank you. Come up here, please.
12 State your name and spell your last for the record.

13 THE WITNESS: A.R. _____, A.R.

14 DIRECT EXAMINATION

15 BY MR. KENT:

16 Q Ms. A.R., how are you doing?

17 A I'm doing good. How are you?

18 Q I know you've already testified in the trial. I
19 don't have very many questions to ask you, okay?

20 A (Witness nods.)

21 Q You remember those things about the head shakes. She
22 can't take head shakes. Make sure everything you say is
23 affirmative, yes or no, okay?

24 A Yes.

25 Q I've got some just generic questions. You're

1 familiar with social media, correct?

2 A Yes.

3 Q You understand what social media is?

4 A Yes.

5 Q I'm not smart when it come to social media. You
6 understand what Facebook is?

7 A Yes.

8 Q You understand what Instagram is?

9 A Yes.

10 Q And understand what Twitter is?

11 A Yes.

12 Q And you formerly had a Facebook account?

13 A Yes.

14 Q And an Instagram account?

15 A Yes.

16 Q And a Twitter account?

17 A Yes.

18 Q You no longer have the Twitter account?

19 A No, I don't.

20 Q Do you still have the Instagram account?

21 A Yes.

22 Q Do you still have the Facebook account?

23 A No.

24 Q The Facebook account, that was just an account just
25 under your name, correct?

1 A Yes.

2 Q The Instagram account, what is your hand -- you can
3 put different names on your Instagram accounts and Twitter
4 accounts, correct?

5 A Yes.

6 Q What was the name of under your Instagram account?

7 A Bad kid, underscore, Riley.

8 Q Back up, please. We're getting a little
9 reverberation just a little bit when you talk. But still
10 loud and clear enough so everybody can hear?

11 A Okay.

12 Q And your Twitter account was at I'm just A.R. or
13 something like that, correct?

14 A I'm not sure.

15 Q Okay. Do you remember having a Twitter account?

16 A Yes, I do.

17 Q You don't remember what your Twitter account was?

18 A No, I don't.

19 Q And you would agree with me you had a Twitter account
20 and it had a little picture of you right next to the
21 Twitter account, correct?

22 A That's correct.

23 Q If I told you that your Twitter account name was at
24 I'm just underscore capital A.R. , that was your
25 Twitter account?

1 A No, that was not.

2 Q Okay.

3 A I don't have no recognition of that.

4 Q I want to show you, just approach you and show you
5 the Twitter account with your picture and your name. Do
6 you remember that Twitter account?

7 A No. I'm not aware of this.

8 Q You don't remember that Twitter account with your
9 picture or your name next to it?

10 A That is my picture, but I didn't create this.

11 Q So that is a picture -- that is your picture?

12 A From what I can see, it looks like me, but I'm not
13 100 percent sure it is me.

14 Q And it was a picture associated with a Twitter
15 account. You're saying you did not create the Twitter
16 account?

17 A No, I didn't because I would never capitalize my last
18 name in any of my social media, so this is not mine.

19 MR. KENT: Thank you so much. That's all the
20 questions I have.

21 THE COURT: Okay.

22 MS. ABEE: Your Honor, I have no cross-examination.

23 THE COURT: All right. You can step down.

24 MR. KENT: Your Honor, at this time we will recall
25 Detective Kelly to the stand.

1 THE COURT: All right.

2 THE BAILIFF: State your name, please.

3 THE WITNESS: Detective Natalie Kelly.

4 NATALIE KELLY, after being duly
5 sworn, testified as follows:

6 THE BAILIFF: Thank you. Come around, please. State
7 your name and spell your last for the record.

8 THE WITNESS: Detective Natalie Kelly, K-E-L-L-Y.

9 DIRECT EXAMINATION

10 BY MR. KENT:

11 Q Detective Kelly, you've already been on the stand. I
12 don't have very many questions for you. You've been in
13 here throughout the course of the trial, correct?

14 A I have.

15 Q We've already discussed the fact of what you know
16 inside of the file and what you don't know inside of the
17 file?

18 A That's correct.

19 Q I'm going to ask you some questions. If you need
20 your full case file to review it, just let me know and
21 we'll bring it to you so you can look at it.

22 A Okay.

23 Q Detective Kelly, there's been some question, you have
24 interviewed or discussed and talked to all of the females
25 who are making allegations in this case; is that correct?

1 A That's correct.

2 Q One of the questions that was asked was did any of
3 these girls go through any therapy at all?

4 A Not that I'm aware of.

5 Q No therapy for any of them?

6 A No.

7 Q There were also further allegations inside of the
8 file that most of the girls made the allegations that
9 during the sexual experience or whatever happened that
10 Larry Durant did not use a condom?

11 A That's correct.

12 THE WITNESS: Okay. That's all questions I have.
13 Thank you so much.

14 MR. FERNANDEZ: Nothing from the State, Your Honor.

15 THE COURT: You may step down.

16 Next witness?

17 MR. KENT: The Defense would call Myer Whack to the
18 stand.

19 THE BAILIFF: Place your left hand on the Bible,
20 raise your right hand. State your name, please.

21 THE WITNESS: Myer Donnell Whack.

22 MYER DONNELL WHACK, after being
23 duly sworn, testified as follows:

24 THE BAILIFF: Thank you. Come around, sir. State
25 your name, spell your last name for the record.

1 THE WITNESS: Myer Donnell W-H-A-C-K.

2 DIRECT EXAMINATION

3 BY MR. KENT:

4 Q All right. Mr. Whack, how are you doing, sir?

5 A Doing fine.

6 Q Just state your name to the jury one more time, if
7 you will.

8 A Myer Donnell Whack.

9 Q Mr. Whack, where are you from?

10 A I'm from Manning.

11 Q How long have you lived in Manning?

12 A Probably all my life, until I graduated from high
13 school.

14 Q Where did you go to high school?

15 A Manning High.

16 Q When did you graduate?

17 A In 1994.

18 Q Okay. What do you do currently?

19 A I'm a CNC technician at Blythewood in Columbia, South
20 Carolina.

21 MR. KENT: Are y'all having trouble hearing? It's
22 reverberating badly. It's not just me. Let's see if we
23 can turn this microphone.

24 BY MR. KENT:

25 Q Let's try that again, Mike. Tell me what you do.

1 A I'm a CNC technician in Blythewood.

2 Q I'm going to need you to lean forward a little bit
3 more because now I can't hear you.

4 A I'm a CNC technician inside Blythewood, south
5 Carolina.

6 MR. KENT: I'm still hearing the reverberation. Can
7 we take a little break?

8 THE COURT: Let's see what we can do.

9 MR. KENT: Technology, sometimes it's great and
10 sometimes it's not.

11 BY MR. KENT:

12 Q We're going to try one more time. Tell me again for
13 the third time where do you work or what do you do?

14 A I work inside Blythewood, South Carolina. I'm a CNC
15 technician.

16 Q We're good to go. We're going to keep going on that
17 note. How long have you been doing that?

18 A For like 10 years now.

19 Q CNC technician. I don't understand what that is.

20 A I program machines.

21 Q Okay. Are you married?

22 A Yes, I am.

23 Q How long have you been married?

24 A Right now, it will be seven years in this month right
25 here.

1 Q Do you have any children?

2 A Yes, I do.

3 Q Tell me about your children.

4 A I have four kids. I have a son that is 21. I have a
5 daughter that's 16, another daughter that is 10 and
6 another daughter that is five.

7 Q And the two of us, we've known each other for quite
8 some time?

9 A Right, correct.

10 Q I've known you for almost a decade, if not longer?

11 A Right.

12 Q I'm going to ask you some personal questions as you
13 understand.

14 A Right.

15 Q I'm not trying to embarrass you, but if you're on the
16 stand, there's some things that we have to ask you.

17 A That's fine.

18 Q I understand that at some point in time, you've had
19 some fraudulent checks charges in your life?

20 A That's right.

21 Q You've had several fraudulent check charges?

22 A That's correct.

23 Q And you've also had a charge for failure to stop for
24 a blue light?

25 A Correct.

1 Q Those are all charges that you've had in your life in
2 your past?

3 A Right.

4 Q Some as recently as last year?

5 A Correct.

6 Q Sorry to get that out, but sometimes we have to talk
7 about things when you take the stand. I want to talk to
8 you about where do you go to church?

9 A Word International Ministries.

10 Q How long have you been at that church?

11 A For like 20 years.

12 Q Tell me about the church.

13 A Oh, it's a wonderful church. I've been there since I
14 was 19 years. I grew up in the church.

15 Q Where is the church located?

16 A At 1010 North Guinyard.

17 Q Do you have position at the church? Is there
18 something you do?

19 A Yes, I do.

20 Q What do you do at the church?

21 A I'm an elder, also, I'm an armor bearer. I'm a sound
22 technician, video. I wear a lot of hats.

23 Q We're going to talk about those hats and make sure
24 everybody understands.

25 A Uh-huh.

1 Q Even though you have a 21-year-old daughter -- or
2 son, you don't look old enough to be call an elder.
3 Explain to the jury why you're called an elder.

4 A I'm an elder because, you know, pretty much I seek
5 God, you know. I went through the channels of doing the
6 things I needed to do to serve God. You know, I live
7 before God every day. I study my Word and, you know,
8 pretty much, you know, it's just a call God has placed on
9 my life.

10 Q You're also an armor bearer?

11 A Of course.

12 Q We've heard that phrase a lot in this courtroom.
13 Could you explain to the jury what an armor bearer is?

14 A An armor bearer is someone that serves and protects
15 the leaders. I'm pretty much -- you know, I serve my
16 leader because, you know, at the point, you know, like I
17 said, he could not see. Also he's -- like, you know,
18 almost like he's guide. Make sure, you know, all his
19 personal stuff is together, make sure all his stuff is,
20 you know, ready for Sunday. You know, also, do things
21 outside his house, make sure his grass is cut, car is
22 clean, make sure his clothes is right. As an armor
23 bearer, we do a lot.

24 Q Do you lie for him?

25 A No, oh, no.

1 Q Would you do anything for him? It sounds like you
2 just work for this guy?

3 A No, I don't. I would not lie.

4 Q Do you work for him or do you get paid by him?

5 A No, I not.

6 Q So why do you do all this stuff?

7 A Because I believe the man of God that he is. I
8 believe who he is.

9 Q So you do stuff for him?

10 A Right.

11 Q Tell me again about the arm -- so you've known -- how
12 long have you known Larry Durant?

13 A Approximately, like, 20 years.

14 Q And as your role as an armor bearer, tell us a normal
15 thing that happens after service, what happens?

16 A After service, we do to the back. We make sure we
17 wipe him down. Make sure he's fine. He don need
18 anything. The majority of the service sometimes he don't
19 want to see somebody. And if he does want to see
20 somebody, you know, he probably just say hey, I want to
21 see someone. But the majority of time, people come to the
22 door and say I want to see him. And if he really want to
23 see that person, he will say yeah or nay. A lot of times
24 he will be tired and worn out.

25 Q So when he goes to see somebody, what do y'all do?

1 You just leave them there and leave for hours?

2 A No, we're right at the door.

3 Q What do you mean by right at the door?

4 A Right at the door. It's like the door is right
5 there. It's like you can't go no farther right there.
6 It's like a brick building. You can hear everything
7 that's inside of the building. It's not like sound proof.

8 Q So you would stand right outside the door when
9 anybody would go into the room to meet with Pastor Durant?

10 A Correct.

11 Q Is that the role of the armor bearer?

12 A Right.

13 Q Is it a block -- we haven't heard this door
14 described. Is it a block door? Is there a window on the
15 door? Can you see through the door? What type of door?

16 A It's a door. It has a window on the door. It's a
17 wood door. I mean, it's not sound proof.

18 Q So you can hear things that go on on the other side
19 of the door?

20 A Correct.

21 Q Have you ever heard anything inappropriate that you
22 thought something was going on in there?

23 A No.

24 Q What's longest that you've ever had anybody sit
25 inside of the room with Pastor Durant?

1 A Maybe about five or 10 minutes, no longer than that.

2 Q So no one is ever there for a long period of time?

3 A No, no.

4 Q What would happen if somebody was in there for a long
5 period of time?

6 A I would find out what's going on because, you know,
7 we have other people waiting, other people want to see
8 him. You know, what's going on.

9 Q And we've heard stuff about these doors locking. You
10 would be right there behind the door. Have you heard the
11 door locked?

12 A No, no, no.

13 Q Would you be suspicious if you heard the door lock?

14 A Yes, yes.

15 Q In your mind, have you heard the door lock?

16 A Never did.

17 Q Has there ever been a time where you've walked inside
18 of the room or knocked on the door and gone to talk to
19 Pastor Durant while he's in there meeting with somebody?

20 A Yes, many times.

21 Q So there's nothing to stop you from walking in and
22 out?

23 A Nothing to stop me, no.

24 Q In the 20 years you've known him, has he ever stopped
25 you and said don't come in here, I'm in the middle of

1 something or anything like that?

2 A No.

3 Q I'm going to talk to you specifically about some
4 folks?

5 A Okay.

6 Q Do you know the name Lizzie Johnson?

7 A Yes, I do.

8 Q Do you know the name K.R. ?

9 A Yes, I do.

10 Q Do you know the name A.R. ?

11 A Yes, I do.

12 Q Do you know the name T.H. ?

13 A Yes, I do.

14 Q Do you know the name D.B. ?

15 A Yes, I do.

16 Q Now, starting with the last four I mentioned, were
17 those members of the church?

18 A Yes.

19 Q Would you see all of them hanging around together?

20 A Yes.

21 Q Were they always often together?

22 A Yes.

23 Q Did you ever see them go inside of the room and talk
24 to the pastor?

25 A Yes.

1 Q So that's nothing -- they would go in there and talk
2 to the pastor?

3 A Yes.

4 Q At any point in time, did you hear anything while
5 they were inside of the room that you thought was
6 inappropriate?

7 A Never did.

8 Q Did you ever see K.R. and A.R. at
9 church at the same time?

10 A Yes.

11 Q Anything raise your suspicions while they were at
12 church or anything of that nature?

13 A No.

14 Q So your testimony as his armor bearer, you're with
15 him pretty much all the time?

16 A Pretty much.

17 Q You or somebody else. Who are some of the other
18 armor bearers at that church?

19 A We got Elder Vaughn, Missionary Hodge, sometimes it
20 would be Regina Maynard. You know, that's pretty much it.

21 Q So for a large portion of the time, you're with the
22 pastor?

23 A Right.

24 Q And you're with him -- when he's at the church, are
25 you with him pretty much all of the time?

- 1 A Yeah.
- 2 Q How does he get home?
- 3 A Pastor.
- 4 Q And you say pastor, his wife?
- 5 A His wife.
- 6 Q That lovely lady who has been sitting behind him the
7 whole time?
- 8 A Yes.
- 9 Q So she's usually the one who will take him?
- 10 A Yeah.
- 11 Q So he doesn't get done with church and just drive
12 himself home?
- 13 A No.
- 14 Q So somebody is waiting around for him after church?
- 15 A Right.
- 16 Q And it's generally his wife?
- 17 A His wife.
- 18 Q I have noticed when we're going in and out of the
19 courtroom, he puts his hand on your shoulder and you guide
20 him and walk him places?
- 21 A Right.
- 22 Q Why do you do that?
- 23 A So I can let him know what's coming up, what's close
24 by so he won't go up and fall and hurt himself.
- 25 Q Why would he bump and fall?

1 A He has two prostheses and he can't see.

2 Q So this is something you've been doing for a long
3 time?

4 A For a long time.

5 Q Or somebody does it?

6 A Right.

7 Q Do you ever see him walking and going by himself
8 anywhere?

9 A No.

10 Q He always has somebody guiding or leading or taking
11 him somewhere?

12 A Right.

13 MR. KENT: Thank you so much, Mr. Whack. Answer
14 anything from the State.

15 THE COURT: Cross?

16 CROSS-EXAMINATION

17 BY MR. FERNANDEZ:

18 Q Mr. Whack, good morning.

19 A Good morning.

20 Q I want to explore a little bit what about it means to
21 be an armor bearer.

22 A Okay.

23 Q Just for my own personal edification. I know you
24 talked a little bit about it. I'm going to expand on what
25 you just said if that's okay.

1 A Uh-huh.

2 Q I think you did comment that you do -- in addition to
3 your official functions as being an armor bearer, I guess,
4 that's church; is that correct?

5 A Uh-huh.

6 Q Would be official -- your official responsibilities
7 would include things that you do at church?

8 A Right.

9 Q In addition to those responsibilities, you actually
10 do other things that people would probably consider
11 private duties, personal assistant type jobs. Would that
12 be correct?

13 A I wouldn't call it private. It's just part of the
14 job because I know his abilities. I know what he can and
15 cannot do by being physically blind and not having legs.

16 Q Okay. So you consider doing his laundry and all the
17 -- mowing his lawn, those are all things that are part of
18 the church?

19 A No, I don't laundry.

20 Q Oh, sorry. I thought you said laundry. I apologize.
21 I thought you said wash clothes, you didn't say that?

22 A No.

23 Q So you never do laundry?

24 A No.

25 Q Okay.

1 A Why should I? He has a wife.

2 Q Okay. So you mow the lawn?

3 A I mow the lawn, I wash the cars. I get his clothes
4 out.

5 Q So you said things like washing laundry, that should
6 be what his wife does?

7 A His wife does.

8 Q And what other things should his wife should do that
9 you don't do?

10 MR. KENT: Objection, calls for speculation.

11 THE COURT: Sustained.

12 BY MR. FERNANDEZ:

13 Q You've known the Defendant, Mr. Durant, for how long,
14 20 years?

15 A About 20 years.

16 Q And how old were you when you would have met him?

17 A I was 19.

18 Q And did you meet him in school, the same
19 neighborhood, like where would you guys --

20 A No, I met him by Lizzie Johnson.

21 Q Okay.

22 A I met him by Lizzie Johnson because Lizzie Johnson
23 was married into my family by my uncle. I've known her
24 for a while since I was young.

25 Q Ms. Johnson?

1 A Ms. Johnson.

2 Q Okay.

3 A I've known her since I was young. I met him by him
4 coming to my house. And he said something that startled
5 me. And when it startled me, it came to pass. And from
6 that point on, I was following him since then because I
7 believed who he was by being the man of God he was.

8 Q Now, would you consider yourself a fairly religious
9 person?

10 A Very.

11 Q And I think you said it before, you just kind of
12 touched on it before when you were talking to me, you
13 believe that Pastor Durant is inspired by God; is that
14 correct?

15 A Yes, he is.

16 Q So when Pastor Durant says something, you believe it
17 as true?

18 A Amen, uh-huh.

19 Q And we agree that God, perhaps, works in mysterious
20 ways?

21 A Yeah.

22 Q Okay. And so if Pastor Durant asked you to do
23 something that, perhaps, you find odd or, perhaps, out of
24 order, would you follow it?

25 A No, I would not.

1 Q Okay. So you do have a limit as to what you would
2 do?

3 A Right. If it's not in the will of God, if it's not
4 right I'm not going to do it. Because I'm not going to
5 hinder myself nor my kids.

6 Q So you believe that Pastor Durant can be wrong
7 sometimes, is that what you're saying?

8 A We all human.

9 Q Okay. I'm going to go over a little bit of your
10 record because I know counsel did touch on it. Just
11 correct me if I'm wrong, I just want to talk to you a
12 little bit about it. 2006, you have six counts of
13 fraudulent check; is that right?

14 A Correct.

15 Q So you forged checks and submitted them as true?

16 A Yeah.

17 Q In 2008, you have another fraudulent check charge?

18 A Uh-huh.

19 Q In 2011, you have a failure to stop for blue lights
20 charge?

21 A Uh-huh.

22 Q And that means that you actually went -- when police
23 tried to pull you over --

24 MR. KENT: Objection, Your Honor, you can't get into
25 the details. I think he's answered the question.

1 MR. FERNANDEZ: Okay. I'll move on.

2 THE COURT: Go ahead, go ahead.

3 BY MR. FERNANDEZ:

4 Q In 2012, you have another fraudulent check charge,
5 that's 2012?

6 A Yes.

7 Q And these are convictions, so you've been convicted
8 in court?

9 A Uh-huh.

10 Q And 2015, you have another fraudulent check charge,
11 two counts?

12 A Yeah, I guess so. I don't remember that. If you say
13 so.

14 Q You don't have any reason to dispute that?

15 A No.

16 Q So you do?

17 A Uh-huh.

18 Q Now, let me talk a little about the services. And I
19 think --

20 MR. FERNANDEZ: Permission to approach the witness,
21 Your Honor, to show him a piece of evidence?

22 THE COURT: Go ahead.

23 BY MR. FERNANDEZ:

24 Q I'm going to ask you to identify a few things for me.
25 These are pictures that have already been entered into

1 evidence. I just want you to take a look at these. The
2 first is marked State's Exhibit No. 1, the second is
3 marked State's Exhibit No. 2 and the third one is marked
4 State's Exhibit No. 3. Would you please tell me if you
5 recognize what these pictures show?

6 A That's his office.

7 Q Okay. And when you say his office, whose office is
8 it?

9 A It was the Apostle's office.

10 Q And what location -- what church location would this
11 office be?

12 A 1010 North Guinyard.

13 Q Okay. Is that his desk, Pastor Durant's desk?

14 A Yes.

15 Q Is that another picture of his desk?

16 A Yes.

17 Q Tell me what this is a picture of?

18 A His door.

19 Q And what material are the walls made of in this
20 church office?

21 A Brick.

22 Q Would it be cinder block?

23 A Yeah.

24 Q And what material is the door made of?

25 A Wood.

1 Q That's wood?

2 A Uh-huh.

3 Q And is there a window in the door?

4 A Uh-huh.

5 Q Is the window covered up?

6 A Yes.

7 Q And is there two signs on the front of the door?

8 A Yes.

9 Q And what do the signs say?

10 A Not not enter.

11 Q Okay. And the other sign on the doorknob?

12 A Please knock.

13 Q Is that true and accurate about how the office
14 generally looks?

15 A Yeah.

16 Q And I think you just testified earlier people did
17 frequently obtain private prayer sessions with Mr. Durant
18 after a prayer service?

19 A I don't call -- we don't call it prayer session.

20 Q What would you call it?

21 A It's a meeting.

22 Q The during these meetings -- and any number of people
23 would go to these meetings, is that what you said before?

24 A Yeah, I mean, you have people who want to see him
25 after service. Some services, he did not want to be

1 bothered and some services he's like okay. He wants to
2 see them if people really want to talk to him. Not every
3 service.

4 Q And you said approximately five to ten minutes these
5 meetings would last?

6 A Correct.

7 Q During these meetings, was the door closed?

8 A Yes.

9 Q And I think you already testified, but K.R.

10 A.R. , T.H. and Anissa D.B.

11 they all attended private meetings when you were standing
12 outside?

13 A I mean, they came there, but normally five to ten
14 minutes.

15 Q But they were in closed-door meetings?

16 A Right.

17 Q And I think you said that you would have heard
18 everything that was going on outside?

19 A Correct.

20 Q And I guess it stands to reason if there were no
21 words being spoken, you would have heard nothing, correct?

22 A Right.

23 Q Let me ask you a little about the Defendant, Mr.

24 Durant, himself. Has he -- you said -- do you drive him
25 around?

1 A Yes.

2 Q Okay. Has he ever driven a car?

3 A No.

4 Q He's never driven?

5 A Never driver.

6 Q Do you know if he's ever obtained a driver's license?

7 A Yes, he has one.

8 Q He has a driver's license?

9 A Uh-huh.

10 Q Okay. Thank you. How does -- you said he reads the
11 word of the Bible. How does he read?

12 A He doesn't read.

13 Q Does he use braille or is there a special --

14 A No, he has phones and iPad. He has people like his
15 wife and myself or other members that reads to him. A lot
16 of things on his iPad has stuff to read to him.

17 Q So you've never seen him read anything?

18 A No.

19 Q Has he ever used a cell phone before?

20 A No. He know how to talk. He knows how to answer a
21 cell phone, like blue tooth.

22 Q Does he ever use his fingers --

23 A No.

24 Q -- to do things on a cell phone?

25 A No.

1 Q You say you've been around him all the time?

2 A Correct.

3 Q I mean, you eat lunch him?

4 A Yes, I have.

5 Q You wake up -- in fact, during court, you actually
6 usually will lead him around, correct?

7 A Correct.

8 Q And estimate how many hours a day you spend with
9 Mr. Durant?

10 A Well, I mean, I work, too. I have a job.

11 Q You work normal hours at a job?

12 A Yeah, I have a job and a family, too, as well.

13 Q Okay. So not including your hours at work, at least,
14 so is's a nine-to-five-type job?

15 A Yeah, I work 12 hours a day.

16 Q You work 12 hours?

17 A I work 12 hours a day.

18 Q Not including those times, how often do you spend
19 with Mr. Durant?

20 A If called during the course of the day -- if I'm at
21 work and I call him and I said, Apostle or Pastor, do you
22 need anything, if needed, I'll go and help out whatever
23 needed, but if he don't need anything, I usually stay
24 home. But if he needed to go anywhere that places of
25 prayer, church, or anything, I'm there.

1 Q Okay. And he has asked you to go retrieve people for
2 private meetings before? He has asked you to go say hey,
3 this person needs to come --

4 A They usually come to the door.

5 Q Have you ever retrieved someone for him?

6 A No.

7 Q Never?

8 A No.

9 Q And you said before that your role as armor bearer is
10 to serve and protect Mr. Durant?

11 A Correct.

12 Q And it's -- is that an important role that you take
13 very seriously?

14 A Yeah, because that's my leader. That's the one who's
15 hearing from God for me. Of course, I'm going to make
16 sure he's in a safe environment that -- you know, that
17 he's safe and that the pastor is safe, his wife is safe.
18 You know, he can hear from God, of course.

19 Q So it's your job to keep him safe and protect him?

20 A Not my job, whoever is the armor bearer.

21 Q In your role as an armor bearer --

22 A Right.

23 Q -- it's your job?

24 A And every member.

25 Q I'm sorry, I didn't hear you?

1 A And every member.

2 Q Okay.

3 A Uh-huh.

4 MR. FERNANDEZ: Beg the Court's indulgence one
5 moment.

6 (Pause.)

7 MR. FERNANDEZ: No further questions, Your Honor.

8 Thank you, Mr. Whack.

9 THE WITNESS: You're welcome.

10 THE COURT: Redirect?

11 MR. KENT: Nothing further, Your Honor.

12 THE COURT: All right. You can step down.

13 Next witness.

14 MR. KENT: Your Honor, we would call Elvin Vaughn to
15 the stand.

16 THE BAILIFF: Place your left hand on the Bible,
17 raise your right hand, please.

18 THE WITNESS: Elvin Vaughn.

19 ELVIN VAUGHN, after being duly
20 sworn, testified as follows:

21 THE BAILIFF: State your name and spell your last for
22 the record.

23 THE WITNESS: Elvin Vaughn, V-A-U-G-H-N.

24 DIRECT EXAMINATION

25 BY MR. KENT:

1 Q Mr. Vaughn, how are you doing, sir?

2 A Pretty good, sir.

3 Q I'm going to need you to speak loudly and clearly
4 enough so the person on the back end of the jury can hear
5 every word you're saying, okay?

6 A Absolutely.

7 Q And Madam Court Reporter is taking down every word
8 that you're saying, so she can't take your head shakes or
9 nods or anything of that nature, so make sure we speak in
10 words, yes and no in answering the questions. Okay?

11 A Yes.

12 Q At any point in time, you do not understand the
13 question that I ask or if I speak entirely too fast,
14 simply tell me to stop, slow down, okay?

15 A Yes.

16 Q Let's tell the jury a little about yourself. Tell
17 them who you are, where you're from. Just tell them who
18 you are.

19 A Again, my name is Elvin Vaughn. I'm a minister at
20 Word International Ministries. I'm a truck driver by
21 trade. I'm an armor bearer for Apostle Durant.

22 Q Let's talk about your background. Are you married?

23 A Yes, sir, I am.

24 Q Who are you married to?

25 A Arlisa Vaughn.

1 Q How long have you been married?

2 A Eight years.

3 Q Do you have any children?

4 A Absolutely.

5 Q How many children you have?

6 A I have five total.

7 Q Tell us the names and ages of your children.

8 A [provides names of children]

9 Q I was about to say don't forget one of your kid's
10 names.

11 A Yeah.

12 Q Your wife's not in the courtroom, we'll be okay. How
13 long have you been driving trucks?

14 A Eighteen years.

15 Q And you still do that, correct?

16 A Absolutely.

17 Q I'm going to get right into it and talk to you a
18 little bit about why you're here today. You mentioned
19 that you're an armor bearer?

20 A Yes, sir.

21 Q Explain to the jury what an armor bearer is?

22 A Basically, armor bearer serves the purpose as prayer
23 to the pastor, whatever needs he or she may need. You
24 kind of serve as -- you serve. You're a server to
25 whatever they need. And what I mean server, I mean to the

1 degree of, especially in this case, where the Apostle have
2 on legs, he has to be led to different places. He cannot
3 go on his own. He cannot see on his own. He can see to a
4 certain degree, but he cannot see like you and I can see.
5 And I have help with wearing glasses, but he -- it's to
6 the extreme.

7 Q Are you -- you say you serve at the Pastor's request
8 and you do things for him. Do you cheat, lie and steal
9 for him?

10 A Absolutely not.

11 Q Would you cheat, lie or steal for him?

12 A Absolutely not.

13 Q Would you do anything that would affect your
14 religion?

15 A Absolutely not.

16 Q That's not something that's in your candor. That's
17 not something you would do. Why wouldn't you?

18 A Well, because, first of all, I fear God and what God
19 would do. And I can't do that. That's just not in my
20 character.

21 Q Now, in your role as an armor bearer, have you
22 ever -- well, tell me what happens after church sessions.

23 A Well, what happens normally if we have visitors,
24 visitors, they would be -- they would come and they would
25 greet the pastor, the apostle. For the first time

1 visitors, that's the normal thing. And when they come
2 back there, an armor bearer is back there at all times.
3 And with that being said, whether it be first time -- like
4 I said, first time visitors, you know, they come.

5 Q And when you say always back there at all times, is
6 somebody generally with the pastor at all times?

7 A Absolutely.

8 Q Why is that? He can't have a moment by himself?

9 A Well, no, that's not the case. Like I say, for the
10 most part, he can't see.

11 Q And what about his legs?

12 A He has none.

13 Q So that makes it even more difficult?

14 A Absolutely.

15 Q And you said he can see some?

16 A Right.

17 Q And he can see directly in front of him?

18 A Right.

19 Q He has difficulty seeing?

20 A Absolutely.

21 Q And he's legally blind?

22 A Absolutely.

23 Q And he has no legs from the knees down?

24 A Absolutely.

25 Q I'm going to ask you some names. Do you know an

1 individual by name of K.R. ?

2 A Yes, sir.

3 Q Do you know an individual by the name of A.R.

4 A.R. ?

5 A Yes, sir.

6 Q Do you know an individual by the name of T.H.

7 T.H. ?

8 A Yes, sir.

9 Q Do you know a woman by the name of D.B. ?

10 A Yes, sir.

11 Q Were they all members of your church?

12 A Yes, sir.

13 Q Was this a group that would always hang around
14 together?

15 A Yes, sir.

16 Q So this is something that was known that they would
17 hang around together?

18 A Absolutely.

19 Q At any point in time, did you ever see them have
20 meetings or talks with Pastor Durant?

21 A By themselves, no.

22 Q Explain to the jury what you mean by that.

23 A Well, when it comes to meetings, like I said, as you
24 said meetings, they -- everyone would want to see the
25 pastor from time to time concerning whatever they're got

1 going on. And a lot of times, they would last about two,
2 five minutes tops.

3 Q So they weren't long meetings?

4 A No.

5 Q Why weren't they long meetings? Would you feel
6 awkward if there was a long meeting happening?

7 A Absolutely.

8 Q Where would you be when these meetings or talks or
9 anybody would meet with the pastor?

10 A Right by the door.

11 Q And we've heard testimony, was this the type of
12 church where you couldn't hear anything?

13 A It's paper thin. The walls are paper thin. You
14 could hear anything going on, you know, conversation-wise.
15 You could hear it. It's just not that silent.

16 Q If you were sitting outside the room and you heard
17 something or heard something going on, would you have
18 walked in?

19 A Absolutely.

20 Q Did you have permission to walk in? Did anyone ever
21 tell you, don't you dare walk into these rooms?

22 A Yes, sir.

23 Q You could have always walked in at any point in time?

24 A Yes, sir.

25 Q Sometimes, did you just walk in?

1 A Yes, sir.

2 Q So there weren't -- did you walk in because there was
3 trouble or just sometimes just walked in?

4 A Just walked in.

5 Q And that's something all armor bearers were allowed
6 to do?

7 A Absolutely.

8 Q Anybody could walk into the room or walk out whenever
9 they wanted at any point?

10 A Right.

11 Q Is it your testimony with these paper thin walls at
12 the church you never heard anything at the church?

13 A Absolutely not.

14 Q How would Pastor Durant get home?

15 A His wife would bring him or -- bring and take him.

16 Q So she was always at church with him?

17 A Absolutely.

18 Q This wasn't a fellow who was just hanging out at
19 church by himself with nobody there just hanging out?

20 A Not at all.

21 Q So he was there, he was either with one of you armor
22 bearers. And then when it was time to go home, whenever
23 it was, his wife would take him home?

24 A Absolutely.

25 MR. KENT: Thank you so much. Answer any questions

1 from the State.

2 THE COURT: Cross?

3 MS. ABEE: Yes, sir, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. ABEE:

6 Q Mr. Vaughn, you stated that the Defendant can see to
7 a certain degree, right?

8 A Yes.

9 Q Have you ever seen him drive?

10 A No.

11 Q Do you know whether or not he has a driver's license?

12 A Yes.

13 Q So he does have a driver's license?

14 A Yes.

15 Q Now, let's talk about, you said that you,
16 essentially, have to help lead him around because he
17 doesn't have legs, right?

18 A That's correct.

19 Q But he has prosthetics, doesn't he?

20 A That's right.

21 Q And he can talk on his prosthetics, can't he?

22 A Yes, that's right.

23 Q In fact, when people have meetings with him, you're
24 not in that room with him then, right?

25 A Sometimes I am.

1 Q But sometimes you're not, is that fair?

2 A That could be fair.

3 Q So he could move around his office, right?

4 A To a certain degree.

5 Q And do you know whether or not the Defendant has any
6 kids?

7 A Yes.

8 Q Okay. So he has children?

9 A Absolutely.

10 Q Now, you stated that you never saw D.B. or T.H.
11 or K.R. or A.R. have meetings by themselves with the
12 Pastor, right?

13 A Right.

14 Q But there are other armor bearers, aren't there?

15 A Absolutely.

16 Q It's not just you?

17 A Absolutely.

18 Q And you stated that his wife was also at church,
19 right?

20 A Absolutely.

21 Q And the Defendant's wife was pretty involved in the
22 church, wasn't she?

23 A She's the pastor.

24 Q So there are things that she had to do at the church,
25 as well, right?

1 A Absolutely.

2 Q She wasn't back in the meetings with the Defendant,
3 right?

4 A At times, she would have been.

5 Q And at times, she's not there, is that fair to say?

6 A That's fair to say.

7 MS. ABEE: Your Honor, may I approach?

8 THE COURT: You may.

9 BY MS. ABEE:

10 Q Mr. Vaughn, I'm showing you what's been entered into
11 evidence as State's Exhibit 1, State's Exhibit 2 and
12 State's Exhibit 3. Do you recognize these?

13 A Yes, I do.

14 Q Okay. And State's 1 and 2, what are these pictures
15 of?

16 A The office.

17 Q Okay. And this is the office at 1010 Guinyard,
18 right?

19 A Absolutely.

20 Q Okay. And this is the door of that office?

21 A I'm not sure about that.

22 Q Okay. Well, then we won't talk about State's
23 Exhibit 3, but let's talk about 1 or 2. This is the
24 office that you would be standing outside of during those
25 meetings, right?

1 A Right.

2 Q And you said that you could hear anything, right?

3 A Right.

4 Q Because those walls are paper thin, aren't they?

5 A Absolutely.

6 Q Mr. Vaughn, these walls are cinder block, aren't
7 they?

8 A They are.

9 Q Okay. And when you were describing to us earlier
10 what an armor bearer was, you said that whatever he needs,
11 you serve him; is that right?

12 A That's right.

13 MS. ABEE: Your Honor, I have no further questions.

14 THE COURT: Redirect?

15 MR. KENT: Nothing further from this witness.

16 THE COURT: You may step down.

17 MS. BLAZER: Your Honor, the Defense calls Keshona
18 Edwards.

19 THE BAILIFF: Place your left hand on the Bible,
20 raise your right. State your name, please.

21 THE WITNESS: Keshona Edwards.

22 KESHONA EDWARDS, after being duly
23 sworn, testified as follows:

24 THE BAILIFF: Come around up here, please. State
25 your name, spelling your last for the record.

1 THE WITNESS: My name is Keshona Edwards. My last
2 name is spelled E-D-W-A-R-D-S.

3 DIRECT EXAMINATION

4 BY MS. BLAZER:

5 Q Good morning, Keshona. How are you?

6 A I'm good.

7 Q You need to sit forward so they can hear you. Go on
8 and introduce yourself to the jury.

9 A Hi. My name is Keshona Edwards.

10 Q Keshona, where do you live?

11 A In Sumter, South Carolina.

12 Q Again, you're going to speak up so that they can hear
13 you, I can hear you and the court reporter can hear you,
14 okay?

15 A In Sumter, South Carolina.

16 Q How old are you?

17 A Nineteen.

18 Q How long have you lived in Sumter?

19 A All my life.

20 Q Do you have a lot of family in the area?

21 A Yes.

22 Q Mom, dad?

23 A Yes. My mother's name is Simona Major. My
24 grandfather's name is Simon Major. He's the director at
25 the jail.

1 Q The jail?

2 A Yes.

3 Q Do you have a job?

4 A Yes.

5 Q Where do you work?

6 A Apple's Eye.

7 Q All right. How long you been working there?

8 A Three weeks.

9 Q Did you go to school in Sumter?

10 A Yes, Sumter High.

11 Q Did you graduate?

12 A Yes.

13 Q When was that?

14 A Last year.

15 Q Do you go to church?

16 A Yes, I do.

17 Q Where do you go to church?

18 A Word International Ministries.

19 Q Who's your pastor?

20 A Larry Durant.

21 Q Do you know T.H. ?

22 A Yes.

23 Q How do you know T.H. ?

24 A That's my cousin.

25 Q Do you know A.R. ?

1 A Yes.

2 Q How do you know A.R. ?

3 A We went to church together.

4 Q Do you know K.R. ?

5 A Yes.

6 Q How do you know K.R. ?

7 A We went to church together.

8 Q Do you know D.B. ?

9 A Yes.

10 Q How do you D.B. ?

11 A That's my cousin.

12 Q So T.H. 's your cousin, D.B. 's your cousin and

13 A.R. and K.R. were parishioners with you?

14 A Yes.

15 Q How long have you known them?

16 A Forever.

17 Q Say that again.

18 A For a long time.

19 Q For a long time. Keshona, are you familiar with the
20 allegations in this case?

21 A Yes.

22 Q And did you learn about these allegations before or
23 after Pastor Durant was charged?

24 A Right before.

25 Q How did you learn about them right before?

1 A Well, me and T.H. was in the car on the way
2 back from color guard practice and A.R. called
3 her.

4 Q And A.R. called T.H. ?

5 A Yes.

6 Q Without telling me what they say, how did you become
7 aware that there were allegations against Pastor Durant?

8 A Well, I heard the Bishop's name.

9 MS. ABEE: Objection, Your Honor, hearsay.

10 BY MS. BLAZER:

11 Q When you heard a conversation between A.R.
12 and T.H. , was that conversation -- did it seem
13 serious or did it seem jovial, playful?

14 A Playful.

15 Q Okay. But as a result of that conversation, you
16 believed that there were allegations being made against
17 Pastor Durant?

18 A Yes.

19 Q Did you come to learn about the allegations against
20 Pastor Durant from any other person? Did any other person
21 make you aware of them before he was charged?

22 A Yes.

23 Q Who was that?

24 A Alfon Cummings.

25 Q Who is Mr. Cummings?

1 A A.R. 's brother.

2 Q A.R. 's brother. Did he call you? Did he
3 come see you? How did he make you aware of these
4 allegations?

5 A He called me.

6 Q Okay. Did anyone at any time, at that time or since
7 that time, ask you to make allegations against the pastor?

8 A No.

9 Q Did you make any allegations against the pastor?

10 A No.

11 Q Why?

12 A Because he didn't touch me.

13 MS. ABEE: Objection, Your Honor, inadmissible
14 propensity evidence.

15 MS. BLAZER: I don't know that it's propensity.

16 MS. ABEE: Can we approach, Your Honor?

17 (WHEREUPON, a bench conference was held in the
18 presence of the jury, but outside the hearing of the
19 jury.)

20 BY MS. BLAZER:

21 Q So Keshona, have you ever made any allegations
22 against Pastor Durant?

23 A No.

24 Q Has Pastor Durant ever touched you inappropriately?

25 A No.

1 Q Has he ever spoken to you inappropriately?

2 A No.

3 Q You mentioned that T.H. and D.B. are your
4 cousins?

5 A Yes.

6 Q After these allegations surfaced, did it affect your
7 family in any way?

8 A Yes.

9 Q How so? Tell me.

10 A A lot of them wasn't talking to me.

11 Q They won't talk to you?

12 A No.

13 Q Why is that?

14 A Because they feel like -- I think they say I'm taking
15 sides, but I'm not.

16 Q They -- you think that they think that you're taking
17 sides?

18 A Yes.

19 Q But you're not taking sides?

20 A No.

21 Q Keshona, do you know what Twitter is?

22 A Yes.

23 Q Can you explain it for the jury? Maybe some of them
24 have Twitter, maybe some of them don't. What's Twitter?

25 A It's a social network. You just post statuses back

1 to back.

2 Q Post statuses?

3 A Yes.

4 Q Is that something -- is it pictures, is it words,
5 what is it?

6 A Words. It can be pictures, too.

7 Q So if you wanted to share your thoughts to Twitter,
8 what would you do?

9 A Post a status.

10 Q Okay. So you type it on a computer, on your phone?

11 A Yes.

12 Q And how would somebody else see that status?

13 A If they were following me or they can go on it.

14 Q Do you have a Twitter account?

15 A Yes, I do.

16 Q Did you have a Twitter account in 2013?

17 A Yes, I do -- yes, I did, I'm sorry.

18 Q At that time, were you following people on Twitter?

19 A Yes.

20 Q Who might you follow on Twitter? Do you follow
21 famous people or friends?

22 A Both.

23 Q Both, okay. So who is somebody famous you would have
24 followed?

25 A (There was no response.)

1 Q Musicians, movie stars, that kind of thing?

2 A Yes.

3 Q So you can see what they say?

4 A Yes.

5 Q But you can also see what your nonfamous friends say?

6 A Yes.

7 Q Were you following anybody in 2013 who is involved in
8 this case?

9 A Yes.

10 Q Who?

11 A A.R. , T.H. , D.B. .

12 Q Do you recall A.R. having a Twitter account
13 in 2013?

14 A Yes.

15 Q Do you remember what her Twitter account name was?

16 A I'm just A.R.

17 THE COURT: Say it again.

18 THE WITNESS: I'm just A.R.

19 BY MS. BLAZER:

20 Q I'm just A.R. . So that's the name of her
21 account. How do you know that was the name of her
22 account?

23 A It was her at name.

24 Q So were you following that at name?

25 A Yes.

1 Q And was she following you?

2 A Yes.

3 Q As far as you know?

4 A Yes.

5 Q So can you have conversations on Twitter or is it
6 just one sided, I'm saying something, she's saying
7 something? How does that work?

8 A You can have conversations.

9 Q Did you ever have a conversation with A.R.
10 on Twitter?

11 A Yes.

12 Q In the summer of 2013, do you recall A.R.
13 making -- posting tweets that had anything to do with this
14 case?

15 A Yes.

16 Q Was she tweeting in a serious manner or a joking
17 manner?

18 A Joking.

19 Q Did you do anything when you saw these tweets?

20 A Yes, my mother told me to screen shot it.

21 Q Say that again?

22 A My mother told me to screen shot it.

23 Q She told you to screen shot it. And did you?

24 A Yes.

25 Q So you -- how do you screen shot tweets, what do you

1 do?

2 A It was on my phone, Iphone, so I just hold the top
3 button and middle button and took a picture.

4 Q You took a picture of the screen of A.R. 's
5 tweets?

6 A Yes.

7 Q What did you do with that picture?

8 A I sent it to my mother and my mother sent it to my
9 pastor.

10 (WHEREUPON, Defendant's Exhibit No. 2 was marked
11 for identification only.)

12 BY MS. BLAZER:

13 Q Keshona, I'm going to show you what I'm going to call
14 Defendant's Exhibit 2 for identification purposes only.
15 Take a look at that. Do you recognize that?

16 A Yes.

17 Q Could you describe for me what that is?

18 A It's the Twitter account with A.R. 's Twitter.

19 Q Is it her account? Is is a picture of her account?
20 How do you know that's her account?

21 A It's her account. I screen shotted it.

22 Q That is the screen shot that you took?

23 A Yes.

24 Q Is that the original or is that a copy?

25 A That's a copy of it.

1 Q But you feel certain that that is the screen shot
2 that you took?

3 A Yes.

4 MS. BLAZER: Your Honor, at this time, I'd move
5 Defense Exhibit 2 into evidence.

6 MS. ABEE: There is an objection from the State, Your
7 Honor, two-fold. One would be a lack of foundation. This
8 is the same exhibit that was shown to A.R. who
9 stated that she could not authenticate these pictures.
10 And secondly, Your Honor, even if this is A.R. 's
11 statement, it's still hearsay coming in through this
12 witness.

13 MS. BLAZER: Your Honor, it's --

14 THE COURT: Hold on, let me send the jury out while
15 we discuss this.

16 I told you sometimes we may need to take up a matter
17 of law. I need you to step out while I hear what the
18 lawyers are going to argue outside of your presence.
19 Again, don't begin deliberations or discussions about the
20 case.

21 (WHEREUPON, the jury left the courtroom at 11:22
22 a.m.)

23 THE COURT: Let me see this.

24 MS. BLAZER: Sure.

25 (Pause.)

1 THE COURT: All right. So do you want to address her
2 objections?

3 MS. BLAZER: So her objection is that first -- I
4 believe I have them in order -- there's no foundation and
5 the second is that it's hearsay. So as to the first
6 the -- this witness can testify that this is a copy of a
7 photograph that she took. And she's already laid the
8 foundation for why she took the photograph and she has
9 told the jury this is a replication of the photograph she
10 took. I think that's the foundation for the photograph.

11 With regard to the hearsay contained therein, we're
12 not offering it for the truth of the matter asserted.
13 This young woman took a picture of this. She was prompted
14 to do it because of what was contained therein. Ms. A.R.
15 has already testified that that's not her Twitter handle
16 and she can stand by that. But this young woman has
17 testified to the jury that he believed it was her. She
18 had a relationship with her and she thought this was she.
19 To the extent that this was Ms. A.R. 's, this is an
20 inconsistent statement with the way that she's testified
21 and I think that overcomes the hearsay objection.

22 MS. ABEE: Your Honor, Ms. Blazer addressed the
23 authentication of the photo, the screen shot itself.
24 However, she did not address the authentication of the
25 content inside of the photo. That was attempted to be

1 addressed through A.R. , who stated would seem to
2 be a picture of her, but was not her Twitter handle.
3 Anyone with an e-mail address can create a Twitter handle
4 to be anyone. I could be David Fernandez. I could be
5 anyone. So it isn't authenticated as being A.R.

6 A.R. 's statements.

7 If they are A.R. 's statement, Your Honor,
8 then they are inadmissible. The fact that this witness
9 thought that they were A.R. 's statements or her
10 belief that they were A.R. 's statements are not
11 relevant to this case if they cannot authenticate and lay
12 the foundation that they are, in fact, A.R. 's
13 statements, Your Honor. And if they're not being entered
14 for the truth of the matter asserted, but rather to show
15 whether or not this witness took a picture of them, Your
16 Honor, then that's irrelevant, as well. We would contend
17 that they are being entered for the truth of the matter
18 asserted. And if we cannot authenticate who the declarant
19 is of those statements, Your Honor, then the statements
20 themselves should be redacted and the picture --

21 THE COURT: Well, I read it. I can't quite figure
22 out what it is that's being said in there. So you'll have
23 to -- I guess, you know, they use those little acronyms.
24 I don't understand why it's being offered. I know you
25 want to say it's for impeachment purposes.

1 MS. BLAZER: Yes, sir.

2 THE COURT: But you've still got to -- I'm not sure
3 that impeachment necessarily overcomes hearsay. Tell me
4 what it is that is purportedly being said.

5 MS. BLAZER: May I approach?

6 THE COURT: I don't understand the acronyms.

7 MS. BLAZER: Well, if I may --

8 THE COURT: And why would you offering it if it's not
9 for the truth of the matter asserted?

10 MS. BLAZER: Your Honor, it -- whether Ms. A.R. --
11 it appears to be saying in these tweets, I know why he was
12 cheating. Then it says SMH, which is I think shaking my
13 head.

14 THE COURT: I have no idea. You have to have
15 somebody tell me.

16 MS. BLAZER: Let me leave that alone. I swear my mom
17 is so crazy. He wanted all the blank, LMAO, laugh my
18 blank off, laugh my blank off. My mom is stupid, yo,
19 talking about pastor had all the blank. I think whether
20 the pastor was cheating and the pastor had all the blank
21 is not the truth of the matter asserted. It is the sense
22 of seriousness with which Ms. A.R. was addressing what
23 she's purporting to be a sexual assault via a public means
24 where this young lady was interacting with her regularly
25 on Twitter.

1 And so the jury -- we're not asking the jury to
2 believe or disbelieve the truth of what Ms. A.R. has
3 asserted, but the fact that she was tweeting and this -- I
4 believe that this witness can testify that she had a
5 relationship with Ms. A.R. that was personal that led her
6 to believe that this was Ms. A.R.'s account. And when
7 she read this on Ms. A.R.'s account, it was vulgar and
8 offensive to her, so she took a picture of it.

9 THE COURT: All right.

10 MS. ABEE: Your Honor, whether or not Ms. Edwards
11 believed it was Ms. A.R.'s account, A.R. got up
12 on the stand and under oath said it's not her account.

13 THE COURT: Well, then it's up to the jury to believe
14 whether or not it is.

15 MS. ABEE: Yes, Your Honor, but these --

16 THE COURT: Authentication is what she purports it to
17 be, and that is a snapshot of a Twitter account, which she
18 says was of A.R. A.R. has denied it's hers. I
19 mean, there's more than one way to authenticate something.

20 MS. ABEE: Yes, sir, we would still contend the
21 statements themselves aren't relevant and still hearsay.
22 They're hearsay of A.R. and they're irrelevant.
23 They aren't even, according to Ms. Blazer, purporting to
24 be talking about her sexual assault, but something else,
25 Your Honor. The only date stamp on that says seven hours

1 ago. It doesn't even have a year. So there isn't even a
2 context and a date frame for the screen shot either, Your
3 Honor.

4 MS. BLAZER: Your Honor, I believe she gave the
5 timeframe when she testified. She said that this was in
6 the summer of 2013. And I'm sorry, I lost track of the
7 other points being made by Ms. Abee, but I don't -- she
8 can certainly lay the foundation of when she took this
9 picture. Because she was already asked about it, she's
10 knowledgeable about it.

11 THE COURT: Well, it seems to me that she is able to
12 authenticate what she is --

13 MS. BLAZER: Uh-huh.

14 THE COURT: -- taking a snapshot of, which is what
15 she says is Ms. -- that is a representation of a snapshot
16 of a Twitter account, which she says is A.R. 's. The
17 jury can believe whether or not it is.

18 As for the hearsay, it's not -- it doesn't sound to
19 me like you're offering to prove whether or not the
20 minister was, in fact, having sex with anybody, but you're
21 offering to it prove the state of mind of A.R.

22 MS. BLAZER: Yes, sir.

23 THE COURT: In which case, it's not by definition
24 hearsay. It's not being used to prove -- it's not being
25 offered to prove the truth of the matter asserted therein

1 by A.R. , but to show the state of mind of A.R. in
2 writing it, so I will let it in.

3 I would -- well, you're going to have to ask her what
4 those acronyms.

5 MS. BLAZER: Yes, sir.

6 THE COURT: Why don't we go ahead and -- do you have
7 piece of paper?

8 MS. BLAZER: Why don't I let the court reporter mark
9 it so she doesn't have a stroke.

10 THE COURT REPORTER: So this one is in?

11 MS. BLAZER: As far as I know.

12 THE COURT: All right. All right. Read me out what
13 that says.

14 THE WITNESS: It says my mom is crazy, but I know why
15 he is cheating. Shake my head. Didn't leave that alone.
16 I have swear my mom is crazy, haha. He wanted all the
17 blank.

18 THE COURT: You're going to have to say it even if
19 you don't want to.

20 THE WITNESS: He wanted all the pussy, laughing my
21 ass off, laughing my ass off. My mom is stupid. They all
22 talking about the pastor had all the pussy.

23 THE COURT: Hold on a second. Let me see it.

24 All right. When you say laughing my ass off, you
25 mean LMAO, right?

1 THE WITNESS: Yes.

2 THE COURT: What does LMAOO? Is that different?

3 THE WITNESS: It's the same.

4 THE COURT: And there was a SMHH?

5 THE WITNESS: Shaking my head.

6 THE COURT: So the two H's is just the extra H?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right.

9 Okay. Bring the jury back in.

10 (WHEREUPON, the jury entered the courtroom at
11 11:33 a.m.)

12 THE BAILIFF: All the jurors are back in the
13 courtroom, Your Honor.

14 THE COURT: All right. You may resume.

15 CONTINUED DIRECT EXAMINATION

16 BY MS. BLAZER:

17 Q So, Keshona, right before the break, we were talking
18 about a picture you had taken of some tweets that you
19 thought were from A.R. ; is that right?

20 A Yes.

21 MS. BLAZER: At that time, Your Honor, I moved to
22 admit Defense two into evidence.

23 THE COURT: Admitted over State's objection.

24 MS. BLAZER: Thank you, Your Honor.

25 (WHEREUPON, Defendant's Exhibit No. 2 was

1 admitted into evidence.)

2 MS. BLAZER: At this time, I would like to publish to
3 the jury Defense Exhibit 2 and ask Ms. Edwards to go
4 through it with us because there are some acronyms and
5 such in it.

6 THE COURT: All right.

7 By publishing, she means read, so you can read it
8 out. And I know there are words in there you don't want
9 to say out loud, but you need to.

10 THE WITNESS: Okay. My mom is crazy, but I know why
11 he's cheating, shake my head. Let me leave that alone,
12 though. I swear my mom is so crazy. Hahaha. He wanted
13 all the pussy. Laugh my ass off. Laugh my ass off. My
14 mom is stupid, yo, talking about the pastor had all the
15 pussy.

16 BY MS. BLAZER:

17 Q Can you read that last one for me one more time just
18 a little bit slower?

19 A Laugh my ass off. My mom is stupid, yo, talking
20 about the pastor had all the pussy.

21 MS. BLAZER: Thank you, Keshona. I have no further
22 questions. You have to answer any questions that the
23 State may have of you.

24 THE COURT: Cross-examination.

25 MS. ABEE: Thank you.

CROSS-EXAMINATION

BY MS. ABEE:

Q Ms. Edwards, you said that you had Twitter, right?

A Yes.

Q So you know how a Twitter account is made, don't you?

A Yes.

Q You put in an e-mail address, right?

A Yes.

Q You create a password, right?

A Yes.

Q And then you create a Twitter handle, don't you?

A Yes.

Q Now, you can create any Twitter handle that you want as long as it hasn't already been taken by someone else, right?

A Yes.

Q And you can say that that Twitter handle belongs to anybody else, right?

A Yes.

Q And you can put a picture up of anybody else?

A Yes.

Q So, for instance, I could say that I was you and create a Twitter account with your name, right?

A Yes.

Q Now, that Twitter handle, do you have it in front of

1 you, that piece of paper?

2 A Yes.

3 Q The Twitter handle is I'm just A.R.

4 right?

5 A Yes.

6 Q It doesn't say A.R. on it, does it?

7 A No.

8 Q And in all of those tweets, nowhere does it say
9 A.R. , right?

10 A Yes.

11 Q So her name is nowhere in that Twitter?

12 A No.

13 Q Okay. And then you said that you saw this, right?

14 A Yes.

15 Q And that you thought it was A.R. 's, right?

16 A Yes.

17 Q And you thought that she was talking about Pastor
18 Durant, right?

19 A Yes.

20 Q It doesn't say Pastor Durant's name anywhere there,
21 does it?

22 A No.

23 Q However, your mom told you to screen shot it, didn't
24 she?

25 A Yes.

1 Q And your mom is who?

2 A Simona Major.

3 Q And your mom, Simona Major, she's involved in the
4 church, isn't she?

5 A What do you mean?

6 Q She attended Pastor Durant's church?

7 A Yes.

8 Q And you've been attending Pastor Durant's church
9 since you were how old?

10 A Five.

11 Q So you were attending since you were about five and
12 I'm assuming your mom was attending with you?

13 A Yes.

14 Q For just that long, right?

15 A Yes.

16 Q Did she attend longer?

17 A Yes.

18 Q So your mom saw this and she told you to screen shot
19 it, didn't she?

20 A Yes.

21 Q And then you said she turned it over to Pastor
22 Durant?

23 A Yes.

24 MS. ABEE: Your Honor, may I have one second?

25 THE COURT: Uh-huh.

1 (Pause.)

2 MS. ABEE: No further questions, Your Honor.

3 THE COURT: Redirect?

4 MS. BLAZER: No, sir, Your Honor. May this witness
5 be excused?

6 THE COURT: You may step down.

7 THE COURT REPORTER: We need the exhibit, please.

8 THE BAILIFF: Leave it right there.

9 MR. KENT: Your Honor, I would call Arlisa Vaughn to
10 the stand.

11 THE BAILIFF: Place your left hand on the Bible,
12 raise your right hand. State your name, please.

13 THE WITNESS: Arlisa Vaughn.

14 ARLISA VAUGHN, after being duly
15 sworn, testified as follows:

16 THE BAILIFF: State your name, spelling your last for
17 the record.

18 THE WITNESS: Arlisa Vaughn.

19 DIRECT EXAMINATION

20 BY MR. KENT:

21 Q Ms. Vaughn, I know you haven't been in the courtroom,
22 but I'm going to need you to speak loud and clear so
23 everybody in the jury can hear every word that you're
24 saying.

25 A Okay.

1 Q And Madam Court Reporter in front of you -- I know
2 people get tired of hearing me saying this, but Madam
3 Court Reporter in front of you is taking down every word
4 you're saying.

5 A Okay.

6 Q She can't take down head shakes and nods and things
7 of that nature.

8 A Okay.

9 Q And you won't be on the stand very long, I promise.
10 I just have a few questions for you.

11 A Sure.

12 Q Tell the jury about yourself. Who are you?

13 A I'm Arlisa Vaughn, of course, member of Word
14 International Ministries. I've been there for over 10
15 years.

16 Q Okay. What do you do there?

17 A Trustee.

18 Q Tell me what a trustee does.

19 A Trustee is responsible for maintaining bank accounts
20 or help -- you know, helping in the finance office and
21 dealing with, you know, different bills and writing checks
22 and things like that.

23 Q So you're responsible for -- you're, basically, the
24 church's accountant is the easiest way to describe it?

25 A Yes.

1 Q Tell me how the church accounts for what happens, how
2 are checks written, who writes checks.

3 A I pretty much write checks. Whatever they need to be
4 done, bills to be paid, it goes through me. And anything
5 that the pastor needs to be done, I pretty much sign the
6 check.

7 Q And we keep saying the pastor. There's two pastors
8 in this church?

9 A Well, Apostle or Pastor Durant.

10 Q And Pastor Durant, Apostle Durant is sitting there in
11 the black suit?

12 A Yes, that's correct.

13 Q And behind him, who's been here the entire time,
14 that's his wife?

15 A That's correct.

16 Q That's the pastor you're also talking about?

17 A Yes.

18 Q So when you said anything the pastor wants, I want
19 you to say their names. I want you to say Melody or
20 Larry. I want to know who you're talking about.

21 A Okay.

22 Q When you talk about who needs you to write checks or
23 anything of that nature, who are you talking about?

24 A Melody.

25 Q Have you written checks for Melody before?

1 A Yes.

2 Q At some point in time, I asked you to look into the
3 church's accounts recently to find some checks; is that
4 correct?

5 A Correct.

6 Q Do you remember what I asked you and could you tell
7 the jury what you did?

8 A Yes. I went to search for a check that was written
9 out to Johnnie Mae Brayboy, a check for \$500, which was a
10 loan to her.

11 Q Which was a loan?

12 A Correct.

13 Q Who is Johnnie Mae Brayboy?

14 A She is the mother of D.B.

15 Q And there's been some allegations about the pastor
16 giving her \$500?

17 A Correct.

18 Q Someone did give Johnnie Mae Brayboy \$500, correct?

19 A That's correct.

20 (WHEREUPON, Defendant's Exhibit No. 3 was marked
21 for identification only.)

22 BY MR. KENT:

23 Q I'm showing you what's been marked as State's [sic]
24 Exhibit 3. Can you tell me what that is?

25 A This is the check that was written out to Johnnie Mae

1 Brayboy, a loan for Mae in the memo.

2 Q How are you familiar with what that is?

3 A I wrote it.

4 Q You wrote it?

5 A Yes.

6 Q And you went and got a copy of it?

7 A That's correct.

8 Q Upon my request?

9 A Yes.

10 Q Here very recently?

11 A Yes.

12 Q Tell me what you did, how you got a copy, what did
13 you do?

14 A I went to the bank and requested a copy of the check.

15 MR. KENT: Your Honor, at this point in time, I'd
16 move Defense Exhibit No. 3 into evidence.

17 MS. ABEE: Without objection, Your Honor.

18 THE COURT: Admitted.

19 (WHEREUPON, Defendant's Exhibit No. 3 was
20 admitted into evidence.)

21 BY MR. KENT:

22 Q So when you go to the bank and get a check, is there
23 a reason you are allowed to get a check and nobody else?
24 How come you're allowed to get the check?

25 A Because my name is on the account as the trustee.

1 Q And tell me what would happen usually with these
2 checks. I mean, did you just write out checks however you
3 wanted to? How were you told to write out checks?

4 A No, I didn't write them out as I wanted to. If there
5 was something that needed to be paid, such as a bill or
6 anything like that, it was requested that it was written.

7 Q Would somebody else write the body sometimes and you
8 would simply sign the check?

9 A No.

10 Q You would always write the checks out?

11 A Yes.

12 Q Now, this check we're talking about particular, tell
13 me how that happened if you remember?

14 A Pastor just came to me and told me what she needed to
15 be written out and I just pretty much did that.

16 Q Okay. Did they tell you what the check was for?

17 A As they say in the memo, it was a loan for Johnnie
18 Mae Brayboy.

19 Q And as we're looking at this, it has your signature
20 on the bottom?

21 A Correct.

22 Q And on the signature line, it was just loan for Mae?

23 A Yes.

24 Q Is that what y'all call Ms. Brayboy?

25 A Nickname, yes.

1 Q It's from January 25th, 2013?

2 A That's correct.

3 Q And this is written on the church's account?

4 A That's correct.

5 Q Signed by yourself?

6 A That's correct.

7 Q And the person who requested this check would have
8 been who?

9 A As far as?

10 Q Like who told you to write the check?

11 A Pastor would have requested I write it.

12 Q Remember what I told you about --

13 A Melody, I'm sorry.

14 Q So Melody had you write a check for Johnnie Brayboy?

15 A Correct.

16 Q It wasn't Pastor Durant?

17 A Correct.

18 Q And this was a loan?

19 A Correct.

20 Q For \$500?

21 A That's correct.

22 Q Now, I go to churches pretty often. Y'all can get
23 cash, right?

24 A Yes.

25 Q If Pastor Durant wanted cash to do something with --

1 A Right.

2 Q -- he could have gotten cash from you?

3 A That's correct.

4 Q He could have said give me \$500, I need to give to it
5 somebody?

6 A Right.

7 Q And if he would have done that, no problem?

8 A Right.

9 Q But this was specific, orderly, somebody has to
10 borrow \$500?

11 A That's correct.

12 Q And it was written in a loan?

13 A Correct..

14 Q Nobody was trying to hide it or anything of that
15 nature?

16 A Right.

17 MR. KENT: Thank you so much for your time.

18 THE COURT: Cross?

19 CROSS-EXAMINATION

20 BY MR. FERNANDEZ:

21 Q Very briefly, ma'am. Thank you. I'll have you on
22 your way.

23 So to be clear, Ms. Vaughn, when you refer to the
24 pastor in this case, you meant Melody Durant; is that
25 correct?

1 A Yes.

2 Q And Melody Durant is who for my education?

3 A She is pastor of our ministry, Word International
4 Ministries.

5 Q Is she related to Larry Durant?

6 A Yes.

7 Q In what form?

8 A That's his wife.

9 Q Now, as trustee, I know you said that's your title.
10 It's, essentially, an accountant of the church, correct?

11 A Yes.

12 Q And let me ask you this, in your experience, how long
13 have you been the accountant?

14 A Maybe within the last five years or so.

15 Q And would it be -- this is your experience with
16 handling official church matters. Would it be appropriate
17 or inappropriate if someone were to use church funds for
18 private use?

19 A Could you repeat that, please?

20 Q Would it be inappropriate if someone used church
21 funds for private use, like personal use?

22 A I still don't --

23 Q Okay. You said you paid bills, correct?

24 A Yes.

25 Q And that would be bills that the church as an entity

1 accrued?

2 A Right.

3 Q Has anyone ever asked you to write them a personal
4 check?

5 A No.

6 Q To themselves in the churches?

7 A No.

8 Q Okay. So when I say if anyone used the money from
9 the church for personal use, that would be inappropriate,
10 that would be wrong?

11 A That's if it was.

12 Q I'm just saying if it was done, it would be wrong,
13 correct?

14 A No. I couldn't say that.

15 Q That would not be wrong?

16 A No.

17 Q So who is allowed to use church funds for their own
18 personal use in your church?

19 A No one is using church funds for personal use. I'm
20 still trying to get what you're saying. Personal use as
21 far as if you're loaning someone some money or are you
22 talking about the Pastor Larry Durant or --

23 Q I'm just talking in general right now. I'm going to
24 get more specific a second. I'm just trying to establish
25 what the procedures are in the church and your role as the

1 accountant. Okay. So if someone were to ask you to write
2 a check -- I'm not naming names, no one, just anyone in
3 particular say hey, I'd like you to write me a check for X
4 amount of dollars and just give it to me. Would that be
5 okay or would that be not okay?

6 A No, because I don't know what it's for.

7 Q So has anyone ever come to you and said I'd like you
8 to write me a personal check?

9 A No.

10 Q Okay. And if someone came to you and asked you to
11 write them a personal check and wouldn't tell you what
12 it's for, would you write it?

13 A No. I'd ask a question before writing it, yes.

14 Q So you would always want to know what it's for?

15 A Correct.

16 MR. FERNANDEZ: Beg the Court's indulgence.

17 (Pause.)

18 BY MR. FERNANDEZ:

19 Q On the church -- I'm sorry. On the document there
20 that you just said -- you wrote that check, correct?

21 A Correct.

22 Q And in the line, it says loan; is that correct?

23 A That's correct.

24 Q Do you know what the loan was for?

25 A It was a loan for Mae.

1 Q But you don't know for what purpose, correct?

2 A I didn't ask if it was for business or personal.

3 Q Did you assume it was business or is that -- is that
4 something you would just assume if Melody Durant or Pastor
5 Larry Durant came to you and asked you for a generic loan
6 for somebody?

7 A It wasn't an assumption. What she said it was is
8 what it was.

9 Q So the only specificity you need then is it's a loan?
10 You don't need to know exactly why the money is being sent
11 out?

12 A Not necessarily. If she said it was for what it was,
13 it's for what it was.

14 Q When they ask you to do something, you do it?

15 A Not like you say, no.

16 Q Well, if they ask you to give a loan out, you would
17 do it, you wouldn't ask what the loan was for; is that
18 correct?

19 A Not like you're saying.

20 Q I'm asking you a question. Is it true --

21 A If she asked me to write a check for something for
22 her, yes, I would do it.

23 Q Okay.

24 A Because I trust her, yes.

25 MR. FERNANDEZ: Thank you.

1 MR. KENT: No further questions, Your Honor.

2 THE COURT: You step down.

3 MR. KENT: Your Honor, at this time, we would call
4 Dr. Jason Leonard.

5 THE BAILIFF: Place your left hand on the Bible,
6 raise your right hand. State your name, please.

7 THE WITNESS: My name is Jason Michael Leonard.

8 JASON LEONARD, M.D., after being
9 duly sworn, testified as follows:

10 THE BAILIFF: Come around, sir. State your name,
11 spell your last for the record.

12 THE WITNESS: It's Jason Michael Leonard,
13 L-E-O-N-A-R-D.

14 DIRECT EXAMINATION

15 BY MR. KENT:

16 Q Dr. Leonard, how are you doing, sir?

17 A Well, thank you. How are you?

18 Q I know you're soft-spoken. We'll get you in and out
19 of here as quickly as we can.

20 A Thank you.

21 Q Madam Court Reporter right there is taking down every
22 word that you're saying. She can't take down head nods,
23 shakes or things of that nature. So make sure when you
24 give your answers, they're affirmative yeses and nos.

25 A Okay.

1 Q We need to speak loudly enough so the last person on
2 the back of the jury can hear you.

3 A Can you hear me okay?

4 Q Yes, sir. Let's talk a little bit about your
5 background.

6 A Okay. My name Jason Leonard. I grew up in
7 Cincinnati, Ohio. I went to University of Willamette
8 Medical School where I graduated at the top of my medical
9 school class. I did residency in family medicine at
10 McLeod Family Medicine in Florence, South Carolina, where
11 I finished in 2007. Since 2007, I have been a physician
12 here at Colonial Family Practice in Sumter and I've worked
13 at the main office on Broad Street the entire time. My
14 background is family medicine. I am Board certified in
15 family medicine. I have served as the president of the
16 Sumter Clarendon Lee County Medical Society. Is that
17 sufficient.

18 Q I think I officially found the only person who speaks
19 faster than I do. I think Madam Court Reporter actually
20 agrees with me.

21 A I'll slow down.

22 Q Thank you so much. Dr. Leonard, again, I'm not --
23 you're here as a doctor. Do you treat Larry Durant?

24 A Yes.

25 Q How long have you treated Larry Durant?

1 A Since 2009.

2 Q I'm not here as an expert. I'm here, basically, to
3 talk about the fact that you have treated Larry Durant for
4 quite some time?

5 A That's correct.

6 Q How long have you treated him again?

7 A Since 2009.

8 Q I just want to go over briefly some of the things
9 that you have treated him for?

10 A Okay.

11 Q First of all, tell me about him as a patient.
12 There's been some suggestions about his eyes. Does he
13 have 20/20 vision?

14 A No.

15 Q As his doctor, what's his eyesight -- is he blind, is
16 he legally blind?

17 A Yes, he is legally blind. I don't know off the top
18 of my head his exact eyesight, but he is diagnosed with
19 legal blindness. That the diagnosis he had prior to me
20 seeing him.

21 Q Before he came to you, he had been diagnosed as
22 legally blind?

23 A Yes.

24 Q Number two, is he a double amputee?

25 A Yes.

1 Q Tell me about that. I know you don't treat him for
2 that, but he came to you also as a double amputee?

3 A That's correct. That's something that certainly well
4 predated my care for him, but that has been an issue.
5 That's one of the things I treated him for, any issues
6 related to his amputee status.

7 Q What do you mean the issues related to his amputee
8 status?

9 A He had chronic knee pain. He's had several times
10 where he's got knee effusions, which is inflammation in
11 the knee joint, and I've had to drain his knee several
12 times. He takes chronic medications for it.

13 Q And this is something he's talked to you about, his
14 chronic knee pain?

15 A Yes.

16 Q And he has met with you with his wife?

17 A Yes.

18 Q And they have talked to you about the knee pain and
19 the knee problems?

20 A That's correct.

21 Q Have they talked to you about problems with sexual
22 intercourse because of knee pains and knee problems?

23 A They have briefly, yes.

24 Q So that is something they have discussed with you?

25 A Yes.

1 Q And discussed with you problems with different
2 positions and the safest way of having intercourse because
3 of his knee problems?

4 A Yes.

5 Q Including standing up?

6 A Yes.

7 Q You have also treated him for erectile dysfunction?

8 A That's correct.

9 Q Could you -- I'm not going to get into it, but you
10 have treated him for erectile dysfunction for quite some
11 time?

12 A That's correct, pretty much the entire time I've been
13 taking care of him.

14 Q So since 2007, 2008, he's had erectile dysfunction?

15 A That's right.

16 Q In treatment for erectile dysfunction, one of the
17 things you do is give him prescriptions to help him
18 maintain or keep an erection?

19 A That's correct.

20 Q His wife has been in there when he's had these
21 problems?

22 A Yes.

23 Q And she knows about it?

24 A Right.

25 Q So this isn't something he's come to you, I need

1 these things. He's had erectile dysfunction?

2 A Yes.

3 Q That erectile dysfunction, could it be related to any
4 other disorders or anything he has? I just don't know.
5 Or is that anything you've looked at through your
6 treatment?

7 A Do you mean what is the cause of erectile
8 dysfunction? Is that what you're asking?

9 Q No, that's not what I'm asking. But he has been
10 treated for erectile dysfunction?

11 A That's correct.

12 Q This is something that's indicated in his charts?

13 A That's correct.

14 Q This is something you have treated him for for quite
15 some time?

16 A That's correct.

17 Q And then, finally, Doctor, have you ever treated
18 Mr. Durant for a chronic disease which is transmitted
19 sexually?

20 A Yes.

21 Q Is this a disease that is still active in his body?

22 A Yes.

23 Q Would this be a disease that was active in his body
24 from the entire time that you have known him and treated
25 him?

1 A Yes, I diagnosed him with it in 2009.

2 MR. KENT: Thank you so much. Thank you for your
3 time.

4 THE COURT: Cross?

5 MS. ABEE: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. ABEE:

8 Q Dr. Leonard, do you have knowledge of sexually
9 transmitted diseases educationally?

10 A Yes, ma'am.

11 Q And are you aware of how they're transferred?

12 A Yes, ma'am.

13 Q And is this something you're very familiar with?

14 A Yes, ma'am.

15 Q I want to first talk a little bit about the erectile
16 dysfunction that Mr. Kent talked to you about. Now, you
17 said that you were treating Mr. Durant for erectile
18 dysfunction, right?

19 A Yes.

20 Q And treating means helping cure someone, right?

21 A Well, some diseases aren't curable. If you had
22 diabetes, I cannot cure of that unless you have dramatic
23 weight loss, so managing would be the more appropriate
24 medical term.

25 Q So managing his erectile dysfunction, right?

1 A Yes.

2 Q And I believe there was some mention of medicine that
3 would allow Mr. Durant to be able to maintain an erection,
4 correct?

5 A That's correct. That is kind of the standard.
6 There's medications to use. If there's causes such as low
7 testosterone or other conditions, we can work on treating
8 those with medications.

9 Q And you prescribe that type of medication to the
10 Defendant?

11 A Yes, ma'am.

12 Q And now I want to talk about the sexually transmitted
13 disease that you stated that Mr. Durant had. Sexually
14 transmitted diseases are usually transmitted through some
15 type of fluid, right?

16 A Correct.

17 Q So semen, right?

18 A Semen, blood, yes.

19 Q Saliva?

20 A Saliva.

21 Q And usually they're transmitted through some sort of
22 open wound in the body; is that right?

23 A Potentially, but not always.

24 Q But if there's some sort of cut, then that allows
25 that fluid to get into the body, right?

1 A Yes, but it gives you a higher instance of
2 transmission, but it's not mandatory for a transmission.
3 And again, we're speaking very broad terms here. I mean,
4 there's so many sexually transmitted diseases, each of
5 them have different modes of transmission.

6 Q I'm going to try to slow down so you slow down.
7 Sexually transmitted diseases aren't always transferred,
8 are they?

9 A No, ma'am.

10 Q Say, for instance, if someone didn't ejaculate, you
11 stated that sexually transmitted diseases transferred
12 through semen, if someone ejaculated in their hand, then
13 that wouldn't be inside the body, correct?

14 A Correct.

15 Q So that would be a low probability that a sexually
16 transmitted diseases would, in fact, transfer, wouldn't
17 it?

18 A That's correct.

19 MS. ABEE: Your Honor, I have no further questions.

20 THE COURT: Redirect?

21 MR. KENT: Nothing further. I'd ask that Dr. Leonard
22 be excused.

23 THE COURT: You may step down. You're free go.

24 THE WITNESS: Thank you.

25 THE COURT: Next witness.

1 MR. KENT: May I have five minutes, sir?

2 THE COURT: Yes.

3 Folks, let me send you out. We're going to take just
4 a few minutes break, check on lunch. I told them to order
5 you lunch. What we're going to do is have a short lunch
6 hour so you can eat your lunch here. And we can get on
7 track to get it to you shortly thereafter. So we'll check
8 on when it will be here and then we'll have you back in
9 just a few minutes for figuring out exactly what we're
10 going to be doing around this next hour or so.

11 Okay. So, again, don't begin deliberations or
12 discussions. We will have you back in just a few minutes.

13 (WHEREUPON, the jury left the courtroom at 11:58
14 a.m.)

15 THE COURT: Okay. You made the decision about him
16 testifying?

17 MR. KENT: That's why I was asking just five minutes.

18 THE COURT: Okay. We'll take five. Be right back.

19 MR. KENT: Thank you.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: All right. Let the record reflect the
22 Defendant is in the courtroom.

23 Mr. Kent, what's the Defense's plan of course at this
24 time?

25 MR. KENT: Your Honor, the Defendant will not be

1 testifying. And that will be the extent of the Defense's
2 case.

3 THE COURT: Okay. Well, Mr. Durant, I want to talk
4 to you again one last time. Your lawyer has told me now
5 that you are not planning on testifying. I've told you
6 now throughout the trial that that is your decision and
7 your decision alone. If you want to testify, you
8 certainly can. And, again, you would be subject to not
9 only answering questions from your lawyers, but also from
10 the State, as well. But if you do not want to testify, I
11 will instruct the jury that that is your Constitutional
12 right and they are not to hold that against you at all
13 while they are deliberating. Do you understand that?

14 THE DEFENDANT: Yes, sir, I do.

15 THE COURT: Do you have any questions you want to ask
16 me about that or your lawyers?

17 THE DEFENDANT: No, sir, I don't.

18 THE COURT: All right. You made a decision you do
19 not want to testify?

20 THE DEFENDANT: That's correct, sir.

21 THE COURT: All right. Well, then you may be seated.
22 So now, the Defense will rest. Are you guys going to
23 have any rebuttal.

24 MS. ABEE: Your Honor, as to the last witness's
25 testimony, we were thinking about it but we don't have our

1 ducks in a row to call a rebuttal case based on that last
2 witness at this moment.

3 THE COURT: Well, I'm going to bring the jury in.

4 Do you want me to tell the jury that you're resting
5 or would you prefer to rest in front of the jury?

6 MR. KENT: I prefer to rest.

7 THE COURT: Okay.

8 MR. KENT: You know, I like to talk. I like to hear
9 my voice.

10 THE COURT: What's that?

11 MR. KENT: I like to hear my voice.

12 THE COURT: Well, you know, it has a certain melody
13 to it.

14 Well, I'm going to send them to lunch -- or they're
15 going to have lunch brought here. I'm going to tell them
16 1:00 o'clock, we'll be ready to go.

17 MS. ABEE: Yes, sir.

18 THE COURT: We'll do the jury charge real quick
19 before we let you guys go.

20 (WHEREUPON, the jury entered the courtroom at
21 12:08 p.m.)

22 THE BAILIFF: All the jurors are back in the
23 courtroom, Your Honor.

24 THE COURT: All right. Thank you.

25 Any further witnesses from the Defense?

1 MR. KENT: Your Honor, at this point in time, that
2 would be the case for Larry Durant. That would be the
3 extent of our case.

4 THE COURT: All right. The Defense has rested. Will
5 there be any rebuttal from the State?

6 MS. ABEE: No, Your Honor.

7 THE COURT: Okay. Well, folks, you have now heard
8 all of the evidence that you are going to hear in the
9 trial. I'm going to send you back to the jury room. I
10 had the clerk order you lunch. It should be here any
11 moment. I'm doing that now so that we can kind of move
12 things along a little bit quicker. So what I'll do is
13 when you go back there, as soon as lunch comes, go ahead
14 eat it. And then we're going to -- hopefully, it will get
15 here soon and then we'll start back up at 1:00 o'clock
16 with the closing arguments. And then I'll charge you on
17 the law, and then we'll get it to you for your
18 deliberations.

19 Now, you have heard all of the evidence that you're
20 going to hear in this trial, but it is still improper for
21 you to begin your deliberations because you haven't heard
22 closing arguments, nor have I told you what the law is in
23 this area. So you cannot begin your deliberations. But
24 while you're back there, please, do not jump the gun and
25 discuss witness demeanor, any of the evidence, anything at

1 all about the case. Talk about whatever you want to,
2 except this case. Okay.

3 Go ahead and go on back. If you -- if the meal comes
4 and you want to go stretch your legs or something, that's
5 fine, you can do that. Just try to be back in the jury
6 room by 1:00 o'clock. I'd like to get started back as
7 soon as we can, assuming that lunch isn't late. I'll give
8 you a little bit of time if it doesn't get here. They
9 said it's on its way and, hopefully, will be here in a
10 minute. Thank you so much. We'll see you back at
11 1:00 o'clock.

12 (WHEREUPON, the jury left the courtroom at 12:10
13 p.m.)

14 THE COURT: All right. Do you have any motions that
15 you want to make at this time?

16 MR. KENT: I'd renew all my motions made throughout
17 the course of the trial, Your Honor. I renew all our
18 pretrial motions. I renew our directed verdict motion and
19 ask for a subsequent directed verdict motion now that it's
20 made at the conclusion of the case.

21 THE COURT: All right. For the same reasons that I
22 denied them earlier, I'll deny them again.

23 MR. KENT: Yes, sir, Your Honor.

24 THE COURT: All right. Well, have y'all had a chance
25 to look at the jury charges? Is there anything from the

1 State on them?

2 MR. FERNANDEZ: I didn't notice anything that jumped
3 out at me, Your Honor, and I don't think we have any
4 additional requests.

5 THE COURT: How about the Defense?

6 MR. KENT: No.

7 THE COURT: Anything? She knows the law.

8 MS. BLAZER: I'm the law lady, I guess. No, Your
9 Honor, we're perfectly happy with the charge.

10 THE COURT: Well, there's a first time for
11 everything.

12 All right. Well, then, do y'all want to open and
13 close or just close?

14 MS. ABEE: I'd prefer to just close, Your Honor.
15 It's up to the Defense.

16 MR. KENT: (Indicating in the negative.)

17 THE COURT: How long do you think you'll need?

18 MR. KENT: Four hours.

19 THE COURT: That's why I asked, there will be a
20 limit.

21 MR. KENT: No, Your Honor, 20 minutes.

22 THE COURT: Okay.

23 MS. ABEE: I can be done in under 30.

24 THE COURT: I won't -- if you get to that point where
25 we're looking at 30 minutes and it doesn't look like

1 you're winding up, I'll start making noises that will
2 hopefully not disturb you. I've seen you before in
3 action, 20 minutes is awfully ambitious, but it doesn't
4 mean it won't happen.

5 MR. KENT: It will be an entertaining 20 minutes.

6 THE COURT: There you go. That's without commercial
7 breaks.

8 MR. KENT: Yes, sir.

9 THE COURT: All right. See you about 1:00 o'clock.

10 MS. ABEE: Thank you, Your Honor.

11 (WHEREUPON, a lunch break was taken.)

12 THE COURT: Do you have a problem with the copy of
13 the charges going back?

14 MR. KENT: No objection.

15 MS. ABEE: No.

16 THE COURT: All right. Ready?

17 MR. KENT: Yes, Your Honor. Thank you so much.

18 MS. ABEE: Yes, Your Honor.

19 THE BAILIFF: All jurors are back in the courtroom,
20 Your Honor.

21 (WHEREUPON, the jury entered the courtroom at
22 1:03 p.m.)

23 THE COURT: All right. Welcome back, folks. I hope
24 you enjoyed your lunch. I was a little bit disappointed
25 about not seeing any coleslaw in there. So you can go

1 back and tell your wife you had a salad. Oh, well.

2 We're now into the final phase of the trial before
3 you begin your deliberations, and that's the closing
4 argument by the lawyers. I'll remind you that what the
5 lawyers are now saying is not to be considered by you as
6 evidence. It's argument about the evidence. I will be
7 charging you on the law. And they know what I will be
8 charging you, so they will be giving you a preview of that
9 in their closing and discussing with you the facts in an
10 attempt to persuade you to render a verdict on their
11 client's behalf.

12 Our rules of procedure are that the State has the
13 right to close, and so you will hear from the Defense
14 first with their closing argument, and then you will hear
15 from the State.

16 After they are finished with the closing argument, I
17 will then go over the law or charge you on the law, and
18 you will then retire to consider your verdict.

19 So Mr. Kent, if you are ready, you may begin.

20 MR. KENT: Thank you, Your Honor. May it please the
21 Court.

22 CLOSING ARGUMENT BY MR. KENT

23 MR. KENT: One of my absolutely favorite movies is a
24 great southern movie called Cat on a Hot Tin Roof. Some
25 of you may have seen it, some of you haven't. It's black

1 and white. I watch it. People laugh at me, I like old
2 movies. There's a great Southern character in the movie
3 about a guy named Burl Ives. He since has passed, but he
4 was great. He had a great southern voice, something I
5 don't have. I have a high, pitchy, screechy voice, but he
6 had this great southern voice.

7 One of the things that is happening throughout the
8 course of the movie is Big Daddy is dying. And his whole
9 family knows that he's dying. They're sitting in a room,
10 like in a fancy parlor and talking about Big Daddy dying
11 and what they're going to do with Big Daddy's money when
12 he dies. When Big Daddy dies, this is what we're going to
13 do with his money. When Big Daddy dies, this is what I'm
14 going to do with his money. When Big Daddy dies, this is
15 what I'm going to do with his money. So they're all
16 talking about it.

17 And all of a sudden, Big Daddy walks in the room.
18 You know that feeling when you walk in a room and people
19 are talking about you? You know that real awkward feeling
20 and everybody gets real quiet and you know they're talking
21 about you? Well, that what happens. He walks in the room
22 and everybody is talking about him and they get quiet.
23 And he says this great line from television I have never
24 forgot. In his deep southern voice, he looks around and
25 he says, The air is filled with the stench of mendacity.

1 I said, man, that's some cool stuff. So I looked it up.

2 Ladies and gentlemen, mendacity is a lie. Mendacity
3 is untruth. Mendacity is a stench when you know that
4 there's just something wrong that just doesn't fit.

5 Ladies and gentlemen, that's what was is the stench that
6 has permeated this courtroom for the entire time that
7 we've been trying this case. We have sat here now for
8 four days. We have gone through evidence. We have gone
9 through witness after witness. And you have heard me talk
10 over and over again.

11 One of the things that has been very consistent as
12 you've walk in and out of the courtroom is you've probably
13 seen myself and Ms. Blazer stand up every time you walk in
14 the courtroom. Somebody's like, why do they always stand
15 up? I represent what y'all do so much that there's only
16 two people in this courtroom that I stand up when they
17 walk in, His Honor and y'all. I respect you because you
18 have taken your time, you have taken your energy and you
19 have taken your wisdom and you've sat there on a case that
20 is just difficult. So that's why we stand up as you come
21 in.

22 My job, as I told you in opening statements, is to
23 let you know what happened. That's it. We find our job
24 difficult because this is myself, it's Ms. Blazer,
25 Mr. Weeks and Larry Durant against the State of South

1 Carolina with all of their power, all of their money, all
2 of their resources. It's us.

3 I told you at the beginning of this case that it's
4 sort of like making a cake. And we better make sure at
5 the end of this trial once they make the cake that all of
6 the recipe, all of the ingredients are inside of this
7 cake. So as I said, as we listen to it, let's make sure
8 the State of South Carolina with all of their power, all
9 of their money, all of their resources has given us all
10 the ingredients that is necessary for them to prove their
11 case. I told you that. I'm telling you that. I
12 challenged you to listen for everything. What did they
13 offer you? Think about it.

14 The first thing, let's make this clear. This is one
15 case. This is case of the State of South Carolina versus
16 K.R. . They have forgotten that. Because what
17 they have done, the first thing is they said, uh, we got
18 to make this cake. We've got to make this cake. We have
19 one recipe, but there's something wrong with that recipe.
20 Let's throw a bunch of other people in there. No charge.
21 But let's throw a bunch of people in there so they may not
22 realize the cake doesn't taste right. So what do they do,
23 they throw a bunch of other girls in. And I call them
24 girls, but they are adults. Let's be clear, these are
25 adult women that they've thrown in there. All of their

1 power, all of their money, all of their resources. And
2 they put them on the stand one by one to have them
3 testify. And they testified one by one and I listened to
4 them.

5 And let's start first with K.R. 's testimony.
6 She testified. She testified to what happened and we
7 listened. The most important thing that K.R.
8 testified to, think back with your mind, think back with
9 your notes, is I asked her, I said, Tell me about his
10 prosthetics. You remember that? I said tell me about his
11 legs. Do you remember what I did? They go up to about
12 right here, right? And everybody remembers when I looked
13 at her and I said, They go up to about right here, right?
14 And what was her response? Yeah. They go up to right
15 there. And that's where they stop? Yeah. And I stopped.
16 We're going to get back to that in a minutes because
17 that's something that I want you to remember more
18 important than anything else that has been said throughout
19 the course of the trial.

20 We talked to K.R. about the dates. Do you
21 remember how specific she was on her dates? This happened
22 on this date at this time. This happened on this date at
23 this time. This happened on this date at this time.
24 Very, very specific. I thought it was a little strange,
25 but I didn't say anything.

1 And we offer all of these other women up, whose
2 stories, I will be honest with you, are remarkably
3 similar. Remarkably similar. I also found it very
4 peculiar that the only women who came forward, who have
5 made these allegations all just happen to be friends, just
6 happen to live together and just happen to have one common
7 person. Do you remember who the common person was?
8 Lizzie Johnson. I found that a little bit peculiar. But
9 I kept listening because I wanted to see the State of
10 South Carolina with all of their power, all of their
11 money, all of their resources give me something that I
12 could believe in because this is the State of South
13 Carolina. This is the charging arm. These are people who
14 make the decisions over people's lives. And what have
15 they offered you?

16 Let's do back to K.R. . What did I tell you
17 in opening statements? God, I'd love to see some DNA
18 office. Because according to her and what did she say,
19 this happened in this office. This is where it happened.
20 This is where the ejaculate happened and that's where you
21 should find it.

22 One of the funnier things that happened is when the
23 State of South Carolina actually asked a DNA expert, DNA
24 degrades over time, doesn't it? It disappears? I think
25 we've all heard about cold cases and people getting

1 convicted hundreds of years later. But the State of South
2 Carolina wants you to believe that DNA can just disappear,
3 but they need it to disappear. Because if you believe in
4 DNA, oh, my gosh, we have a problem with our case, don't
5 we?

6 Then we did a forensic medical interview. What did
7 they tell you in the forensic medical interview? They
8 have the doctor on the stand, specifically, and they asked
9 the doctor. What did she say? There's no sign of sex.
10 Oh, God, we got to get past that. That doesn't fit our
11 cake theory. Well, Doctor, just because there's no sign
12 of sex doesn't mean that somebody had sex, does it? Just
13 because she still has a hymen doesn't mean she had sex,
14 does it? How much do we have to tolerate? No DNA
15 evidence. No sign of sexual trauma.

16 I asked one of the witnesses today. Do you remember?
17 Did any of them go to therapy at all? Not one person went
18 to any therapy. There's a reason why people don't go to
19 therapy? Because they don't need it or it didn't happen.
20 All the power, all the money, all the resources in the
21 State of South Carolina. What evidence have they offered
22 you? They put their own expert on the stand, David
23 Kellin, who testified -- and you remember, I asked him the
24 questions about the statement. I asked him about the
25 dates. And he says no, do you remember the last time you

1 had an Egg McMuffin? Kids don't talk like that. Children
2 don't talk like that. I asked him that, their witness,
3 their expert. So then they tried to fix that a little
4 bit. Oh, that's not really accurate. You know, Egg
5 McMuffins aren't as serious. People remember these
6 things. But he never budged, their expert. People don't
7 remember specific dates. People don't talk in specific
8 dates. No one said this happened six times and I can tell
9 you the exact date and the exact time. It's unrealistic.
10 Their witness, not mine. And this is what they offer us,
11 the great State of South Carolina.

12 So then, we put the officers on the stand. And you
13 remember the testimony of these officers. I'm going to
14 tell you candidly, Natalie Kelly, I've known her for a
15 long time. I respect everything she says. She's an
16 amazing officer I don't think she would lie or anything,
17 but there's problems when your investigators do this type
18 of investigation for a case that serious. But let's back
19 up. Did they really do an investigation or did they make
20 an assumption? The great State of South Carolina has been
21 what I told you, my ex-girlfriend or my fiancée. That's
22 what they've done. They decided somebody told them
23 something, we've got to believe it. So what do we do? If
24 somebody gives us evidence that's important. If somebody
25 tell us something we need to know. What are we going to

1 do? We ignore it. That's what they said on the stand.
2 We will ignore important information. We will ignore
3 important evidence. Why are we going to ignore it? Oh, I
4 just didn't think it was pertinent, Mr. Kent.

5 Somebody else looked you in the face and told you
6 that he wasn't the father of the child. This woman was 13
7 years old when she talked to them, which basically means
8 there is just about nobody in the United States could have
9 sex with her and not be a crime. So they said they
10 ignored that crime, didn't even look into that crime.
11 They don't put in a report vital information because they
12 don't want to turn it over. The reason they don't want to
13 turn over this vital information is because it will help
14 you make a decision. It might be a decision that they
15 want. And that's when things begin to get serious.

16 The last witness that I offered you in this trial,
17 myself -- well, let's go through two witnesses. Someone
18 in the back of the room, and I know the State of South
19 Carolina is going to come up here and they're going to
20 talk about Larry Durant's penis. Someone in the jury room
21 is going to ask the question, oh, my God, everything he
22 said is correct, but how in the world would those girls
23 know about his penis? Why would they know about that?
24 They must be telling the truth because they all know about
25 the penis. Because that's their case. Let's make that

1 perfectly clear, that's their case, the penis. Where they
2 took this poor man, they took his pants down and forced a
3 picture of him.

4 Let's remember the case earlier. You remember Lizzie
5 Johnson? You all remember Lizzie? Remember Lizzie
6 testified? Remember what Lizzie told you about the house,
7 the deed, the things she has stolen? Remember all the
8 stuff that she told you? Remember, she's still fighting
9 over this house right now? She looked you in your faces
10 and what did she tell you? I didn't sign that second
11 deed. Remember, all the girls giggled. I think we all
12 heard them, they were laughing back there. I found that a
13 little peculiar, but they all started giggling at that
14 point in time. And that's we called an expert to come in,
15 an expert to say look, I don't care what anybody says,
16 whoever signed this one definitely signed this one.

17 You remember, I asked Lizzie on the stand, look, if
18 you were to have signed both of these deeds, you'd agree
19 that's a big issue, isn't it? Oh, yeah. That would mean
20 that you, basically, stole \$20,000 from the City of
21 Sumter. Oh, yeah, I would agree with that. And you have
22 a stolen a \$112,000 home? Oh, I would agree with that.
23 And you have taken a charge out on a man who didn't do
24 anything wrong if both of those are your signatures. You
25 don't think that's motive. All the power, all the money,

1 all the resources of the State of South Carolina. And I
2 asked Lizzie at the beginning, was it difficult, was it
3 deceitful? Lizzie, did you used to date Mr. Durant?

4 Yes.

5 Were you sexually involved with Mr. Durant?

6 Yes. Use your own common sense at this point in
7 time.

8 The State may get up here and say oh, that's just not
9 believable. That's just not rational. If somebody is
10 going to steal a \$112,000 home, defraud the government of
11 \$20,000, has already been accused of stealing money from
12 Manning South Carolina, actually, been looked at by the
13 FBI for stealing money from a building that the church
14 owns, gone to law enforcement and lied about forgery,
15 which we now know, you don't think they could take it a
16 little step further?

17 You heard the testimony of Keshona Edwards to bolster
18 it. Remember what Keshona talked about in that car?
19 Look, I was in the car. They were giggling and talking
20 about Pastor Durant. That's why we put her on the stand.
21 I found that really peculiar. We asked her about the
22 tweets. She talked about the tweets, which I thought was
23 real interesting, A.R. talking about the tweets.
24 LMAOO, my mom's stupid, yo. Talking about the pastor had
25 all the pussy. He wanted all the pussy. Laughing my ass

1 off. A person who is alleging that she had been molested,
2 that she had raped, that she didn't want to do this is
3 tweeting and joking about all of this. She's talking to
4 her friend, T.H. , in the car joking about all of
5 this. Why are they laughing and joking about this?
6 Common sense, all the power, all the money, all of the
7 resources of the State of South Carolina.

8 Now, let's go finally, you've heard the armor
9 bearers. You've heard them get on the stand. You heard
10 them say, look, this happened in the church. We are
11 there. We're always outside the door. This couldn't have
12 happened. So now we have witnesses for us who said we
13 were sitting there. We didn't hear anything. We have
14 witnesses for the State of South Carolina who said we
15 didn't find anything. And we have experts who says we
16 definitely didn't find anything. We've got no DNA. We've
17 got a fully intact hymen. We've got a normal sexual exam.
18 All of this stuff shows normal. All of this shows is no
19 evidence. So the question we ask the great State of South
20 Carolina is when does no evidence actually become
21 evidence, because that's when they want you to believe.
22 When does no evidence become evidence?

23 Then, finally, the last witness I called. I
24 embarrassed my friend. I embarrassed a man of God in this
25 room, somebody I care about, who has been a good friend of

1 mine for three years, and I embarrassed him. I did it. I
2 put his doctor on the stand to talk about his ailments.
3 Why? Because I thought it was necessary to prove his
4 case. He does have erectile dysfunction. That, in and of
5 itself, shouldn't convince anything, but he has trouble
6 making love to his wife. He talked to his doctor with his
7 wife present about not being able to make love to his
8 wife, not being able to have sex standing up as these
9 girls have alleged that he did, that he goes in there and
10 he has sex standing up.

11 Then I asked the doctor about his sexually
12 transmitted disease. It gives me no pride in bringing
13 that up about this man in open court, but I needed you to
14 hear the whole story. And I know Ms. Abee asked all those
15 creative questions about well, there's a chance this
16 couldn't be transferred. There's a chance this couldn't
17 be transferred. Four women got on the stand and all
18 testified that none of them had a sexually transmitted
19 disease. I asked each and every one of them. I, myself,
20 had to call the investigator and ask about the condoms.
21 They all said no, he never wore condoms.

22 Then the State of South Carolina with all of the
23 power, all of their money, all of their resources clearly
24 did not go to high school biology. Because the comment
25 was you can have unprotected sex with a woman and

1 ejaculate in your hand and you're not going to spread any
2 STDs. The reason there was no spread of STDs, the reason
3 there was absolutely no DNA, the reason this child still
4 has a fully intact hymen, the reason nobody heard a single
5 thing, the reason they were in the car joking about all of
6 these matters, the reason they all happened to live in the
7 same home, the reason nobody else came forward other than
8 friends is very clear. It didn't happen. When is no
9 evidence? You must keep asking yourself that question.

10 And then, finally, my blind, no-legged friend, ask
11 yourself a question, is it possible? He's there. Look at
12 him. Ask yourself, this blind man with no legs, the great
13 mastermind, the amazing Larry Durant, who is able to
14 convince all of these people to lie for him or he's a man
15 whose faith is truly being challenged at this point in
16 time. All the money, all the power, all of the influence
17 of the State of South Carolina has come against
18 Mr. Durant. We've had officers hiding evidence. We've
19 had young ladies creating stories that are just not
20 realistic. And the one thing we have not had presented to
21 us is evidence.

22 The last thing I was going to tell you was the
23 picture of the penis. I'm going to embarrass my friend
24 one more time. This is the picture. We stripped a man
25 down and took a picture of his penis. And yes, I want you

1 to go back and look at it. And the one thing I want you
2 to notice about the picture of this penis, where do those
3 prosthetics go to? If someone actually saw this penis, do
4 you really think they're going to say the prosthetics
5 stopped at the knees or are they all the way up to his
6 thigh and his penis? She never saw it.

7 The Judge is finally going to instruct you at the
8 conclusion of this trial on reasonable doubt. He's going
9 to tell you that reasonable doubt is the type of doubt
10 that would cause a reasonable person to hesitate to act.
11 I've been practicing law now for almost 16 years. I went
12 to law school up in Michigan. I'm Carolina, I'm a
13 Gamecock. Don't like Clemson fans. Sorry if you are. I
14 came down from law school from Michigan and I will be
15 candid, I had been practicing law and I did not understand
16 reasonable doubt. I'll be the first one to admit it. You
17 see me in court, I barely understand what the Judge says.
18 Overruled or sustained, I had to stare at him a little bit
19 to make sure I understood. But I didn't understand the
20 theory of reasonable doubt until one day I was sitting in
21 my parent's house. And I've told this story many times.
22 I was sitting in my mom and dad's house. As I was sitting
23 at my mom and dad's house, it was one of those typical
24 spring days down in Charleston, South Carolina. My mom
25 was in the kitchen cooking collard greens, fried chicken,

1 anything you could thing about that's southern. Music was
2 playing, Percy Sledge was playing on the radio, I'll never
3 forget it, when a man loves a woman. The window were all
4 open because pollen was just going throughout the air.
5 You know the days I'm talking about. The cars are covered
6 in complete yellow. So we're sitting there and my little
7 brother is in the room. Mom's cooking, dad's listening to
8 music and I'm just sitting there with him. My brother --
9 and I can't to this day remember what happened, but he
10 ended up mouthing off to my mom, like he always did. So
11 my dad just lost it. He looks at me. He's like, you take
12 your butt upstairs to the room and don't you dare whatever
13 you do slam the door, show any attitude whatsoever. My
14 brother had an awful habit of slamming doors showing
15 everybody who was the boss when he went places. So my
16 little brother storms upstairs. Collard greens are
17 cooking, fried chicken, Percy Sledge, pollen coming
18 throughout the place. So my brother storms upstairs and
19 like clockwork, you can imagine it, you heard it, the door
20 slams. My dad got this rage on his face, just this anger
21 like nothing I've ever seen in my life. So he goes
22 storming up the stairs. All of a sudden, he goes storming
23 up the stairs, my mom comes storming up the stairs right
24 behind him. My mom is yelling, Herman, Herman, don't kill
25 him. I'm like, Herman, Herman, kill him because I want to

1 see my brother get his butt kicked. So we're all running
2 up the stairs at the same time together. Herman is just
3 furious. He's just angry. Percy Sledge playing, pollen
4 in the air, fried chicken, collards greens. You can see.

5 So we go into the room that we have over the garage.
6 And as we go into the room that we have over the garage,
7 my dad slams the door open. He throws it open. He's
8 angry. I know he's about to kill this kid and I'm just so
9 excited because I want to see him die. So we go in there.
10 As we go in there, there's my little brother just sitting
11 there in the middle of the floor just looking. Window is
12 open, breeze is coming in, pollen is everywhere. And he's
13 just looking. He's just looking at my dad. My dad goes
14 right up to him because he's about to smack the tar out of
15 him. He raises his hand and he gets ready to hit him.
16 And my brother says, Dad, I didn't do it. I'm mad. Bull,
17 just get him. So he's got his hands and he's about to do
18 something. He said, Dad, I didn't do it. It was the
19 wind. Ain't nobody believed it was the wind. But his
20 hands up, Percy Sledge is playing, fried chicken, collard
21 greens, you can taste, everything's yellow. And as my dad
22 gets ready to take that one move, all of a sudden, a gust
23 of wind comes, I promise you, and the breeze just comes
24 through the window, my dad just pauses. He hesitates. In
25 the back of his mind, he's like I'm not sure. And that

1 hesitation is a point that I actually understood what
2 reasonable doubt meant. That's the point when I realized
3 that hesitation is what it is.

4 At some point, you're going to be back in that jury
5 room and you're going to start talking about the case and
6 you're going to deliberate and you're going to finish.
7 You're going to go home and your family is going to ask
8 you a question, what happened with that trial. You're
9 going to tell a story about that crazy fellow who sat in
10 front of you on his knees and his hands looking like
11 Dewayne Wayne from those 80's television shows. And
12 they're going to talk to you about this. And they're
13 going to tell you what happened. And they're going to say
14 what did you do. At that point, if you have doubts, it's
15 too late. If you have doubts at all about this case,
16 today is the day that we have doubts. When you're talking
17 to your family, it's too late for Mr. Durant. Twenty
18 years from now is way too late for Mr. Durant. Today is
19 the day if we're going to have doubts.

20 I'll leave you with one last story. I've lived with
21 this case now for three years. It is story of a little
22 old man and a wise young boy. The little old man is just
23 very wise and the young boy has decided, you know what,
24 I'm going to fool this old man. This is how I'm going to
25 fool this old man. I'm going to go up to the old man.

1 I'm going to get a bird and I'm going to put it in my
2 hand. I'm going to have the bird in my hand and I'm going
3 go to the old man, Old man, is this bird alive or is this
4 bird dead? The old man is going to say, according to the
5 little boy, if he says the bird is alive, the boy is going
6 to crush the bird and show him and laugh. And say haha,
7 the bird's dead. Now, if the old man looks at it and says
8 it's dead, the boy said my plan is just to open my hand
9 and let the bird fly. So he's excited. He's got this
10 master plan.

11 So he goes up to the old man and he says, Old man,
12 what do you think I have in my hands? The wise old man
13 looks at the boy and he says you have a bird in your hand.
14 The boy gets a grin on his face and he says, Old man, is
15 that bird alive or is that bird dead? The man stops and
16 he pauses, he says it's your hands. It's your hands now.

17 THE COURT: All right. State ready?

18 MS. ABEE: Thank you, Your Honor. May it please the
19 Court.

20 CLOSING ARGUMENT BY MS. ABEE

21 MS. ABEE: For years of her life, K.R. spent
22 her Sundays in the Defendant's church. But not just her
23 Sundays, her Tuesdays, her Wednesdays, her Fridays, like
24 clock work. She grew up in the Defendant's church. And
25 it was at church that she listened to him read the word of

1 the Bible and pray for the congregation. But instead of
2 being her shepherd, he was nothing but a wolf in sheep's
3 clothing. Because back in his office he waited. He
4 waited as four young girls were brought in and he sexually
5 assaulted not one, not two, not three, but four young
6 girls in his office under the pretense of prayer. And
7 because he did that, you have to find him guilty.

8 Now, Judge Young is about to instruct you on the law
9 and ask you to return a verdict of guilty or not guilty.
10 We're asking that you find the Defendant guilty for the
11 crime of criminal sexual conduct with a minor in the
12 second degree. And in order to do that, we had to prove
13 two main things to you throughout this trial. One, that
14 there was a sexual battery. And a sexual battery is any
15 sort of penetration no matter how slight or how little or
16 how long it lasted, any penetration. Secondly, we had to
17 prove to you that that penetration happened between the
18 Defendant and K.R. when she was somewhere around
19 the ages of 11 and 14. That was our burden of proof to
20 you throughout the course of this trial.

21 Now, you and I and a lot of people sitting here in
22 this courtroom, we heard all the testimony that came from
23 the stand this week. And yes, a lot of this case rest on
24 the testimony of K.R. and A.R. and T.H. and
25 D.B. . There are no eyewitnesses. But we don't get to

1 pick who the victims are, and we don't get to pick the
2 location, and we don't get to pick the eyewitnesses.
3 Larry Durant picked that for us when he sexually abused
4 these girls. But even so, their testimony doesn't stand
5 alone. So let's take a look at what we heard throughout
6 this week.

7 You heard that these four girls, they grew up in this
8 church. These weren't just holiday church goers that went
9 a couple times a year, just on the holidays. They spent
10 their Sundays there and their Tuesdays and their Fridays.
11 They grew up in that church, so did their family members.
12 Their family members were daycare workers, ministers,
13 armor bearers, bookkeepers. Their family was deep in that
14 church, deep in the words of Larry Durant.

15 But then some things started to change. K.R. told
16 you that instead of just leaving after church, she started
17 to get called back to Pastor Durant's office. Not just
18 called back, brought back. His armor bearers would go to
19 wherever she was, in the parking lot, out in the church
20 and they would get her and ask her to come back because
21 the Defendant wanted to talk to her. And it was back in
22 this office where she got some special attention.

23 You see, the girls told you about altar calls. Altar
24 calls is when Pastor Durant would open up to the entire
25 church and ask who needed prayer. And people who needed

1 prayer would come up to the front and he would lay hands
2 on them. He would pray for them right there in front of
3 everybody. But not K.R. , K.R. got special private
4 prayer time because the Defendant needed to pray for
5 diseases. He needed to pray that she wouldn't like girls
6 anymore. And so she was brought back into his office
7 behind this door. This door where it says do not enter.
8 This door with the placard that says meeting in session,
9 please do not disturb or knock. This door where the
10 window is covered in paper. No one can see in. No one
11 can see out. This door would be shut, and it would be
12 locked because the Defendant would tell K.R. to lock it.
13 When she was in there -- and what the Defense wants you to
14 believe are these paper thin walls, but you can see with
15 your own two eyes these are cinder block walls. They're
16 not paper thin.

17 In this room with the cinder block walls, the praying
18 was a little different, too. Because this praying didn't
19 have words. So as the Defendant put his fingers inside of
20 K.R. 's 13-year-old body, he didn't say anything. He
21 didn't pray anything. As he bent her over his desk, he
22 didn't say anything. He didn't pray anything. He was
23 supposed to be praying for her, but instead, he was
24 preying on her, preying on her innocence. Then when he
25 was confronted with this, he cried. He denied, but then

1 he apologized. Think about that.

2 But it wasn't just K.R. . It was D.B. . It was
3 T.H. . It was A.R. . All of these girls, he went
4 from praying for them to preying on them. Preying on
5 their belief in him, preying on their belief in his words
6 because these girls grew up in this church. And yes,
7 perhaps, it was naive. Perhaps, they should have known
8 better, but they were deep in the Word and deep in their
9 belief in Larry Durant.

10 Now, I know that it might be hard to sit here and
11 think about how a pastor could do that to lifelong members
12 of his congregation. It might be easier to just want to
13 sit here and think that these girls are lying, but in this
14 place, in this courtroom, we are not concerned with what
15 is easy. We are concerned with the facts. We are
16 concerned with the truth, no matter how hard a pill that
17 is to swallow. And the truth in this case points to the
18 guilt of Larry Durant.

19 Now, you heard from David Kellin this week. David
20 Kellin was qualified as an expert in the area of child
21 abuse dynamics and child maltreatment. Now, he has never
22 met these girls, never met A.R. , T.H. , K.R. ,
23 D.B. , has never met any of them, couldn't pick them out
24 of a lineup. He hasn't read a police report in this case,
25 hasn't read a written statement. But what he told us is

1 that the characteristics of this case are so similar to
2 the characteristics of sexual abuse cases. He knows
3 nothing about the case. He told us about delayed
4 disclosure and how delayed disclosure is extremely common
5 in sexual assault cases. And that's when somebody doesn't
6 tell that they were sexually assaulted right when they
7 were sexually assaulted. Some time passes, just like in
8 this case.

9 K.R. told you that it started in December of 2012
10 and she didn't report it until the end of May of 2013,
11 delayed disclosure. David Kellin told you that delayed
12 disclosure even increases when somebody is in a position
13 of authority. Someone is in a trustworthy position. This
14 causes the victims of sexual assault to delay in their
15 disclosure or not disclose at all.

16 And he also told us about the difference between
17 accidental disclosure and purposeful disclosure.
18 Purposeful disclosure is when someone comes out and says I
19 was sexually assaulted. They report it to the police.
20 They come out and say it. But accidental disclosure is
21 disclosure that comes out as part of a conversation. It
22 didn't intend to come out, but it comes out because what
23 people are talking about. And that's what we're talking
24 about here.

25 K.R. and A.R. didn't just go up the their aunt

1 and their mom and say hey, mom, this happened to me. They
2 were talking about it in a bathroom behind a closed door.
3 And they were overheard talking about it. That's how this
4 disclosure came out. They didn't seek out an adult. They
5 didn't seek out the police to try to tell them this
6 happened. They were overheard talking about it. That's
7 because this was an accidental disclosure. They didn't
8 want people to know that this happened to them.

9 And grooming. We heard about grooming, how grooming
10 is when somebody takes in their victim's family members,
11 tries to become friends with them. Tries to gain their
12 trust, gain their honesty. They want the family members
13 of their victims to trust them in everything they're doing
14 because then, they wouldn't believe that they were
15 perpetrators. And then they test the waters. Once
16 they're in there and they have developed a relationship
17 with the family, they start little by little. First, it
18 starts the touching, no one tells. No one reports to the
19 police. Then it escalates. Fondling of the breasts,
20 digital penetration, full on intercourse. After each one,
21 after each level is tested and no one reports and no one
22 tells, they move on to the next level.

23 And that is exactly what happened here. These girls
24 told you that it started with prayer. Prayer for the
25 breasts, then moved to the vagina, and then moved to full

1 on intercourse. Because Larry Durant groomed his victims.
2 He groomed that family to trust him, to trust their kids
3 with him. And they groomed those victims to not tell
4 anyone when they were sexually assault.

5 And yeah, David Kellin told you, each child is
6 different. Each case of sexual assault is different. He
7 told you that not everyone is ready for therapy and ready
8 for counseling. That in order for counseling and therapy
9 to be productive, you have to be ready to go through it.
10 So yeah, these girls didn't have counseling and didn't
11 have therapy, but that does not mean that this didn't
12 happen to them.

13 And each girl is different. You heard from these
14 four girls that told you that it happened and you hear
15 from Keshona Edwards who said it didn't happen to her.
16 What's the last thing David Kellin said to us when I was
17 questioning him? That false denials, which is when you
18 say it didn't happen when it did are more common than
19 false reporting. That's what the expert told you.

20 Now, Mr. Kent just got up here and presented to you
21 their closing argument. He said a whole lot of things and
22 he tried to poke a whole lot of holes in this case, so I
23 want to address them. But it's important to understand
24 they have no burden of proof in this case. They don't
25 have to prove a single thing to you. That burden rests

1 here with us. Mr. Kent could have sat here at this table,
2 kick up his heels and not said single word throughout the
3 course of this trial. Because that's our burden. But
4 when they do, whey they do decide to say things. When
5 they do decide to put on a case, you get to ask yourself
6 if it makes any sense.

7 So does it make common sense that Lizzie Johnson is
8 the mastermind of this great lie in order to have a house
9 and she put her daughter and her granddaughter and two
10 other girls she cares about through this? Through days of
11 sitting up here and listening to testimony of embarrassing
12 things. Does it make sense that she put them up to this,
13 for what, a house? It makes no sense. Why would these
14 girls be lying? They get nothing out of this. They have
15 absolutely no motivation to lie.

16 Does it make sense that this is the type of attention
17 that these girls want? Does it make sense that K.R.

18 K.R. wants to be known as the girl who was sexually
19 assaulted by her pastor? No 14-year-old, 17-year-old,
20 21-year-old, 40, 50, 60, 70, no one wants to be known as
21 the girl that was sexually assaulted by her pastor. So is
22 that the type of attention she wants? Is that what she's
23 getting out of this lie is attention?

24 Well, then, maybe she's lying, I don't know, to get
25 out of trouble. Maybe she's in trouble. She says she was

1 lying about it back then. She said she was lying about
2 good things, right? She was lying about her grades so she
3 could play basketball. She said she was lying about
4 having a cell phone so she could continue to talk on it
5 without it getting taken away. But what does she get out
6 of this lie? She gets nothing but the embarrassment of
7 telling what happened to her in a room full of strangers.
8 If this was a lie, why wouldn't she be telling everybody,
9 screaming it from the roof tops? Why wouldn't she tell
10 every single person in that congregation? Why wouldn't
11 she tell every single police officer? Why would she have
12 waited to tell? She didn't tell because she was
13 embarrassed. She didn't tell because she was scared. She
14 didn't tell because she wanted the Defendant to be right.
15 She wanted him to be right when he told that he could stop
16 her from liking girls because she knew it upset her
17 grandmother. She believed in him and wanted him to be
18 right. He took advantage of all of that.

19 And we saw her grandmother, Ms. Lizzie. Ms. Lizzie
20 took the stand. And she said some things. She added a
21 little bit of lightness and some stuff really heavy. She
22 said some things that made some people out here laugh, a
23 couple of you laughed and chuckled a little bit at it.
24 But the Defense wants you to think that these girls were
25 laughing because they think this is funny. It didn't look

1 fun to me when K.R. sat up on that stand and had
2 to describe how Defendant bent her over a desk. It didn't
3 look fun to me when A.R. got up here and had to
4 explain how the Defendant put his fingers in her vagina to
5 cure her from any diseases. It didn't look fun for me
6 when T.H. got up here and talked about how the
7 Defendant would rub her breasts to cure her from any sort
8 of diseases. And it did not look fun to me when D.B.
9 D.B. had to sit up here and tell you, a bunch of
10 strangers, that at the age of 14, she got pregnant and
11 that her Defendant told her that he could bump the seed
12 out of her so she wouldn't be pregnant anymore. And when,
13 surprise, that didn't work paid for her abortion. You saw
14 the \$500 check yourself to Johnnie Mae Brayboy, her
15 mother. That didn't look fun me.

16 They want you to believe that Lizzie Johnson is what,
17 angry at the Defendant for the house. That K.R. is just
18 confused and will do anything that Lizzie Johnson said.
19 You bet they are. Lizze Johnson is angry. She is angry
20 that she took her daughter and granddaughters to that
21 church religiously and that he abused not only her trust,
22 but their trust and faith and belief in this church. So
23 yeah, she is angry. And K.R. , she knows what happened
24 to her, but she is confused. She's confused as to why
25 someone that was supposed to protect her and pray for her

1 preyed on her. So yeah, the Defense is right, Ms. Lizzie
2 is angry and K.R. is confused, but not for the reasons
3 they want you to believe.

4 They want you to believe this is some sort of botched
5 investigation. That these are a bunch of crooked police
6 officers that had nothing but tunnel vision, that they
7 focused on one idea to the exclusion of all others and
8 paid no attention to anything else. That is not this
9 case. They talked to everyone. They collected everything
10 they could, even if it wasn't going to help their case,
11 and they turned it all over to the Defense. That
12 polka-dotted dress. You heard that polka-dotted dress was
13 collected years after Kianna had worn it. And she thought
14 she had even washed it between that time, she didn't know.
15 Everyone knowing that it could potentially turn up no
16 evidence, the State still collected it and turned it over.

17 But instead of focusing on what the State did do, the
18 Defense wants to draw your attention to these little red
19 herrings and these rabbit holes that don't matter. The
20 date on the memorandum. The date on the memorandum
21 doesn't matter. It doesn't matter at all. They want to
22 draw your attention to the fact that a forensic interview
23 wasn't done in this case. But your investigators weren't
24 serving and acting as forensic interviewers. They were
25 acting as investigators. Forensic interviews are done,

1. you heard, when a child is not clear in their disclosure,
2. that's it's hard to figure out what happened. It's clear
3. to figure out what happened in this the entire time.
4. Forensic interviews are done when children are
5. suggestible. And David Kellin told you himself that the
6. level of suggestibility changes over age. A four-year-old
7. is lot more suggestible than a 14-year-old. An
8. eight-year-old is more suggestible than an 18-year-old.
9. So these girls didn't needed forensic interviews. But
10. this is the type of stuff that the Defense wants you to
11. think about.

12. They want you to think they had tunnel vision, but
13. when all the signs point in one direction to the
14. Defendant, you have to follow those signs. And they
15. talked about how there is no physical evidence in this
16. case. There is no corroboration. First, it's important
17. to remember that testimony is evidence. That is evidence.
18. Just because you can't hold it in your hand doesn't mean
19. that it is not evidence. So there is plenty of evidence
20. that there is sexual assault in this case.

21. You heard Dr. Saunders that it's normal to be normal.
22. This isn't just us tweaking some theory for it to fit our
23. case. You heard that in 90 to 93 percent of sexual
24. assault examinations and sexual assault cases, there are
25. no signs of physical evidence or sexual trauma. Because

1 Dr. Saunders explained to you that it starts to heal, that
2 area of the body starts to heal fast, especially when once
3 you've puberty. She said within hours, within hours any
4 signs of trauma will start to heal.

5 K.R. had her physical exam 10 days after this
6 was even reported. A.R. was five days after that.

7 T.H. wasn't until the next year, the next calendar
8 year. So yeah, there was no physical signs of this
9 assault, but it's because the science supports that it
10 wouldn't exist.

11 Then they talked about the chair with no DNA on it.
12 The chair that the girls didn't even tell you that they
13 had sex on, but the cops collected it anyway. There was
14 never an allegation that they had sex on the chair. But
15 what there was an allegation of was how Pastor Durant
16 would clean up afterwards. A.R. told you that
17 he used hand sanitizer to clean up. So they collected
18 that hand sanitizer bottle. They waved a light on it and
19 they did a test. And it tested positive for acid
20 phosphatase, which is found in high concentrations in
21 semen. Exactly just like A.R. told you. She
22 said that he would pull out, ejaculate in his hand and
23 then she'd have to clean him up. And he's clean up with
24 that hand sanitizer. And high levels of acid phosphatase
25 were found on that bottle.

1 And, yeah, a DNA profile couldn't be developed off
2 of. There wasn't enough to develop a DNA profile. And
3 SLED only tested for female DNA. But once we're done and
4 Judge Young is done instructing you on the law, what you
5 will not hear him say is that there has to be DNA. What
6 you will not hear him say is there has to be physical
7 evidence. And what you will not hear him say is there has
8 to be eyewitnesses. What you will hear him say is that
9 you are the sole determiners of the credibility of what
10 comes out of that stand. What each of these witnesses
11 said. You decide what to believe or whether or not to
12 believe based on what you heard and what you saw here in
13 this courtroom.

14 Now, I want to talk a little about D.B.
15 D.B. took the stand and she told you what happened to
16 her. And then the Defense, Ms. Blazer, got up here and
17 she read off the handwritten statement of D.B. . She
18 read where D.B. handwrote that none of this happened to
19 her. That she was strong armed by Valerie Williams, the
20 investigator. The Defense didn't bring this up in their
21 closing. Because even though they read the letter and
22 they introduced it, what did D.B. tell you? She said
23 that her mother got a phone call and said that if D.B.
24 copied down this statement in her handwriting that she
25 wouldn't have to testify. And she told you she didn't

1 want to testify. So she copied it down. And she doesn't
2 know who it was, but she knew it wasn't Investigator
3 Kelly. She knew it wasn't Investigator Valerie Williams.

4 But who benefited from that letter? Who, at least,
5 tried to benefit from that letter, that letter trying to
6 make D.B. recant what happened to her was the
7 Defendant. She wrote it so she wouldn't have to testify,
8 but somebody somewhere had her copy it so they could try
9 to ensure that she wouldn't testify. And why, because
10 everything she says is so compelling. And it is so on
11 line to what happened to K.R. and the rest of those
12 girls.

13 The the great mastermind behind all of this, this
14 deed. The deeds that were forged or not forged. Let's
15 talk about these deeds just a little bit. I didn't want
16 to because I honestly don't think they have anything to do
17 with this case. This isn't a case on forgery, this is a
18 case on sexual assault. But the Defense brought in an
19 expert who looked at copies of these, not with handwriting
20 exemplars, not the originals, but machine photocopies of
21 these. And he said that he could tell that it was the
22 same signature of Ms. Lizzie on both of them. But even on
23 his own report that you'll get to see, at the very end, it
24 says that he wants handwriting exemplars and that he could
25 only say it was most probable because he was looking at

1 machine copies. Even the Defense's paid expert said that
2 his opinion could change if he looked at the originals.
3 And they want to submit this to you as being 100 percent
4 the truth that Lizzie Johnson signed both of these.

5 But without looking at the loops in the handwriting
6 and the dots of the I's, you only got to look at basic
7 things and ask yourself common sense. Larry Durant deeded
8 or didn't deed the house to Lizzie Johnson on September
9 the 16th of 2009, and then she allegedly deeded it back to
10 him on the November 1st of 2009.

11 Why would she do that if she was forging both of
12 them? She would forge the deed to herself and then what,
13 forge his name again and forge the deed back to him? What
14 does she get out of that? She doesn't get anything out of
15 that. Why would she not just forge the deed to herself
16 and let it go? Why would she forge this one? Why would
17 she sign Larry Durant's name on this one? The person who
18 benefits from this one is Larry Durant. And on the back
19 page of this, the person who notarized it is Melody
20 Durant, his wife that's been sitting behind him this
21 entire time.

22 And even if this is forged, September 16th of 2009,
23 it was filed November the 4th of 2009, and this one was
24 signed November 1st, 2009. So let's say even if
25 Ms. Lizzie forged this deed to herself and then had some

1 sort of, I don't know, buyer's remorse and wanted to fix
2 it, this deed wasn't even clocked yet at the time that
3 this one was forged. So the house at the time that this
4 one was dated still belonged to Larry Durant. So why
5 would you forge both? The only important date on this is
6 May 31st of 2013. That's when this was filed. That's
7 when this was clocked. That's when Larry Durant had the
8 house in his name with the register of deeds. That's when
9 he could file notice of eviction on Ms. Lizzie. And this
10 is six days, six days after she chose her granddaughters
11 over Larry Durant. That's when this was filed.

12 Now, let's talk a little bit about the Defense's
13 witnesses. You saw their armor bearers, people in the
14 church. The armor bearers told you that it is their job
15 to protect Larry Durant. It is their job to serve him and
16 that is exactly what they did up on that stand. They
17 tried to protect him. They tried to serve him in every
18 way that they thought they knew that they could. What did
19 they actually give us? We know that they gave us some
20 lies, right? We know that these paper thin walls are
21 actually made out of cinder block. We know that that's
22 the truth. We know that Larry Durant, even though he's
23 legally blind, they told us that he has a driver's
24 license. And one of the first things you do when you get
25 a driver's license is what, an eye test. Check your

1 vision. They told us Larry Durant had a driver's license.

2 The Defense talked about this Twitter and these

3 tweets. These tweets, if you remember, Mr. Kent showed

4 A.R. and she said this isn't me. She said this

5 isn't my Twitter. She goes it kind of looks like a

6 picture of me. And you'll be able to see it. It's a

7 black face with a white shirt. She said, I guess that

8 kind of looks like me, but that's not my Twitter handle.

9 I can't remember what it is, but would never capitalize my

10 name like that. They put up Keshona Edwards who said,

11 yeah, this is A.R. 's account. It doesn't say

12 the name A.R. anywhere, but I thought it was A.R.

13 A.R. . Because she's joking about this. But do you

14 remember her testimony? She said that she saw it. And

15 who made her take a screen shot out of it? Her mama. She

16 said her mama made her take a screen shot and then gave it

17 to Pastor Durant. Her mom that was deep in that church,

18 who worked at that church, worked with Larry Durant,

19 attended that church for longer than Keshona even did and

20 Keshona grew up there. That's how that existed. That's

21 how that got into evidence. And A.R. told you

22 herself this is not her. This is not her words.

23 And then we have the fact that Mr. Durant has an STD

24 and that he has erectile dysfunction, that he can't have

25 sex. We know he has kids, so we know at one point in time

1 he could have sex, right? Then you heard the doctor say
2 that STDs aren't always transmitted. They're transmitted
3 through some sort of fluid, blood, saliva, semen. And I
4 asked him, the doctor who I'm sure has taken biology
5 classes, I asked him, so if somebody pulled out and
6 ejaculated in their hand, is it likely that an STD would
7 be transferred. He said you can't be positive, but no, it
8 would be a lot less likely than an STD would be
9 transferred. It has to be transferred through the fluid.
10 And thank God, it's not always transferred. Because these
11 girls don't have STDs. But it's because the Defendant --
12 the only testimony that we've heard of where he ejaculated
13 was in his hand, not inside of those girls.

14 If this was some big plot and ploy by Lizzie Johnson
15 to get this house back, then there's an issue with that.
16 Because T.H. told her mom in February. This came
17 out in May. So T.H. just must some sort of
18 crystal ball to know that Ms. Lizzie in May was going to
19 want to make these allegations against Mr. Durant, so she
20 said, you know what, I'm going to go ahead and disclose to
21 someone. Y'all, it makes no sense. If she's disclosing
22 in May to her mom and her mom's making a phone call saying
23 that this isn't going to happen anymore and it doesn't
24 happen anymore and then the other allegations come out in
25 May, it just doesn't support that theory. It doesn't

1 support the theory that all these girls got together, put
2 themselves through this, for what, a house, a house that
3 Ms. Lizzie's telling you she's still living in. She
4 hasn't been ejected from. It is still her house.

5 You know, the Defense has talked about cooking,
6 cooking dishes. I think they said Ms. Blazer was a
7 fantastic cook, which I believe. But they said when you
8 make a recipe and you leave out some ingredients, it
9 doesn't necessarily taste the same. So when you leave out
10 the salt and the pepper, the chicken isn't as flavorful,
11 but y'all, it's still chicken. It made not be as pretty
12 or it may not taste as good or look as good, but it still
13 is what it is. This case is still a case of sexual
14 assault no matter how pretty it is or how flavorful it is.
15 Just because that chicken doesn't have salt and pepper
16 doesn't mean it's not still chicken. And there just
17 because there wasn't DNA all over the room or semen all
18 over the carpet doesn't mean that this isn't a case of
19 sexual assault. That is a case of sexual assault because
20 K.R. says so and because she gains nothing out of
21 this. This isn't just a he said, she said. It's a he
22 said, she said, she said, she said and she said. All
23 these girls said it because it happened to every single
24 one of them.

25 But there are two pieces that can't be explained.

1 You have the underwear. The girls who said that he wears
2 white Fruit of Loom underwear, white little boy's type
3 underwear. You're going to get to look back at these
4 pictures when you're deliberating. The hamper at his
5 house and his dryer. White underwear. Girls got that one
6 right. And then his penis, which Mr. Kent already showed
7 you. They described it as flesh colored and pink.
8 There's a skin pigmentation on it. The girls got that one
9 right, too. It's not because Ms. Lizzie told them, it's
10 because they cause it with their own eyes. The only
11 testimony you heard was that they never said they'd seen a
12 picture of it. They had never seen -- or never heard
13 anyone talk about it. What Mr. Kent says isn't evidence.
14 So he can float as many theories as he wants out there,
15 but that's not evidence. The evidence that you heard is
16 that they had never seen a photo of it. That no one had
17 ever described it or told them about it. Yet, they can
18 describe it perfectly. And they can describe it perfectly
19 because they saw it with their own two eyes when they're
20 having sex with him. They saw it with their own two eyes
21 and their description is spot on.

22 We had to prove our case to you beyond a reasonable
23 doubt. And a reasonable doubt is not some imaginary doubt
24 or some fanciful doubt. It's not a doubt that just allows
25 Larry Durant to escape penalty of law. It is based on

1 reason. It is based on common sense. If you can stand
2 here with your feet firmly planted on the ground and say
3 yeah, that guy sexually assaulted^{K.R.}, then you can
4 find him guilty.

5 Mr. Kent told you a story about when causing a
6 hesitation to act. And that's what a reasonable doubt is,
7 something that causes you to hesitate to act. But nothing
8 caused Larry Durant to hesitate to act when he sexually
9 assaulted those girls. And nothing should cause you to
10 hesitate to act when you go to find him guilty. He was
11 supposed to be there shepherd, but he was nothing but a
12 wolf in sheep's clothing. These girls gained nothing out
13 of making any of this up. Find Larry Durant guilty.

14 CHARGE OF THE COURT

15 THE COURT: All right, folks, we are now at the point
16 where we are going to have me explain to you or charge you
17 on what the law is that applies to this kind of case. Do
18 you remember at the beginning of the trial, I told you,
19 you have a job in this trial. And one of my jobs was to
20 preside over the trial and to make sure that each side got
21 a fair trial for our rules of procedure and admissibility,
22 rule on admissibility, things like that. Your job is to
23 consider only the evidence that was before you and
24 presented in this courtroom. You can only consider
25 witnesses or evidence that was presented from the witness

1 stand or exhibits, such as photographs or documents, that
2 were admitted as part of the trial.

3 I also now have the additional duty of charging you
4 on the law that is applicable to this case. And it is
5 your duty under the oath that you took at the beginning of
6 the trial to accept the law and apply only the law as I
7 charge -- now, charge it to you. So if you have some idea
8 of what you think the law is or what it ought to be and it
9 does not agree with what I now charge you on what the law
10 is, you must forgot those ideas that you have because you
11 are sworn to accept the law and apply the law exactly as I
12 state to it you.

13 As jurors, you are the sole judges of the facts. As
14 I told you, I cannot comment on the facts or make any
15 statement about my feelings about the facts in this case.
16 You, the jury, are the sole judges of the facts. And you
17 are not to infer from anything that I said during the
18 progress of the trial in ruling on admissibility or
19 evidence or anything that I may say now or that I did
20 throughout the trial or during the course of this
21 instruction that I have an opinion about this case. The
22 law does not allow me to have an opinion about the case.
23 This is solely a matter for you to determine. And as
24 jurors, it is your duty to determine the effect, the
25 value, the weight and the truth of the evidence that was

1 presented throughout the trial.

2 I will remind you, the fact that the Defendant was
3 arrested, charged and indicted in this case is not
4 evidence in this case, and it cannot be considered by you
5 as evidence of guilt in this case, nor does it create any
6 presumption or inference of guilt. The document which is
7 known as the indictment that I told you about at the
8 beginning of the trial is simply the formal written notice
9 which contains the charge that was made against the
10 Defendant, and it is the formal document by which this
11 case is brought into this court. The indictment in this
12 case, which was indictment 2014-GS-43-947, which is right
13 here in my hand, alleges that the Defendant committed the
14 act of criminal sexual conduct with a minor in the second
15 degree. I will go over the elements of that in a few
16 moments. Right now, I just want to remind you, he was
17 indicted, but that is only the charging instrument, and he
18 pled not guilty to that indictment. And that plea puts
19 the burden on the State of proving the guilt of the
20 Defendant beyond a reasonable doubt.

21 A person who is charged with a criminal offense in
22 South Carolina is never required to prove himself
23 innocent. This is an important rule of law in this
24 country, that a defendant who is in a criminal trial will
25 always be presumed to be innocent of the crime for which

1 he is indicted unless and until his guilt has been proven
2 by evidence satisfying you of that guilt beyond a
3 reasonable doubt.

4 This presumption is just not some legal theory. This
5 isn't just a legal phrase that you hear about in law
6 school. This is a substantial Constitutional right to
7 which every defendant is entitled. And this presumption
8 of innocence accompanies the Defendant from the time he is
9 charged throughout the trial and unless and until you
10 reach a verdict of guilt beyond -- based on evidence
11 satisfying you of that guilt beyond a reasonable doubt.

12 I've told you the burden of proof is beyond a
13 reasonable doubt. Some of you may have served as a juror
14 in a civil case. And I explained to you at the beginning
15 of the trial, the burden of proof in a civil case is less
16 than it is in a criminal case. In a civil case, the
17 burden of proof is a preponderance of the evidence or is
18 whatever the party is trying to prove more likely true
19 than not true.

20 In a criminal case, the State's evidence must be more
21 powerful than that. It must be beyond a reasonable doubt.
22 Proof beyond a reasonable doubt is proof that leaves you
23 firmly convinced of the Defendant's guilt. Reasonable
24 doubt has also been define as the kind of doubt that would
25 cause a reasonable person to hesitate to act.

1 There are very few things in this world that we know
2 with absolute certainty. And in criminal cases, the law
3 does not require proof that overcomes every possible
4 doubt. If based on your consideration of the evidence,
5 you are firmly convinced that the Defendant is guilty of
6 the crime charged, then you must find the Defendant
7 guilty. If on the other hand, you think there is a real
8 possibility that the Defendant is not guilty, then you
9 must give the Defendant the benefit of the doubt and find
10 him not guilty.

11 I also want to instruct you again and emphasize, the
12 fact that the Defendant did not testify is not a factor to
13 be considered by you in any way in your deliberations and
14 in your consideration on the question of guilt or
15 innocence of the Defendant. It must not be considered by
16 you in any manner whatsoever. A defendant has a
17 Constitutional right to remain silent. And the assertion
18 of this right must not be considered by you in your
19 deliberations. I repeat that under your oath that you
20 took at the beginning of the trial, you are to draw no
21 conclusion whatsoever from the fact that the Defendant in
22 this case did not testify. The fact that the Defendant
23 did not testify should not even be discussed in the jury
24 room. The burden of proof, as I have stated to you, is on
25 the State. The Defendant is not required to prove his

1 innocence. The burden of proof remains on the State to
2 prove guilt beyond a reasonable doubt.

3 Now, during a trial, we, generally speaking, have two
4 types of evidence, direct evidence and circumstantial
5 evidence. Direct evidence directly proves the existence
6 of a fact and does not require deduction. Circumstantial
7 evidence is proof of a chain of facts and circumstances
8 which indicate the existence of a fact. Crimes may proven
9 by circumstantial evidence. And the law makes no
10 distinction between the weight or value to be given to
11 either direct or circumstantial evidence.

12 However, to the extent that the State relies on
13 circumstantial evidence, all of the circumstances must be
14 consistent with each other and when taken together point
15 conclusively to the guilt of the accused beyond a
16 reasonable doubt. If the circumstances merely portray the
17 Defendant's behavior as suspicion, this the proof has
18 failed. The State has the burden of proving the Defendant
19 guilty beyond a reasonable doubt. This burden rests with
20 the State regardless of whether the State relies on direct
21 evidence, circumstantial evidence or some combination of
22 the two.

23 Also, as jurors, you must determine the credibility
24 of witnesses who testified in this case. Credibility
25 simply means believability. It's your duty as jurors to

1 analyze and evaluate the evidence and determine which
2 evidence convinces you of its truth.

3 In determining the believability of witnesses who
4 testified in this case, you can believe one witness over
5 several witnesses or several witnesses over one witness.
6 You can believe the testimony of a witness in its entirety
7 or you can reject the testimony of witness in its
8 entirety. You can believe a part of the testimony of a
9 witness and reject the remaining part of the testimony of
10 that same witness. If you reject part, you can still
11 accept the remainder of a witness's testimony.

12 You may consider whether any witness has exhibited to
13 you any interest, bias, prejudice or other motive in a
14 case. You can consider the appearance and demeanor of the
15 witness while the witness is on the witness stand. You
16 are not bound to decide the case based on the number of
17 witnesses that a side produces.

18 Now, as to the indictment for the charge of criminal
19 sexual conduct with a minor second degree, the State must
20 prove beyond a reasonable doubt that the Defendant engaged
21 in a sexual battery with the victim. Now, victim is
22 defined as the person alleging to have been subjected to
23 criminal sexual conduct. Actor means a person accused of
24 criminal sexual conduct. And sexual battery is sexual
25 intercourse, cunnilingus, fellatio, anal intercourse or

1 any intrusion however slight of any part of a person's
2 body or any object into the genital or anal openings of
3 another person's body except when the intrusion is
4 accomplished for medically-recognized treatment or
5 diagnostic purposes.

6 The State must then prove beyond a reasonable doubt
7 that the victim was, at least, 11 years old, but not more
8 than 14 years old at the time of the sexual battery.

9 Consent, willingness, indifference or ignorance on the
10 part of the minor, if any, as to what was taking place
11 does not in any way affect the charge of criminal sexual
12 conduct with a minor because an unmarried woman under the
13 age of 14 cannot legally consent to sexual intercourse.

14 Now, in determining your verdict of guilty or not
15 guilty, you cannot consider any possible penalty for a
16 particular crime. The punishment for the crime is a
17 matter for me to determine. It should never be considered
18 by you in any way whatsoever in arriving at a verdict of
19 guilty or not guilty. Your verdict must be unanimous. In
20 other words, all 12 of you must agree.

21 There are two possible verdicts in this case. It's
22 guilty or not guilty. There is no significance whatsoever
23 in the order in which I stated these possible verdicts. I
24 just simply have to state one of them first.

25 Now, Mr. Foreman, when the jury agrees on a verdict,

1 you take and write on the back under here where it says
2 verdict what the verdict is. You will write either guilty
3 or not guilty, and then you'll sign it and date it and let
4 the bailiff know that you have reached verdict.

5 I'm going to send you back now into the jury room.
6 However, don't begin your deliberations just yet. I have
7 to give the lawyers the opportunity to say if I misspoke
8 in some way. Then we'll have the evidence brought back to
9 you by bailiff, along with a copy of the jury charges and
10 the indictment. Once that bailiff comes back with that,
11 he will tell you the judge says it's okay for you to begin
12 your deliberations. But just let us go through this
13 formality. It doesn't take five minutes. Go back. Don't
14 begin deliberations until I send this back and the bailiff
15 tells you that you can begin your deliberations.

16 (WHEREUPON, the jury left the courtroom at 2:14
17 p.m.)

18 THE COURT: Anything from the State?

19 MS. ABEE: No, Your Honor.

20 THE COURT: From the Defense?

21 MR. KENT: Nothing, Your Honor.

22 THE COURT: Okay. Let's just double check and make
23 sure we've got everything.

24 And if you would, let me have the two alternates so I
25 can discharge them.

1 (WHEREUPON, State's Exhibit No. 7 has been redacted.)

2 (WHEREUPON, the alternates came into the courtroom at
3 2:15 p.m.)

4 THE COURT: Okay. Now, ladies, once the case is
5 submitted to the jury, you are done. You don't have to
6 come back, call or anything like that. You're free to go
7 for the week. They'll send you a check, I guess, in the
8 mail. Thank you for your service. If anybody calls you
9 about the case or contacts you to talk to you about it,
10 you're free do that. Sometimes the lawyers will call
11 afterwards. They're not doing anything wrong. If you
12 want to talk to them, you can. If you don't want to, you
13 don't have to. Thank you for your jury service this week.
14 Hope you enjoyed it.

15 (WHEREUPON, the alternates left the courtroom.)

16 THE COURT: All right. Alternates are discharged.
17 Got all the evidence.

18 MS. ABEE: Yes, Your Honor.

19 MR. KENT: Yes, Your Honor. We reviewed that.

20 THE COURT: Go ahead and tell them they can begin
21 deliberations.

22 Y'all can be at ease. Don't wander off too far.

23 (WHEREUPON, the jury began deliberations at 2:16
24 p.m.)

25 (WHEREUPON, jury sent out note at 5:11 p.m.)

1 THE COURT: Well, something different comes up just
2 about every trial, it seems like. Got a note from the
3 jury. The bottom line is they are split, locked up. They
4 told me what their split is, but I'm not going to tell you
5 what it is, but for one thing.

6 It says, Your Honor, after two hours and 45 minutes,
7 presumably, and it says the vote is after four attempts,
8 and it tells me what the break is between guilty and not
9 guilty, but the usual thing is they have one juror who
10 will not vote.

11 MS. ABEE: What?

12 THE COURT: I've never had that. And I don't know
13 how to deal with that other than bring them in, give them
14 an Allen charge, ask them to try and tell them that not
15 voting is just not an option. They need to vote guilty or
16 vote not guilty, but not voting doesn't do anything. I'm
17 completely open for suggestions on it. It's such a
18 baffling thing, I'm almost certain that it would be
19 unique.

20 MR. KENT: It would be one of my typical trials then.
21 I'm not asking the break down, but would it still be a
22 hung jury without the one person who wouldn't vote?

23 THE COURT: Correct.

24 MR. KENT: You understand why I asked that question?

25 THE COURT: Uh-huh.

1 I'm just going to give them a version of an Allen
2 charge and try to explain to them that we need them to
3 continue to work at it and reconsider and consider. And,
4 you know, the standard language about no juror is going to
5 hear anything different and they're as good of a jury as
6 the next one, and please continue to try.

7 MR. FERNANDEZ: Your Honor, I don't know if this is
8 crazy, but there were two alternates. I know we spoke to
9 one of them, but there might be --

10 THE COURT: Well, I've discharged them. The law says
11 you're supposed to discharge them.

12 MR. KENT: Since they're discharged --

13 THE COURT: If they're gone, that's not an option.

14 MR. KENT: Your Honor, just for the record, I
15 understand the Court at this point in time, I understand
16 the case law would be interested in giving an Allen
17 charge. On behalf of Mr. Durant, we would object to the
18 Allen charge. We think there's case law that suggest that
19 it may unfairly target the minority jury. I don't know
20 the break down, but just for the record, we object to the
21 Allen charge.

22 THE COURT: Okay.

23 MR. KENT: I just wanted to place that on the record.

24 THE COURT: Anything you want to add by way of
25 suggestions?

1 MS. ABEE: No, Your Honor.

2 THE COURT: All right. Bring jury in.

3 (WHEREUPON, there was an off-the-record
4 discussion.)

5 (WHEREUPON, the jury entered the courtroom at
6 5:15 p.m.)

7 THE BAILIFF: All the jurors are back, sir.

8 THE COURT: All right. Folks, I got the note that
9 you sent back through the Foreman. It's a little unusual
10 in having -- it's not unusual to have a jury that has
11 difficulty coming to a verdict. I've yet to have one that
12 says somebody won't vote. But let me just give you some
13 words of guidance before I send you back.

14 Jury duty is a difficult thing. It really is. What
15 we ask people to do is not easy. Some cases are easier
16 than others, but all of them are really hard, if you ask
17 me. First of all, to get two people to agree that the sun
18 rises in the east in the morning is kind of difficult. To
19 get 12 people to come in and listen to a week's worth of
20 testimony and reach a unanimous agreement, well, it's
21 hard. And people see things different ways and, you know,
22 have different interpretations of what it is they believe
23 is the right verdict. I completely understand that.

24 When we have a situation like this, I like to ask the
25 jury to do two things. First is keep -- I guess the way I

1 would like to phrase this is consider your position and
2 consider the other side's position. Whether you're in the
3 majority or in the minority at this particular time, I
4 don't want to know. In fact, I would ask that you not
5 tell me what the vote break down is.

6 But those of you that are in the majority of the vote
7 for one way, consider whether or not the minority's
8 position has merit to it. Just think about it as well, if
9 I were in their shoes, would I see it that way? Those of
10 you that are in the minority position, then I would ask
11 that you do the same thing. Put yourself in the other
12 person's shoes. And sometimes that helps people to see
13 that the other side has merit to it. And again, I'm not
14 trying to say change your mind. You may go into and come
15 out of that little mental exercise with the exact same
16 position. But it's often helpful when you have a
17 difficult decision to make to see if you can see it from
18 the other guy's viewpoint. Maybe that will help you out.
19 That's really about the best guidance that I can give you.

20 Because if you folks can't make a unanimous decision,
21 then what we'll have to do is come back, get another jury,
22 and we'll have to present, essentially, the same evidence
23 that you heard this week and another 12 people will have
24 to make a decision. I don't have any reason to suspect
25 that there's any 12 better people in Sumter County than

1 you 12 folks. You guys see how the process went. It was
2 completely a sort of random process which you got picked
3 for jury duty. You know, it was a process we went through
4 to eliminate that nobody knew anybody or knew anything
5 about the case, had any preconceived outcome or had any
6 prejudices. Everybody that's on this jury right now,
7 essentially, said I can be a fair and impartial juror in
8 this case and that I will make a decision based on what I
9 hear in this courtroom and what you, the judge, tell me
10 the law is. That's all what we can ask any 12 jurors to
11 do. That's how you got on this jury. If we have to retry
12 it before another jury, I don't have any reason at all to
13 believe that there are any 12 better folks than you 12
14 folks to make this same decision. But that's what we'll
15 do if you folks can't come up with a decision. So what I
16 would ask is that you go back and see if you can work on
17 it some more.

18 If you tell us you can't make a decision, then we'll
19 respect that, but give it another shot in light of what
20 I've told you and see if there's some way that you can
21 come up with a unanimous verdict.

22 Now, I don't know who the one person is, and I'm not
23 asking who the one person is that won't vote, but that's
24 really not helpful to the situation at all. All that will
25 do is ensure that we have a mistrial if you continue to

1 refuse to even vote even if the 11 other folks do reach
2 unanimous decision. So that's not a helpful process and
3 really under the process we have, we need all 12 people to
4 vote. I don't care how you vote, but it really does -- it
5 really is necessary for you to vote in order for us to
6 have a verdict. Whether it's guilty or not guilty, it's
7 got to be unanimous one way or the other. So we do need
8 you to participate whoever this person is at this point is
9 saying I'm not voting.

10 So in light of that, let me send you back. However
11 long it is you want to take this evening, we'll be here as
12 long as you want to be here. You know, I'll leave it at
13 that.

14 And Mr. Foreman, go ahead and send your jury back and
15 see what you can come up with.

16 (WHEREUPON, the jury left the courtroom at 5:21
17 p.m.)

18 (WHEREUPON, Court's Exhibit No. 2 was marked for
19 identification only.)

20 THE COURT: Okay. Well, carry on.

21 (WHEREUPON, Court was in recess awaiting a
22 verdict.)

23 THE COURT: All right. We have everybody now. Let
24 the record reflect the Defendant is in the courtroom.

25 I understand we have a verdict?

1 THE BAILIFF: Yes, sir.

2 THE COURT: Bring the jury in.

3 (WHEREUPON, the jury entered the courtroom at
4 5:55 p.m.)

5 THE BAILIFF: All the jurors are back in the
6 courtroom, Your Honor.

7 THE COURT: All right. Mr. Foreman, I understand the
8 jury has reached a verdict; is that correct?

9 THE FOREMAN: Yes, sir, Your Honor.

10 THE COURT: Is it unanimous?

11 THE FOREMAN: Yes, sir, Your Honor.

12 THE COURT: All right. Would you hand it to the
13 bailiff, please.

14 All right. Publish the verdict.

15 If the Defendant will arise.

16 (The Defendant rose.)

17 VERDICT

18 THE BAILIFF: The State of South Carolina, County of
19 Sumter in the Court of General Sessions, docket number
20 2014-GS-43-947. As to the indictment of criminal sexual
21 conduct with a minor in the second degree, we, the jury,
22 find defendant guilty. Signed by Roy --

23 (Defendant's wife fainted.)

24 THE BAILIFF: -- Graham, 5/26/16.

25 Ladies and gentlemen of the jury -- may I have your

1 attention, please. Ladies and gentlemen of the jury, is
2 this your verdict, so say you all by raising your right
3 hand.

4 UNIDENTIFIED WOMAN: Oh, my God.

5 THE BAILIFF: All right. Thank you.

6 THE COURT: Do you wish to have the jury polled?

7 MR. KENT: Yes, Your Honor.

8 THE COURT: All right. Poll the jury, please.

9 THE BAILIFF: Ladies and gentlemen, when I call your
10 name and number, please stand and raise your right hand.

11 THE BAILIFF: No. 181, Robert Wingard, was this your
12 verdict?

13 JUROR: Yes.

14 THE BAILIFF: Is it still your verdict?

15 JUROR: Yes.

16 THE BAILIFF: No. 18, George Britton, was this your
17 verdict?

18 JUROR: Yes.

19 THE BAILIFF: Is it still your verdict?

20 JUROR: Yes.

21 THE BAILIFF: No. 54, John Gibson, was this your
22 verdict?

23 JUROR: Yes.

24 THE BAILIFF: Is it still your verdict?

25 JUROR: Yes.

1 THE BAILIFF: No. 143, Deshawn Simmons, was this your
2 verdict?

3 JUROR: Yes.

4 THE BAILIFF: Is it still your verdict?

5 JUROR: Yes.

6 THE BAILIFF: No. 46, Lennalee Elie, was this your
7 verdict?

8 JUROR: Yes.

9 THE BAILIFF: Is it still your verdict?

10 JUROR: Yes.

11 THE BAILIFF: No. 116, Rebecca Myers, was this your
12 verdict?

13 JUROR: Yes.

14 THE BAILIFF: Is it still your verdict?

15 JUROR: Yes.

16 THE BAILIFF: No. 62, Maria Haughton, was this your
17 verdict?

18 JUROR: Yes.

19 THE BAILIFF: Is it still your verdict?

20 JUROR: Yes.

21 THE BAILIFF: No. 23, Stephanie Cason, was this your
22 verdict?

23 JUROR: Yes.

24 THE BAILIFF: Is it still your verdict?

25 JUROR: Yes.

1 THE BAILIFF: No. 69, Antonio Hodges, was this your
2 verdict?

3 JUROR: Yes.

4 THE BAILIFF: Is it still your verdict?

5 JUROR: Yes.

6 THE BAILIFF: No. 71, Rashawna Howard, was this your
7 verdict?

8 JUROR: Yes.

9 THE BAILIFF: Is it still your verdict?

10 JUROR: Yes.

11 THE BAILIFF: No. 55, Roy Graham, was this your
12 verdict?

13 JUROR: Yes.

14 THE BAILIFF: Is it still your verdict?

15 JUROR: Yes.

16 THE BAILIFF: No. 91, Malik Livingston, was this your
17 verdict?

18 JUROR: Yes.

19 THE BAILIFF: Is it still your verdict?

20 JUROR: Yes.

21 THE BAILIFF: The jury has been polled, Your Honor,
22 and the guilty plea stands.

23 THE COURT: All right. Folks, let me thank you for
24 your jury service this week. This is -- jury service is
25 one of the most important things that we can do in our

1 form of government. It is a very difficult thing to do at
2 times, and this was a difficult trial. Y'all heard some
3 difficult testimony. And, you know, none of them are
4 easy, some are harder than others. This was a hard one.
5 I can tell by the amount of time that you folks spent
6 deliberating that you struggled with it, but all 12 of you
7 heard the evidence, and all 12 of you agreed on the
8 verdict. That's really all that we can ask you to do as
9 citizens. We thank you for your service.

10 I like to tell people that, you know, when you get
11 that jury notes, a lot of times people go oh, you know, I
12 really don't want to serve on a jury. I'd like to do it,
13 but I can't do it this week. A number of things go
14 through your mind. But once people get here and they get
15 a chance to serve on a jury, it's been my impression that
16 most people really do enjoy serving on a jury. They do
17 understand better how our system works after they've had
18 an opportunity to do it. I hope that you'll feel that
19 way.

20 You know, people view jury service as a duty, as a
21 responsibility of citizenship, but, you know, this is
22 something that -- what you have done this week as jurors
23 is very rare and difficult to get as a right around this
24 world. There's only about a dozen countries in the entire
25 world that allow a right to a trial by a jury of fellow

1 citizens when the government charges somebody with a
2 crime. In most places, where they have anything like a
3 trial, it's a judge or a panel of judges that make the
4 decision. But our Founding Fathers thought it was so
5 important that they memorialized the right to have a jury
6 trial in a case like this three times in the United States
7 Constitution. So it's an important thing that you did
8 this week. It's also, I believe, a privilege to serve on
9 a jury. And I hope that's what you'll walk away with.
10 It's not that it was a burden, but that it was a privilege
11 to serve on jury because you participated in your
12 government.

13 You know, we have those three branches of government,
14 legislative, executive and judicial. This is the judicial
15 branch. And I told you, you were judges just like I'm a
16 judge. We just have different roles. So what you folks
17 did this week is agreed to come in here and listen to this
18 evidence and make it based on what you heard in this
19 courtroom is special, and I thank you for your service.

20 You are free to go now. You don't have to serve any
21 more this week. You don't have to call a telephone number
22 or anything like this. But you are now free to go and we
23 thank you for your service.

24 I have been telling you all week long don't talk to
25 anybody about the case. You're free now to talk to

1 anybody you want to about the case, including if the
2 lawyers call you up. Sometimes they like to call and ask,
3 you know, about the process. It helps them prepare better
4 for their next case. You're welcome to do that. You
5 don't have to. And if somebody calls you up and says I
6 want to talk to you about it, just tell them. If they
7 insist, then you just call the Court and we'll make sure
8 that's taken care of. But you're not doing anything wrong
9 by talking to anybody now. If you want to read the
10 newspaper, post things on the internet, whatever you want
11 to do, you're free to do it and you're not in any trouble.
12 I've been given you those warnings all week long, but
13 you're finished with jury service, so you're free to
14 resume your normal life. Thank you for your service. You
15 are free go.

16 (WHEREUPON, the jury left the courtroom at 6:04
17 p.m.)

18 THE COURT: All right. We will move --

19 Well, do you have any post-trial motions that you
20 want to make at this time or do you want 10 days to make
21 them?

22 MS. BLAZER: I think we'd like to have the 10 days,
23 Your Honor.

24 THE COURT: All right. Well, we're going to move to
25 sentencing. Is there anything the State wants to tell me

1 before we hear from the Defense?

2 MS. ABEE: Your Honor, we do have a sentencing sheet
3 if you want us to get that filled out and send to the
4 Defense, as well.

5 THE COURT: Okay.

6 MS. ABEE: Your Honor, I do believe some of the
7 victims would like to address you if that would be
8 appropriate and at the appropriate time.

9 THE COURT: All right. That would be now.

10 Yes, ma'am, just for the record so she'll know who is
11 talking, just state your name.

12 MS. A.R. : A.R.

13 THE COURT: Okay. What would you like to tell me?

14 MS. A.R. : I just want to tell you that,
15 first, thank you for being here this week and, you know,
16 just seeing just a part of our troubled life that we had
17 to go through this week revisiting this situation. And I
18 just want the people behind me to know that me and Durant
19 did not share the same love for each other. Never in a
20 million years have I would have thought this would
21 happened. If you would have asked me three years ago this
22 would have happened, I never would have told you it would
23 have.

24 I truly trusted him. I loved him. I never -- still
25 don't even have nothing fully against him. And he -- but

1 he destroyed my family. He didn't care about me. He told
2 them I was lying. I got family that I grew up with that I
3 love that just turned their backs on me, told me I was
4 lying. And it's all because of him. He told them I was
5 lying, told them I'm the one -- my grandma is the one
6 that's making this all up. So I just want my family to
7 know that I would like to have them back, and I was never
8 lying, and I still love them. I'll willing to forgive
9 them even though they didn't believe me.

10 THE COURT: Thank you.

11 Yes, please just state your name.

12 MS. K.R. : K.R.

13 THE COURT: All right. What would you like to tell
14 me?

15 MS. K.R. : Well, hello, Your Honor. Like my
16 cousin said, thank you for taking your time out to hear
17 what we had to go through, sadly. And to let Larry know,
18 who's behind me, that I never had any vendetta against
19 you. I've loved you all my life. I mean, you were like a
20 father figure to me. I grew up in your church. You never
21 did anything wrong to me until three years ago. Just
22 thinking about it, it's crazy how it affected me in so
23 many different ways. I'm just so glad that it's all over
24 now and justice has been served.

25 THE COURT: Thank you. Anything else from the State?

1 MS. ABEE: No, Your Honor. Just may I approach with
2 the sentencing sheet?

3 THE COURT: Yes. Did he have any prior record?

4 MS. ABEE: Your Honor, he has a grand larceny, I
5 believe, from 1978, something way in the past.

6 THE COURT: All right. What's the State's position
7 on sentencing?

8 MS. ABEE: Your Honor, we would, of course, ask for
9 the maximum in this case. You've heard throughout this
10 week and this trial week all the various different plots
11 and ploys that the Defendant used in order to coerce
12 multiple young girls, but specifically in this case,
13 K.R. She was only 13 when this started, Your
14 Honor. And Your Honor heard factually how egregious these
15 allegations were. For someone to build up the trust that
16 she had in him and then take advantage of that, Your
17 Honor, under this disguise of being some sort of prayer.
18 And this did happen multiple times, Your Honor. It
19 started in December of 2012 and ended in May of 2013. So
20 for the prolonged abuse that the victim endured in this
21 case, we would ask for the maximum sentence.

22 THE COURT: All right. Mr. Kent.

23 MR. KENT: Thank you, Your Honor. May it please the
24 Court. First, I would request -- and I understand the
25 Court's position of going directly into sentencing. Just

1 by way of request and for the record, I would request a
2 presentence report to have the opportunity for the Court
3 to get more information on Pastor Durant before you lay
4 down your sentence.

5 THE COURT: No, I'm ready to go into sentencing now.

6 MR. KENT: I understand.

7 THE COURT: Just tell me what you want me to know.

8 MR. KENT: Yes, sir, Your Honor. You have heard the
9 bevy of the charges. You have the information. Your
10 Honor, you know me quite well. I'm not an individual who
11 beguiles or does not agree with the jury system. I
12 understand the jury has made their decision and I respect
13 their decision.

14 Your Honor, I've known Pastor Durant now for in
15 excess of three years. He has steadfastly maintained his
16 innocence. Even as the verdict has come by, he has
17 maintained his innocence.

18 Respectfully to the Court, normally, if there is a
19 conviction, I generally do not allow my clients to say
20 anything based upon the fact of their appellate rights.
21 And please don't take any disrespect in that whatsoever.
22 He has some family who would like to address you. His
23 wife would like to address you, tell you a little bit
24 about his character. You have not heard from her during
25 the course of the trial. And then I have a few more

1 things to say and I'd be ready for sentencing, if that
2 would be okay, Your Honor.

3 THE COURT: Who would like to say something?

4 MR. KENT: I think his wife would.

5 THE COURT: Yes, ma'am, your name?

6 THE WIFE: My name is Melody Durant.

7 THE COURT: Okay. What would you like to tell me?

8 THE WIFE: I've been married to this man for 17
9 years. I know my husband, and I know without a shadow of
10 a doubt that he did not do this. He is innocent. And if
11 anyone knows me, I am not going to lie for anybody, not
12 even my husband. I know him. I also know the -- I know
13 my husband, and I know he didn't do this. He is not able.
14 I appreciate you for listening. Thank you.

15 MR. KENT: Your Honor, I understand completely
16 sentencing becomes the most difficult thing that a judge
17 can do. I understand your position on these cases and I
18 understand what a judge has to do after there has been a
19 conviction in the case.

20 This isn't the type of case where I can sit here with
21 a straight face and tell you there was not a lion's share
22 of evidence -- and I told the pastor this, that there was
23 a lion's share of evidence in which the jury could have
24 considered his guilt. But there was also a lion's share
25 of evidence that the jury could have considered his

1 innocence. They made the decision based upon the evidence
2 they heard and based upon the young lady's testimony that
3 he was guilty of the charges.

4 Your Honor, you, yourself, have heard the evidence
5 and heard there is some strong evidence which could show
6 the innocence of this man. Your Honor, I was not
7 exaggerating when I told the jury that in the three years
8 that I became to represent him, he has become my friend.
9 He has always been respectful. He has always been
10 spiritual to me. He has always been as good of a man as
11 he could possibly be.

12 His family beyond a shadow of a doubt has done
13 nothing but show respect. They have helped me on this
14 case more than you can possibly imagine. They have very
15 candidly looked. They haven't hidden anything. They
16 haven't tried to disguise anything. If I've asked for
17 anything, they would give it to me.

18 I've represented a lot of people, Your Honor, as you
19 know, over the last 16 years. I have yet to represent
20 anybody who has maintained their innocence so steadfastly
21 and anybody who has gone out of the way to try to help to
22 try to prove their innocence. And not by trying to
23 intimidate or try to harass people, but just give me names
24 and simply say, please, talk to them.

25 So for the last three years, what I have done is

1 actually developed a side of the process of meeting and
2 talking to people who like Larry Durant. The level of
3 positively, the people's lives he has touched, the
4 charities that he has given to, the things that the church
5 has done has been amazing.

6 Your Honor, you would expect when you represent
7 somebody who is faced with such charges, the first thing
8 they would do is say something completely negative about
9 the victims, completely negative about the people,
10 something completely nasty about them. There was nothing
11 he would ever say to me. He took some umbrage, shall we
12 say, with our legal defense because he wanted nothing
13 negative to say about any of the girls who made these
14 allegations. When I asked him very candidly why did the
15 girls make these allegations against him, his defense is
16 very simple, I just don't know. I would ask him anything
17 that he could give me that would help me on
18 cross-examination of the young ladies. There was nothing
19 he would offer, which is why the cross-examination of the
20 young ladies was so tepid as it was.

21 We discussed everything that you should know about
22 Mr. Durant when it was time to make a decision on whether
23 or not he should testify. As I mentioned, Your Honor,
24 I've been doing this for 16 years. I've had countless
25 amount of trials. And I have a very steadfast rule, if I

1 put on a case, generally, I put my client on. Myself and
2 Mr. Durant worked tirelessly on his testimony. He was
3 ready to testify. There was no usable record that would
4 have come in against him. When, finally, it came to the
5 point it was time to testify, he realized that his parents
6 or his stepparents were inside of the courtroom, Melody's
7 parents, and he did not want to subject them to anything
8 that would be embarrassing or anything that would hurt
9 them or anything that would disrespect the church, which
10 is the only reason why he chose not to testify. And I can
11 tell you as an officer of the court, we were prepared, we
12 were ready and we were willing to put him on the stand to
13 testify.

14 I cannot sit here with a straight face and tell you I
15 know what happened to these young ladies. And I cannot
16 tell you with a straight face I know it. And I still
17 cannot tell you with a straight face that I know what
18 happened. I know what the evidence showed. I know what
19 the lack of DNA showed, and I know all of these things.
20 The one thing that I can tell you as somebody who has
21 known you for quite some time is that's a good fellow
22 behind me. I 100 percent respect the jury's verdict. I
23 100 percent respect the work that law enforcement did to
24 put this case together because I know it was very
25 difficult. I have candidly told the Attorney General's

1 Office that I respect the amount of hard word that they
2 did to put this case together because I know it was a very
3 difficult case. And I told them that not just now.

4 All I would ask, Your Honor, is in your wisdom, as
5 you sentence Mr. Durant, which I know you will do, to
6 realize, understanding the nature of the charges and
7 understanding what you have to do, that somebody who has
8 known you, who is a good person that I respect
9 wholeheartedly. I understand the maximum sentence in this
10 charge carries up to 20 years, which realistically would
11 be a life sentence for this individual in the Department
12 of Corrections. Candidly, at his age, with his physical
13 conditions, with his health conditions, pretty much any
14 sentence will be a life sentence for him in the Department
15 of Corrections.

16 A lifetime of doing good deeds. A lifetime of
17 looking out for people. A lifetime of prayer. You've
18 seen to the left side of the courtroom.

19 If everybody who is here to show support for Pastor
20 Durant will stand up, please (indicating).

21 Your Honor, these were individuals who he has
22 supported, who I have talked to, who has said nothing but
23 positive things about him. These are children, these are
24 mothers, these are wives, these are husbands who have sat
25 here everyday throughout the course of the trial and

1 prayed. All that I would request is that in your mercy,
2 you sentence him accordingly, understanding what you have
3 to do under the charge, but also based upon the lifetime
4 of hard work.

5 Again, I ask that you not take any personal feelings
6 to the fact that I have asked Pastor Durant not to address
7 the Court. That was my personal decision, not his. It's
8 just based on the fact he will be sentenced and he has
9 appellate rights.

10 THE COURT: He does not want to speak?

11 MR. KENT: He would like to speak, but I have
12 requested that he does not because of his appellate
13 rights.

14 THE COURT: Okay. Anything else?

15 MR. KENT: No, sir, that would be it.

16 THE COURT: All right. Well, Mr. Durant, the jury
17 has spoken. This was a very difficult case. The charges
18 that were made against you were very difficult charges to
19 hear. This was --

20 MR. KENT: Your Honor, I do not mean to interrupt
21 you. He made it very clear that he would like to address
22 the Court.

23 THE COURT: What?

24 MR. KENT: He would like to address the Court.
25 Against my advice, he would like to address the Court.

1 THE COURT: Okay. Go ahead, Mr. Durant.

2 MR. KENT: Can he address from here, Your Honor?

3 THE COURT: Whichever he prefers.

4 You can stand. I can hear you from there. What
5 would you like to say?

6 THE DEFENDANT: Your Honor, I appreciate your
7 fairness in handling this case. And I'm just sitting here
8 in utter shock of what took place. And I feel that I'm in
9 a dream, a nightmare that is happening. Sir, I worked all
10 my life to try to build this community and try to build
11 people. And I gave for my family, and they suffered.
12 They didn't like it because I gave to other people. And
13 the way they said I groomed these children up to molest
14 them, it's just not true. I raised children up in my
15 home. I have daughters myself. I've been around kids all
16 my life. And this is the first time these allegations has
17 ever been made against me.

18 Your Honor, I am almost lost, lost for words because
19 I know the sentence -- my wife is -- I'm concerned about
20 my wife and my children. I know it's devastating to them,
21 even the people on the other side. I just don't know why
22 But, Your Honor, I plead mercy on this -- for the Court,
23 and I have breathing machines and pressures and all kind
24 of conditions.

25 There is no physical way I could have done this to

1 these girls multiple times in this place. And rarely, me
2 and my wife had sex, rarely, unless it was planned out.
3 And I didn't get a chance for some other people to come
4 and let them know that the thing concerning my penis was
5 widely known, widely known. It's not just something that
6 just popped up at the last moment. It was widely known in
7 the church, sir. And I'm just sorry that we didn't get an
8 opportunity -- or didn't take the opportunity to let the
9 people talk because I didn't want to embarrass them to let
10 them say these kind of things.

11 Your Honor, I am -- like I said, I feel like I'm on a
12 desert island for doing -- for something that I did not
13 do. And I know if I get a long time, I'm going to die in
14 prison. I'm going to die behind bars. And for all the
15 time I spent trying to build a family and the community,
16 it's going down the drain by one decision of a group of
17 people that don't even know me. I respect what they said,
18 but a group of people that don't even know me made a
19 decision that will determine not only my life, but my
20 entire family and my congregation's life.

21 I ask you, Judge, if there's any way you could have
22 mercy upon me, mercy on this situation that I would not --
23 would not have to die in prison because I need medical
24 attention, I certainly will appreciate it.

25 I thank you so much for taking the time for hearing

1 me. Thank you, sir.

2 THE COURT: You're welcome.

3 MR. KENT: Your Honor, would you mind if he sat back
4 down?

5 THE COURT: That's fine.

6 MR. KENT: Thank you, Your Honor. That will end my
7 presentation. I apologize.

8 SENTENCE OF THE COURT

9 THE COURT: Okay. Well, the charges in this case
10 were really unlike any I have heard before. The evidence
11 that the State presented was compelling. The Defense made
12 a strong case. And the jury chose to believe the young
13 ladies. I can't disagree with the verdict at all based on
14 what I heard. These charges were monstrous in nature.

15 The problem that I have with the particular facts in
16 a case like this is you have somebody who was put a
17 position of trust. All ministers are put on a pedestal to
18 some degree or another, and, you know, I've -- I grew up
19 the son of a minister. I've seen all sides of that that
20 can happen both for good and bad. You know, you see how
21 people treat ministers with putting them on a pedestal,
22 believing that ministers are incapable of doing bad. But
23 as you grow up in a family with a minister and hear a lot
24 of things that go on and see a lot of things, you know,
25 you realize that ministers are people. They're humans.

1 And as such, they fall.

2 I don't fault anybody for falling from grace, but
3 when you take the position that you have been given by
4 your community and people that believe in you and abuse it
5 to the extent that these young ladies have alleged and
6 that the jury believed, well, then you deserve the maximum
7 in my opinion. The sentence of the Court is 20 years in
8 the Department of Corrections. You'll get credit for any
9 time that you served pretrial. Good luck to you.

10 MR. KENT: Thank you, Your Honor. You said we would
11 have our 10 days to file post-trial motions?

12 THE COURT: Correct.

13 MS. ABEE: Thank you, Your Honor.

14 THE COURT: If you file something, send it to me in
15 Charleston.

16 MR. KENT: I'm sorry? I didn't hear you.

17 THE COURT: I said whatever you file, send a copy to
18 me in Charleston. It doesn't always get forwarded has
19 been my experience.

20 MR. KENT: Thank you, Your Honor.

21 MS. ABEE: Thank you, Your Honor.

22 THE COURT: Okay. Good luck to you.

23 *****END OF PROCEEDINGS*****
24
25

1

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions Court for Sumter County, South Carolina, on the 23-26 days of May, 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 8, 2016


Penny M. Johnson

Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

STATE OF SOUTH CAROLINA)
) TRANSCRIPT OF RECORD
 -vs-)
) June 8, 2016
 LARRY DuRANT,)
) Sumter, South Carolina
 Defendant.)

B E F O R E:

The Honorable Roger M. Young, Judge.

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

Kinli Abee, Assistant Attorney General
Attorney for the State

Shaun Kent, Esquire
Attorney for the Defendant

Reported By:

Amanda Kelly Haffenden, RPR, CRR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 (June 8, 2016.)

2 MR. KENT: As you're aware, we've given a
3 copy to your law clerk, we filed a defense Rule 59 and a
4 request for emergency hearing.

5 On May 26, 2016, we concluded the trial of
6 the State of South Carolina versus Larry DuRant. He was
7 found guilty and convicted. He was given 20 years by
8 Your Honor. At the conclusion, you allowed us to have
9 ten days for any necessary post-trial motions.

10 Your Honor, at the conclusion, literally as I
11 was driving home that evening, I received a phone call
12 from Ronnie McCray. Mr. McCray asked me pretty pointedly
13 why I did not utilize him as a witness. He had been
14 interviewed by us. He asked very pointedly why he was
15 not utilized as a witness. We had a conversation about
16 that.

17 Thereafter, he made a subsequent conversation
18 about the fact that his ex-wife, Yolanda McCray, who was
19 the outcry witness utilized by the State of South
20 Carolina, was also related to K.R. as well as
21 A.R. , two of the victims who testified in the
22 trial. He informed that he was shocked that Ms. McCray
23 was allowed to testify without mentioning of her prior
24 criminal record.

25 My exact response was I didn't think Ms.

1 McCray had a prior criminal record, and he said, Well,
2 I'm her ex. I know for a fact she has a criminal record.

3 I went back to the office. I contacted
4 Ms. Blazer. I told her -- and I actually put Mr. McCray
5 on the telephone with Ms. Blazer so he could hear that
6 part, so she could get that part of the conversation. At
7 that point in time, I wasn't back to my office yet I do
8 not believe. I think the very next morning I ran a
9 public SLED catch. Based upon the name and the
10 information that was given to me by Mr. Riley, I ran a
11 SLED catch, which I've included in a copy of my memo.

12 The SLED cache indicated -- we ran a SLED
13 cache under the name Yolanda McCray, as well as the date
14 of birth,^{DOB} . We put in the social security
15 number that was included inside of her witness statement.
16 When we did that, there were several aliases that came
17 up: Wanda Shoantela Riley; Yolanda Shoantela Riley;
18 Volanda S. Riley; Volanda Riley; Yolanda Shoantela Riley;
19 Yolanda S. Riley; Yolanda Riley, and Wanda Riley and
20 Vlonta, V-l-o-n-t-a, Riley.

21 When we ran the SLED catch again, the public
22 records check, several criminal charges came up
23 immediately, including things --

24 THE COURT: What were they?

25 MR. KENT: And I'm going to go through

1 everything that was included inside the record. In 1991,
2 she had a simple assault charge under the Vlonta Riley.
3 In 1993, she had a shoplifting conviction under the name
4 Yolanda Riley out of Myrtle Beach. In 1995, she had a
5 fraudulent check charge under the name Yolanda S. Riley
6 out of Clarendon County. 1995, there was a forgery
7 arrest under the name Yolanda Riley out of the Manning
8 police department.

9 In 1997, she has a conviction for driving
10 under suspension under the name Vlanda, V-l-a-n-d-a, S.
11 Riley. That was a conviction, yes, sir. In 1999, under
12 the name, Ulanda, U-l-a-n-d-a, Shoantela,
13 S-h-o-a-n-t-e-l-a, Riley, there was another fraudulent
14 check charge conviction out of Sumter, South Carolina.
15 In 2001, under the same name that I just mentioned,
16 Ulanda Shoantela Riley, the highway department, she had a
17 speeding as well as a driving under suspension
18 conviction. In 2004, under the name Ulanda, U-l-a-n-d-a,
19 Riley, she has a conviction for obtaining signature under
20 false pretenses which she was convicted. In 2004, under
21 Wanda Riley, from Manning, South Carolina, there was a
22 forgery arrest.

23 THE COURT: What year was that?

24 MR. KENT: That was in 2004, Your Honor.

25 THE COURT: What was the conviction again?

1 MR KENT: It doesn't show the conviction. It
2 just shows there was an arrest. It doesn't show a
3 disposition as of this point.

4 Yes, sir. The obtaining goods under false
5 pretenses was a separate conviction, a six-year
6 conviction, and then there was -- in 2005, out of Marion,
7 South Carolina, under Wanda Riley, there was a financial
8 transaction card fraud that was dismissed and nolle
9 prossed, and that would be the extent of the record.

10 THE COURT: Nothing since 2005?

11 MR. KENT: No, sir, Your Honor.

12 THE COURT: All right.

13 MR. KENT: So then we immediately pulled
14 that.

15 As the Court is aware, one of the central
16 cruxes of the defense offered on behalf of Mr. DuRant was
17 obtaining signature under false pretenses. One of our
18 central defenses was a forgery allegation against Lizzy
19 Johnson, that there was a forgery allegation being
20 utilized, that there was a false signature that was
21 utilized, and these false signatures, what was happening
22 was our theory --

23 THE COURT: Yolanda McCray, was she the
24 grandmother?

25 MR. KENT: No, Your Honor. Lizzy Johnson was

1 the grandmother. Yolanda McCray is the actual mother.

2 THE COURT: Of the victim?

3 MR. KENT: Of the victim's sister -- victim's
4 cousin.

5 THE COURT: Okay.

6 MR. KENT: The central important issue is
7 also the outcry witness. As you're aware, during the
8 State's closing argument, the Attorney General's closing
9 argument, which was, candidly, a very effective closing
10 argument, during their closing argument, one of the
11 things that they argued very effectively was the fact
12 that one of the reasons you should not believe the theory
13 offered by the defense and should believe the theory --
14 or even if you don't believe a lot of the things that
15 were said, one of the things you can believe is the
16 outcry witness just happened to overhear this
17 conversation, so you must believe what the outcry witness
18 stated because she happened to overhear it which gives
19 their theory credibility, that no one could have made up
20 this entire theory.

21 The problem with that, of course, as Your
22 Honor yourself mentioned during sentencing, this was a
23 credibility case, and in light of the credibility case,
24 the jury could make a decision of either listening to the
25 defense witnesses or listening to State witnesses. With

1 Yolanda McCray as the outcry witness, being able to
2 testify un-cross-examined about her criminal record,
3 including our central theory of defense, obtaining
4 signature under false pretenses, and the fact that they
5 are related to Lizzy Johnson, who we're saying
6 specifically was embroiled in this forgery, that is our
7 theory, that this is the type of information that we
8 should have been allowed to cross-examine on.

9 Your Honor, I am not sitting up here
10 specifically saying that I believe the Attorney General's
11 office hid anything from us whatsoever. I'm not saying
12 that. I'm not saying that on the record that I believe
13 they hid anything whatsoever from us. What I am saying
14 is this is information that we were entitled to in
15 proffer, entitled to. As you're aware, Your Honor, I
16 have included inside of my packet my Rule 5, which was
17 sent not to Ms. Abee, but was sent to the attorney who
18 had the case before her, Kelly Hall, Assistant Attorney
19 General, and that was sent on January 14, 2014.

20 Included inside of that packet was a specific
21 request, on line 13, which I specifically request the
22 criminal records of the juvenile and adult of such
23 witnesses. Your Honor, this, of course, is bolstered by
24 the fact -- and this is one of the reasons we do not
25 believe the Attorney General's office hid anything from

1 us. As you're aware, during the course of the trial,
2 what would happen is the Attorney General's office handed
3 us criminal rap sheets and records as individuals were
4 getting ready to testify.

5 At one of the points what they did is when
6 Ms. Johnson got ready to testify, Lizzy Johnson, as you
7 remember, the grandmother in this situation, before she
8 testified, they properly handed us a rap sheet, and they
9 said, This is something on her rap sheet. We're not sure
10 if we're going to be able to get into it, and we had a
11 hearing in front of Your Honor about her prior criminal
12 record, and we did that on several other witnesses.

13 I do not believe that this is a situation
14 where they were trying to hide things; and, number two, I
15 don't think they knew what our legal defense was so they
16 wouldn't understand how important the obtaining signature
17 under false pretenses was until I would make the theory,
18 and I didn't make the theory unless after this woman had
19 already testified.

20 But the point is, they were giving us
21 criminal records as these individuals were testifying.
22 None were given on behalf of Yolanda McCray, and I
23 believe they'll tell you honestly they didn't know she
24 had a criminal record either. I don't think that makes
25 it excusable. This woman was allowed to testify in front

1 of a jury without mention of her criminal record in a
2 case which is all about credibility.

3 That would be the basis of my motion. I made
4 a 59 motion. Your Honor, on top of that, looking at the
5 course of the trial, there were a lot of issues, shall we
6 say, with some of the things, some of the pretrial
7 motions that I made that you've already heard and
8 utilized. There was a lot of pretrial motions made about
9 certain evidence that was not given in a timely manner,
10 the taking a picture of Mr. DuRant's penis, the problems
11 that we had with the testimony of Allie Williams, which
12 went to the credibility also; the issues about the
13 abortion issue.

14 All of these things go with credibility, and
15 so it is our belief, Your Honor, that it is proper at
16 this point in time to grant our 59 motion for a new trial
17 on behalf of Mr. DuRant because this is a credibility
18 case. This isn't one of those typical cases where -- I
19 know at some point the Court of Appeals made the comment
20 that it's harmless error, that the other evidence against
21 would be overwhelming.

22 As you're also aware, Your Honor, this wasn't
23 a situation where the jurors stayed out for about five or
24 ten minutes. The jurors stayed out a length of time in
25 excess of four hours. They actually came back initially

1 with a hung jury. At that point in time, we gave an Alan
2 charge, which we objected to, objected to the Alan
3 charge, and after the Allen charge, they came back with a
4 verdict.

5 Your Honor, to say this is not paramount or
6 not an issue in the case I think would just be incorrect,
7 and that would be our position on the motion, Your Honor.

8 THE COURT: Okay.

9 MR. KENT: Thank you, sir.

10 THE COURT: Who's arguing for the State?

11 MS. ABEE: I am, Your Honor.

12 May it please the Court: Your Honor, first
13 off, as an officer of the Court, I do have to correct
14 something that I have incorrectly stated in my motion
15 that I've literally discovered sitting here, flipping
16 through it for the 50th or 60th time.

17 I state that factually as requested that the
18 rap sheet be run under Yolanda McCray via the e-mail,
19 which I attached as attachment A, that's M-c-r-a-e. In
20 reviewing the e-mail again, I requested it under Yolanda
21 McCray, same last name, but M-c-C-r-a-e, Your Honor.
22 There was typo in my request. Same date of birth. That
23 was an error on my part, Your Honor; however, the
24 analysis is still the same.

25 In order to state we violated Brady, Your

1 Honor, under Gibson v. State, there were several things
2 that have to be shown: First, that the evidence was
3 favorable to the accused; two, that it was in the
4 possession of or known to the prosecution; three, it was
5 suppressed by the prosecution; and, four, it was material
6 to guilt or punishment, Your Honor.

7 Mr. Kent was correct in stating that we had
8 no idea that Yolanda McCray had a prior criminal history
9 or a prior record in this case. We turned over other
10 witnesses, similar convictions, Your Honor. We certainly
11 would have done so with Ms. McCray had we known that she
12 did, in fact, have a record.

13 Secondly, Your Honor, we would contend that
14 it wasn't suppressed by the prosecution, also that it
15 wasn't material to the guilt or to the punishment, Your
16 Honor. Regardless of what Ms. McCray testified to, being
17 the outcry witnesses, there were several other witnesses
18 throughout the trial that did testify to the exact same
19 thing, so it wasn't just Ms. McCray.

20 She testified mainly in three different parts
21 throughout the trial. First she testified to the church
22 and its runnings and what armor bears were and typical
23 Sunday behaviors that were testified to by several
24 different people throughout the trial, so that alone --
25 that testimony wasn't material to the guilt or the

1 punishment, Your Honor.

2 Secondly, the disclosure itself, Mr. Kent
3 raises that. During closing arguments, we did state that
4 this was an accidental disclosure, that the children
5 didn't go to a parent or go to law enforcement to
6 purposefully disclose. They were overheard, and take out
7 Ms. McCray's testimony, and the children, victims, would
8 still have testified to that, Your Honor.

9 So there still would have been the testimony
10 that they were talking in a bathroom, someone overheard
11 them, questioned them, and that is what led to their
12 disclosure, Your Honor, so that point was still made
13 throughout the trial. And, finally, Ms. McCray testified
14 to the fact that the defendant was called on the phone
15 after the disclosure was made, which two of the victims
16 as well as the grandmother also testified to, Your Honor.

17 So we contend there isn't a Brady violation,
18 Your Honor; however, if the Court does determine that
19 there was a Brady violation and that we somehow withheld
20 information that we had, we then turn to State v. Taylor,
21 Your Honor, which then goes into the different criteria
22 that has to be met in order to grant a new trial based on
23 newly discovered evidence, which the rap sheet and prior
24 record of Yolanda McCray would, in fact, be newly
25 discovered evidence at this point in time.

1 There are five different things that have to
2 be proven: One, that the evidence would probably change
3 the result if a new trial is had, that -- two, it has
4 been discovered since trial; three, cannot have been
5 discovered before trial; four, is material to the issue
6 of guilt or innocence; and, five, is not merely
7 cumulative or impeaching.

8 Your Honor, that is exactly what this is on
9 that prong number five. It is merely impeaching of
10 Yolanda McCray, who, as Your Honor might remember, was
11 one of the quicker witnesses that testified. In fact,
12 the defense counsel and I had a conversation prior to her
13 testifying, where he said, Is she going to be long? Are
14 you keeping her short? And he said, Yeah, she'll be
15 short, Your Honor.

16 So there's a failure to meet the five prongs
17 of State v. Taylor to obtain a new trial based on after
18 discovered evidence, Your Honor. It is merely impeaching
19 of that witness, and, again, it's unlikely to change the
20 result if a new trial is had; therefore, we ask that you
21 deny the defense attorney's motion at this time.

22 THE COURT: Reply?

23 MR. KENT: If I may, Your Honor, and I was
24 just seeing if they were saying Mr. DuRant was in the
25 courtroom. I apologize.

1 Your Honor, what becomes interesting -- and I
2 was going to make a point, so I'm now even a little bit
3 more confused, and I appreciate the candor to the Court,
4 but in relying on the legal analysis put forth inside of
5 the Attorney General's motion, the Attorney General in
6 their motion states that, Despite a good effort to
7 ascertain witness record, the prosecution was not in
8 possession of Yolanda McCray's criminal record due to her
9 use of a fake name.

10 I guess I need, for clarification purposes,
11 are they saying that the brief is incorrect, that she
12 didn't provide a fake name or did provide a fake name?
13 Why that becomes interesting is it's going to change my
14 argument I make to the Court right now. If they're
15 saying that she provided a fake name, of course, that's a
16 different analysis, that this individual provided fake
17 information to the Attorney General's office.

18 THE COURT: I wasn't clear on that. Are you
19 saying the name is incorrect in the brief or the name was
20 incorrect in what you asked it to be requested?

21 MS. ABEE: I'll be happy to clarify, Your
22 Honor. Her name is Yolanda McCrae, M-c-r-a-e. I
23 requested M-c-C-r-a-e. So the record, the rap sheet that
24 Mr. Kent talks about, specifically the 2004 conviction, I
25 believe, is under Yolanda Riley, R-i-l-e-y, which is not

1 the name that we would have requested. Even had it been
2 spelled properly, it still would have been a separate
3 name.

4 THE COURT: Doesn't it show up on her social
5 security number too?

6 MS. ABEE: We weren't in possession of her
7 social security number, Your Honor. We ran her name, the
8 fact she's a black female, and her date of birth is what
9 we ran the rap sheet under.

10 THE COURT: So did you not run it under the
11 social security number, or you ran it and nothing showed
12 up?

13 MS. ABEE: I did not run it under the social
14 security number, Your Honor.

15 THE COURT: Just under the incorrect name?

16 MS. ABEE: The name, the date of birth, and
17 black female, yes, sir.

18 MR. KENT: Thank you, Your Honor, for the
19 clarification, and, again, I just want to make sure we're
20 clear for the record. So we're not saying Yolanda McCray
21 gave a fake name to the Attorney General's office. I
22 just want to be --

23 MS. ABEE: That is correct. She gave the
24 name Yolanda McCray. We did not have Yolanda Riley run
25 as a rap sheet, so I guess the better phrase would be

1 under a different name.

2 THE COURT: Do we know that the person that
3 had these prior convictions is, in fact, Yolanda Riley?

4 MR. KENT: Yes, we do, Your Honor. And now,
5 just to change course a little bit, to go with the
6 analysis that the Attorney General's office just gave,
7 that almost becomes a little bit bigger of a problem. It
8 kind of spits into the face of the brief that they just
9 put forth to say that we wouldn't have had this and it's
10 a good faith error.

11 I was a solicitor for quite some time. As a
12 prosecutor for quite some time, one of the things we do
13 is, when a defense attorney puts on their own
14 witnesses -- one of the things we do is, Well, I need
15 your person's name, birth date, and social security
16 number so I can run the proper background check or proper
17 rap sheet.

18 Number two: When you meet with individuals,
19 one of the things that you often ask them is do you have
20 a criminal record that we need to worry about that you
21 could be impeached upon? I find it a little bit strange.
22 I'm not sure what their policy is, but I find it a little
23 bit strange that we don't run a social security number
24 with an individual because of the problems that they just
25 said. You can misspell a name.

1 Looking at what they've said, you can't say
2 it wasn't in our possession because you did it
3 incorrectly. It should have been in your possession, as
4 you see from ours. When we ran the name that was on the
5 State's witness list is where we ran the name from. We
6 ran the name and spelling from the State's witness list,
7 and the social security number was garnered from the
8 witness statement, so these are things they had in their
9 possession.

10 So they were able to run a proper rap sheet,
11 they just did it incorrectly, so they can't say this
12 wasn't information that wasn't in our possession we
13 shouldn't have turned over. This was clearly information
14 that wasn't in our possession.

15 Your Honor, the fear of allowing a good
16 faith -- and I said very clearly, as to this issue and I
17 think I put it in writing, I trust Ms. Abee knows that
18 this was a good faith mistake, but the fear in allowing
19 good faith mistakes still hamper people's rights, because
20 if we were to simply allow it and say, Well, we just
21 spelled the person's name wrong. We didn't run a social
22 security number. We didn't do any better checks and
23 balance to make sure we had the right information, that's
24 a problem.

25 When a person gets on the stand, as the Court

1 rules very clearly, their credibility comes on the stand
2 with them. If we are allowing the State of South
3 Carolina to say, Oops. Sorry. We didn't run a proper
4 rap sheet. We don't have one. Let's just assume they
5 don't have a record, you can see the danger that could
6 happen.

7 They spelled the name wrong, so you can't sit
8 here -- and I'm arguing against their brief because one
9 of the things they argued in their brief is this is
10 information that just wasn't in their possession.

11 Additionally, Your Honor, taking what they
12 have stated as far as Brady violations, number one: The
13 evidence was favorable to the accused. Well, clearly, it
14 is favorable to the accused because it goes 100 percent
15 to our legal defense. This isn't something where we're
16 saying, Well, we should have been able to get into an
17 assault and battery or a shoplifting. This is obtaining
18 signatures under false pretenses, what exactly our legal
19 defense is.

20 Number two: It was in the possession or
21 known to the prosecution. It's our position, based upon
22 what they just said, it would have been in their
23 possession and known to the prosecution because they have
24 the right to run an NCIC search, which I don't have, and
25 they have the actual individual who had a criminal record

1 and she was in a position that they could have talked to
2 her.

3 Number three: It was suppressed by the
4 prosecution, and I want to be careful how I say this. I
5 am not saying that they intentionally hid something from
6 us, but the word suppressed has multiple meanings. By
7 suppressed, it means it wasn't given to us so that we
8 could properly cross-examine them on it. I don't think
9 they tried to hide it, but it was suppressed because of
10 their mistake.

11 Number four: It was material to guilt or
12 punishment. This is a credibility case, Your Honor. If
13 there was any other scintilla of evidence whatsoever
14 other than people's word -- and this was a word case.
15 This was our word versus this other individual's word,
16 which is why I had such a problem and I made all the
17 pretrial motions. This is 100 percent material.

18 The outcry witness was able to get on the
19 stand unfettered, without any cross-examination, without
20 any knowing of her very lengthy criminal record. To say
21 that I -- Your Honor, you sat in here for four days in
22 the trial when people had criminal records, both of us,
23 not only myself, but Mr. Fernandez did a very good job of
24 when witnesses testified and going very effectively
25 through their criminal record, and I did the same when we

1 had Lizzy Johnson on the stand.

2 We were going into the criminal records of
3 individuals who testified. To simply allow someone to
4 get on the stand without mention of their criminal record
5 in a credibility case and then effectively argue in a
6 closing argument that you must believe this information.
7 Why must you believe this information? And they didn't
8 say this, but you can see the argument: Some people have
9 criminal records, but you got to believe this lady. She
10 just overheard the information.

11 And I'm going to pause while my client comes
12 into the courtroom.

13 Just so the record is clear, at this point in
14 time, Larry DuRant has been escorted into the courtroom.
15 On behalf of my client, I had no problem, and I said on
16 the record that I had no problem with us beginning the
17 hearing without him present. If you'll give me about 30
18 seconds, I'll explain what's happened up to this point in
19 time.

20 THE COURT: Sure.

21 (Brief pause.)

22 MR. KENT: And, Your Honor, that would be our
23 reply as to that issue. I do believe that this is
24 material. To say in a credibility case that that's
25 information that's not important is preposterous. It

1 would be -- again, as I said earlier, it would be one
2 thing if we were to sit here and say the jury came back
3 in ten minutes. The evidence was overwhelming. There
4 was DNA evidence. There was eyewitnesses. There was a
5 lot of other information that the jury could have relied
6 on.

7 In this situation, all the jurors had to rely
8 on at all was the testimony of witnesses; hence,
9 credibility becomes a central issue, and you, Your Honor,
10 yourself even mentioned during sentencing this was a
11 credibility case. You could have seen it going either
12 way. They chose to utilize the testimony of the
13 individuals for the State and relied upon that
14 credibility.

15 Thank you so much, Your Honor.

16 THE COURT: Anything else from the State?

17 MS. ABEE: Very briefly, Your Honor. Even
18 assuming, as Mr. Kent says, that this is merely the word
19 and credibility case, we're talking about the credibility
20 and the word of the victims who testified as to their
21 sexual assaults, Your Honor.

22 This is an outcry witness. What she
23 testified to was that she overheard them disclosing or
24 talking about their sexual assaults, so this impeachment
25 material has no material effect on the case itself, Your

1 Honor, because if this was one of the victims and she had
2 a record that wasn't disclosed, I could certainly see how
3 that would change -- or at least could potentially have a
4 change in the outcome of the case as far as being
5 impeachment material, Your Honor, but this was an outcry
6 witness.

7 This was one of several witnesses that the
8 State called, Your Honor, and any of her convictions that
9 were not in the State's possession are just merely
10 impeachment material, and they are not material to the
11 case, Your Honor, nor do we contend that they would
12 change the outcome of the case because of her limited
13 scope in testimony and what she testified to, so we would
14 still stick by our argument that a new trial should be
15 denied on that basis.

16 THE COURT: All right. Well, I don't think
17 it sounds like there's any evidence, or even suggestion,
18 that the State's conduct was intentional in this case, so
19 the only real question is was it an inadvertent
20 oversight, and, if so, did it rise to the level of being
21 material, such to the point that it would affect a real
22 question of guilt or punishment?

23 You know, nobody is going to get a perfect
24 trial. It's nice to think we do them, but you do the
25 best you can, and mistakes get made. It does look like

1 in this case the State sent a name with a typographical
2 error in it. It came back as showing there were no
3 priors when, in fact, the witness had priors.

4 Now, all of the priors that got listed were
5 over ten years, and while they are of a witness and not a
6 party, there is a real question as to whether or not they
7 would have been admissible at trial. I can't say that
8 they would or they wouldn't at this point, but they were
9 all over ten years of age.

10 The Court has more discretion on a
11 non-defendant witness to allow older ones in, and I think
12 I may have even allowed one in on an older conviction of
13 another witness. Nevertheless, the real question is, you
14 know, was there a lot of other evidence of guilt and
15 would the impeachment value of this have made a
16 difference on a close-call sort of case?

17 The State did not have this in their
18 possession. It wasn't known to them. They didn't
19 suppress it. The evidence clearly would have been
20 favorable to the accused, to have that sort of
21 impeachment available for a witness, but, really, it
22 boils down to would this have affected the outcome of the
23 trial? And it's very difficult to look at that sort of
24 thing and figure out what's in the jury's mind, but you
25 did have, you know, one young lady who made the

1 accusation; three other young ladies, who, you know,
2 supported what she said by way of 404(b) evidence.

3 It was really a question of whether or not
4 you believed them as opposed to whether or not you
5 believed the mother who said she overheard two of the
6 girls talking about it, because that just set in the
7 chain of events that led to his ultimate arrest.

8 But the real question is, you know, these
9 girls made that accusation, and you either believe them
10 or you didn't believe them. Same thing, you either
11 believed the defendant or you didn't believe the
12 defendant. The issue of Yolanda McCray's testimony
13 was -- you know, I guess the correct legal phrase in this
14 is sort of immaterial, but it certainly didn't rise to
15 the level of, I think, putting at issue a serious
16 question of impeachment as to the young ladies, the four
17 girls, especially the victim in this case. It would have
18 been an impeachment issue about whether or not this lady
19 actually overheard them, and so I find that there was not
20 a violation of Brady requirements to disclose this
21 record, and so the motion for a new trial is denied.

22 MR. KENT: Thank you so much, Your Honor.
23 Could I put one more thing on the record as to that
24 issue?

25 THE COURT: Sure.

1 MR. KENT: And I understand the Court has
2 consistently used the phrase that was impeachment, and I
3 understand the Court's ruling on that argument, just to
4 make sure I'm covered for the record.

5 The Court has consistently, as well as the
6 Attorney General's office, said that we wanted to use
7 this as impeachment material. It's not only impeachment
8 material, this is actually our legal defense, is what I
9 want to make sure I'm clear about. This was our legal
10 defense as to the obtaining signature under false
11 pretenses, so I want to make sure that specific part of
12 her record, which was a 2004 conviction in which she was
13 given five years probation, and understanding it wouldn't
14 have been outside of the ten-year window, it would have
15 been within the ten-year window and would have been
16 admissible --

17 THE COURT: And I'm saying even if it had
18 been admissible -- and I may very well have let it in
19 because I think I let in another witness who had an older
20 than ten-year conviction.

21 MR. KENT: Yes, sir.

22 THE COURT: I'm just saying this was
23 apparently inadvertent, and I don't think that this was
24 something that the case would have turned on. I
25 understand your theory that it would have and the jury

1 should have known it. I get that.

2 MR. KENT: And I just want to make sure --
3 not to argue with Court at all, but just to make sure
4 that if another Court is reading this down the road that
5 they understand our position. It's not impeachment
6 material. It's necessary for us to flesh out our legal
7 defense and make sure it's clear that there were two
8 witnesses who were central in this case: Lizzy Johnson
9 and Yolanda McCray, who happen to both be related and
10 both have problems with obtaining signatures, which
11 specifically went to our theory of the forgery, to point
12 to the theory of stealing the residence, and stealing the
13 residence would have created this cavalcade of necessity
14 for these charges to come out.

15 That's what we want to make sure -- we're not
16 saying that it's just impeachment material, that it's
17 necessary for Mr. DuRant to have the right present his
18 full legal defense, and he wasn't allowed to present his
19 full legal defense. At this point, I understand the
20 Court's position about the Attorney General's office
21 didn't have them in their possession, I believe they did,
22 because just to say that, Oh, we didn't run the rap sheet
23 correctly, I think the standard is did or could have,
24 reasonably, and they reasonably could have.

25 I mean, if we are allowed to have prosecutors

1 just misspell things, say, Oops, I misspelled that. I
2 didn't have it, and the Courts have looked at that over
3 and over when they say, Well, I didn't go to the officer
4 and get this properly, or, I didn't get this information
5 properly from the officer the way that I should.

6 That would be my position. I don't want to
7 argue with the Court. I just want to make sure I'm clear
8 on the record.

9 THE COURT: All right. Anything else while
10 we're here?

11 MR. KENT: While we're here, Your Honor, you
12 had given me, graciously, an amount of time to renew all
13 my post-trial motions, and I just want to say very
14 clearly I just renew any motions made during the course
15 of trial, all the motions during that were made during
16 pretrial. You've heard our motion for a new trial, and I
17 just --

18 THE COURT: I think you've made them
19 abundantly correctly at the right time, but I understand
20 the need -- sometimes, you know, you get these things and
21 you go, How many times do you have to make the same
22 motion throughout a trial?

23 And, you know, you go, well, the rules say
24 this, and then there is case law that says this and then
25 sometimes it sounds like you get a panel that says, well,

1 we're just going to hear it because we want it.

2 MR. KENT: And I know for a fact I did not
3 renew any post-trial motions, my directed verdict motion
4 or any of the motions I made, so at this point in time,
5 in light of the fact that the Court is giving me ample
6 time, I've renewed all motions made during the course of
7 trial as well as my directed verdict motion as well as my
8 pretrial motions and so forth.

9 THE COURT: And they're all, again, denied
10 for the reasons stated previously.

11 MR. KENT: And I would, at this point in
12 time -- and I understand Court gave their sentence, and I
13 understand the rationale for the Court's sentence. At
14 this point in time, since I'm allowed to, I'd make a
15 motion for the Court to reconsider the sentence that they
16 gave for 20 years.

17 That popped in my head rationally as
18 Mr. DuRant was walked into the courtroom, rolled into the
19 courtroom, in a wheelchair. His prosthetic legs were
20 taken away from him. As you know, the actuary tables,
21 the amount of time that he's going to live in prison -- I
22 had thought about requesting an appellate bond. It's my
23 understanding from Ms. Blazer that an appellate bond
24 would not be appropriate in this situation in light of
25 the time he was given.

1 I would ask the Court to reconsider the
2 sentence of 20 years. In light of this case, again, I
3 can't hold more than what -- it was a credibility case,
4 and I understand the Court said that also.

5 I'd ask you to reconsider the 20-year
6 sentence based upon his age, based upon his health. A
7 20-year sentence in this situation is a life sentence, so
8 I would just ask the Court to reconsider the sentence
9 they set at 20 years.

10 THE COURT: Well, as I said, if you believed
11 what the girls had to say, then his acts were
12 reprehensible, those of a predator, and society needs
13 protection from people that did what he was convicted of
14 doing, and, in my opinion, the maximum sentence was
15 entirely justified based on the evidence that came out at
16 trial, so the motion is denied.

17 MR. KENT: Thank you, Your Honor.

18 THE COURT: Anything else?

19 MS. ABEE: Nothing from the State, Your
20 Honor.

21 MR. KENT: That covered everything on behalf
22 of Mr. DuRant, Your Honor.

23 THE COURT: All right. Thank you.

24 - - -

25 (Whereupon, the proceedings were concluded.)

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I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Sumter County, South Carolina, on the 8th of June 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 15, 2017

Circuit Court Reporter

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100 [2] - 18:14, 19:17 13 [1] - 7:21 14 [1] - 7:19 15 [1] - 31:11 1972/12/25 [1] - 3:14 1991 [1] - 4:1 1993 [1] - 4:3 1995 [2] - 4:4, 4:6 1997 [1] - 4:9 1999 [1] - 4:11 2 20 [4] - 2:7, 28:16, 29:2, 29:9 20-year [2] - 29:5, 29:7 2001 [1] - 4:15 2004 [5] - 4:18, 4:20, 4:24, 14:24, 25:12 2005 [2] - 5:6, 5:10 2014 [1] - 7:19 2014-GS-43-00947 [1] - 1:2 2016 [4] - 1:5, 2:1, 2:5, 31:8 2017 [1] - 31:11 26 [1] - 2:5	ABEE [8] - 10:11, 14:21, 15:6, 15:13, 15:16, 15:23, 21:17, 29:19 Abee [3] - 1:13, 7:17, 17:17 able [5] - 7:1, 8:10, 17:10, 18:16, 19:18 abortion [1] - 9:13 abundantly [1] - 27:19 accidental [1] - 12:4 accurate [1] - 31:4 accusation [2] - 24:1, 24:9 accused [4] - 11:3, 18:13, 18:14, 23:20 acts [1] - 29:11 actual [2] - 6:1, 18:25 actuary [1] - 28:20 additionally [1] - 18:11 admissible [3] - 23:7, 25:16, 25:18 adult [1] - 7:22 affect [1] - 22:21 affected [1] - 23:22 age [2] - 23:9, 29:6 Alan [2] - 10:1, 10:2 aliases [1] - 3:16 allegation [2] - 5:18, 5:19 Allen [1] - 10:3 Allie [1] - 9:11 allow [3] - 17:20, 20:3, 23:11 allowed [8] - 2:8, 2:23, 7:8, 8:25, 23:12, 26:18, 26:25, 28:14 allowing [3] - 17:15, 17:18, 18:2 almost [1] - 16:7 alone [1] - 11:24 Amanda [1] - 31:1 amanda [1] - 1:18 amount [2] - 27:12, 28:21 ample [1] - 28:5 analysis [4] - 10:24, 14:4, 14:16, 16:6 apologize [1] - 13:25 appeal [1] - 31:7 Appeals [1] - 9:19 appellate [2] - 28:22, 28:23 appreciate [1] - 14:3	appropriate [1] - 28:24 argue [3] - 20:5, 26:3, 27:7 argued [2] - 6:11, 18:9 arguing [2] - 10:10, 18:8 argument [9] - 6:8, 6:9, 6:10, 14:14, 20:6, 20:8, 22:14, 25:3 arguments [1] - 12:3 armor [1] - 11:22 arrest [4] - 4:7, 4:22, 5:2, 24:7 ascertain [1] - 14:7 Ashley [1] - 2:21 assault [2] - 4:2, 18:17 assaults [2] - 21:21, 21:24 Assistant [2] - 1:13, 7:18 assume [1] - 18:4 assuming [1] - 21:18 attached [1] - 10:19 attachment [1] - 10:19 attorney [2] - 7:17, 16:13 Attorney [15] - 1:13, 1:13, 1:15, 6:8, 7:10, 7:18, 7:25, 8:2, 14:5, 14:17, 15:21, 16:6, 25:6, 26:20 attorney's [1] - 13:21 available [1] - 23:21 aware [6] - 2:2, 5:15, 6:7, 7:15, 8:1, 9:22 B background [1] - 16:16 balance [1] - 17:23 based [7] - 3:9, 12:22, 13:17, 18:21, 29:6, 29:15 basis [2] - 9:3, 22:15 bathroom [1] - 12:10 battery [1] - 18:17 Beach [1] - 4:4 bears [1] - 11:22 becomes [4] - 14:1, 14:13, 16:7, 21:9 beginning [1] - 20:16 behalf [5] - 5:16, 8:22, 9:17, 20:15, 29:21	behaviors [1] - 11:23 belief [1] - 9:15 best [1] - 22:25 better [2] - 15:25, 17:22 bigger [1] - 16:7 birth [5] - 3:14, 10:22, 15:8, 15:16, 16:15 bit [5] - 14:2, 16:5, 16:7, 16:21, 16:23 black [2] - 15:8, 15:17 blazer [3] - 3:4, 3:5, 28:23 boils [1] - 23:22 bolstered [1] - 7:23 bond [2] - 28:22, 28:23 Brady [5] - 10:25, 12:17, 12:19, 18:12, 24:20 brief [5] - 14:11, 14:19, 16:8, 18:8, 18:9 Brief [1] - 20:21 briefly [1] - 21:17 C cache [2] - 3:12, 3:13 candidly [1] - 6:9 candor [1] - 14:3 cannot [1] - 13:4 captioned [1] - 31:6 card [1] - 5:8 careful [1] - 19:4 CAROLINA [2] - 1:1, 1:4 Carolina [9] - 1:6, 2:6, 2:20, 4:14, 4:21, 5:7, 18:3, 31:3, 31:8 case [27] - 6:23, 7:18, 9:2, 9:18, 10:6, 11:9, 19:12, 19:14, 20:5, 20:24, 21:11, 21:19, 21:25, 22:4, 22:11, 22:12, 22:18, 23:1, 23:16, 24:17, 25:24, 26:8, 27:24, 29:2, 29:3, 31:7 cases [1] - 9:18 catch [3] - 3:9, 3:11, 3:21 cavalcade [1] - 26:13 central [6] - 5:15, 5:18, 6:6, 7:3, 21:9, 26:8 certain [1] - 9:9	certainly [3] - 11:10, 22:2, 24:14 certify [2] - 31:4, 31:9 chain [1] - 24:7 change [7] - 13:2, 13:19, 14:13, 16:5, 22:3, 22:4, 22:12 charge [6] - 4:2, 4:5, 4:14, 10:2, 10:3 charges [2] - 3:22, 26:14 check [4] - 3:22, 4:5, 4:14, 16:16 checks [1] - 17:22 children [2] - 12:4, 12:7 chose [1] - 21:12 church [1] - 11:21 Circuit [6] - 1:19, 1:19, 31:2, 31:3, 31:7, 31:15 Clarendon [1] - 4:6 clarification [2] - 14:10, 15:19 clarify [1] - 14:21 clear [6] - 14:18, 15:20, 20:13, 25:9, 26:7, 27:7 clearly [6] - 17:13, 17:16, 18:1, 18:13, 23:19, 27:14 clerk [1] - 2:3 client [2] - 20:11, 20:15 close [1] - 23:16 close-call [1] - 23:16 closing [6] - 6:8, 6:9, 6:10, 12:3, 20:6 comment [1] - 9:19 complete [1] - 31:5 concluded [2] - 2:5, 29:25 conclusion [2] - 2:8, 2:10 conduct [1] - 22:18 confused [1] - 14:3 consistently [2] - 25:2, 25:5 contacted [1] - 3:3 contend [3] - 11:13, 12:17, 22:11 conversation [5] - 2:15, 2:17, 3:6, 6:17, 13:12 convicted [3] - 2:7, 4:20, 29:13 conviction [14] - 4:3, 4:9, 4:11, 4:14, 4:18, 4:19, 4:25, 5:1, 5:5,

5:6, 14:24, 23:12, 25:12, 25:20 convictions [3] - 11:10, 16:3, 22:8 copy [2] - 2:3, 3:11 correct [4] - 10:13, 11:7, 15:23, 24:13 correctly [2] - 26:23, 27:19 counsel [2] - 13:12, 31:10 County [2] - 4:6, 31:8 COUNTY [1] - 1:2 course [8] - 6:21, 7:23, 8:1, 9:5, 14:15, 16:5, 27:14, 28:6 COURT [29] - 1:1, 3:24, 4:23, 4:25, 5:10, 5:12, 5:23, 6:2, 6:5, 10:8, 10:10, 13:22, 14:18, 15:4, 15:10, 15:15, 16:2, 20:20, 21:16, 22:16, 24:25, 25:17, 25:22, 27:9, 27:18, 28:9, 29:10, 29:18, 29:23 Court [24] - 1:19, 5:15, 9:19, 10:12, 10:13, 12:18, 14:3, 14:14, 17:25, 23:10, 25:1, 25:5, 26:3, 26:4, 27:7, 28:5, 28:12, 28:15, 29:1, 29:4, 29:8, 31:2, 31:7, 31:15 Court's [3] - 25:3, 26:20, 28:13 courtroom [5] - 13:25, 20:12, 20:14, 28:18, 28:19 Courts [1] - 27:2 cousin [1] - 6:4 covered [2] - 25:4, 29:21 created [1] - 26:13 credibility [17] - 6:19, 6:23, 9:2, 9:12, 9:14, 9:17, 18:1, 19:12, 20:5, 20:24, 21:9, 21:11, 21:14, 21:19, 29:3 criminal [21] - 2:24, 3:1, 3:2, 3:22, 7:2, 7:22, 8:3, 8:11, 8:21, 8:24, 9:1, 11:8, 14:8, 16:20, 18:25, 19:20, 19:22, 19:25, 20:2, 20:4, 20:9 criteria [1] - 12:21	cross [4] - 7:2, 7:8, 19:8, 19:19 cross-examination [1] - 19:19 cross-examine [2] - 7:8, 19:8 CRR [2] - 1:18, 31:2 cruxes [1] - 5:16 cumulative [1] - 13:7	down [2] - 23:22, 26:4 driving [3] - 2:11, 4:9, 4:17 due [1] - 14:8 DuRant [9] - 1:6, 2:6, 5:16, 9:17, 13:24, 20:14, 26:17, 28:18, 29:22 DuRant's [1] - 9:10 during [10] - 6:7, 6:10, 6:22, 8:1, 12:3, 21:10, 27:14, 27:15, 28:6	examined [1] - 7:2 excess [1] - 9:25 excusable [1] - 8:25 explain [1] - 20:18 extent [1] - 5:9 eyewitnesses [1] - 21:4	G garnered [1] - 17:7 GENERAL [1] - 1:1 General [3] - 1:13, 7:19, 14:5 General's [10] - 6:8, 7:10, 7:25, 8:2, 14:5, 14:17, 15:21, 16:6, 25:6, 26:20 Gibson [1] - 11:1 girls [4] - 24:6, 24:9, 24:17, 29:11 given [9] - 2:2, 2:7, 3:10, 8:22, 9:9, 19:7, 25:13, 27:12, 28:25 goods [1] - 5:4 graciously [1] - 27:12 grandmother [4] - 5:24, 6:1, 8:7, 12:16 grant [2] - 9:16, 12:22 guess [3] - 14:10, 15:25, 24:13 guilt [7] - 11:6, 11:15, 11:25, 13:6, 19:11, 22:22, 23:14 guilty [1] - 2:7
	D danger [1] - 18:5 date [5] - 3:13, 10:22, 15:8, 15:16, 16:15 days [2] - 2:9, 19:21 decision [1] - 6:24 Defendant [2] - 1:7, 1:15 defendant [4] - 12:14, 23:11, 24:11, 24:12 defense [16] - 2:3, 5:16, 6:13, 6:25, 7:3, 8:15, 13:12, 13:21, 16:13, 18:15, 18:19, 25:8, 25:10, 26:7, 26:18, 26:19 defenses [1] - 5:18 denied [4] - 22:15, 24:21, 28:9, 29:16 deny [1] - 13:21 department [2] - 4:8, 4:16 despite [1] - 14:6 determine [1] - 12:18 difference [1] - 23:16 different [6] - 11:20, 11:24, 12:21, 13:1, 14:16, 16:1 difficult [1] - 23:23 directed [2] - 28:3, 28:7 disclose [2] - 12:6, 24:20 disclosed [1] - 22:2 disclosing [1] - 21:23 disclosure [4] - 12:2, 12:4, 12:12, 12:15 discovered [6] - 10:15, 12:23, 12:25, 13:4, 13:5, 13:18 discretion [1] - 23:10 dismissed [1] - 5:8 disposition [1] - 5:3 DNA [1] - 21:4 done [1] - 11:11	E e-mail [2] - 10:18, 10:20 effect [1] - 21:25 effective [1] - 6:9 effectively [3] - 6:11, 19:24, 20:5 effort [1] - 14:6 either [5] - 6:24, 8:24, 21:11, 24:9, 24:10 embroided [1] - 7:6 emergency [1] - 2:4 enforcement [1] - 12:5 entire [1] - 6:20 entirely [1] - 29:15 entitled [2] - 7:14, 7:15 error [4] - 9:20, 10:23, 16:10, 23:2 escorted [1] - 20:14 especially [1] - 24:17 Esquire [1] - 1:14 evening [1] - 2:11 events [1] - 24:7 evidence [17] - 9:9, 9:20, 11:2, 12:23, 12:25, 13:2, 13:18, 18:13, 19:13, 21:3, 21:4, 22:17, 23:14, 23:19, 24:2, 29:15, 31:6 ex [2] - 2:18, 3:2 ex-wife [1] - 2:18 exact [2] - 2:25, 11:18 exactly [2] - 13:8, 18:18 examination [1] - 19:19 examine [2] - 7:8, 19:8	F face [1] - 16:8 fact [14] - 2:18, 3:2, 6:11, 7:4, 7:24, 11:12, 12:14, 12:24, 13:11, 15:8, 16:3, 23:3, 28:2, 28:5 factually [1] - 10:17 failure [1] - 13:16 faith [4] - 16:10, 17:16, 17:18, 17:19 fake [6] - 14:9, 14:12, 14:15, 14:16, 15:21 false [9] - 4:20, 5:4, 5:17, 5:20, 5:21, 7:4, 8:17, 18:18, 25:10 far [2] - 18:12, 22:4 favorable [4] - 11:3, 18:13, 18:14, 23:20 fear [2] - 17:15, 17:18 female [2] - 15:8, 15:17 Fernandez [1] - 19:23 figure [1] - 23:24 filed [1] - 2:3 finally [1] - 12:13 financial [1] - 5:7 first [3] - 10:12, 11:2, 11:21 five [6] - 9:23, 13:1, 13:6, 13:9, 13:16, 25:13 flesh [1] - 26:6 flipping [1] - 10:15 foregoing [1] - 31:4 forgery [6] - 4:6, 4:22, 5:18, 5:19, 7:6, 26:11 forth [3] - 14:4, 16:9, 28:8 four [6] - 9:25, 11:5, 13:5, 19:11, 19:21, 24:16 fraud [1] - 5:8 fraudulent [2] - 4:5, 4:13 front [2] - 8:11, 8:25 full [2] - 26:18, 26:19	H Haffenden [2] - 1:18, 31:1 Hall [1] - 7:18 hamper [1] - 17:19 handed [2] - 8:2, 8:8 happy [1] - 14:21 harmless [1] - 9:20 head [1] - 28:17 health [1] - 29:6 hear [2] - 3:5, 28:1 heard [2] - 9:7, 27:16 hearing [3] - 2:4, 8:11, 20:17 hence [1] - 21:8 hereby [1] - 31:3 hereto [1] - 31:10 hid [4] - 7:11, 7:13, 7:25, 19:5 hide [2] - 8:14, 19:9 highway [1] - 4:16 history [1] - 11:8 hold [1] - 29:3 home [1] - 2:11 honestly [1] - 8:23 Honor [59] - 2:8, 2:10, 4:24, 5:11, 5:25,

6:22, 7:9, 7:15, 7:23, 8:11, 9:4, 9:15, 9:22, 10:5, 10:7, 10:11, 10:12, 10:21, 10:23, 11:1, 11:6, 11:10, 11:13, 11:16, 12:1, 12:8, 12:12, 12:16, 12:18, 12:21, 13:8, 13:10, 13:15, 13:18, 13:23, 14:1, 14:22, 15:7, 15:14, 15:18, 16:4, 17:15, 18:11, 19:12, 19:21, 20:22, 21:9, 21:15, 21:17, 21:21, 22:1, 22:5, 22:8, 22:11, 24:22, 27:11, 29:17, 29:20, 29:22 Honorable [1] - 1:10 hours [1] - 9:25 hung [1] - 10:1	information [15] - 3:10, 7:7, 7:14, 12:20, 14:17, 17:12, 17:13, 17:23, 18:10, 20:6, 20:7, 20:10, 20:25, 21:5, 27:4 informed [1] - 2:22 innocence [1] - 13:6 inside [5] - 3:15, 4:1, 7:16, 7:20, 14:4 intentional [1] - 22:18 intentionally [1] - 19:5 interest [1] - 31:10 interesting [2] - 14:1, 14:13 interviewed [1] - 2:14 introduced [1] - 31:6 issue [11] - 6:6, 9:13, 10:6, 13:5, 17:16, 20:23, 21:9, 24:12, 24:15, 24:18, 24:24 issues [2] - 9:5, 9:12 itself [2] - 12:2, 21:25	13:23, 15:18, 16:4, 20:22, 24:22, 25:1, 25:21, 26:2, 27:11, 28:2, 28:11, 29:17, 29:21 Keyona [1] - 2:20 kin [1] - 31:9 kind [1] - 16:8 Kinli [1] - 1:13 knowing [1] - 19:20 known [6] - 11:4, 11:11, 18:21, 18:23, 23:18, 26:1 knows [1] - 17:17	M	mother [2] - 6:1, 24:5 motion [15] - 9:3, 9:4, 9:16, 10:7, 10:14, 13:21, 14:5, 14:6, 24:21, 27:16, 27:22, 28:3, 28:7, 28:15, 29:16 motions [11] - 2:9, 9:7, 9:8, 19:17, 27:13, 27:14, 27:15, 28:3, 28:4, 28:6, 28:8 MR [23] - 2:2, 3:25, 4:24, 5:1, 5:11, 5:13, 5:25, 6:3, 6:6, 10:9, 13:23, 15:18, 16:4, 20:22, 24:22, 25:1, 25:21, 26:2, 27:11, 28:2, 28:11, 29:17, 29:21 MS [8] - 10:11, 14:21, 15:6, 15:13, 15:16, 15:23, 21:17, 29:19 multiple [1] - 19:6 must [3] - 6:17, 20:6, 20:7 Myrtle [1] - 4:4
I	J	L	M	N
idea [1] - 11:8 immaterial [1] - 24:14 immediately [2] - 3:23, 5:13 impeached [1] - 16:21 impeaching [3] - 13:7, 13:9, 13:18 impeachment [12] - 21:24, 22:5, 22:10, 23:15, 23:21, 24:16, 24:18, 25:2, 25:7, 26:5, 26:16 important [3] - 6:6, 8:16, 20:25 inadvertent [2] - 22:19, 25:23 included [5] - 3:11, 3:15, 4:1, 7:16, 7:20 including [2] - 3:23, 7:3 incorrect [5] - 10:6, 14:11, 14:19, 14:20, 15:15 incorrectly [3] - 10:14, 17:3, 17:11 indicated [1] - 3:12 individual [3] - 14:16, 16:24, 18:25 individual's [1] - 19:15 individuals [5] - 8:3, 8:21, 16:18, 20:3, 21:13	January [1] - 7:19 job [1] - 19:23 Johnson [7] - 5:19, 5:25, 7:5, 8:6, 20:1, 26:8 Judge [1] - 1:10 Judicial [2] - 1:19, 31:2 June [4] - 1:5, 2:1, 31:8, 31:11 jurors [3] - 9:23, 9:24, 21:7 jury [6] - 6:24, 9:1, 10:1, 21:2, 21:5, 25:25 jury's [1] - 23:24 justified [1] - 29:15 juvenile [1] - 7:22	ladies [2] - 24:1, 24:16 lady [3] - 20:9, 23:25, 24:18 Larry [2] - 2:6, 20:14 LARRY [1] - 1:6 last [1] - 10:21 law [3] - 2:3, 12:5, 27:24 least [1] - 22:3 led [2] - 12:11, 24:7 legal [10] - 8:15, 14:4, 18:15, 18:18, 24:13, 25:8, 25:9, 26:6, 26:18, 26:19 legs [1] - 28:19 length [1] - 9:24 lengthy [1] - 19:20 level [2] - 22:20, 24:15 life [1] - 29:7 light [4] - 6:23, 28:5, 28:24, 29:2 limited [1] - 22:12 line [1] - 7:21 list [2] - 17:5, 17:6 listed [1] - 23:4 listening [2] - 6:24, 6:25 literally [2] - 2:10, 10:15 live [1] - 28:21 Lizzy [6] - 5:18, 5:25, 7:5, 8:6, 20:1, 26:8 look [2] - 22:25, 23:23 looked [1] - 27:2 looking [2] - 9:4, 17:1	M-c-C-r-a-e [1] - 14:23 M-c-r-a-e [2] - 10:19, 14:22 mail [2] - 10:18, 10:20 manner [1] - 9:9 Manning [2] - 4:7, 4:21 Marion [1] - 5:6 material [17] - 11:5, 11:15, 11:25, 13:5, 19:11, 19:17, 20:24, 21:25, 22:5, 22:10, 22:21, 25:7, 25:8, 26:6, 26:16 maximum [1] - 29:14 MCCRAE [1] - 10:21 McCrae [1] - 14:22 McCray [23] - 2:12, 2:18, 2:22, 3:1, 3:4, 3:13, 5:23, 6:1, 7:1, 8:22, 10:18, 10:21, 11:8, 11:11, 11:16, 11:19, 12:13, 12:24, 13:10, 15:20, 15:24, 26:9 McCray's [3] - 12:7, 14:8, 24:12 mean [1] - 26:25 meanings [1] - 19:6 means [1] - 19:7 meet [2] - 13:16, 16:18 memo [1] - 3:11 mention [2] - 9:1, 20:4 mentioned [3] - 4:15, 6:22, 21:10 mentioning [1] - 2:23 merely [5] - 13:6, 13:9, 13:18, 21:18, 22:9 met [1] - 12:22 might [1] - 13:10 mind [1] - 23:24 minutes [2] - 9:24, 21:3 misspell [2] - 16:25, 27:1 misspelled [1] - 27:1 mistake [2] - 17:18, 19:10 mistakes [2] - 17:19, 22:25 morning [1] - 3:8	name [33] - 3:9, 3:13, 4:3, 4:5, 4:7, 4:10, 4:12, 4:15, 4:18, 10:21, 14:9, 14:12, 14:15, 14:19, 14:22, 15:1, 15:3, 15:7, 15:15, 15:16, 15:21, 15:24, 16:1, 16:15, 16:25, 17:4, 17:5, 17:6, 17:21, 18:7, 23:1 NCIC [1] - 18:24 necessary [3] - 2:9, 26:6, 26:17 necessity [1] - 26:13 need [4] - 14:10, 16:14, 16:20, 27:20 needs [1] - 29:12 nevertheless [1] - 23:13 new [8] - 9:16, 12:22, 13:3, 13:17, 13:20, 22:14, 24:21, 27:16 newly [2] - 12:23, 12:24 next [1] - 3:8 nice [1] - 22:24 Ninth [2] - 1:19, 31:2 nobody [1] - 22:23

nolle [1] - 5:8 non [1] - 23:11 non-defendant [1] - 23:11 none [1] - 8:22 nothing [3] - 5:10, 15:11, 29:19 Number [1] - 18:20 number [15] - 3:15, 8:14, 13:9, 15:5, 15:7, 15:11, 15:14, 16:16, 16:18, 16:23, 17:7, 17:22, 18:12, 19:3, 19:11	24:5, 24:19 oversight [1] - 22:20 overwhelming [2] - 9:21, 21:3 own [1] - 16:13	28:3 post-trial [3] - 2:9, 27:13, 28:3 potentially [1] - 22:3 predator [1] - 29:12 preposterous [1] - 20:25 present [3] - 20:17, 26:17, 26:18 pretenses [7] - 4:20, 5:5, 5:17, 7:4, 8:17, 18:18, 25:11 pretrial [5] - 9:6, 9:8, 19:17, 27:16, 28:8 pretty [1] - 2:12 previously [1] - 28:10 priors [3] - 23:3, 23:4 prison [1] - 28:21 probation [1] - 25:13 problem [6] - 6:21, 16:7, 17:24, 19:16, 20:15, 20:16 problems [3] - 9:10, 16:24, 26:10 proceedings [2] - 29:25, 31:5 proffer [1] - 7:15 prong [1] - 13:9 prongs [1] - 13:16 proper [5] - 9:15, 16:16, 17:10, 18:3 properly [5] - 8:8, 15:2, 19:8, 27:4, 27:5 prosecution [7] - 11:4, 11:5, 11:14, 14:7, 18:21, 18:23, 19:4 prosecutor [1] - 16:12 prosecutors [1] - 26:25 prossed [1] - 5:9 prosthetic [1] - 28:19 protection [1] - 29:13 proven [1] - 13:2 provide [2] - 14:12 provided [2] - 14:15, 14:16 public [2] - 3:9, 3:21 pulled [1] - 5:13 punishment [5] - 11:6, 11:15, 12:1, 19:12, 22:22 purposefully [1] - 12:6 purposes [1] - 14:10 put [6] - 3:4, 3:14,	14:4, 16:9, 17:17, 24:23 puts [1] - 16:13 putting [1] - 24:15	Q questioned [1] - 12:11 quicker [1] - 13:11 quite [2] - 16:11, 16:12	R raises [1] - 12:3 ran [10] - 3:8, 3:10, 3:12, 3:21, 15:7, 15:9, 15:11, 17:4, 17:5, 17:6 rap [12] - 8:3, 8:8, 8:9, 10:18, 12:23, 14:23, 15:9, 15:25, 16:17, 17:10, 18:4, 26:22 rationale [1] - 28:13 rationality [1] - 28:17 reading [1] - 26:4 ready [2] - 8:4, 8:6 real [5] - 22:19, 22:21, 23:6, 23:13, 24:8 really [2] - 23:21, 24:3 reasonably [2] - 26:24 reasons [3] - 6:12, 7:24, 28:10 received [1] - 2:11 reconsider [4] - 28:15, 29:1, 29:5, 29:8 RECORD [1] - 1:4 record [32] - 2:24, 3:1, 3:2, 4:1, 5:9, 7:2, 7:12, 8:12, 8:24, 9:1, 11:9, 11:12, 12:24, 14:7, 14:8, 14:23, 15:20, 16:20, 18:5, 18:25, 19:20, 19:25, 20:4, 20:13, 20:16, 22:2, 24:21, 24:23, 25:4, 25:12, 27:8, 31:5 records [7] - 3:22, 7:22, 8:3, 8:21, 19:22, 20:2, 20:9 regardless [1] - 11:16	related [3] - 2:20, 7:5, 26:9 relative [1] - 31:7 relied [2] - 21:5, 21:13 rely [1] - 21:7 relying [1] - 14:4 remember [2] - 8:7, 13:10 renew [3] - 27:12, 27:14, 28:3 renewed [1] - 28:6 reply [2] - 13:22, 20:23 Reported [1] - 1:17 Reporter [3] - 1:19, 31:2, 31:15 reprehensible [1] - 29:12 request [4] - 2:4, 7:21, 10:22 requested [5] - 10:17, 10:20, 14:20, 14:23, 15:1 requesting [1] - 28:22 requirements [1] - 24:20 residence [2] - 26:12, 26:13 response [1] - 2:25 result [2] - 13:3, 13:20 reviewing [1] - 10:20 rights [1] - 17:19 Riley [25] - 2:20, 2:21, 3:10, 3:17, 3:18, 3:19, 3:20, 4:2, 4:4, 4:5, 4:7, 4:11, 4:13, 4:16, 4:19, 4:21, 5:7, 14:25, 15:24, 16:3 RILEY [1] - 14:25 rise [2] - 22:20, 24:14 road [1] - 26:4 Roger [1] - 1:10 rolled [1] - 28:18 Ronnie [1] - 2:12 RPR [2] - 1:18, 31:1 Rule [2] - 2:3, 7:16 rules [2] - 18:1, 27:23 ruling [1] - 25:3 run [11] - 10:18, 15:10, 15:13, 15:24, 16:16, 16:23, 17:10, 17:21, 18:3, 18:24, 26:22 runnings [1] - 11:22
O objected [2] - 10:2 obtain [1] - 13:17 obtaining [8] - 4:19, 5:4, 5:17, 7:3, 8:16, 18:17, 25:10, 26:10 OF [5] - 1:1, 1:2, 1:4, 1:4 offered [2] - 5:16, 6:13 office [10] - 3:3, 3:7, 7:11, 7:25, 8:2, 14:17, 15:21, 16:6, 25:6, 26:20 officer [3] - 10:13, 27:3, 27:5 often [1] - 16:19 older [3] - 23:11, 23:12, 25:19 one [23] - 5:15, 5:17, 6:10, 6:12, 6:15, 6:19, 7:24, 8:5, 9:18, 13:2, 13:11, 16:12, 16:14, 16:19, 18:4, 18:8, 18:12, 21:1, 22:1, 22:7, 23:12, 23:25, 24:23 ones [1] - 23:11 oops [2] - 18:3, 27:1 opinion [1] - 29:14 opposed [1] - 24:4 order [2] - 10:25, 12:22 outcome [3] - 22:4, 22:12, 23:22 outcry [9] - 2:19, 6:7, 6:16, 6:17, 7:1, 11:17, 19:18, 21:22, 22:5 outside [1] - 25:14 overhear [2] - 6:16, 6:18 overheard [6] - 12:6, 12:10, 20:10, 21:23,	P packet [2] - 7:16, 7:20 panel [1] - 27:25 paramount [1] - 10:5 parent [1] - 12:5 part [4] - 3:6, 10:23, 25:11 parts [1] - 11:20 party [2] - 23:6, 31:10 pause [2] - 20:11, 20:21 penis [1] - 9:10 people [4] - 11:24, 19:22, 20:8, 29:13 people's [2] - 17:19, 19:14 percent [2] - 18:14, 19:17 perfect [1] - 22:23 person [2] - 16:2, 17:25 person's [2] - 16:15, 17:21 phone [2] - 2:11, 12:14 phrase [3] - 15:25, 24:13, 25:2 picture [1] - 9:10 point [18] - 3:7, 5:3, 8:20, 9:16, 9:19, 10:1, 12:12, 12:25, 14:2, 20:13, 20:18, 22:21, 23:8, 26:11, 26:19, 28:4, 28:11, 28:14 pointedly [2] - 2:12, 2:14 points [1] - 8:5 police [1] - 4:8 policy [1] - 16:22 popped [1] - 28:17 position [6] - 10:7, 18:21, 19:1, 26:5, 26:20, 27:6 possession [14] - 11:4, 14:8, 15:6, 17:2, 17:3, 17:9, 17:12, 17:14, 18:10, 18:20, 18:23, 22:9, 23:18, 26:21 post [3] - 2:9, 27:13,	post-trial [3] - 2:9, 27:13, 28:3 potentially [1] - 22:3 predator [1] - 29:12 preposterous [1] - 20:25 present [3] - 20:17, 26:17, 26:18 pretenses [7] - 4:20, 5:5, 5:17, 7:4, 8:17, 18:18, 25:11 pretrial [5] - 9:6, 9:8, 19:17, 27:16, 28:8 pretty [1] - 2:12 previously [1] - 28:10 priors [3] - 23:3, 23:4 prison [1] - 28:21 probation [1] - 25:13 problem [6] - 6:21, 16:7, 17:24, 19:16, 20:15, 20:16 problems [3] - 9:10, 16:24, 26:10 proceedings [2] - 29:25, 31:5 proffer [1] - 7:15 prong [1] - 13:9 prongs [1] - 13:16 proper [5] - 9:15, 16:16, 17:10, 18:3 properly [5] - 8:8, 15:2, 19:8, 27:4, 27:5 prosecution [7] - 11:4, 11:5, 11:14, 14:7, 18:21, 18:23, 19:4 prosecutor [1] - 16:12 prosecutors [1] - 26:25 prossed [1] - 5:9 prosthetic [1] - 28:19 protection [1] - 29:13 proven [1] - 13:2 provide [2] - 14:12 provided [2] - 14:15, 14:16 public [2] - 3:9, 3:21 pulled [1] - 5:13 punishment [5] - 11:6, 11:15, 12:1, 19:12, 22:22 purposefully [1] - 12:6 purposes [1] - 14:10 put [6] - 3:4, 3:14,	14:4, 16:9, 17:17, 24:23 puts [1] - 16:13 putting [1] - 24:15	Q questioned [1] - 12:11 quicker [1] - 13:11 quite [2] - 16:11, 16:12	R raises [1] - 12:3 ran [10] - 3:8, 3:10, 3:12, 3:21, 15:7, 15:9, 15:11, 17:4, 17:5, 17:6 rap [12] - 8:3, 8:8, 8:9, 10:18, 12:23, 14:23, 15:9, 15:25, 16:17, 17:10, 18:4, 26:22 rationale [1] - 28:13 rationality [1] - 28:17 reading [1] - 26:4 ready [2] - 8:4, 8:6 real [5] - 22:19, 22:21, 23:6, 23:13, 24:8 really [2] - 23:21, 24:3 reasonably [2] - 26:24 reasons [3] - 6:12, 7:24, 28:10 received [1] - 2:11 reconsider [4] - 28:15, 29:1, 29:5, 29:8 RECORD [1] - 1:4 record [32] - 2:24, 3:1, 3:2, 4:1, 5:9, 7:2, 7:12, 8:12, 8:24, 9:1, 11:9, 11:12, 12:24, 14:7, 14:8, 14:23, 15:20, 16:20, 18:5, 18:25, 19:20, 19:25, 20:4, 20:13, 20:16, 22:2, 24:21, 24:23, 25:4, 25:12, 27:8, 31:5 records [7] - 3:22, 7:22, 8:3, 8:21, 19:22, 20:2, 20:9 regardless [1] - 11:16	related [3] - 2:20, 7:5, 26:9 relative [1] - 31:7 relied [2] - 21:5, 21:13 rely [1] - 21:7 relying [1] - 14:4 remember [2] - 8:7, 13:10 renew [3] - 27:12, 27:14, 28:3 renewed [1] - 28:6 reply [2] - 13:22, 20:23 Reported [1] - 1:17 Reporter [3] - 1:19, 31:2, 31:15 reprehensible [1] - 29:12 request [4] - 2:4, 7:21, 10:22 requested [5] - 10:17, 10:20, 14:20, 14:23, 15:1 requesting [1] - 28:22 requirements [1] - 24:20 residence [2] - 26:12, 26:13 response [1] - 2:25 result [2] - 13:3, 13:20 reviewing [1] - 10:20 rights [1] - 17:19 Riley [25] - 2:20, 2:21, 3:10, 3:17, 3:18, 3:19, 3:20, 4:2, 4:4, 4:5, 4:7, 4:11, 4:13, 4:16, 4:19, 4:21, 5:7, 14:25, 15:24, 16:3 RILEY [1] - 14:25 rise [2] - 22:20, 24:14 road [1] - 26:4 Roger [1] - 1:10 rolled [1] - 28:18 Ronnie [1] - 2:12 RPR [2] - 1:18, 31:1 Rule [2] - 2:3, 7:16 rules [2] - 18:1, 27:23 ruling [1] - 25:3 run [11] - 10:18, 15:10, 15:13, 15:24, 16:16, 16:23, 17:10, 17:21, 18:3, 18:24, 26:22 runnings [1] - 11:22

S sat [1] - 19:21 scintilla [1] - 19:13 scope [1] - 22:13 search [1] - 18:24 secondly [2] - 11:13, 12:2 seconds [1] - 20:18 security [9] - 3:14, 15:5, 15:7, 15:11, 15:14, 16:15, 16:23, 17:7, 17:22 see [4] - 17:4, 18:5, 20:8, 22:2 seeing [1] - 13:24 sent [4] - 7:17, 7:19, 23:1 sentence [9] - 28:12, 28:13, 28:15, 29:2, 29:6, 29:7, 29:8, 29:14 sentencing [2] - 6:22, 21:10 separate [2] - 5:5, 15:2 serious [1] - 24:15 SESSIONS [1] - 1:1 set [2] - 24:6, 29:9 several [7] - 3:16, 3:22, 8:12, 11:1, 11:17, 11:23, 22:7 sexual [2] - 21:21, 21:24 shall [1] - 9:5 Shaun [1] - 1:14 sheet [11] - 8:8, 8:9, 10:18, 12:23, 14:23, 15:9, 15:25, 16:17, 17:10, 18:4, 26:22 sheets [1] - 8:3 Shoantela [5] - 3:17, 3:18, 4:12, 4:16 SHOANTELA [1] - 4:13 shocked [1] - 2:22 shoplifting [2] - 4:3, 18:17 short [2] - 13:14, 13:15 show [3] - 5:1, 5:2, 15:4 showed [1] - 15:11 showing [1] - 23:2 shown [1] - 11:2 shows [1] - 5:2 signature [6] - 4:19, 5:17, 5:20, 7:4, 8:16, 25:10	signatures [3] - 5:21, 18:18, 26:10 similar [1] - 11:10 simple [1] - 4:2 simply [2] - 17:20, 20:3 sister [1] - 6:3 sit [2] - 18:7, 21:2 sitting [2] - 7:9, 10:15 situation [6] - 8:7, 8:13, 9:23, 21:7, 28:24, 29:7 six [1] - 5:5 six-year [1] - 5:5 SLED [5] - 3:9, 3:11, 3:12, 3:21 social [9] - 3:14, 15:4, 15:7, 15:11, 15:13, 16:15, 16:23, 17:7, 17:21 society [1] - 29:12 solicitor [1] - 16:11 someone [2] - 12:10, 20:3 sometimes [2] - 27:20, 27:25 Sorry [1] - 18:3 sort [4] - 23:16, 23:20, 23:23, 24:14 sounds [2] - 22:17, 27:25 SOUTH [2] - 1:1, 1:4 South [9] - 1:6, 2:6, 2:19, 4:14, 4:21, 5:7, 18:2, 31:3, 31:8 specific [2] - 7:20, 25:11 specifically [5] - 7:6, 7:10, 7:21, 14:24, 26:11 speeding [1] - 4:17 spelled [3] - 15:2, 17:21, 18:7 spelling [1] - 17:6 spits [1] - 16:8 stand [5] - 17:25, 18:1, 19:19, 20:1, 20:4 standard [1] - 26:23 STATE [2] - 1:1, 1:4 state [3] - 10:17, 10:25, 12:3 State [16] - 1:13, 2:6, 2:19, 6:25, 10:10, 11:1, 12:20, 13:17, 18:2, 21:13, 21:16, 22:8, 23:1, 23:17, 29:19, 31:3 State's [5] - 6:8,	17:5, 17:6, 22:9, 22:18 statement [2] - 3:15, 17:8 states [1] - 14:6 stating [1] - 11:7 stayed [2] - 9:23, 9:24 stealing [2] - 26:12 stick [1] - 22:14 still [7] - 10:24, 12:8, 12:9, 12:12, 15:2, 17:19, 22:14 strange [2] - 16:21, 16:23 subsequent [1] - 2:17 suggestion [1] - 22:17 SUMTER [1] - 1:2 Sumter [3] - 1:6, 4:14, 31:8 Sunday [1] - 11:23 supported [1] - 24:2 suppress [1] - 23:19 suppressed [6] - 11:5, 11:14, 19:3, 19:6, 19:7, 19:9 suspension [2] - 4:10, 4:17	6:2, 6:5, 10:8, 10:10, 13:22, 14:18, 15:4, 15:10, 15:15, 16:2, 20:20, 21:16, 22:16, 24:25, 25:17, 25:22, 27:9, 27:18, 28:9, 29:10, 29:18, 29:23 theory [12] - 5:22, 6:12, 6:13, 6:19, 6:20, 7:3, 7:7, 8:17, 8:18, 25:25, 26:11, 26:12 thereafter [1] - 2:17 therefore [1] - 13:20 they've [1] - 17:1 three [5] - 11:4, 11:20, 13:4, 19:3, 24:1 throughout [5] - 11:18, 11:21, 11:24, 12:13, 27:22 timely [1] - 9:9 top [1] - 9:4 transaction [1] - 5:8 transcript [1] - 31:5 TRANSCRIPT [1] - 1:4 trial [30] - 2:5, 2:9, 2:22, 8:1, 9:5, 9:16, 11:18, 11:21, 11:24, 12:13, 12:22, 13:3, 13:4, 13:5, 13:17, 13:20, 19:22, 22:14, 22:24, 23:7, 23:23, 24:21, 27:13, 27:15, 27:16, 27:22, 28:3, 28:7, 29:16, 31:6 tried [1] - 19:9 true [1] - 31:4 trust [1] - 17:17 trying [1] - 8:14 turn [1] - 12:20 turned [3] - 11:9, 17:13, 25:24 two [9] - 2:21, 8:14, 11:3, 12:15, 13:3, 16:18, 18:20, 24:5, 26:7 type [1] - 7:7 typical [2] - 9:18, 11:22 typo [1] - 10:22 typographical [1] - 23:1	4:18 ultimate [1] - 24:7 un-cross-examined [1] - 7:2 under [29] - 3:13, 4:2, 4:3, 4:5, 4:7, 4:10, 4:11, 4:15, 4:17, 4:18, 4:19, 4:20, 5:4, 5:7, 5:17, 7:4, 8:17, 10:18, 10:20, 11:1, 14:25, 15:9, 15:10, 15:13, 15:15, 16:1, 18:18, 25:10 undersigned [1] - 31:1 unfettered [1] - 19:19 unless [1] - 8:18 unlikely [1] - 13:19 up [7] - 3:17, 3:22, 6:19, 7:9, 15:4, 15:12, 20:18 utilize [2] - 2:13, 21:12 utilized [5] - 2:15, 2:19, 5:20, 5:21, 9:8
		T tables [1] - 28:20 talks [1] - 14:24 Taylor [2] - 12:20, 13:17 telephone [1] - 3:5 ten [8] - 2:9, 9:24, 21:3, 23:5, 23:9, 25:14, 25:15, 25:20 ten-year [3] - 25:14, 25:15, 25:20 testified [16] - 2:21, 8:8, 8:19, 11:16, 11:20, 11:21, 11:23, 12:8, 12:13, 12:16, 13:11, 19:24, 20:3, 21:20, 21:23, 22:13 testify [6] - 2:23, 7:2, 8:4, 8:6, 8:25, 11:18 testifying [2] - 8:21, 13:13 testimony [8] - 9:11, 11:25, 12:7, 12:9, 21:8, 21:12, 22:13, 24:12 THE [28] - 3:24, 4:23, 4:25, 5:10, 5:12, 5:23,		V value [1] - 23:15 verdict [3] - 10:4, 28:3, 28:7 versus [2] - 2:6, 19:15 via [1] - 10:18 victim [2] - 6:2, 24:17 victim's [2] - 6:3 victims [5] - 2:21, 12:7, 12:15, 21:20, 22:1 violated [1] - 10:25 violation [3] - 12:17, 12:19, 24:20 violations [1] - 18:12 Vlanda [1] - 4:10 VLANDA [1] - 4:10 Vlonta [2] - 3:20, 4:2 VLONTA [1] - 3:20 Volanda [2] - 3:18 vs [1] - 1:5
			U Ulanda [3] - 4:12, 4:16, 4:18 ULANDA [2] - 4:12,	W walked [1] - 28:18 Wanda [4] - 3:17, 3:19, 4:21, 5:7 whatsoever [3] -

7:11, 7:13, 19:13
wheelchair [1] -
 28:19
wife [1] - 2:18
Williams [1] - 9:11
window [2] - 25:14,
 25:15
withheld [1] - 12:19
witness [22] - 2:13,
 2:15, 2:19, 3:15, 6:7,
 6:16, 6:17, 7:1, 13:19,
 14:7, 17:5, 17:6, 17:8,
 19:18, 21:22, 22:6,
 23:3, 23:5, 23:11,
 23:13, 23:21, 25:19
witnesses [13] -
 6:25, 7:23, 8:12,
 11:10, 11:17, 13:11,
 16:14, 19:24, 21:8,
 22:7, 26:8
woman [2] - 8:18,
 8:25
word [7] - 19:6,
 19:14, 19:15, 21:18,
 21:20
worry [1] - 16:20
writing [1] - 17:17

Y

year [5] - 4:23, 5:5,
 25:14, 25:15, 25:20
years [7] - 2:7, 23:5,
 23:9, 25:13, 28:16,
 29:2, 29:9
Yolanda [27] - 2:18,
 3:13, 3:17, 3:18, 3:19,
 4:4, 4:5, 4:7, 5:23,
 6:1, 7:1, 8:22, 10:18,
 10:20, 11:8, 12:24,
 13:10, 14:8, 14:22,
 14:25, 15:20, 15:24,
 16:3, 24:12, 26:9
young [3] - 23:25,
 24:1, 24:16
Young [1] - 1:10
yourself [2] - 6:22,
 21:10



MARVIN H. DAWSON, JR.
FORENSIC DOCUMENT EXAMINER

DIPLOMATE AMERICAN BOARD
OF FORENSIC DOCUMENT EXAMINERS

AMERICAN ACADEMY
OF
FORENSIC SCIENCES

AMERICAN SOCIETY
OF
QUESTIONED DOCUMENTS EXAMINERS

SOUTHEASTERN ASSOCIATION
OF FORENSIC DOCUMENT EXAMINERS

May 25, 2016

Shaun C. Kent, Esquire
Kent Law Firm
19 South Mill Street
Manning, South Carolina 29102

Re: Larry DuRant
DDL File No.: 166398

Report of Examination

The following documents were received in this laboratory for examination March 23, 2016:

Questioned

- Q/1 Quit Claim Deed Book 1131, Page 002624, dated 09-16-09, machine copy
- Q/2 Quite Claim Deed Book 1188, Page 00603, dated 11-01-09, machine copy

Q/1 was submitted bearing the questioned signature of "Larry DuRant". Q/2 was submitted bearing the questioned signatures of "Larry DuRant", "Lizzie Johnson" and "Somera Samuels".

Known of Larry DuRant (K/1)

- K1.1 Signature Page, Book 1188, Page 0606, dated 05-31-13, machine copy
- K1.2 One page white unlined paper bearing three (3) requested signatures of Larry DuRant, undated, machine copy

K1.1 and K1.2 were submitted bearing the undisputed signatures of Larry DuRant.

Known of Lizzie A. Johnson (K/2)

- K2.1 Affidavit of Forgery, dated 06-13-13, machine copy
- K2.2 Witness/Victim Statement, dated 06-13-13, machine copy
- K2.3 See Q/1

K2.1-K2.3 were submitted bearing the undisputed signatures of Lizzie A. Johnson.

Known of Somera Samuels (K/3)

- K3.1 Witness/ Victim Statement, page 1, dated 08-30-13, machine copy
- K3.2 Witness/Victim Statement, page 2, dated 08-30-13, machine copy
- K3.3 Affidavit of Forgery, dated 06-13-13, machine copy
- K3.4 Witness/Victim Statement, dated 06-13-13, machine copy
- K3.5 See Q/1

K3.1-K3.5 were submitted bearing the undisputed signatures of Somera Samuels.

Purpose of the Examination

The previously described documents were submitted for the purpose of determining, if possible, the authorship or authenticity of the questioned "Larry DuRant" signature appearing on Documents Q/1 and Q/2, the authorship or authenticity of the "Lizzie A. Johnson" signature appearing on Q/2, and the authorship or authenticity of the "Somera Samuels" signature appearing on Q/2.

Examination and Findings

The aforelisted documents were examined in this laboratory April 14, April 15, May 19 and May 24, 2016. A detailed examination of questioned and specimen writings was undertaken and included a microscopic examination of the questioned "Larry Durant" signature appearing on Documents Q/1 and Q/2 and undisputed signatures attributed to Larry DuRant (K/1), the questioned "Lizzie A. Johnson signature appearing on Q/2 and undisputed signatures attributed to Lizzie A. Johnson, and the questioned "Somera Samuels" signature appearing on Q/2 and undisputed signatures attributed to Somera Samuels.

Results of the Examination

The examination, comparison and evaluation of the submitted documents were performed using reliable principles and methods of forensic document examination and in accordance with the standard practices and procedures of the field.

Examination and comparison of the questioned signatures appearing on Documents Q/1 and Q/2 in conjunction with specimen signatures attributed to Larry DuRant (K/1), Lizzie A. Johnson (K/2) and Somera Samuels (K/3) leads to the following conclusion:

Based on documents submitted it has been determined it is most probable the "Larry DuRant" signatures appearing on Documents Q/1 and Q/2 are not genuine.

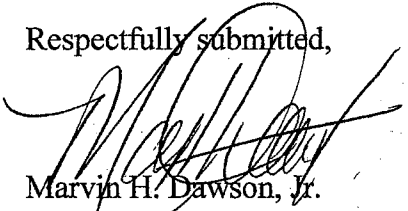
Based on limited standards it is most probable the "Lizzie A. Johnson" signature appearing on Document Q/2 is a genuine signature.

Based on limited standards it is most probable the "Somera Samuels" signature on Document Q/2 is not a genuine signature.

Remarks

1. The above is qualified upon the examination of original inked questioned signatures.
2. It is requested that additional specimen signatures be submitted for examination.
3. All documents are returned with this report.
4. A copy of this report will be in DDL File No.: 166398 and placed in storage for 6 years after which it may be destroyed.

Respectfully submitted,



Marvin H. Dawson, Jr.
Forensic Document Examiner
Dawson Document Laboratory, LLC

MHD/abb

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA,

vs.

LARRY DURANT,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRD JUDICIAL CIRCUIT

DOCKET NUMBER: 2014-GS-43-947

COURT'S
EXHIBIT

DEFENDANT'S BRIEF OF CASE

Larry DuRant is a legally blind, double amputee Pastor from Sumter, South Carolina. Durant has been the pastor of Word International Ministries for the preceding 19 years. On May 21, 2013 Larry DuRant was formally accused by K.R. (age 13 at the time) for engaging in sexual intercourse with him on several occasions. K.R. suggested intercourse was not forced, however, was coerced by DuRant convincing her to have sex with him based on her religious beliefs. K.R. suggested that intercourse happened in separate locations including both church locations.

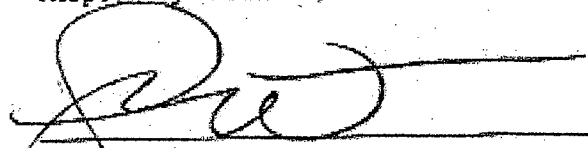
After Ms. K.R. came forth with her allegations, several other female members of the church also made allegations against the Pastor. These women include: T.H. (age 16 at the time of the alleged acts); A.R. (age 18 at the time of the alleged acts); L.M. (age 19 at the time of the alleged acts); D.B. (age 14 at the time of the alleged acts); and D.R. (age 13 or 14 at the time of the alleged acts). The State of South Carolina informs they intend on calling State v. Larry DuRant in which K.R. is the purported victim (Indictment #2014-GS-43-947) and will make an attempt to "Lyle" in the following cases: A.R. (Indictment #2014-GS-43-949); T.H. (Indictment #2014-GS-43-950); L.M. (Indictment #2014-GS-43-948); and D.B. (not criminally charged). Defendant, Larry DuRant, maintains these allegations are false. Moreover, he maintains he did not have sexual intercourse nor did he inappropriately touch any of the victims, minor or adult.

K.R. met and gave several statements to law enforcement. In one of her statements she gave a description of the defendant's penis. A Motion was heard in front of the Honorable Howard King to determine whether the State would be allowed to force Larry DuRant to take down his pants to take a picture of his penis. A copy of that Order is attached. Judge King made no final ruling, however, gave instructions on what needed to be done. Specifically, he stated that *"The Court is making no finding of probable cause or the lack thereof, nor any ruling on the right of the State to have the photographs made pursuant to Schmerber or Bacchus, not any privacy issues raised by Durant. Neither is the court ruling on the relevancy issue raised by Durant that the photographs go only to corroborate or impeach the State's witnesses. These matters would depend on any supporting affidavits. This ruling is limited solely to the failure of the moving party to follow the procedure as set forth in Woods. The Motion is denied without prejudice to renew if properly supported."*

Without going back in front of Judge King, the State of South Carolina circumvented the process and applied for a magistrate to issue a warrant (copy attached) to take a picture of Larry DuRant's penis. Knowing DuRant had an attorney, the State of South Carolina went to his residence,

picked him up, took him to the Tuomey Hospital, forced him to disrobe and took multiple pictures of DuRant's penis. Defense attorney's representatives, after being contacted by their client's wife, were denied the opportunity to see the warrant as well as meet with their client.

Respectfully Submitted,

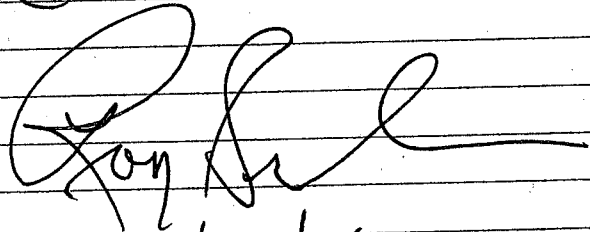
A handwritten signature in black ink, appearing to read "Shawn C. Kent", is written over a horizontal line.

SHAWN C. KENT
Attorney for Defendant
19 South Mill Street
Manning SC 29102
(803) 433-5368

Manning, South Carolina
May 23, 2016

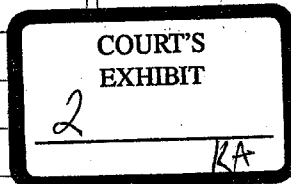
Your Honor

After Two hours and
Forty Five the vote
after four attempts
is Guilty 8
Not Guilty 3
and One will not
Vote



5/26/16

5:05



STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA

Plaintiff,

V.

LARRY DURANT,

Defendant.

IN GENERAL SESSIONS COURT FOR
THE THIRD JUDICIAL CIRCUIT

NOTICE OF MOTION FOR
PRODUCTION, INSPECTION
AND COPYING OF DOCUMENTS
PURSUANT TO RULE 5, SCRCrimP.

Warrant No: 10200774
10200773
10200772
10200771
10200770
10200769
10200768
10200767

PLEASE TAKE NOTICE that the defendant above named, Larry Durant by and through his attorney, Shaun C. Kent, hereby requests and moves that the Solicitor for the Ninth Judicial Circuit produce and make available to the Defendant any and all documents, evidence or other information which is subject to disclosure pursuant to Rule 5 of The South Carolina Rules of Criminal Procedure. The Defendant further requests the Solicitor to make available any evidence favorable to the Defendant which is subject to disclosure pursuant to the case of Brady v. Maryland, 373 U.S. 83 (1963), and subsequent cases interpreting the doctrine set forth therein. This request shall be interpreted to include any and all information or evidence which is discoverable pursuant to Rule 5, SCRCrimP, and pursuant to Brady v. Maryland, any of which is in the hands of agents for the prosecution, including police agencies:

1. Any relevant written or recorded statements made by the Defendant.
2. The substance of any oral statements made by the Defendant.
3. The prior criminal record, both juvenile and adult, of the Defendant.
4. All papers, documents, photographs or tangible objects which are in the possession or control of the State and are material and relevant to this case, including:
 - A. Any handwritten notes taken by any investigating agent.

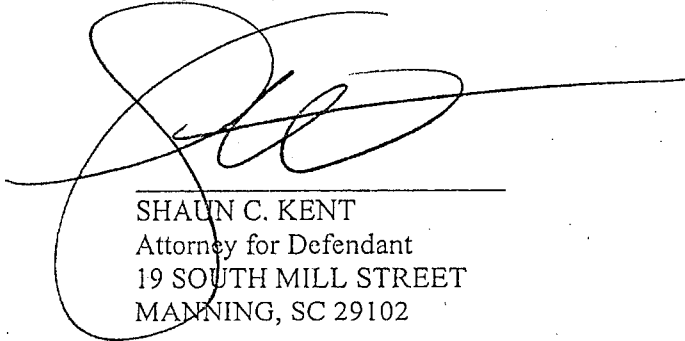
- B. Any tape recordings of telephone, cellular, or radio conversations engaged in by members of either the Solicitor's Office or any police agency which may pertain to this case.
- C. Any latent finger or palm prints, partial finger or palm prints, or smudged finger or palm/prints that were recovered by any agent of any police or law enforcement agency which may apply to this case.
- D. Any objects from which such prints were obtained and any objects that were allegedly handled at any time by the Defendant.
5. Any audio or video recordings made by the State along with any related documentation that are relevant to this case.
6. All statements made by any proposed witnesses in this case.
7. The names and current addresses of any expert witnesses that the State has used to assist in the investigation of its case or any witnesses that the State proposes to use as witnesses at the trial.
8. The results of any photographic identification procedures employed in this case together with the photographs used.
9. The results of any scientific, psychological and/or psychiatric tests or experiments conducted in this case.
10. The names and present addresses of persons having knowledge of the existence of any evidence relevant to the acts charged in this case, including all persons who will be called as witnesses for the State upon trial of this case and those with knowledge of this case who will not be called as witnesses by the State.
11. All information relevant to the credibility of any State witnesses to include confidential informants.
12. All information concerning the conduct, character and reputation of such witnesses.
13. The criminal records, both juvenile and adult, of such witnesses.
14. The substance of any agreement or proposed agreement made between the State or its agents and any witnesses in this case dealing with any promises of reward, of favored treatment, of

payment for amount of evidence seized, or any leniency in return for information or for favorable testimony.

15. The substance of any such agreements entered into in the past between the State, its agents and any potential witnesses in this case with reference to other criminal cases or investigations.

FURTHER, the Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by the State within thirty (30) days as provided in section (a)(3) of Rule 5, SCRCrimP. This production is specifically sought so that the information discoverable will be available for proper preparation of the defense of this case.

Respectfully submitted,



SHAUN C. KENT
Attorney for Defendant
19 SOUTH MILL STREET
MANNING, SC 29102

MANNING, South Carolina
January 14, 2014

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA,

Plaintiff,

V.

LARRY DURANT,

Defendant.

IN GENERAL SESSIONS COURT FOR
THE THIRD JUDICIAL CIRCUIT

Warrant No.: 10200774
10200773
10200772
10200771
10200770
10200769
10200768
10200767

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Defendant's Rule 5 Request for Production of Documents were served upon the following by placing the originals in a U. S. Postal mailbox, with first class postage attached, attached:

Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549
Attn: Kelly Hall, Assistant Attorney General

KENT LAW FIRM, LLC

Shaun C. Kent
19 South Mill Street
Post Office Box 117
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
January 14, 2014

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSION

COUNTY OF SUMTER

RECORDED
2013 JUL 19 PM 2:00
Warrants: 2013a4310200767/768
769/770/772/773

State of South Carolina

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Plaintiff,

Vs.

Larry Durant,

Defendant.

) MOTION FOR BRADY AND OTHER
) FAVORABLE MATERIAL AND
) INCORPORATED MEMORANDUM
) OF LAW
)
)
)

COMES NOW the Defendant, by through his undersigned counsel, and files this Motion for Brady and the others favorable material and incorporated Memorandum of law requiring the production of material to the Defendants within thirty (30) days of the receipt of this request or at least ten (10) days prior to trial. As grounds therefore, the undersigned would show as follows:

1. Under the United States Supreme Court decision in Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963), the Prosecution has an obligation to produce all Brandy material for the Defendant well in advance of the scheduled trial date.

2. Defendants claims under Brady, and its progeny, as well as the language and spirit of Giglio v. United States, 405 U.S. 150, 92 S. Ct 763 (1972); United States v. Tashman, 478 F. 2d 129 (5th Cir., 1973); and Napus v. Illinois, 360 U. S. 264, 79 S. Ct. 1173 (1959); that he/ she is entitled to any and all records, memoranda and documents, as well as statement of the Prosecution and all appropriate state, federal, and local law enforcement agencies as to:

- (a) All statements by the defendant, whether oral or written, if written, whether signed or unsigned.
- (b) All handwritten notes made by police or other investigating officers of their interview or conversation with the defendant or any other witness.
- (c) Any oral, written, or recorded statement made by any person to the Prosecution, Grand Jury or law enforcement agency in connection with this case.
- (d) A copy of all tape recordings, audio or video, made by a defendant, witness or any other person in connection with this case. If their tape recordings have been transcribed, then a copy of the transcribed conversation is also requested.
- (e) Any and all photographs taken of the defendant or any portion of his body.

- (f) Any and all photographs taken at the scene of the alleged crime and/or the alleged victim or prosecuting witness.
- (g) Any photographs that have been exhibited to any person for the purpose of establishing the identity of the perpetrator if the crime charged and the name and current address of the person or persons to whom the photographs were shown.

3. Any and all promises, rewards and inducements made to all witness herein, whether or not they have testified before any state or Federal Grand Jury, or other investigative agency, and regardless of whether they will testify at the trial herein.

4. Any and all plea bargains, promises, reward, reductions, dismissals, agreements not to bring criminal charges or any other inducements made to any witness herein, whether or not they have testified before any State or Federal Grand Jury, or other investigative agency, and regardless of whether or not they will testify at trial.

5. Any offer or grants of immunity in this case to any witness from loss of property, fine forfeiture, prosecution, or punishment in this or any other case.

6. Whether any witness called before the Grand Jury or who had or will give testimony to any investigative agency or at trial has ever been psychiatrically hospitalized or undergone psychiatric examination, treatment, mental status examination or care, and, if so, a list of named and addressed of the psychiatrists, hospitals and copies of any and all relevant records and report.

7. All notes or memoranda by psychiatrists or other medical or mental health examiners of their conversations with the defendants.

8. Any "inconsistent" statements of a particular witness or between witness, whether written or oral, that are known to the Prosecution or any other law enforcement agency.

9. Any and all "rap" sheets or histories of arrests or convictions of any indicated co-conspirator, State witness, defendants, or any co-defendant in relation to this case. Giglio v. U.S., supra

10. In addition, Defendants requests copies of any and all memoranda, reports and correspondence to and from the various law enforcement agencies regarding the investigation herein.

11. Defendants contends that he is entitled to any statements or admissions by a witness for or on behalf of the State with respect to the witness' memory or loss thereof.

12. Defendants contends that this Court should specifically direct the Government in the spirit of fairness and equity to seek and produce for defendant the documents, letters, records, and other items sought, irrespective of the States's determination of whether a witness' statement or a particular letter or exhibit can "help" the defendant. The defendant and his attorney, no the Prosecution, ought to be the judge of his/her defense and the documents relevant thereto and necessary in support of same.

13. To the extent the Defendant is specifically required to demonstrate the materiality of the requested information, the defendant submits that this requirement is satisfied in this motion. United States v. Angurs, 427 U.S. 97 (1976).

14. Any and all physical or tangible items in the possession, custody, or control of or which could reasonably be brought within the possession, custody or control of the Prosecution, State, Federal or local law enforcement agency.

15. To disclose to counsel for the defense any and all evidence in the actual or constructive possession of the State which is of a favorable character for the defendant in this case and material to the issue of guilt or innocence or to punishment in this case, pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution, including, but not limited to, the following materials:

(a) Any oral, written, or recorded statements made by any person to the police, to the Prosecution, or to the Grand Jury which tends to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness who the

Government will call at the trial or the cause. Brady v. Maryland, 373 U.S. 83, S. Ct. 1194 (1963).

(b) Any police investigation report made to the police which tends to establish the defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness whom the State will call at the trial of the cause. Giles v. Maryland, 386 U.S. 66, 87 S. Ct. 793 (1967).

(c) The names and addresses of all witnesses interviewed by the prosecution or any other law enforcement agency who might establish the defendant's innocence, mitigate punishment, or impeach, discredit or contradict the testimony of any witness of the state whether or not he witness may testify at the trial of the cause.

(d) Any information or material which tends to establish the defendant's innocence, to mitigate punishment, or to impeach, discredit, or contradict the testimony of any witness whom the Government will call at the trial of the cause, Naupe v. Illinois, *supra*; Giglio v. U.S., *supra*.

(e) Any scientific or medical report which tends to establish the defendant's innocence, to mitigate punishment or to impeach, discredit or contradict the testimony of any witness whom the State will call at the trial of the cause. Ashley v. Texas, 319 F.2s 80(5th Cir.) *cert. Denied*, 375 U.S. 931, 84 S. Ct. 331 (1963). This request shall include any reports by or to the State Law Enforcement Division (SLED) criminalistics laboratory, Federal Bureau of Investigation (FBI) laboratories, County Sheriff's Department Laboratory or any other law enforcement laboratory concerning any examination made by said laboratories and/or personnel thereof, of any physical, photographic, oral or written evidence concerning the investigation of this case.

(f) All reports from the State Law Enforcement Division (SLED), Sheriff's Department, or any other law enforcement agency, including the Federal Bureau of Investigation concerning fingerprints checked in connection with this case.

(16) Recognizing that Brady v. Maryland, supra and other authorities cited require that information favorable to the defendant be made available, and further recognizing that a genuine disagreement may arise as to whether or not a particular item of evidence is favorable, it will be requested that the Court provide for an in camera inspection of the items sought to be discovered should you feel such items are not favorable to the defendant. Ny permitting the Court to examine the items requested, the legitimate interests of the State will be protected in that no disclosure in excess of Brady, et.al. will occur. Further, it will be requested of the Court that said Order will be a continuing one, and if, prior to or during trial, the prosecution discovers additional evidence or material requested, the prosecution, is hereby requested promptly to notify counsel for the defendant of the existence of the additional evidence or material.

It is further requested that the prosecution promptly respond to the within request by notifying counsel for the defendant of the existence and availability of the information requested herein within (30) days of receipt of this motion and at least ten (10) days prior to trial.

WHEREFORE, the undersigned prays for such Order requiring production of the above listed materials and for that which is just and proper.

BY: 
J. DAVID WEEKS
WILLIE H. BRUNSON
WEEKS LAW OFFICE, LLC
35 SOUTH SUMTER STREET
POST OFFICE BOX 370
SUMTER, SOUTH CAROLINA
(803) 775-5856
ATTORNEY FOR DEFENDANT

Sumter, South Carolina
July 18, 2013

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

2016 MAY 27 PM 12:07

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRD JUDICIAL CIRCUIT

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

DOCKET NUMBER: 2014-GS-43-947

STATE OF SOUTH CAROLINA,

vs.

LARRY DURANT,

Defendant.

Defendant's Rule 59 Motion
and Request for Emergency Hearing

On May 26, 2016 Defendant Larry Durant was convicted of one count of Criminal Sexual Conduct with a Minor 2nd Degree. He was sentenced to 20 years. The Court allowed Mr. Durant ten (10) days to bring all post-trial motions. Now on his behalf his counsel requests a new trial as well as an expedited hearing based upon the following information:

On his way home at approximately 7:35 p.m., defense counsel received a call from Roland McRae, the ex-husband of Ulanda McRae (aka Vlanda McRae; aka Volanta Riley). Mr. McRae was curious as to the results of the trial. He expressed regret that he was neither contacted nor utilized as a witness. During the course of the conversation he was further concerned that Ms. McRae's prior criminal record was not utilized against her as she took the stand. Perplexed, defense counsel inquired further about her criminal record. Mr. McRae detailed criminal charges that he personally knew that his ex-wife had acquired during the course of their marriage. On May 27, 2016 defense counsel utilized the online search tool "SLED Catch" to verify Mr. McRae's assertions, a copy of which is enclosed.

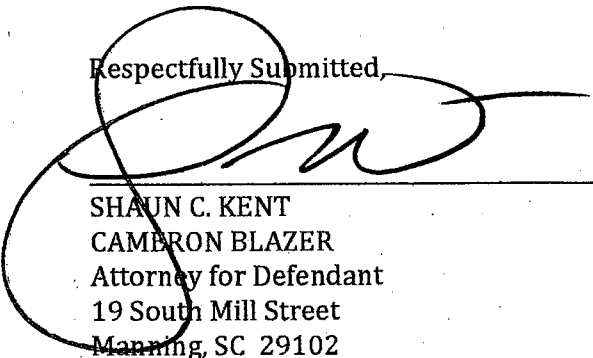
During the course of the trial, Ulanda McRae was utilized as the State's "outcry" witness. She testified without any mention of her criminal record. More importantly, no criminal record of Ms. McRae was ever turned over to the defense (*On January 14, 2014 defense counsel served discovery requests on the Attorney General's office. In Section 13 of its discovery requests the defendant specifically requested the criminal records of all State potential witnesses. Copy*

enclosed). During the course of the trial, the State of South Carolina provided criminal records on several of their own witnesses *(for example, the State called Lizzie Johnson to the stand. Immediately before she took the stand, the State gave her criminal record to opposing counsel. What's more, the State also told the court of Ms. Johnson's prior criminal record and inquired whether or not it would be usable. This singular event heightened the defense's already lofty expectations that all reasonable and discoverable evidence had been or would be turned over)* as well as some of the defense's. The defense had no knowledge of any criminal records of any witness who appeared on behalf of the State of South Carolina. As the court is aware, the defense must rely on the State providing information on their own witnesses. It is the belief of the defense that this is a Brady/Rule 5 violation.

The crux of this entire case was based upon the credibility of the witnesses who testified. As the court is aware, there was no corroborating physical evidence to support the allegations levied by the State's witnesses. Additionally, the State of South Carolina argued vehemently in its closing argument that you must trust the information given by its victims because it was overheard by Ulanda McRae (this witness testified under the name Ulanda McRae. The criminal charge which was levied against her was under the name Ulanda Riley. This individual's name on the State's Witness List was Ulanda McRae). What's more, one of the convictions that the defense was not told of was for **"obtaining signatures under false pretenses"**. As the court is aware, this was the central theory of Mr. Durant's legal defense. If the credibility of the state's "outcry" witness could have effectively been challenged, a different result may have occurred.

Understanding the various spellings of this witness's name, it would be difficult if not impossible for the defense to properly run a records check. Therefore, it is the request of the defense for an emergency hearing to inquire why this information was not properly turned over. The defense would further request the presence of the individual who runs the records checks on behalf of the State of South Carolina.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Shaun C. Kent', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

SHAUN C. KENT
CAMERON BLAZER
Attorney for Defendant
19 South Mill Street
Manning, SC 29102
(803) 433-5368

Manning, South Carolina
May 27, 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct with a
Minor 2nd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of
Sumter County present upon their oath:

Criminal Sexual Conduct with a Minor 2nd Degree

On or about sometime between December 26, 2012 through May 10, 2013, the
Defendant, Larry Durant, did in Sumter County unlawfully engage in sexual battery
upon the body of K.R. date of birth ^{DOB}, the victim being less than sixteen
years of age, in violation of § 16-03-655(B), THE CODE OF LAWS OF SOUTH
CAROLINA, (1976), as amended.

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


ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det. N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2013A4310200769; 770; 771

ACTION OF GRAND JURY

True Bill

M. L. Anderson

Foreperson of Grand Jury

Date: *10-23-14*

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-43- **948**

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

Larry Durant
DEFENDANT

Indictment for

Criminal Sexual Conduct in the
3rd Degree

SC Code §16-03-654
CDR Code: 162

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. Pls. And G.S.

R. 790

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct in the
3rd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of
Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between September 2011 through May 1, 2013, the defendant,
Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the
body of L.M. with the use of force and/or coercion, in violation of § 16-03-
654, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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



ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det. N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2013A4310200772; 773; 774

ACTION OF GRAND JURY

True Bill

M. J. Anderson

Foreperson of Grand Jury

Date: 10-23-14

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-43- **949**

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

Larry Durant
DEFENDANT

Indictment for

**Criminal Sexual Conduct in the
3rd Degree**

**SC Code §16-03-654
CDR Code: 162**

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. Pls. And G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct in the
3rd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of
Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between May 2012 through May 12, 2013, the Defendant, Larry
Durant, did in Sumter County unlawfully engage in sexual battery upon the body of
A.R. with the use of force or coercion, in violation of § 16-03-654, THE
CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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


ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

WITNESSES

Sumter Police Department, Det N Kelly

Investigator Valerie Williams

ARREST WARRANT NUMBER

2014A4310200219; 220

ACTION OF GRAND JURY

True Bill

M. D. Anderson

Foreperson of Grand Jury

Date: 10-23-14

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2014-GS-43- **950**

The State of South Carolina
County of Sumter

COURT OF GENERAL SESSIONS

October, 2014

THE STATE

vs.

**Larry Durant
DEFENDANT**

Indictment for

**Criminal Sexual Conduct in the
3rd Degree**

**SC Code §16-03-654
CDR Code: 162**

ALAN WILSON, ATTORNEY GENERAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. Pls. And G.S.

R. 794

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

Criminal Sexual Conduct in the
3rd Degree

INDICTMENT

At a Court of General Sessions, convened on October 23, 2014 the Grand Jurors of
Sumter County present upon their oath:

Criminal Sexual Conduct in the 3rd Degree

On or about sometime between November 2012 through April 2013, the defendant,
Larry Durant, did in Sumter County unlawfully engage in sexual battery upon the
body of T.H. with the use of force or coercion, in violation of § 16-03-654,
THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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



ALAN WILSON (KWH)
SOUTH CAROLINA ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

COUNTY OF

Sumter

STATE

vs.

Larry Durant

AKA:

Race: B Sex: M Age: 61

DOB: DOB SS#: Social Security No.

Address:

City, State, Zip:

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Criminal Sexual Conduct with a Minor in the Second Degree (0-20 years)

In violation of § 16-3-655(B) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Keri Bane Abbe

100617

Asst. Atty. General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$

3% to County (if paid in installments) \$

TOTAL \$ 390

\$ 13390

Clerk of Court/Deputy Clerk James C. Campbell

Court Reporter: Karen Ambrozick

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions
Roger M. Young, Circuit Court Judge

Appellate Case No. 2016-001264

RECEIVED
JUN 11 2018
SC Court of Appeals

The State, ... Respondent

v.

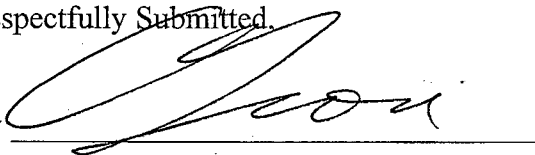
Larry Durant, ... Appellant.

Rule 210, SCACR Certification

The Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

By



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Attorney for the Appellant

May 14, 2018
Greenwood, South Carolina