

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Robin B. Stilwell, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROY L. JONES,

APPELLANT

APPELLATE CASE NO. 2014-001639

RECORD ON APPEAL

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	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,	)	
	)	
PLAINTIFF,	)	
	)	
VERSUS	)	TRANSCRIPT OF RECORD
	)	VOLUME I
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	)	2013-GS-23-9299
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JULY 16, 2014
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, JUDGE, AND A JURY

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PHYLLIS S. BARRETT, TRANSCRIPTIONIST

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1 stipulation that would take that element out of it so that if there is a conviction he would be
2 convicted on the facts of this case alone. However, if there has been case law and there have been
3 faces that have come before the court previously which discuss this very same issue and they find it
4 doesn't violate 403, which this excerpt suggests that it doesn't. And the legislature in the state of
5 South Carolina has found that it's a necessary element of proof by the jury, I don't know that there's
6 much way around it.

7 So, let me read that. I think we have time to do it before we actually begin the trial, before
8 we do jury selection and before y'all can give your opening statements as well. So, I'll take that
9 under advisement.

10 Any other motions we need to handle?

11 Mr. Stalvey: Judge, the only other motion I would have involves the testimony of an expert
12 that the State intends to call. Your Honor, that expert is scheduled to testify tomorrow. My
13 objection is gonna be based on what I expect her testimony to be, that it violates also the rules of
14 evidence as far as bolstering the credibility of the victims in this case. Judge, I would just ask that I
15 be heard on that tomorrow morning before she testifies.

16 I think... To be honest with you, Judge, I've exchanged emails with Ms. Hodge. I have a
17 general idea of what she's gonna testify to. But I think it would be best if we proffer her testimony
18 tomorrow just so that I can... I mean, I can't object to what her testimony's gonna be until I have
19 more information about actually what it will be. So, I just ask to reserve that motion until in the
20 morning.

21 The Court: Ms. Hodge, she's not a forensic interviewer?

22 Ms. Hodge: No sir. She's gonna be called as a blind expert in child sexual abuse and
23 dynamic. She has never met with the victims or the witnesses in this case. She will educate the jury
24 as to disclosure, delayed disclosure and generalities regarding those issues.

1 The Court: Okay. So, she's not a fact witness who's gonna testify as to any statements that
2 the victims may have given in this case?

3 Ms. Hodge: No sir.

4 The Court: Essentially, that delayed disclosure is not unusual?

5 Ms. Hodge: Correct. Things that go along with that.

6 The Court: Okay. Well, I'll hear your motion.

7 Mr. Stalvey: Okay.

8 The Court: Anything else?

9 Mr. Stalvey: I don't have anything else.

10 Ms. Hodge: I do also file a motion with Rape Shield Law regarding those victims. I'm not
11 sure if Mr. Stalvey has any intention of going into that. It does require that the State must put on
12 notice ten days' prior to trial of that intention, and I have not received any of that.

13 The Court: Any issues with regard to that, Mr. Stalvey?

14 Mr. Stalvey: Judge, the only issue that I can possibly see coming up, is that it's my
15 understanding that there will be some testimony, and I'm not sure about any evidence. But one of
16 the victims in this case was diagnosed with an STD back in 2006, I believe. The State intends to call
17 a doctor to, - and correct me if I'm wrong - but call a doctor to explain that there's no other way to
18 contract this disease other than sexual intercourse.

19 Your Honor, there is a report that the doctor is going to base her opinion on. And you know,
20 I think that opens the door for me to get into some other information that's included in that report.
21 So, I mean, that's the only thing I can see coming up. And I'm not, you know, they've told me
22 they're gonna introduce it.

23 The Court: So, what you're suggesting to me if you may want to ask questions about other
24 sexual partners from whom she may have contract the STD?

25 Mr. Stalvey: Maybe. We'll see how it goes.

COURT IN SESSION

(whereupon jury entered the courtroom)

The Court: Ladies and gentlemen, I'm going to ask the clerk of court to swear you in.

(whereupon juror oath was administered and all jurors answered in affirmative)

Ms. Hodge, you're recognized.

Ms. Hodge: Thank you, Your Honor. May it please the court. Ladies and gentlemen of the jury this is a case about a man and his secrets. Secrets are by definition things that are not told to other people, things that are hidden. In this case, the only people that knew about this man's secrets are those that he unwittingly pull into his secret world, a world that was profound in sexual abuse, and threats of violence, and lies and manipulations.

The evidence will show that this man with the dark secrets, is the defendant, Roy Lee Jones.

And the evidence will show that the victims of these secrets where Older Sister and Younger Sister

Younger Sister The evidence in the case will be that the defendant met the girls, Older Sister and Younger Sister

and their mother. In approximately 2003, they started dating and ended up moving in together in a

house within the city limits on Gower Street. And that shortly thereafter the defendant began

grooming the older daughter, Older Sister who was only fifteen at the time, to bring her into his dark and

dirty world of sexual abuse. It started with inappropriate comments and conversations. There was

sexualized talk, leading to inappropriate touching and then culminating in sexual battery right before

she turned sixteen. The sexual battery was vaginal penile penetration. The evidence will show that

this sexual battery took course over approximately five years; that she was twenty-one the last time it

actually happened. And that once she got older there was never consent of sexual activity. It was all

based on fear and physical force.

The evidence will show that she kept that dark and dirty secret until June of 2012. Even

though her family was suspicious, people might ask her questions, she still kept that secret out of

fear that he had instilled in her.

1 The evidence will show that one daughter, one victim was unknowing. Then he began
2 grooming and sexually abusing the younger daughter, ^{Younger} _{Sister} She was approximately eleven or
3 twelve years at this time, in the fifth grade. They had moved to a house that was now in the county
4 on Sharon Drive.

5 The evidence will show it started the same way, inappropriate touching, wrestling, playing,
6 but then progressed to sexual battery, vaginal penile penetration. At the time she was twelve, and
7 this went on for approximately three or four years until she was about to start ninth grade. It was at
8 this time she felt she needed to disclose this secret and she did. At that time she was beaten with a
9 belt for not complying, that her mother and sister found out that she had been beaten.

10 In this situation you are going to have obviously the witnesses who are going to tell you this.
11 But they are difficult choices to be made by an entire family when things like this happen. And her
12 mother will tell you, yes, she was told something was going on and she didn't know exactly what to
13 do, and that the defendant was denying it until the last day. The evidence is going to show that in
14 fact both girls were being sexually abused at the same time over a period of over two to three years.

15 It finally came to light, all of this, it finally came to light in June of 2012. The defendant had
16 moved out of the house he shared with the mother about two years prior to this. So there was a
17 timeframe when the girls didn't want to bring it up, it was over, he was gone, it was done.

18 But there came a time when it all rose back up to light. In June of 2012, the defendant called
19 the victims' mother saying that the older daughter had stolen some money from him. And the
20 mother and the other sister, actually, overheard the conversation where the older sister was saying he
21 owed her for this, this is what you did to me, you owe me.

22 That got the family talking. That was the first time the older sister ever disclosed the sexual
23 abuse. When they all comes out and they decide to go to law enforcement. And that's why we're
24 here today. It finally surfaced.

1 Law enforcement investigated the case. They interviewed first of all the family members
2 who were pertinent to the case. They spoke with physicians. They collected documents. They
3 ended up charging the defendant with a laundry list of charges. I'm not going to go over each,
4 individual one and tell you what the law is. But just an overview of what criminal sexual conduct
5 with a minor is, the differences, and what the charges is for the older girl, a criminal sexual conduct
6 with a minor, second degree charge, where she was forced to have sexual intercourse, sexual battery
7 when she was under the age of sixteen. The abuse that occurred after she was sixteen, the law then
8 changes to criminal sexual conduct, second degree. Not with a minor, conduct. So, this is
9 throughout her course of abuse to have one charge as a minor and one charge of conduct which you
10 will hear is forceful coercion or aggravated coercion to get her to comply. There is also a lewd act
11 of a minor charge, and that was on the older girl. And that was again when she was under sixteen.

12 As to the younger daughter, she was under the age of eleven. She was eleven to fifteen. It's
13 criminal sexual conduct with a minor, second degree.

14 A lot of this is legal stuff that is going in one ear and out the other, but by the end of it you'll
15 have a grasp of it. It's just the entire timeframe and there are separate during the timeframes when
16 the ages changed.

17 Finally there is one more secret that the family did not know and that the State will have to
18 prove to you, and that is that the defendant was a registered sex offender with a previous conviction
19 of criminal sexual conduct in the second degree. So, that brings us to two charges for criminal
20 sexual conduct with a minor, first degree. And the law in our state says that anyone who has a prior
21 conviction and they commit a sexual battery on any child under the age of sixteen, then that is a first
22 degree charge.

23 Those are the cases that you will have in front of you, or the law that you will have in front of
24 you, that the judge will go over with you at the end of the case.

1 At this time, I'll sit down and Mr. Stalvey will give you his opening statement and then we'll
2 proceed with the case. I ask that you just listen carefully, and if you will do that, all of the evidence
3 here and the testimony. You know, the Judge made the statement evidence in the form of
4 documents. There's not going to be any of that in this case. There's not going to be any physical
5 evidence in this case. You're not going to hear about DNA or saliva or hair samples. Why is that?
6 Because this what we call a delayed disclosure case. The last sexual abuse occurred two years prior
7 to it coming to light. All of those types of evidence are obsolete in this case.

8 So, you will have the evidence as testimony. Everything each witness says on that stand is
9 evidence and you will hear from these girls. They might be emotional, they might be upset.
10 Because they are going to have to talk about things that they don't normally talk about in front of a
11 bunch of strangers. So, I ask that you listen to them and at the end you will return a verdict that
12 reflects the truth of the evidence and that is a verdict of guilty on all charges.

13 The Court: Mr. Stalvey.

14 Mr. Stalvey: Thank you, Your Honor. May it please the court. Ladies and gentlemen, my
15 name is Alex Stalvey, as your heard before. My client, Roy Lee Jones, is fifty-four years old. He
16 has lived in Greenville for about the last twenty years of his life. He has had a tough life. He was
17 diagnosed with cancer about fifteen years ago, recovered from cancer. He has been diagnosed with
18 sickle cell anemia, recovered from that. He's had some significant health problems and is receiving
19 disability for those problems.

20 But those are not the only problems that Roy Lee Jones has had in his past and you're going
21 to find out. He's been in trouble before. He has been to jail. He's been convicted of certain things
22 that you'll hear about. He has a checkered past. And ladies and gentlemen, he tried to correct his
23 past starting in 2004. In 2004, he was released from federal prison. And that is when he started a
24 relationship with Tammy Foster. Tammy Foster is the mother of the two girls that you are gonna
25 hear from in this case. Roy moved in with Tammy. He was on disability, so he was helping her out

1 financially with that. He was also trying to sell some property to support the household. He was
2 working, she was working. They bought a house together and they had a life together. The two
3 daughters lived in the house with him. They considered him their stepdad.

4 And you know, they had issues, but they worked through some of them. Some of them they
5 couldn't work through. And it was an off and on relationship. But at least on two separate
6 occasions they got back together. And not only did they back together but Tammy moved her two
7 daughters back in the house with Roy. As you will hear, these were some issues that had nothing to
8 do with sexual abuse. And Roy Jones absolutely denies any type of sexual abuse has occurred.

9 What you'll hear during this case is that nine years after Tammy Foster and Roy Lee Jones
10 had started their relationship, a nine-year relationship, where the daughters had lived in the house
11 with Roy Lee Jones, in 2012, ^{Older Sister} stated-- Let me back up.

12 They broke up in 2009. At that point they broke up for good. Mr. Jones, he got a girlfriend.
13 They went their separate ways. But the two daughters, ^{Younger Sister} and ^{Older Sister} they stayed in touch
14 with Mr. Jones. They still had a relationship with him like a stepfather would have with two
15 daughters. Mr. Jones helped them out financially. They'd go over to his house. They'd be around
16 his new girlfriend. Mr. Jones paid one of their car payments.

17 But in 2012, Mr. Jones caught ^{Older Sister} while she was over at the house getting some money
18 to pay her car payment, caught ^{Older Sister} going in his drawer and getting a lot of, about \$500 in cash.
19 So, he confronted her; she denied it and she left. Mr. Jones called her mother, told her mother what
20 was going on.

21 In August of 2012, Mr. Jones is called by the police and is told that he is being accused of
22 sexually abusing not only ^{Older Sister} who had taken the money, but ^{Younger Sister} also. And that in August
23 of 2012, he was being accused of sexually abusing these two girls beginning back in 2003.

24 This was never disclosed to anyone else from 2003 to 2012. The daughters never told
25 anybody. Their mother never told anybody. No family member ever told anybody. It wasn't until

1 2012 when ^{Older}_{Sister} took the money, he caught her, he called her mother and she comes up with
2 these allegations, and she bring along her sister.

3 See, they knew that Roy Lee Jones had a checkered past, and they knew that they pretty
4 much had him in a bad position. They could say whatever they wanted to, and they didn't need any
5 proof. There's no physical evidence in this case. The solicitor was telling you, the evidence will
6 show, the evidence will show. There is no evidence in this case. You're gonna hear some
7 testimony, and it's gonna be a he said/she said thing. And they knew that. They knew that when
8 they made those accusations. They knew that there were gonna be able to bring up his past. And
9 they thought, they thought that you twelve people were gonna hear about his past and just take their
10 word for it.

11 Ladies and gentlemen, at the conclusion of this case, the judge is gonna instruct you on
12 reasonable doubt. And I'm not gonna to into right now. But I will briefly say is that reasonable
13 doubt is anything that would cause a reasonable person to hesitate to act. I want you to think about
14 that during this case. If what you hear from that witness stand, you got any hesitation, think about
15 that. And at the conclusion of this case I not only think you will have reasonable doubt of several of
16 the things that the State's witnesses are gonna tell you, I think it will be clear what the intentions of
17 this family were when they first accused my client of doing this in August of 2012. Thank you.

18 The Court: Ms. Hodge, you may call your first witness.

19 Ms. Major: Thank you, Your Honor. The State calls Officer Cahill to the stand.

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JEFF CAHILL-DIRECT EXAMINATION BY MS. MAJOR

1 The Court: Ms. Hodge, you may call your first witness.

2 Ms. Major: Thank you, Your Honor. The State calls Officer Cahill to the stand.

3 **JEFFREY CAHILL**, duly sworn, testified as follows:

4 Clerk of Court: Please state your name for the record.

5 A Jeffrey Cahill.

6 **DIRECT EXAMINATION BY MS. MAJOR:**

7 Q Good morning, Officer Cahill. How long have you been employed with the Sheriff's
8 Office?

9 A I've been with Greenville County for approximately two and a half years.

10 Q In what capacity are you currently employed?

11 A Currently I'm assigned as a deputy sheriff in traffic enforcement.

12 Q Were you working in June of 2012?

13 A Yes ma'am.

14 Q In what capacity?

15 A At the time I was with the uniformed patrol division.

16 Q And what sort of duties were entailed as a uniformed patrol officer?

17 A Including in uniformed patrol is working the front desk at the law enforcement center.

18 Inside the lobby there is a desk that there's two or three deputies that handle certain phone
19 calls or people walking in.

20 Q And you said the law enforcement center. Is that police headquarters?

21 A Yes ma'am. It's the Sheriff's Office. Basically our headquarters is, the main office is
22 located in downtown Greenville.

23 Q And, generally, what do you do when someone comes in to report a crime?

JEFF CAHILL-DIRECT EXAMINATION BY MS. MAJOR

1 A Basically, we have an area where we can pull people aside to interview them, just the
2 same as if we were responding to a house or a business; you know, just the same you would
3 anywhere else. We pull them aside and interview them and try to get as much detail as we
4 can.

5 Q Where did you actually take this report?

6 A It depends on the nature of the offense. Some offenses would come back to the duty
7 officers who do the follow-up. But certain cases, especially families, will get assigned to the
8 criminal investigation division for a detective to do the follow-up.

9 Q Where you working the front desk on June 12 of 2012?

10 A I was.

11 Q Who came in?

12 A A couple of people came in; a Younger Sister and then a Older Sister came in.

13 Q Did they come in to report a crime?

14 A Yes, they did.

15 Q And did they disclose sexual abuse?

16 A Yes, they did.

17 Q Both of the girls?

18 A Yes.

19 Q Did Older Sister say the time period that this sexual abuse occurred?

20 A Older Sister said that it occurred between 2003 and 2011.

21 Q Did Older Sister say the location of this sexual abuse, where it occurred?

22 A Yes. She gave three different locations. One was [REDACTED] which is in the
23 Berea community of Greenville County, South Carolina. One is [REDACTED] and also
24 [REDACTED], which are both in the city limits of Greenville.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q Did ^{Younger}_{Sister} report when the sexual abuse happened to her?

2 A Yes. Hers, she stated occurred between 2005 and 2009.

3 Q And did she state the location of the sexual abuse?

4 A Yes. She said that hers occurred also at [REDACTED] in Berea.

5 Q What did you do after you took this report?

6 A Once I completed my report, based on my investigation, it was assigned to the Crimes

7 Against Children unit.

8 Q Did you have any further investigation into this crime?

9 A I did not.

10 Ms. Major: No further questions.

11 Mr. Stalvey: I don't have any questions for the witness, Judge.

12 The Court: thank you, Officer. We appreciate your being here.

13 Ms. Major: May this witness be excused?

14 Mr. Stalvey: No objection.

15 The Court: You are excused, Officer. Thank you.

16 Ms. Major: The State calls ^{Older Sister}

17 ^{Older Sister}, duly sworn, testified as follows:

18 Clerk of Court: Please state your name for the record.

19 A ^{Older Sister}

20 **DIRECT EXAMINATION BY MS. HODGE:**

21 Q Ms. Foster, how old are you right now?

22 A I'm 26.

23 Q Where did you grow up?

24 A I grew up in Greer, South Carolina and then we moved to Greenville.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 Q You've been in the upstate area your whole life?
- 2 A Yes ma'am.
- 3 Q Where did you go to high school?
- 4 A I went to Greer High, Greenville High, and Berea.
- 5 Q Where did you graduate from?
- 6 A Berea High School.
- 7 Q What year was that?
- 8 A In 2010.
- 9 Q While you were in school did you work or do any other extracurricular activities or
- 10 anything?
- 11 A When I was at Greer, I ran track, cross country. And then in Greenville I ain't doing
- 12 nothing and in Berea I ain't doing nothing. But I did work in my first job at McDonald's.
- 13 Q When did you start working at McDonald's? How old were you?
- 14 A I had got it before I was sixteen.
- 15 Q What are you currently doing?
- 16 A I went to Greenville Tech and they send to me some stuff and then I'm trying to get
- 17 my degree at Virginia College.
- 18 Q So, online courses right now?
- 19 A Uh-huh.
- 20 Q Had you taken some classes, some college classes before that?
- 21 A I was at Greenville tech and I took computer engineering classes.
- 22 Q What did you set your sights on? What you think you want to do?
- 23 A Computer engineering.
- 24 Q Who do you currently live with?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 A My mother, ^{Younger Sister}
- 2 Q Do you live with anyone else?
- 3 A My sister, ^{Younger Sister}
- 4 Q Do you have any other siblings?
- 5 A I have, like, five by my real dad.
- 6 Q Your biological dad?
- 7 A Uh-huh.
- 8 Q What's his name?
- 9 A James Tracy.
- 10 Q Have you always lived with your mom growing up?
- 11 A Yes, I live with my mom, my sister and my other dad.
- 12 Q When you say your other dad, what does that mean?
- 13 A The guy, the one that raised me.
- 14 Q Who is that?
- 15 A Stacy Burnette.
- 16 Q Who is Stacy Burnette?
- 17 A That is my dad.
- 18 Q But who else is his child?
- 19 A ^{Younger Sister}
- 20 Q So, your mom and your dad had you and then your mom and what you call your other
- 21 dad or real dad had
- 22 A Uh-huh.
- 23 Q Is that all the children your mom had?
- 24 A Yes, my sister.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 Q Now, do you know the defendant?
- 2 A Yes, I know him.
- 3 Q How do you know him?
- 4 A He started dating my mom in 2003.
- 5 Q Do you remember when they started dating?
- 6 A I just know it was in 2003. I don't exactly remember when it was.
- 7 Q How old were you at this time?
- 8 A I was, like, fourteen, and then I was turning fifteen in April.
- 9 Q When's your birthday?
- 10 A April 7.
- 11 Q What year?
- 12 A 1988.
- 13 Q Had you been living with your mom before she met the defendant?
- 14 A Yes ma'am.
- 15 Q And then after she met the defendant and started dating him, did he move in or did
- 16 y'all all move in together?
- 17 A Yes, we all move in the house at [REDACTED]
- 18 Q And at that point it was you, your mom, your sister and the defendant?
- 19 A Uh-huh.
- 20 Q Is that all?
- 21 A Yes ma'am.
- 22 Q When he first moved in, did you like him? Did y'all get along? How was that?

1 A When he first moved in, it was, like, we all got along. We were, like, a family. We
2 went to the beach. We did things that a mother and father would do with their kids. And
3 then, I mean, it was good.

4 Q Now, your sister, she's a good bit younger than you. Right?

5 A Yes ma'am.

6 Q And so, at some point did you see another side to the defendant?

7 A Yes ma'am.

8 Q Can you tell us about when that started happening?

9 A Well, it started in 2003. I had just finished ninth grade then and was gonna start tenth
10 grade. I left Greer High School and I had to repeat the tenth grade because Greer High and
11 Greenville High was on different schedules. Greer High was daily classes. Greenville High
12 was block schedule. So, that pushed me behind. I started to see another side of him when he
13 first looked at me saying I'm looking like my mother, or I'm getting thick, that type of thing.
14 Because I'm, like, why you saying this to me. And he's, like, oh, I'm just playing, you
15 know. And then he started the touching. The first time I was asleep and I woke up and he
16 was standing over me just looking at me. And then he would, like, grope me. And I was,
17 like, what are you doing; like, you not supposed to be doing this. He's, like, oh, it's nothing,
18 it's just nothing. So, then as it progressed it got to-- We moved from [REDACTED] and moved
19 to [REDACTED]. When we moved to [REDACTED], it went from the touching to him on me, and
20 then it went to penetration.

21 Q Let me stop you a second. You said when you woke up and he was looking at you,
22 was he actually touching you or did you just wake up and see him in the room?

23 A You know how you feel when somebody watching you?

24 Q Uh-huh.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A Well, that's how it was. And he was just standing over me, just looking at me. And
2 then it went to touching. He would touch my breasts, front of my thighs, my bottom.

3 Q Was anybody ever around when he did those things to you?

4 A Well, the first time my mom was in her bedroom. Like, my room was connected to
5 theirs, so. And my sister had her bedroom.

6 Q Was anybody in the room with you when that happened?

7 A No.

8 Q How about when he when he would make the comments about looking like your
9 mom and that stuff?

10 A No, he always done it when no one else was around. But when my mom was around
11 he would say I was getting thick.

12 Q So, what's the difference with him saying you're getting thick versus what he said in
13 front of your mom?

14 A Well, thick is a term like your breasts are getting bigger or your butt is getting bigger,
15 thighs are thicker, and fat is just you're getting fat.

16 Q So, thicker would be more or a complimentary, or sexualized term?

17 A Yeah.

18 Mr. Stalvey: Objection, Your Honor, leading.

19 The Court: Overruled. You may proceed.

20 Q Is that the kind of terminology, thickness, something to be used as, what you hear
21 from a boyfriend, something like that?

22 A Yes ma'am.

23 Q Is that a comment that you would typically hear from a stepdad or a stepfather?

24 A No.

- 1 Q And you said that y'all moved in between this time. Do you remember when you
2 moved to the second house on Gower? Do you remember about how old you were or?
- 3 A I was about to turn sixteen.
- 4 Q And what happened when you were about to turn sixteen?
- 5 A Well, it started-- Well, that was the first time it was oral. And he tried to get me to
6 do it. I was, like, no, you put that anywhere near my mouth, I'll bite it off. So, he never tried
7 that again. But as far as touching and everything else, it was always, if you don't do I'm
8 gonna hurt your mama, I'm gonna hurt your sister, I'll kill them. It was those type of things.
- 9 Q When you say it was oral what do you mean?
- 10 A He was perform oral sex.
- 11 Q On you?
- 12 A Yes.
- 13 Q Did you ever tell him to stop?
- 14 A Yes. -It was numerous times when I would try to move him and he would hold me
15 down or slap me, or grab my throat. If I did get away, I would get pulled back down and
16 wherever I ended up that's where he would do what he had to do.
- 17 Q Was anybody around during these times?
- 18 A No, my mom was always at work and my sister would be at the afterschool program.
- 19 Q Was there any other kind of penetration?
- 20 A Not at this time, no.
- 21 Q And when did it progress to penetration?
- 22 A It progressed to right when I turned sixteen.
- 23 Q What happened then?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A I came home from school, no one was there but him. He told me to come in my
2 mom's room. And I was, like, why, why you asking me to come there for. And I walked in
3 the room and followed me in there and he said he was gonna hurt my mom and my sister if I
4 didn't do what all he been talking about. He had on-- I don't remember exactly, but I do
5 remember that he really didn't have on any clothes. And then he had me come out of my
6 clothes. If I didn't take them off he would take them off. And then he made me lie down on
7 my mom's bed. And then I tried to get away and he slapped me and told me I better do it. If
8 I told someone, no one was gonna believe me. He was gonna tell my mom I told him to do
9 it, which I didn't. And then he said he was gonna hurt my little sister and make something
10 happen to my mom.

11 Q Did you believe what he said when he said that stuff to you? Did you take it as truth?

12 A Yes ma'am.

13 Q Was there anything that he did to make you believe that he might hurt your mom or
14 your sister?

15 A He was a root worker, so he would tell me that he knew a lady that could make things
16 work, like with cars and guns, and witchcraft

17 Q Like black magic kind of stuff?

18 A Yes ma'am.

19 Q Did he make specific threats about that about your sister and your mom?

20 A Yeah, he said he would call her up, the lady and tell her to, like, cause the brakes to
21 go off my mom's car; or have something, like, happen to my little sister while she sleeping.

22 Q Was that stuff going through your mind as he was forcing himself on you?

23 A Yes ma'am.

24 Mr. Stalvey: Judge, I'm sorry to interrupt. May we approach?

1 The Court: Yes.

2 (whereupon a bench conference took place)

3 Mr. Stalvey: Judge, I apologize again for the interrupting the direct examination, but
4 at this time I move to have the State's witnesses sequestered.

5 The Court: What's the position of the State?

6 Ms. Hodge: Your Honor, we would object to that. We've already started the trial. I
7 don't see where there's any prejudice to it.

8 The Court: I will grant your request for sequestration, but not just as to the State's
9 witnesses, as to any witnesses, for the Defense or the State who may testify in this case.

10 (addressing jury) Ladies and gentlemen, the sequestration rule, or request for
11 sequestration is fairly standard. It's not unusual at all for either side, either or the State or the
12 Defense, to make a motion that anybody who may be a witness or may testify in the case be
13 not allowed to sit in the courtroom and hear other witnesses' testimony. That's so that there
14 can't be a corroboration of testimony among all the witnesses. And it's fairly standard. In
15 federal court sequestration is granted as a matter of right. In state court, there's discretion
16 with the trial judge. And I find in this instance that it doesn't prejudice either party to grant a
17 request for sequestration.

18 So, I'll grant the order for sequestration. Certainly, under the statute any and all
19 victims and/or your lead investigator have the right to stay in court. So, with that, the
20 sequestration is granted.

21 (whereupon witnesses for either side exit courtroom)

22 You may proceed.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q Older Sister you were talking to me about the threats that you were made to you and your
2 mom and your sister and your belief in the harm that would occur. Was that something that
3 continued over the course of this abuse throughout the years?

4 A Yes ma'am. If I would fight him, it would be physical. Sometimes me and him
5 would fight each other.

6 Q When you were fifteen and sixteen, were you a smaller person than you are now?

7 A Yes ma'am. I was a size zero and one.

8 Q Now, I think we were talking about going beyond oral sex into penetration. What did
9 that mean? What happened?

10 A From oral sex it would mean he would actually insert his penis into my vagina.

11 Q I know it's very uncomfortable to talk about these things. Do you remember the first
12 time that actually happened?

13 A Yes. The first time it happened, I came home from school and, like I said, he asked
14 me to come in the room. And you know, that was like my dad, so anything he would ask us
15 to do we would do it out of respect. And as I say, he didn't have hardly any clothes on. He
16 probably had on some shorts. And I don't remember exactly what I was wearing but I do
17 know it was, like, some jeans and a shirt. And even when I come home from school I always
18 change into something comfortable. So, he waited until I got out of my school clothes and
19 put on my pajamas or shorts. And he asked me to come in the room and we were standing at
20 the edge of the bed. And he was asking how my day was and I was telling him about how
21 school went. And then it went from we're not gonna do this. And I said, do what. And then
22 he was, like, I was just playing.

23 And then it went to, he was, like, you can relax, you know, just to be in your mom's
24 room, we're not doing nothing but watch television. So, I relaxed and, like, soon as I did that

1 he started touching and I'm, like, stop. And he was, like, wait, this ain't the first time I was,
2 like, touching you. And then I got up and he grabbed me by my arm and pinned me down
3 and then started pulling up my shirt, touching my breasts, and I was trying to push him off.

4 But, as I said, I was small. I was a zero and a one, probably not even a hundred
5 twenty pounds at the time. And then he put his leg up on top of me, and then he put his penis
6 in my vagina. It was, like, forceful. And I was, like, crying. And then I was, like, please,
7 stop, why are you doing this to me. And he was, you just like mother, you look just like your
8 mother, I want to know what it's like. And I was, like, no, stop, don't do this. And he was,
9 like, don't make me stop, and then he start back up, he start back up.

10 And then I was, I just laid there. And when I was laying there on the bed, I'm
11 thinking, when is my mom coming home, where is my sister. I just wanted it over with. And
12 when he got down, he was, like, go clean yourself up. And I went in the bathroom and
13 locked the door and I just started crying. I was, like, where is my mom. I kept calling her
14 and she was at work. I was calling her at this time. I was, like, mom, come home. At the
15 time I was just crying. I was just crying. I just wanted her to come home.

16 And then, my sister got home and it was, like, my sister went in her room. And to
17 this day, when I go in the bathroom I lock the door because I don't want anybody coming in
18 there with me. That's just how I am. Even when I'm in my bedroom my door is always
19 closed. I don't talk to anybody. I hardly ever-- It's hard for me to even trust my own
20 boyfriend and I been with him for five years. It's just... No one understands what it's like.

21 But when someone is constantly threatening you and causing you to drink alcohol and
22 smoke just to take advantage of you. I dealt with that for years. And I know I should'a (sic)
23 said something then, but I was terrified for my life and my mama and my sister's life. That's
24 all I have, my mama and my sister and I'm not going let anybody do anything to hurt them.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 And he said for me not to say anything and just to prevent them from being hurt, I'm not, but
2 it has to stop somewhere.

3 And then I'll never forget it, I come home after we left from there it continued. We
4 moved to Sharon Drive. I come home and my sister was crying and that's wrong. He trying
5 to beat her with a belt, when I try to talk to her. Then he try to push me from getting to her
6 just so she wouldn't say anything to me. And when she did tell me, I was, like, why didn't
7 you hit him. I was just all mad and she was being smart. I know my sister loves her father.
8 She's a daddy's girl. I understand that. But at the same time she was young, why beat her
9 with a belt just for trying to talk to me. She didn't even want to tell me what was going on.
10 And with my mama it was the same thing because she was afraid that they were going to take
11 my sister from her and she was gonna go to jail. That's all she knew.

12 But I'm saying it was so many different places he's done stuff to me. While my
13 mama in her bed, he take my downstairs in the den, placed me on the couch, got me sitting
14 on top, like, we had a little shelf thing. Had me sitting up there, taking a belt to me,
15 smacking me. It has been instances where I have been choked, threatening to kill me if I
16 didn't do anything.

17 But I mean, it's just a lot to just say and express. It's a lot that we have to deal with.
18 My sister to this day don't trust any man, no man, because she say---

19 Mr. Stalvey: Judge, I'm going to object at this point to hearsay.

20 The Court: Sustained.

21 Q Let me ask you this, Older Sister Do you have any idea how many times sexual took
22 place or sexual battery took place?

23 A Over a hundred.

24 Q When was the last time? Do you remember the last time it happened?

1 A The last time was in 2009.

2 Q How do you know that or remember that?

3 A Because I had just started a relationship with my current boyfriend.

4 Q And what happened that time to make it the last time?

5 A Me and him got into a big fight, I mean, hitting and screaming. And I had just got out
6 of the shower and he tried to do something to me then. And I was, like, no, you're not doing
7 this to me, no. And he ended up grabbing me by my throat and carrying me by throat and
8 threw on the bed. I was kicking and punching and scratching and telling him no, get off me,
9 don't touch me. And however he ended up not bothering me. I don't know. I just kept
10 fighting, and he went down so I took that opportunity to get up. And I went in my room,
11 grabbed my clothes that I had on my bed, and ran outside, half-naked, no clothes on, up the
12 street. While I was running up the street I was putting my clothes on at the same time.

13 I happened to reach a neighbor's house up the street and I opened his gate and I was
14 banging on his door and he let me in and I just broke down. I was, like, I need to call my
15 mom, I need to call the police. And he was, like, what's going on. And I said my stepfather
16 just threatened to kill me. At this moment I had scratches on my neck. You could see where
17 he had done grabbed my neck because it was red and swollen.

18 He comes up the street with a machete, threatens the neighbor to let me out. The
19 neighbor says, no, I'm not letting her out till the police get here. If you don't let her out, I'm
20 gonna kill you. The neighbor---

21 Mr. Stalvey: Judge, I have another objection. It's unclear if she's testifying to what
22 she observed or what the neighbor observed. If what she's testifying to is what the neighbor
23 observed it's hearsay. And I believe that's what she's testifying to. So, that's my objection.

24 The Court: Okay. You need to rephrase the question her to clarify that.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Ms. Hodge: Yes sir.

2 Q So, were you able to hear what the defendant was saying outside the neighbor's
3 house?

4 A Yes, 'cause me and the neighbor's wife were standing at the front door.

5 Q So, you were hearing the conversation?

6 A I could hear the whole conversation as well as hear what he was saying what he was
7 gonna do.

8 Q And was this a moment when you were in an excited state and the neighbor was in an
9 excited state about what's all happening here?

10 A No. See, there's was nothing exciting about that. There was terror.

11 Q That's what's I mean, emotional state.

12 A Yes ma'am.

13 Q A man standing outside the door with a machete, the defendant?

14 A Yes ma'am.

15 Q And there were threats being made to---

16 Mr. Stalvey: Judge, my objection is leading.

17 The Court: Sustained.

18 Mr. Stalvey: And I renew my objection on hearsay grounds.

19 The Court: With respect to the leading, I sustain. With respect to the hearsay, I
20 believe she's commenting on what the defendant himself said at the time. So, I overrule that
21 objection. You may proceed.

22 Q And were you able to get back in the house with the defendant gone? How did that
23 happen?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A He ended up going to jail. The officers took pictures of the physical abuse I had
2 which was my neck was swollen and red. I had scratch marks on my neck. They took a
3 picture of the house being destroyed because he said I did it. When they got there he didn't
4 even really want answer exactly what happened. He was just saying that I'm a troubled kid
5 and telling them everything that I've done in the past. But when the officers was asking
6 exactly what happened---

7 Mr. Stalvey: Judge, again, and I'm sorry to interrupt the witness. It's unclear
8 whether she is testifying to what she actually observed in this conversation that my client
9 supposedly had with the police. It's just not clear. If she's testifying to something that she
10 was not there to witness or personally observe, my objection is hearsay.

11 The Court: With respect to the statements questions that are offered by the police
12 officers, with respect to a full conversation, I sustain. Now, if she's testifying to statements
13 he may have made in her presence that she observed, then I overrule that.

14 Q Did you tell the police at that time why he had attacked you and how, why this whole
15 thing came to be?

16 A No ma'am.

17 Q Why didn't you tell them about that?

18 A Because I was so afraid of him. Like, I was still being threatened even when the
19 police was there, just by the way he looked at me.

20 Q And all the things he had said before?

21 A And all the things he said to me before. He was gonna hurt my mom, he was gonna
22 hurt my sister. He was gonna kill me, all that.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q Let me ask you this: Did you ever see him do any stuff that he was talking about this
2 root working? Did you ever see him do anything to make you believe he was going to hurt
3 you?

4 A Yes. It was a couple of instances before he would even take me in his room. He
5 would take dust, put it in a bowl, say some few words and set it on fire. And he would put
6 cards to tell my mama if me and my sister was doing stuff wrong. I mean, I seen him do it on
7 more than one occasion.

8 Q As far as in the household with your mom, did you ever give her any signs or signals
9 or come straight out and tell her any of this that had happened?

10 A I would tell my mom, you work too much, why you never at home. And you need to
11 stay at home; you don't need to work like you work. Or I would say, call her while she's at
12 work, mom, come home, you just need to come home. I just never was blunt, never came out
13 and just said it. But there was instances where I was, no, I don't want him here; you better
14 watch him; he needs to go.

15 Q So, you were making it then in a request?

16 A Yes ma'am.

17 Q Was he allowed to be the disciplinarian over you girls while he was living in the
18 house with you?

19 A No. My mom was the disciplinarian.

20 Q Did he have the ability to say when you could go to friends' places or had to stay
21 home or those kinds of things?

22 A Yes. If he didn't agree with us going somewhere and my mom agreed with it, she
23 would do what he said.

1 Q Was he ever working outside the home or ever away from home that much when you
2 were growing up?

3 A No. If he did do anything it wasn't to really work, it was helping somebody with
4 something. But he was always at home.

5 Q And your mom consistently worked during this time?

6 A My mom worked all the time.

7 Q Where did your mom work during this time?

8 A She worked at the school in Greer when they first met and then she left there and was
9 working at Tanglewood. Mom had several jobs. She worked at the nursing home and the
10 assisted living center and other places.

11 Q And whenever your mom wasn't there was he in charge basically?

12 A Yes. We had to do what he said.

13 Q And after that incident after you saw him with your sister with the belt, when that
14 incident went down, did you think, hey, maybe I should tell somebody now what's going on
15 or anything like that?

16 A My sister said we should tell and when my mom came home we mentioned it to her
17 and she hit us with now, if I tell---

18 Mr. Stalvey: Objection, Your Honor, hearsay.

19 Q Now, you don't have to---

20 The Court: Sustained.

21 Q ---say what your mom said. It was talked about between y'all briefly. Is that right?

22 A Yes ma'am.

23 Q Did your mom let him continue to stay in the house after that conversation?

24 A Yes ma'am.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q And how did that make you feel about telling again or trying to tell again?

2 A I said if we tell her now, what's the point of saying anything else. It's like no one
3 believe us.

4 Q Was that something that was to you specifically?

5 A What?

6 Q That no one would believe you?

7 A Yes.

8 Q Who told you that?

9 A The Defendant.

10 Q Did the Defendant ever give you gifts or money or anything like that during the
11 course of this?

12 A Yes, he would always give us phones, money, buy us things.

13 Q How did you feel about that? What did you think that was for?

14 A For us not to say anything.

15 Q Did you accept the gifts, the money, the phones?

16 A Yes.

17 Q Why did you accept the gifts and stuff?

18 A I felt like he owed me.

19 Q Did that continue on up until this day, that kind of thoughts or feelings that you have
20 had?

21 A I felt like he owed me for what he did to me.

22 Q At some point the incident with the choking happened. Right?

23 A Yes ma'am.

24 Q And the police came?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A Yes ma'am.

2 Q And was that the very last instance of him attempting to do anything to you?

3 A Yes ma'am. After that incident happened I told my mom I didn't want him in the
4 house. He ended up with one of his sons.

5 Q So, then he was out of the house for a period of time. Did he ever come back into the
6 house after that?

7 A He came back one or two times.

8 Q All right.

9 A But then me and my sister told my mom, no we don't want him here. And that ended
10 up, she told him he had to go, so he ended up going back to stay with his son.

11 Q Where was that?

12 A In Spartanburg.

13 Q Did anything ever happen after this incident, the stuff with the choking incident or in
14 Spartanburg or anywhere else?

15 A No ma'am.

16 Q Did you still have contact with him even after the choking incident?

17 A He would still call. Him and my mom would still see each other. But as far as any
18 sexual, no.

19 Q Did he call you to come to Spartanburg at some point around June of 2012?

20 A Yes. He called and said he had some money to give me to help with school. And I
21 went down there and while I was down there we got into it because I asked him, I said, why
22 did you do what you did to me. And he said to me, that's old shit, we're not gonna talk about
23 that. And at that time, I had my mom and my sister on the phone. I was trying to get him to
24 admit to what he did to me, but he never wanted to admit to it.

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q Was there something about some money that he-- Well, he was gonna give you
2 money anyway, but then was there other money that you took?

3 A Yes. I took, and it wasn't no \$500; it was more than that.

4 Q All right.

5 A And I took it and I left.

6 Q Did he confront you about taking the money?

7 A He confronted me after I got halfway home.

8 Q Why did you take the money?

9 A 'Cause like I told him, I said you did what you did to me; I feel like you owe me.
10 And he was threatening to call the police, but he never did.

11 Q So, he never called the police on you and you were never charged with any type of
12 larceny or theft?

13 A No ma'am.

14 Q So, you said something about your mom overheard it?

15 A Yes. She ended up-- He called her while I was down there and my mom called me,
16 where you at. I was, like, oh, I'm just out. And I told her, I was, like, I'll call you back, but I
17 never hung up the phone. I had slipped the phone in my pocket and my mom could hear the
18 whole conversation between me and the defendant. And I kept trying to get him to admit.
19 And all he kept saying is this is old shit, we not gonna talk about it.

20 Q So, at that point, you were ready to let this be known to your mom---

21 A Yes ma'am.

22 Q ---and your family and all that kind of thing?

23 A Yes ma'am.

1 Q Had you been doing any kind of counseling or anything in between these times? Or
2 how were you coping with it?

3 A I was dealing with it on my own. I was mainly just reading the Bible, praying about
4 it, being myself.

5 Q Did people in your family have suspicions or ever ask you about it before you ever
6 said anything to anybody?

7 A Yes ma'am.

8 Q Who would ask you about it?

9 A My aunts, my grandmother, family, and I never admitted it because, I mean, he was
10 still threatening.

11 Q He was still in your home or had he---

12 A When they would ask me, he was still living with us. And then when he was away
13 he would still call, what you doing, you need to come see me; no, I'm not coming. Well, I'll
14 make this happen.

15 Q But there were even threats or coercion to get you to come see him even when he
16 wasn't in the house?

17 A Yes ma'am.

18 Q So, once he was-- Let's go back in our timeframe. The first time that there was any
19 type oral or any type vaginal-penile penetration, were you fifteen, sixteen?

20 A I was fifteen, and then the penetration was when I was sixteen.

21 Q So, the oral was when you were fifteen?

22 A Yes ma'am.

23 Q Is something in your mind that makes you know that? Is there something special that
24 I was fifteen at this time that sticks out in your mind?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 A Well, my sixteenth birthday was coming up.
- 2 Q And was that going through your head when that happened?
- 3 A Yes ma'am.
- 4 Q Where were you living at that time?
- 5 A We had moved from [REDACTED] and [REDACTED].
- 6 Q And then when did you guys move-- Did the abuse continue on at that---
- 7 A Yes ma'am.
- 8 Q It just didn't stop until that very final time?
- 9 A Yes ma'am.
- 10 Q And then you guys moved to Sharon Drive. When do you recall moving to Sharon
- 11 Drive? Year or grade?
- 12 A I was at Berea High School. I was in the eleventh grade.
- 13 Q Did the defendant ever start this stuff with any kind of wrestling or playing or
- 14 tickling? Did it start like that?
- 15 A Yes, it always started wrestling around on my mother's bed.
- 16 Q Was there anything that you recall seeing, any things you might have smelled or
- 17 heard or anything specific to those times?
- 18 A Yeah. Anytime while he was taking advantage of me I always remembered seeing, I
- 19 always heard a bird, or seeing clouds in the sky or hear the sounds from outside.
- 20 Q Where was your attention focused? Were you thinking about what was happening?
- 21 A I was trying not to.
- 22 Q What about any smells or anything like that?
- 23 A It just smell of fresh cut grass.
- 24 Q How about the defendant, do you remember anything about him?

- 1 A Sweat, cologne, beer.
- 2 Q Would he drink alcohol before this would happen or after?
- 3 A Yeah, he would drink. He was always having me drink a wine cooler and smoke a
- 4 blunt with him. And he would drink alcohol. He always had a King Cobra.
- 5 Q Did he ever use any type of lubricants or anything like that?
- 6 A The only thing he use was Vaseline.
- 7 Q When you said something earlier about him saying don't make me stop, I'll just start
- 8 again, or something along those lines.
- 9 A Yeah. When I would try to fight him he would also tell me that if I make him stop, he
- 10 just gonna start over.
- 11 Q What's going through your mind during all that?
- 12 A I just want you to hurry up, just get off me and I can just go, get away from you,
- 13 which never worked, because when it was over he just wanted to lay there.
- 14 Q Did the defendant want you to have a boyfriend or did he care about any of that? Or
- 15 how did he respond to you having a boyfriend?
- 16 A Anytime I have a boyfriend he always said that was cheating or he would be doing
- 17 something just to cause me to break up with. Or he would have a problem any time I was at
- 18 home. If I would hang out with my friends it was always a problem.
- 19 Q Did he make you stay at home?
- 20 A He would tell me I can't go or he would tell my mama I did something and my mama
- 21 punish me.
- 22 Q And would your mom be at work during that time?

Older Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A She would be at work. And the days she was off he was no – he would call me Nicki,
2 no, Nicki can't go nowhere, she didn't clean up her room, or she didn't do this or she didn't
3 do that.

4 Q Why did he call you Nicki?

5 A That's just the name he gave me.

6 Q That's not anything your family gave you, your nickname?

7 A No. My nickname in my family is Nira.

8 Q How did you feel about that nickname?

9 A I hate that name. I can't stand for my mother or my sister to even mention it.

10 Q Why do you dislike it so much?

11 A Because he gave it to me. He always called me that. Even if he was having sex with
12 me he would also say Nicki, you like this or you just like your mama. Or how is your vagina
13 so tight. I mean, that's things he would say to me.

14 Q So, once the phone conversation that your mom overheard happened and the money
15 thing and all that, that brought everything to light with your family, I guess?

16 A Yes.

17 Q Did you guys decide to go to the police?

18 A My mom and my sister-- The next day, I was with my boyfriend, we had went out
19 on a date. And my mom and my sister went to see my Aunt Michelle. I got a phone call
20 from my mom and my sister. Well, Aunt Michelle was on the phone, but it was my mom and
21 sister calling. And my Aunt Michelle asked me what I was doing and I said I was with my
22 boyfriend. She was, like, we gotta talk. I was, like, what we gotta talk about. And she said
23 about what happened with you and your sister, what R. J. did to you guys. I said, okay. I

1 said, do you want to talk now. She said, no, go on with your boyfriend; we'll talk about it.

2 And I said okay.

3 Q And then y'all went to the police?

4 A We ended up going to the police.

5 Q At that point, did you talk to the officer who was in here previously?

6 A I talked to him. I talked to Detective Bradford. I talked to my Aunt Michelle, my
7 mom, my grandmother. Me and my sister talked to each other.

8 Q Did you and your sister ever sit down and talk specifics about what the defendant did
9 to each of y'all?

10 A We didn't talk about that until after we went to the police.

11 Q Even recently, did y'all ever sit down and compare notes about what was done or not
12 done?

13 A Yeah, we talk about it now. We talk about it without being so upset. But when I
14 hear what he did to my sister, it's, like, you did the same thing to me, but she was younger
15 than me.

16 Q And how about your mom, how was your relationship with your mom through all
17 this?

18 A I couldn't stand my mother. I despised her.

19 Q Why is that?

20 A To allow him to continue doing this even when I told her about it the first time. It
21 was like she was blind.

22 Q Have y'all been able to repair that relationship?

23 A Oh, yeah, we're a lot closer now.

24 Q Older Sister have you been attempting to get some counseling?

Older Sister

-CROSS EXAMINATION BY MR. STALVEY

1 A Yes ma'am.

2 Q One last thing. Is the person that you know, that you've been talking about, the
3 defendant, Mr. Jones, R.J., is that what you call him?

4 A Yes ma'am.

5 Q Is that person who sexually abused you, is he in court today?

6 A Yes ma'am.

7 Q Can you identify for the court, please?

8 A He's sitting right there.

9 Q Is that at the defense's table?

10 A Yes ma'am.

11 Q Thank you. Please answer Mr. Stalvey's questions.

12 A No problem.

13 The Court: Mr. Stalvey.

14 Mr. Stalvey: May it please the court.

15 The Court: Yes sir.

16 **CROSS EXAMINATION BY MR. STALEY:**

17 Q Ms. Foster, let me ask you-- And I may jump around, so if you don't understand any
18 of my questions, ask me to clarify. But I want to go to the incident where you told the
19 police, or where my client was arrested for choking you. That happened in or around 2009.
20 Is that correct?

21 A Yes sir.

22 Q And he was arrested that day. Correct?

23 A He went to them.

FOSTER-CROSS EXAMINATION BY MR. STALVEY

- 1 Q And isn't it true that he was actually in jail for an extended period of time after being
2 arrested for that assault and battery?
- 3 A He ended up in jail for, like, a year and a couple of months.
- 4 Q So, a year and a couple of months?
- 5 A Yeah, after that.
- 6 Q And when the police came and interviewed you, you just testified that you said
7 nothing about being sexually abused by Mr. Jones. Correct?
- 8 A That's correct.
- 9 Q And during the year and a couple of months that he was incarcerated, you never went
10 to the police and told them you were being sexually abused by Mr. Jones, did you?
- 11 A No, I didn't.
- 12 Q And clarify for me, was this, the time that he was arrested for choking you, was that
13 after you had told your mom what was going on?
- 14 A Yes.
- 15 Q And you're not aware of her going to the police---
- 16 A No sir.
- 17 Q ---disclosing any kind of sexual abuse?
- 18 A No sir.
- 19 Q Even while he was in jail for a year and a couple of months?
- 20 A No sir.
- 21 Q You said that Mr. Jones provided you certain things. I think you said a cell phone.
22 Correct?
- 23 A Yes sir.
- 24 Q And money. Right?

FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 A Yes sir.

2 Q Cash?

3 A Uh-huh.

4 Q And he was providing you cash-- Well, let me ask it this way: Was he continuing to
5 give you money up until 2012?

6 A Yes.

7 Q And that was a regular thing?

8 A That-- I mean, he was doing that, even when he first, before all the abuse started.
9 But like I said to Ms. Hodge, he was not always a bad person. He had two sides to him.

10 Q I understand. After he and your mother, I guess, broke up-- And help me with the
11 dates here. Did you testify that he actually came back in the house after he was arrested for
12 the assault on you?

13 A After the assault he came back into the house and then my mother asked me, do you
14 want him here. I said no, I don't want him here. So, she put him back out and he went to his
15 son's.

16 Q But he was in jail for about, let's just say about fourteen months. You said a year and
17 a couple of months, so, that's fourteen months. Rights?

18 A Uh-huh.

19 Q So, in 2010, he came back and lived in the house. And then they broke up again, and
20 he left to live with his son. Right?

21 A They didn't break up. She just run him out and he went and lived with his son.

22 Q Did he ever after 2010 live under the same roof as you?

23 A No. He went and lived with his son in Spartanburg.

24 Q But you still continued to receive money from him. Correct?

- 1 A Yes.
- 2 Q And that was, like, on a weekly basis?
- 3 A No.
- 4 Q But it was a regular type thing. right?
- 5 A It wasn't always regular. It was, like, when he would have money and he was, like, I
- 6 have some money for you, come and get it.
- 7 Q And how would he get in touch with you?
- 8 A He would call.
- 9 Q So, you gave him your phone number?
- 10 A My phone number was the same for years. It never changed until I changed it, like,
- 11 two years ago.
- 12 Q And how often would you see him?
- 13 A Kind of like, probably once or twice, every other week.
- 14 Q So, after he moved in with his son, he wasn't living you, he was in Spartanburg.
- 15 Right?
- 16 A Uh-huh.
- 17 Q And you were in Greenville?
- 18 A Yes sir.
- 19 Q Were you actually in Berea during that time?
- 20 A We had moved out of the house in Berea 'cause we couldn't afford it.
- 21 Q Where were y'all living in 2010, in Greer?
- 22 A No, we lived in Greenville.
- 23 Q Oh, in the city of Greenville.
- 24 A Uh-huh.

Older Sister

-CROSS EXAMINATION BY MR. STALVEY

1 Q So, you traveled to Spartanburg to see him?

2 A I would go when he called because I felt he owed me.

3 Q And that occurred, you said every other week from 2010 to 2012. Right?

4 A Yes sir.

5 Q And we can agree that the first time you went to police was after you stole some
6 money from him. Right?

7 A I didn't really steal it. He knew I took it because I told him that I took it and that I
8 wasn't gonna give it back because I felt like he owed me. And I even admit it to police,
9 when I was questioned about it, and to Ms. Hodge, and to anybody else, yes, I took it because
10 he owed me.

11 Q Well, I think actually what you told police in one of your statements was that you
12 were accused of taking it. Correct?

13 A That was the first time.

14 Q So, a second time you actually changed your story and admitted what was the truth,
15 that you—

16 A No, the first time---

17 Q ---actually took it?

18 A No, the first time what happened was he told them that I took money. At that time I
19 did not. But the money that I did take, it was in the amount of \$5000, it was not \$500. I
20 don't know where they got that from. But he---

21 Q That may have just been my mistake. I might have misunderstood.

22 A He had \$5000. I took \$4000 of that \$5000, and he knew I took it because I told him
23 that I took it.

24 Q Well, that could still be stealing. Right?

FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 A Yeah. But it's not like I lied and said I didn't do it. 'Cause even I talked to
2 Detective Bradford, I told him that I took it. 'Cause the first thing that Detective Bradford
3 said to me, that he keeps speaking about the money that I took from him.

4 Q And he called your mom about you taking the money?

5 A Yes.

6 Q And that---

7 A Because he said I had bring it back.

8 Q And that was \$4000. Right?

9 A That was \$4000.

10 Q And you were convicted of breach of trust in 2008. Is that correct?

11 A Yes.

12 Q Was that for stealing some money from one of your employers?

13 Ms. Hodge: Objection to getting into any detail of prior acts.

14 The Court: I sustain the objection.

15 Q You testified that he was controlling and he wouldn't let you go anywhere, wouldn't
16 let you go anywhere with your friends. Isn't that true? Isn't that what you testified to?

17 A That's correct.

18 Q Were any of your other family members around, not your mom and not your sister,
19 but any other family members around when he was telling you that you couldn't go
20 anywhere and that he wouldn't let you leave the house?

21 A When we had family gatherings, if I wanted to go out with my friends, because at the
22 time I was a teenager. Teenagers like to go out with their friends, hang out at the mall, go to
23 clubs and enjoy theirself. He would say, nope, you're not going, you don't need to go out
24 with your friends.

Older Sister

-CROSS EXAMINATION BY MR. STALVEY

- 1 Q And your friends would be around when he would tell you that?
- 2 A No, they would be at their home.
- 3 Q But they knew that you couldn't go because Mr. Jones hold told you that you
- 4 couldn't go?
- 5 A They knew because my stepfather told them me I could not go.
- 6 Q What about your family members besides your mom and your sister?
- 7 A I mean, my family members would notice that he would be more stricter on me than
- 8 on my sister.
- 9 Q Was your aunt ever around? Michelle Barton, was she ever around during, I guess,
- 10 during this time that you say all this abuse took place?
- 11 A No, she didn't stay with us.
- 12 Q So, y'all just, you just kind of re-established your relationship-- I'm sorry. Let me
- 13 clarify that question. I'm not asking if she stayed or lived with y'all. I'm asking was she
- 14 involved with your family?
- 15 A Yes, that's---
- 16 Q Were y'all---
- 17 A ---aunt.
- 18 Q I understand.
- 19 A Right. That's my mother's sister. Any time we had a family gathering, whether it
- 20 was a birthday, Christmas, my family, whatever. My family is a very tight-knit family. So,
- 21 they're always around. Only time they're not around is when they're at their home and we're
- 22 in our home.
- 23 Q And you said that your mother was afraid that she would get arrested?
- 24 A That's correct.

Older Sister

-CROSS EXAMINATION BY MR. STALVEY

1 Q And that was because she knew about Mr. Jones of sexually abusing you and---

2 A Me and my sister.

3 Q Right. And she thought she was gonna arrested because he hadn't---

4 A She thought she was gonna get arrested because we told he about it and she didn't say
5 anything to anyone. She thought he was gonna take me and my sister away and she was
6 gonna go to jail, as well as Mr. Jones.

7 Q But she has come forward and cooperated with the police's investigation in this case.

8 Correct?

9 A Yes sir. She has did-- Anything they ask her, she has give them a answer to it.

10 Q Has she been charged with any criminal offense?

11 A No sir.

12 Q And I can't remember from your testimony. Did you say you played sports growing
13 up?

14 A When I was in ninth grade at Greer High School, I did track, I did cross-country and I
15 did cross country.

16 Q Did you have to get a physical before you before participating in sports at Greer?

17 A Yes.

18 Mr. Stalvey: Your Honor, I don't have any further questions.

19 The Court: Any re-direct?

20 Ms. Hodge: No, Your Honor.

21 The Court: Thank you. You may step down.

22 Ms. Hodge: May she be excused?

23 Mr. Stalvey: No objection.

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Also, I want you to know that when you begin your deliberations, I want you to make
 2 sure that you know that someone's notes are not preferred over someone's recollections.
 3 Oftentimes when people go back into the jury room and one person has notes and one person
 4 has a recollection, that those notes may be favored over the recollection. Well, that's not
 5 always accurate. So, you must give as much weight to anyone's individual recollection of
 6 what happened as you would give to someone's notes and what they observed and was
 7 perceived during the trial. All right.

8 Ms. Hodge, call your next witness.

9 Ms. Hodge: The State calls Younger Sister .

10 Younger Sister duly sworn, testified as follows:

11 Clerk of Court: Please state your name for the record.

12 A Younger Sister .

13 **DIRECT EXAMINATION BY MS. HODGE:**

14 Q Ms. Foster, how old are you?

15 A Nineteen.

16 Q Did you grow up in the Greenville and Greer area as well?

17 A Yes ma'am.

18 Q Where did you go to high school?

19 A Greenville High.

20 Q When did you graduate?

21 A This year.

22 Q What are your plans now that you have graduated?

23 A To apply to a school for beauty.

24 Q And where do you think you might go?

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 A Landrum.
- 2 Q Any specific business you're thinking about going into?
- 3 A Beauty, hair salon.
- 4 Q When you were in high school, did you participate in any kind of sports or athletics?
- 5 A Basketball.
- 6 Q Did you also do that in middle school, too?
- 7 A Uh-huh, yes ma'am.
- 8 Q Did you play for---
- 9 A Greenville High.
- 10 Q How about work? Do you work anywhere or have you worked anywhere?
- 11 A Only at McDonald's.
- 12 Q How long have you been doing that?
- 13 A Probably a year and a half now.
- 14 Q Who do you currently live with ?
- 15 A My mother and my sister.
- 16 Q Is your sister ^{Older Sister}
- 17 A Yes ma'am.
- 18 Q And how about your dad, where does he live?
- 19 A In Greer, South Carolina.
- 20 Q Were your parents married?
- 21 A Uh-huh.
- 22 Q You need to verbalize, yes or no.
- 23 A Yes ma'am.
- 24 Q How long were they married?

FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A I don't know.
- 2 Q Do you know how old you were when they broke up?
- 3 A I was probably, like, nine, going on ten.
- 4 Q Were you already together in the family when they broke up?
- 5 A Yes ma'am.
- 6 Q When your parents split up, did your mom start dating somebody else?
- 7 A Yes, she did.
- 8 Q Who was that?
- 9 A Roy Jones.
- 10 Q Is that the defendant?
- 11 A Yes, it is.
- 12 Q Once she started dating Mr. Jones, did y'all end up living somewhere?
- 13 A Uh-huh, [REDACTED]
- 14 Q Was that in the Greenville city area?
- 15 A Yes ma'am.
- 16 Q Did you change schools when you moved over there?
- 17 A Yes, I did. I was at Stone Academy.
- 18 Q Stone Academy, you were in elementary school?
- 19 A Yes ma'am.
- 20 Q Once you guys started living together and you were going to Stone, did you initially
- 21 like Mr. Jones, the defendant?
- 22 A Yes, I did.
- 23 Q How would you describe y'all's relationship back then?
- 24 A He was like a daddy to me.

FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q Was he home a lot with you?

2 A Yes, he was, everyday.

3 Q Was your mom working back then?

4 A Yes, she was.

5 Q Do you remember where she might have been working back then?

6 A The school district.

7 Q Was she at your school or somewhere else?

8 A She was at Tanglewood Middle.

9 Q And so, with her work would she be away from home once you got home from
10 school?

11 A Yes, she was. I would go to my aunt's house after school.

12 Q So, during the time you were at Gower Street, did anything ever happen that you
13 didn't like that your stepdad or the defendant did? It wasn't your stepdad because they
14 weren't married. Right?

15 A No ma'am.

16 Q So, that the defendant did. So was there anything at that stage or that house that ever
17 happened?

18 A No ma'am.

19 Q And at that time, your sister, she's older than you. Right?

20 A Yes ma'am.

21 Q How much older is she?

22 A Seven years.

23 Q So, she would have been in high school?

24 A Yes ma'am.

FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q And at some point did you move from the Gower Street house?
- 2 A What was that?
- 3 Q Did you move from the house on Gower Street house?
- 4 A Yes, we did.
- 5 Q Where did y'all go?
- 6 A To a bigger house on Gower.
- 7 Q How long did you stay at the second house on Gower?
- 8 A I don't remember.
- 9 Q Was it a year or more?
- 10 A Probably two years.
- 11 Q Did you start middle school somewhere different?
- 12 A Yeah, Berea Middle.
- 13 Q So, did you move from the second house on Gower to a new place?
- 14 A Yes, Sharon Drive.
- 15 Q Was that in Berea?
- 16 A Yes ma'am.
- 17 Q Were you still in elementary school?
- 18 A Berea Elementary.
- 19 Q For how many years?
- 20 A Um, three years.
- 21 Q At Berea Elementary?
- 22 A Yes, Berea Elementary, because I started at Berea Elementary in third grade.
- 23 Q And you stayed there for fourth and fifth?
- 24 A Yes ma'am.

FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q And you started what middle school?

2 A Berea Middle.

3 Q So, I know I'm jumping around a little bit. Let's go to the second house on Gower
4 Street. At the first house on Gower, everything seemed fine between you and the defendant?

5 A Yes ma'am.

6 Q Did you ever notice anything at that house at that time that was odd between he and
7 your sister?

8 A No ma'am.

9 Q And how about the second house on Gower Street? Did anything happen to you at
10 that house that you did not like the defendant did?

11 A No ma'am.

12 Q Did you notice anything happening between he and your sister or have any weird
13 thoughts then?

14 A No. He was just more strict on her.

15 Q When you say more strict on her, how was that?

16 A Like, he wouldn't let her do things with her friends, stuff like that.

17 Q And how about-- Now you guys moved over to Berea?

18 A Uh-huh.

19 Q What, if anything changed when y'all moved over to the house in Berea?

20 A At first didn't anything change, we were the same family.

21 Q Okay. And at some point did the defendant start doing things to you that you didn't
22 like?

23 A Yes ma'am.

24 Q Can you tell us what that was and how it started?

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

1 A Fondling, grappling with me, whupping (sic) me more, and stuff like that.

2 Q Well, let's back up a little bit. When you say he was fondling you, what does that
3 mean?

4 A Like, touching my breasts.

5 Q Do you know what grade you were in when that started?

6 A I think I was going to the sixth grade.

7 Q What would happen when he would touch you or your touch your breasts or
8 whatever?

9 A I would be, like, stop; he was, like, we just playing, we playing.

10 Q Did you think to tell anybody about that?

11 A No ma'am, because I was thinking about him like my daddy. I didn't expect him to
12 do anything like that.

13 Q Did it change? Did it get worse?

14 A Yes, it did.

15 Q And what happened then?

16 A One day we was going-- My mama was at work and my sister was at home. And we
17 was going-- We was in my mother's room and we was watching TV and playing and he
18 started touching my breasts. And I was, like what you doing, daddy. And he said, don't tell
19 nobody, we just playing. So we went to the drug clinic and we came back and he told me to
20 come downstairs to our den, and he was touching. And I was, like, what are you doing, and
21 he was, like, don't tell nobody, we just playing. And then I went to sleep that night. And
22 then the next day, it was the same thing.

23 Q Would your sister or your mom ever be around when he would do that to you?

24 A Yes.

FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q In the same room with y'all?

2 A No, not in the same room. They would be in the house awake and he would tell me to
3 come to the den.

4 Q And was this a two-story house?

5 A No, it was a one-story, but we had a bottom part, and it was, like, a den, like a little
6 living room.

7 Q And he would say come down there?

8 A Yes ma'am.

9 Q And did the touching ever progress to other parts of your body?

10 A Yes, it did, my private parts.

11 Q Would that be on top of your clothes or under your clothes?

12 A Sometimes on top, sometimes under it.

13 Q Did it ever progress to anything more than that?

14 A Yes, he did. He would stick his penis in my vagina.

15 Q Tell us about the first time that ever happened.

16 A The first time I think my mother and sister, they was gone to school because they
17 went to school at night and we was there by ourselves. And he took me to my mother's
18 room, and we was watching TV and he started touching me. And I wanted to get up and he
19 wouldn't let me get up and he stuck his penis in me.

20 Q In your vagina?

21 A Yes ma'am.

22 Q Did you have clothes on or did he have clothes on?

23 A He took them off, he took my clothes off.

OSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q And when you say he wouldn't let you leave, what was he doing that you couldn't
2 leave.

3 A I was down.

4 Q How did it start? Was it some other way like wrestling or tickling or anything?

5 A Wrestling.

6 Q How did y'all get to where he, the penetration.

7 A He took my clothes off and he took his off and he got on top of me and put his penis
8 in my vagina.

9 Q And what were you thinking or what did you do at that time?

10 A I tried to get up but I couldn't and I was just wanting my mama and sister.

11 Q Do you remember how old you were at this point or what grade you were in?

12 A I think I was in the fifth grade. I think I was ten.

13 Q So, you were still elementary school---

14 A Yes ma'am.

15 Q ---when he did that to you?

16 A Yes ma'am.

17 Q Did he say anything to you after it was over or during it or anything like that?

18 A No, he just said, go clean yourself up.

19 Q Did he try to get you to come back and sit with him or anything like that?

20 A No, he just went and watched TV, like it was okay.

21 Q Did he ever make any kind of threats or tell you not to tell or anything like that?

22 A Yes, he did. He told me if I told my mama she wouldn't believe me, and that he
23 would do something to my mama and my sister if I told.

24 Q Did you believe what he would say?

- 1 A Yes, I did.
- 2 Q Now, you said that he also started whupping (sic) you more when y'all moved to that
- 3 house in Greer?
- 4 A Yes ma'am.
- 5 Q Was that for punishment or?
- 6 A Because I wouldn't do it. Because I wouldn't let him take advantage of me.
- 7 Q When he whupped (sic) you was it with his hand or something else?
- 8 A A belt.
- 9 Q Did that happen more than one time?
- 10 A Yes ma'am.
- 11 Q Was there one time specific that your mom knew about, the whupping?
- 12 A Uh-huh. The one time was when I finally told her, he had sent my sister out to get
- 13 some food. I asked could I go and he said no. So, I was in my home doing my homework
- 14 and he came in... He came in and told me to go to my mother's room, and I was, like, no, I
- 15 don't want to. Before my sister left I told her I needed to tell mama, but she went anyway.
- 16 And when she came back he was whupping me. And he wouldn't let her get toward me so I
- 17 could tell her what was going on. And when I finally told her, he was all, I was talking out of
- 18 my head.
- 19 Q He made up a reason why. Was that the real reason?
- 20 A No ma'am, it wasn't.
- 21 Q And you said you told your sister that y'all needed to tell your mom?
- 22 A Yes ma'am.
- 23 Q Did you know what was going on with her?

FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A When we got in the third house on Sharon Drive, I was, like, why would he skip my
2 big sister and come to me. So I thought maybe he was doing it to her, too.

3 Q Was there any time you ever saw something suspicious yourself between him and
4 her?

5 A One time me and my mother was gone and when we walked in my mother's room
6 and saw my sister's panties, but my sister was in her room. And my mom asked me, she
7 was, like, why are these in my room. So, that was suspicious,

8 Q Her pants or her panties?

9 A Her pants and her panties.

10 Q And you said she never actually told you anything, you just started putting two and
11 two together?

12 A Yes ma'am.

13 Q And so, did your mom come home that day when you were getting a whupping and
14 all this happened?

15 A Yes, she did.

16 Q Did you have a conversation with her about it?

17 A Yes, I told her that day he had been molesting me. And she was, like, come on, let's
18 go to the hospital. And then she was, like, no, if we go to the hospital, they gonna take you
19 away from me and I'm gonna go to jail. And I was younger and I was just wanted to stay
20 with my mother and not be molested and not worry about it anymore. And that's what she
21 did, she just let it go, and he stayed.

22 Q Did he get to stay in the house after that?

23 A Yes, he did.

24 Q Did she confront him in front of you? Was there a...

FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A She did. That night they got in a argument and he hit her and it kept happening
2 because she was still with him.

3 Q And was this still around the same timeframe? Were you still in the fifth grade?

4 A When I told her I was in the fifth grade.

5 Q And when you say it kept happening, what would happen?

6 A Him putting his penis in my vagina.

7 Q About how many times do you think that happened?

8 A Over a hundred. Any chance he got he would do it, probably every day.

9 Q Where would this happen in the house? Would it happen other places in the house?

10 A The den. We had a barn outside. We would go out in the barn, he would make a
11 pallet and he would do it.

12 Q Were there any times that he didn't do anything?

13 A Like, when we had company, like my cousin or something, he wouldn't do it, and
14 sometimes he did do it when we had company.

15 Q Would he do anything else to you or punish you in any other way if you wouldn't
16 comply with what he wanted?

17 A He would take my phone, say I couldn't go anywhere, whup (sic) me if I didn't do it.

18 Q Was there ever anything bad enough where teachers or anybody asked you about, like
19 whippings and stuff?

20 A No ma'am.

21 Q Did you ever think that you should tell someone other than your mom?

22 A Yes, I did, but at the same time, I was thinking if my mom doesn't believe me, who
23 else should tell, if she doesn't believe. She should have been the main person that believe
24 me.

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 Q Did that cause some heartache for you in your relationship with your mom?
- 2 A Yes, I hated my mother.
- 3 Q Is this something that has gotten better?
- 4 A Yes ma'am, it is.
- 5 Q Let's back up just a little bit. How long did this abuse go on? Do you know when it
- 6 ended?
- 7 A It ended when he got out of jail for my sister and when she finally put him out, it
- 8 ended. That's when it ended. I was starting ninth grade.
- 9 Q So, he went to jail for some time with the incident with your sister?
- 10 A Yes ma'am.
- 11 Q And he got out and came back to the home?
- 12 A Yeah, he came back to the house, but he didn't stay long when he got out of jail
- 13 again.
- 14 Q When he came back to the house did you tell your mom anything?
- 15 A Yes, I did. We told her that we didn't want him there, but she still let him stay
- 16 anyway. And I told her again and that was it.
- 17 Q Now let's go back. In 2008, in September of 2008, you were playing basketball at
- 18 school?
- 19 A Yes ma'am.
- 20 Q And you had to get a physical?
- 21 A Yes ma'am.
- 22 Q And when you went in September, 2008, for a physical did you get diagnosed with
- 23 something?
- 24 A Yes ma'am, I did.

FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q What was that?
- 2 A Was it Chlamydia, I think it was Chlamydia.
- 3 Q Or was it Trichomoniasis?
- 4 A Yes, that's what it was. I'm sorry.
- 5 Q A sexually transmitted disease?
- 6 A Yes ma'am.
- 7 Q Did have to take medication for that?
- 8 A Yes, I did.
- 9 Q Were you sexually active with anyone-- Excuse me. Were you have sex with anyone
10 else?
- 11 A No ma'am.
- 12 Q Do you remember how old you were then, thirteen?
- 13 A Probably thirteen, fourteen.
- 14 Q When you were at the doctor's office did they ask you about being sexually active?
- 15 A Yes, they did.
- 16 Q What did you say?
- 17 A No.
- 18 Q Did they ask you if anyone ever forced sex on you?
- 19 A They did and I said no.
- 20 Q Because you felt like what at that point?
- 21 A Because it was just, I only thought about they would have did something about it.
22 And I was looking at my mama, do I tell him.
- 23 Q So, your mom was at the appointment with you?
- 24 A Yes ma'am.

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

1 Q And was she in there to hear what the doctors were asking you?

2 A Yes ma'am.

3 Q Did y'all have a discussion about that or were you just kind of looking at each other?

4 A We was just looking at each other. I'm looking at her, like do I say that he did it,
5 mama, and she was looking at me, like, no.

6 Q So, you denied it?

7 A Yes ma'am.

8 Q Did you have any symptoms or anything that went along with that or any problems,
9 or felt strange in your vaginal area?

10 A Discharging.

11 Q When the defendant would commit sexual battery on you, the vaginal-penile
12 penetration, what would be going through your mind during that time?

13 A I wish we had cameras in the house so my mom could see what's really going on
14 while she's not here.

15 Q Would it last for a long time or a short time or how would that go?

16 A When he used to do it, and I would try to tell him to stop and every time he would
17 say, we gotta start over. He would always start over if he didn't finish.

18 Q How did that make you feel?

19 A Like crap, just...

20 Q Did you ever take your mind somewhere else, look at things in the room, or did you
21 have anything else that was going through your head at that time?

22 A Just get it over with.

23 Q Did you ever have any distinctive smells or anything that you remember?

24 A Beer, just beer.

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 Q Where did you smell the beer?
- 2 A On him. He used to always drink a beer before he did it.
- 3 Q That would be at the house?
- 4 A Yes ma'am.
- 5 Q And what kind of beer would it be?
- 6 A King Cobra.
- 7 Q And you remember that smell?
- 8 A Yes ma'am.
- 9 Q Did he use any kind of lubrication or anything like that?
- 10 A Just Vaseline.
- 11 Q And he would do what he had done, he would tell you to clean up. Is that what you
- 12 said?
- 13 A Clean yourself up, yes ma'am.
- 14 Q Did he know about you going to the doctor's appointment?
- 15 A He did, and the day before it he made me take a douche because he knew I was going
- 16 to the doctor.
- 17 Q Had you complained about anything being wrong with you in the vaginal area?
- 18 A Yes, I told my mother that I was discharging.
- 19 Q And me made you take a douche?
- 20 A Yes ma'am.
- 21 Q The day before you went to the doctor?
- 22 A Yes ma'am.
- 23 Q So, at that doctor's appointment after that, was there a confrontation between your
- 24 mom and him?

Younger Sister

-DIRECT EXAMINATION BY MS. HODGE

- 1 A Yeah, they got in a argument and a fight.
- 2 Q Could you hear any of it, or were you present during any of it?
- 3 A Yeah, I was there, but I don't remember, like, what was said.
- 4 Q Did he have to leave the house at that point?
- 5 A No, he didn't.
- 6 Q So, did he continue with the sexual battery?
- 7 A Yes ma'am.
- 8 Q During any of this time did you confide in your friends, or how were you dealing with
- 9 all this?
- 10 A I was, I had a notebook, and I would write it down.
- 11 Q And you're saying the last time that this happened was when your mom kicked him
- 12 out for good, out of the house?
- 13 A Yes ma'am.
- 14 Q Did you guys have to eventually move from that house?
- 15 A Yes, we moved to a house on Old Buncombe Road.
- 16 Q But he never came to that house?
- 17 A He helped us move.
- 18 Q So, there was still contact with him?
- 19 A Yeah, he and mama was still dating.
- 20 Q So, they were still dating even though he was not in the house with y'all?
- 21 A Yes ma'am.
- 22 Q Did he ever have a job during any of this time?
- 23 A No ma'am. Just like helping people, like painting and stuff like that.
- 24 Q Odd jobs?

FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Yes.
- 2 Q But nothing steady where he went to work every day?
- 3 A No ma'am.
- 4 Q Do you know if he was on disability then?
- 5 A He was.
- 6 Q Did he ever give you money or gifts or anything when all this was happening?
- 7 A Yes, he would, you know, clothes, anything I needed.
- 8 Q So, there was good things, and then there was the bad part?
- 9 A Yes ma'am.
- 10 Q How about, did he ever give you money or try to bribe you into having sex with him?
- 11 A Before he done it he would give me money and after he got done he would take it
- 12 back.
- 13 Q He would take the money back?
- 14 A Yes ma'am.
- 15 Q How much money are we talking about here?
- 16 A Well, I was young, so probably \$20, \$40.
- 17 Q But then he would take it back from you?
- 18 A Yes ma'am.
- 19 Q After he had told your mom and I guess they had first had some discussion about it,
- 20 did he treat you any differently, or would he say things to you in front of her that made you
- 21 feel like he was acting differently?
- 22 A No, not in front of her, but he would say, see, I told you she wouldn't believe you.
- 23 Q Let's talk about from the time when he moved out and he and your mom were still
- 24 talking, did they eventually really break up?

{ _____ } FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A Yes ma'am. When they really, really broke up, I think it was because of I told her,
2 we must have told her, like, why are you still with him after we told you what he did. And I
3 guess it finally hit her, like, why am I still with him when he did this to my kids. And that's
4 when they really broke up.

5 Q Back to the threats that were made that he would hurt your mom or something bad
6 would happen---

7 Mr. Stalvey: Judge, I object to the form of this question. It's leading and it's not a
8 proper question.

9 The Court: I haven't heard the question yet, so go ahead and ask the question.

10 Q Was there anything that the defendant ever did that you saw that made you believe
11 those threats?

12 A He would just pull cards out and read cards and say, just telling me that this was
13 gonna happen if I told. He would just pull cards out and read them.

14 Q Like Tarot cards?

15 A Yes ma'am.

16 Q Did you ever see him light any powders on fire or stuff like that?

17 A No.

18 Q Did he ever talk about roots, working a root or that kind of stuff?

19 A Yes, he did.

20 Q And did you believe that he could do that or had someone that could?

21 A I believed that he could do it.

22 Q Once he and your mom broke up for good, did you think that, hey, we should go to
23 the police about this, or talk about this? What was your feeling about that?

FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Well, I was happy that she broke up with him because I know I wouldn't have to go
2 through it anymore. And when my sister when down there and took the money the next day
3 we was at my aunt's house and I said mom, we need to tell her about that. And so I told her
4 what happened to me and my sister and she told us that we needed to go to the police.
- 5 Q So, that wasn't your idea or your sister's idea to go to the police?
- 6 Mr. Stalvey: I'm going to object to a leading question, Judge.
- 7 The Court: Rephrase the question.
- 8 Q Was it your idea to go to the police about the sexual abuse?
- 9 A No, it wasn't.
- 10 Q Did you want to ever talk about this?
- 11 A I did.
- 12 Q Did you want to talk about it front of a jury?
- 13 A That wasn't the plan, but I think I'd feel better if get it all out.
- 14 Q And was it your sister's idea that you go talk to the police?
- 15 A No ma'am.
- 16 Q So, after talking to your aunt and your mom, y'all decided that needed to be done, to
17 tell the police?
- 18 A Yes ma'am.
- 19 Q And y'all came to the law enforcement center to do that?
- 20 A Yes ma'am, downtown.
- 21 Q And you talked to the police officer that's already here testifying?
- 22 A Yes ma'am.
- 23 Q Did you talk to an investigator with the Sheriff's Office?
- 24 A Yes ma'am.

FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 Q Investigator Brown. And have you had any contact with the defendant at any time
2 since and your mom broke up?

3 A No ma'am.

4 Q And the person, the one who you say you Daddy, the person who sexually abused
5 you, is he in court today?

6 A Yes, he is.

7 Q And who is that?

8 A Roy Jones.

9 Q Thank you.

10 Ms. Hodge: That's all my questions, Your Honor.

11 The Court: Cross examination.

12 **CROSS EXAMINATION BY MR. STALEY:**

13 Q Ms. Foster, were you present for a phone call that your mother made to Mr. Jones
14 about paying some money to have these charges dismissed?

15 A She did make the phone call. His brother called my mother, and was, like, why y'all
16 doing this, if we pay out some money, will y'all let it go. She didn't call him. His brother
17 called my mother.

18 Q So, she didn't demand \$20,000 to dismiss these charges?

19 A No, his brother offered that.

20 Q But you were present for the phone conversation?

21 A Yes, I was.

22 Q Was it on a speaker phone?

23 A Yes, it was.

FOSTER-CROSS EXAMINATION BY MR. STALVEY

- 1 Q Do you remember, was that-- I'm assuming that was after Mr. Jones had been
2 arrested. Is that correct?
- 3 A You mean for, like, this?
- 4 Q For these charges, yes ma'am.
- 5 A No, he was in over in Spartanburg when they called.
- 6 Q But this was before your sister got caught stealing the money?
- 7 A No, it was after she got caught stealing the money.
- 8 Q But it was before?
- 9 A He went to jail, got arrested for this, it was before.
- 10 Q It was before y'all went to the police and told the police about it?
- 11 A No, it was after we went to the police.
- 12 Q So, it was after you initially told the police, but before he was actually charged?
- 13 A Yes.
- 14 Q And you said as far as-- When you went and got diagnosed at the New Horizons
15 Medical Center, is it your testimony that your mother was actually present at the doctor's
16 office with you?
- 17 A She was.
- 18 Q Where was she working at that time?
- 19 A The nursing home.
- 20 Q Were her hours somewhere between-- Did she get off work around 3:00 p.m.?
- 21 A Yes.
- 22 Q Was she working anywhere at that time?
- 23 A No, she was in school at that time, at Greenville college.

Younger Sister

-CROSS EXAMINATION BY MR. STALVEY

1 Q Maybe I misunderstood your testimony. You said that your mom expressed concern
2 that she would go to jail?

3 A Yes sir. If she would have tookeen (sic) me to the hospital she said they would take
4 her to jail and split me and my sister up.

5 Q Because of what you and your sister wrote?

6 A What's that?

7 Q I didn't understand your answer.

8 A She said that if she take me the hospital they would split us up, take us away from
9 her and she would go to jail.

10 Q If she went to the hospital?

11 A If she took me to the hospital and told the police about it, that's what they'll do.

12 Q But I thought you were at the doctor's office when, and your mother was present
13 when you were diagnosed with---

14 A She was. She didn't tell me then. That was when I first told her. When we were at
15 the doctor's office, she didn't tell me that. She told me that before.

16 Q So, your mother-- Before you even went to the doctor's office-- And you went to the
17 doctor's office to get a physical for basketball. Right?

18 A Yes sir.

19 Q And before you went to the doctor's office your mother was already aware---

20 A Yes sir.

21 Q ---of your allegations that Mr. Jones was abusing you?

22 A Yes sir.

23 Q Were you in the house when Mr. Jones was arrested for the incident with your sister?

24 A No, I was at a friend's house.

1 Q Did you ever go with your sister to the police station?

2 A Uh-huh, we went together.

3 Q And y'all didn't discuss the allegations that we're here about today. Right?

4 A No, we didn't.

5 Q And you said your mother and Mr. Jones broke up for good and you haven't had any
6 contact with him since that time?

7 A Yes, except when his brother called.

8 Q Do you know if your mother has had any contact with him since that time?

9 A Not that I know of.

10 Q Do you know if your sister has had any contact with him since that time?

11 A She used to go down there all the time.

12 Q She does down there all the time, or she went down there all the time?

13 A Well, when she would tell us she was out and about, but she really be down there.

14 Q But you just said she was down there all the time. Right?

15 A Well, most of the time, yes.

16 Q But your testimony was she was down there all the time. Right?

17 A When she was out and about we would call her and she were down there.

18 Q And I believe you said in a statement that you gave to Investigator Brown that after
19 he caught her stealing the money, which I think we know is \$4000, he called you about that.
20 Right?

21 A No. He called my mother about it. And me and my mother was at home. And he
22 was on speaker while she was down there.

23 Q I know you were in the courtroom when I was asking your sister about your aunt. But
24 I mean, how did-- She just became involved in this in 2012?

1 A When I told, when I finally told her, that's when she became involved.

2 Q She had told somebody-- And I don't know if you have any personal knowledge of
3 this and you don't need to answer the question. But that she had suspected this type of
4 activity for some time. Was that your understanding, that she had some idea that this was
5 going on?

6 A She said her and my aunt, they thought that about my sister. But she didn't think it
7 was me, she thought it was my sister.

8 Q And I understand you testified earlier that you didn't expect to tell this to a jury. Is
9 that correct?

10 A Yes.

11 Q And you said that wasn't the plan. Is that right?

12 A I didn't say that wasn't plan. I had said to come to court that I thought he would just
13 admit to it and we wouldn't have to come to court.

14 Q Ma'am, how many times have you met with the Solicitor prior to today?

15 A Probably three times.

16 Q Did you go over your testimony prior to today?

17 A Yes, I did.

18 Q Did you meet with her with your sister?

19 A Yes, I did.

20 Q Did your sister go over her testimony with the Prosecutor?

21 A She did.

22 Q And you met with-- I know you gave a statement to Investigator Brown. Right?

23 A Uh-huh.

Younger Sister

-RE-DIRECT EXAMINATION BY MS. HODGE

1 Q Did you also give a statement to an investigator with the Greenville City Police
2 Department?

3 A No.

4 Q Did you ever meet with him?

5 A No.

6 Q And when you went with your sister and your mother and your aunt in August of
7 2012, y'all all went to the law enforcement center that day?

8 A Yes sir.

9 Mr. Stalvey: No further questions.

10 The Court: Re-direct.

11 Ms. Hodges: Yes, Your Honor, briefly.

12 **RE-DIRECT EXAMINATION BY MS. HODGE:**

13 Q Before ever meeting with me and preparing for trial, did you give a statement to
14 Investigator Joe Brown?

15 A Yes, I did.

16 Q And that was the day that you and your aunt came down and your sister came down
17 to law enforcement?

18 A Yes.

19 Q Were you allowed to sit in the room with your sister while you gave your statement at
20 that time?

21 A Yes, I did.

22 Q Now, when you went and met with the investigator, you had your mom in the room,
23 Investigator---

24 A No. I---

Younger Sister

-RE-DIRECT EXAMINATION BY MS. HODGE

- 1 Q ---Brown---
- 2 A ---was only there.
- 3 Q Have you reviewed--- Do you recognize this statement?
- 4 A Yes, I do.
- 5 Q And have reviewed this statement?
- 6 A No.
- 7 Q In the last couple months, maybe?
- 8 A No.
- 9 Q Is that the statement that you gave him initially---
- 10 A Yes, I did.
- 11 Q ---about what the defendant did to you?
- 12 A Yes, I did.
- 13 Q And if you will, just take a second, read over that for me. It's a little bit much to read,
14 but take a look at that and make sure that's an accurate copy of what you gave to him. Okay?
15 And then I'll ask you a question when you're done.
- 16 A (perusing statement)
- 17 Q Have you finished reading the statement?
- 18 A Yes ma'am.
- 19 Q Is that a true and accurate copy of the statement you gave?
- 20 A Yes ma'am.
- 21 Q So, Mr. Stalvey was asking you about meeting with me and being with your sister and
22 me and going over testimony. Is that right?
- 23 A Yes ma'am.
- 24 Q And anything that you and I discussed, what did I always tell you to do?

OSTER-RE-DIRECT EXAMINATION BY MS. HODGE

1 A Tell the truth.

2 Q Did I or anyone with the Prosecution do anything to try to get you to change your
3 story or say anything different?

4 A No ma'am.

5 Q As you read over the statement, is there anything in this statement that is not what
6 you testified to today?

7 A Everything I said is in the statement.

8 Q And would you please read for us the statement?

9 A Uh-huh.

10 Q Okay.

11 A I am 17 years old and I reside at (inaudible) Street, Greenville, South Carolina.

12 My mother and Roy Lee Jones started---

13 Mr. Stalvey: Judge, objection. Sorry to interrupt the witness. I guess we can go on
14 the record. It's my understanding that she can ask her questions about the-- I'm sorry. The
15 Prosecutor can ask the witness questions about the statement. Let me back up, Judge.

16 When we approached the bench the Prosecutor asked to admit---

17 Ms. Hodge: Objection, Your Honor. I---

18 The Court: I'll tell you what my ruling was. My ruling was the substance of it could
19 be published, which is keeping in what is happening right now. There was a question asked
20 to the admissibility of the actual document versus publication and I allowed publication of
21 the same.

22 Mr. Stalvey: Well, Judge, they can put it into evidence. That's fine with me. I don't
23 object to it going into evidence.

24 The Court: All right.

FOSTER-RE-DIRECT EXAMINATION BY MS. HODGE

1 Q Would you please read the statement?

2 A I am 17 years old and I live at [REDACTED] (inaudible) Street. My mother and Roy Lee Jones
3 started dating a long time ago. They were together for about nine years. Roy was in a
4 halfway house after he got out of jail. My mother meet him after that. Roy moved in the
5 house with us, It was on Gower Street, which is in the city. We moved to [REDACTED]
6 when I was in fifth grade. I think I was around nine or ten years old. My mom was at work
7 and before she got home Roy started fondling me. He would put his hands on my breasts on
8 top of my shirt. I asked him what he was doing because I didn't think he was funny. For a
9 couple of days he would do kind of the same thing. He usually would do that to me when
10 my mama was at work. I was going to Berea Elementary at the time and I believe my sister
11 was my sister was at school. The next time I remember something happening was when Roy
12 took me into my mother's room and he had me lay on the bed. I always that year referred to
13 Roy as Daddy. Daddy had me take off my clothes and he had his clothes off also. Daddy
14 forced himself inside of me and I tried to push him off, but he had all his weight on top of me
15 so I couldn't get him off. It lasted for a long time but he kept telling me it was almost over.
16 He just said it's about to be over. Daddy did not use protection then. He never used
17 protection. This kind of thing happened to me a lot. It was always the same kind of thing.
18 Daddy would have me take my clothes off and he would then, he would put his penis in my
19 vagina. He did it in the bedroom a lot but he also would do it in the den, and in the barn we
20 had in the backyard. He did it to me a lot of times but the last time Older Sister was going
21 to get something to eat and I asked her to let me go. Daddy told her that I couldn't go
22 because I had to clean up. When she left Daddy tried to make me do it again. This time I
23 stood up to him and told him no.

24 Q Go on to the next page.

1 A He whipped me with a belt for not letting him do it. My sister came back and saw
2 Daddy whipping me. My sister asked him why was he hitting me and he said he was talking
3 about my real daddy and I got mad. My sister called my mother's job and told her what
4 happened and my mother came home. That is when she put Roy out and he stayed gone for
5 about a year before my mother let him come back. When he came back he started doing the
6 same thing to me again. He would still put his penis in my vagina. Then he threatened me
7 with something would happen to my mama if I didn't do it. He bribed me with money to do
8 it, to let him do it. He would put money in my hand to get me to do it and then he would take
9 the money back when he got through. There were times he was not good to me. We were
10 always living at Sharon Drive in Berea. This all came back up when Roy called my father
11 and claimed my sister had stolen his money. The day after that I went to out to eat with my
12 mom and my aunt, Michelle Barton. My aunt is the one that said we need to go something
13 about what Roy had been doing to me. After that conversation we went down to the police
14 station and talked to the officer down there. I believe I was nine or ten years old when it
15 started and I think I was about fifteen when it stopped. All of the things that went on with
16 Roy and me were at the house in Berea on Sharon Drive. Shortly after all this stopped we
17 moved out of the house because we couldn't afford. The house was in both my mom and his
18 name but when he moved out we couldn't stay there. When all of this was going on with
19 Roy I got some kind of bacteria that was rooted to him having sex with me. I don't
20 remember exactly what kind, what the name of it was, but my doctor has the records from
21 my doctor at New Horizons.

22 Q So, that's the statement you wrote, that's what you told police---

23 Mr. Stalvey: Objection.

24 Q ---two years ago.

Younger Sister

-RE-CROSS EXAMINATION BY MR. STALVEY

1 Mr. Stalvey: It's a leading question.

2 The Court: Sustained.

3 Q Is that what you told the police two years ago?

4 A Yes ma'am.

5 Q What you told the jury today?

6 A Yes ma'am.

7 Ms. Hodge: I don't have any further questions.

8 **RE-CROSS EXAMINATION BY MR. STALVEY**

9 Q The statement you just read, you gave that to Investigator Brown on June 18?

10 A Yes sir.

11 Q You initially went and met with the rest of your family on June 13. Right?

12 A Yes sir.

13 Q Did you talk to-- Let me ask you this: Did you just give a report at the front desk at
14 the law enforcement center or did y'all go to a separate room?

15 A We went to a separate room.

16 Mr. Stalvey: I don't have any further questions.

17 The Court: Re-direct.

18 Ms. Hodge: I don't have any further questions.

19 The Court: Thank you, ma'am. I appreciate your being here. You may step down.

20 Ms. Hodge: Your Honor, may she be excused?

21 The Court: Yes ma'am.

22 Mr. Stalvey: Judge, if I could? I may want to recall her later. I don't have any
23 objection to her leaving as long as I can do that later if possible.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 The Court: All right, then. You'll remain under your subpoena. You don't have to
2 stay, but you'll need to be available if we need to call you. Okay?

3 A Yes sir.

4 The Court: Call your next witness.

5 Ms. Hodge: The State calls Tammy Foster.

6 **TAMMY FOSTER**, duly sworn, testified as follows:

7 Clerk of Court: Please state your name for the record.

8 A Tammy Foster.

9 **DIRECT EXAMINATION BY MS. HODGE:**

10 Q Ms. Foster, tell us a little bit about yourself. How old are you?

11 A I'm 44.

12 Q Are you currently married?

13 A No.

14 Q Do you have any children?

15 A Yes.

16 Q How many children?

17 A Two.

18 Q Who are they?

19 A Older Sister and Younger Sister

20 Q Are you working currently?

21 A Yes.

22 Q Where is that?

23 A I'm working at a group home for special needs adults

24 Q How long have you been working there?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Two years in February.
- 2 Q What other jobs have you had over the last ten years?
- 3 A I worked at the school district for six years. I worked at Greer High and then I got
- 4 transferred to Tanglewood Middle. And I worked at Greenville Nursing Home for seven
- 5 years.
- 6 Q And now you're working for at a home for special needs adults?
- 7 A Yes, at the Department of Disability and Special Needs.
- 8 Q Did you grow up in the Greenville area or Spartanburg area?
- 9 A Greenville.
- 10 Q Where'd you go to high school?
- 11 A Greer High.
- 12 Q Have you taken some classes post-high school?
- 13 A Yes, I take some college classes.
- 14 Q Do you know the defendant in this case?
- 15 A Yes.
- 16 Q How do you know him?
- 17 A We started dating in 2003.
- 18 Q How did you meet him?
- 19 A Through one of my cousins in a halfway house.
- 20 Q How did that happen?
- 21 A I spoke to my cousin and he wanted him to call me to take him for a job and Roy, I
- 22 met up with him.
- 23 Q Roy, is that what you called him?
- 24 A I called him R.J.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q And so, once you met him did y'all start hitting him off, or did you think he was a
2 nice guy?
- 3 A He was a nice guy, yeah, when we started dating.
- 4 Q At the time you met him where were you living?
- 5 A In Greer.
- 6 Q And you've always had your girls living with you?
- 7 A Yes.
- 8 Q At some point after dating him did y'all start to live together?
- 9 A Yes.
- 10 Q Do you remember about when that was?
- 11 A It was like, May, 2003, May or June, 2003.
- 12 Q Where did y'all first live together?
- 13 A At [REDACTED]
- 14 Q Who all lived at that house?
- 15 A Me and my daughters and R.J.
- 16 Q Is that a house that y'all bought or were y'all renting?
- 17 A No, we was renting.
- 18 Q Where, if anywhere, was the defendant working during that time?
- 19 A He wasn't working because he was trying to get his disability.
- 20 Q Did your girls appear to like him at first?
- 21 A Yes.
- 22 Q Was he generous with him?
- 23 A Yeah, he was like a daddy.
- 24 Q Did you feel comfortable with that back then?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Yeah.
- 2 Q Did you love him or---
- 3 A Yes.
- 4 Q ---care about him?
- 5 A Yes.
- 6 Q Did he take care of you?
- 7 A Yes.
- 8 Q Financially helped you?
- 9 A I mean, both of us. I also was working.
- 10 Q So, was he supportive, loving, that kind of stuff.
- 11 A Yes.
- 12 Q How old would your girls when y'all started living together?
- 13 A be, like, ten. She in fifth grade.
- 14 Q Okay.
- 15 A No, she in third grade, so she was, like, ten then. We moved to Greenville and she
- 16 was going to Stone Academy and she was in third grade. And then when we moved to Berea
- 17 she started going to middle school.
- 18 Q So, somewhere in the third grade age for your younger one. And then you're older
- 19 one, which grade?
- 20 A Older Sister had transferred to Greer High School from Greenville High, and then she
- 21 graduated from Berea High.
- 22 Q And during the time that y'all were at that first house on Gower and you said you
- 23 were working, were you working for the school district?
- 24 A Yes.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q What were your hours at the school district?
- 2 A I worked eleven to seven at Berea High. Then I got transferred to Tanglewood and I
- 3 worked from, like, one to nine p.m.
- 4 Q So, you would be gone sometimes when your girls got home from school?
- 5 A Yes.
- 6 Q Who would watching them or mostly taking care of them when you're gone?
- 7 A Well, ^{Younger}_{Sister} be at my sister's house. Then when we got to Berea, then she went to
- 8 the after school program. But ^{Older Sister} be at home
- 9 Q Then sometime after the after school program did ^{Younger}_{Sister} come back to the house and
- 10 you still would not be home from work?
- 11 A Yeah. I picked her up sometime. I picked her up at school and sometime my sister
- 12 would bring her home.
- 13 Q At that time did you have any reason not to leave them at home with the defendant?
- 14 A No.
- 15 Q Did he and the girls appear to get along with each other during this time before y'all
- 16 moved to Berea?
- 17 A Yes.
- 18 Q Everything seemed okay?
- 19 A (non-verbal affirmative response)
- 20 Q Y'all moved to a second house on Gower?
- 21 A [REDACTED].
- 22 Q Again, did things seem okay, or---
- 23 A Yes. This was when I was working. That's when I transferred to Tanglewood and I
- 24 was working from one to nine.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q And how was your relationship with the defendant going at this point?
- 2 A Everything was good.
- 3 Q And y'all got along?
- 4 A Yes.
- 5 Q Did y'all have a sexual relationship as well?
- 6 A Yes.
- 7 Q Was it a healthy one?
- 8 A Yes.
- 9 Q Did that occur on a regular basis?
- 10 A Yes.
- 11 Q How long do you think y'all probably lived at that second home on Gower before you
- 12 moved to Berea?
- 13 A About two years.
- 14 Q Did any---
- 15 A We moved to Gower-- We moved to [REDACTED] in 2006. I think it was August.
- 16 Q Was that a house y'all were renting or buying?
- 17 A Buying.
- 18 Q Who was buying the house?
- 19 A Me and R.J.
- 20 Q So, y'all both bought a house?
- 21 A Yeah.
- 22 Q Once you got to that house, did anything happen that you became aware of regarding
- 23 the defendant with your girls during that time?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Yes. ^{Older Sister} called me at work and she said that I need to get home, something was
2 going on with Sis and I needed to come home.
- 3 Q You said something was going on with Sis, who is Sis?
- 4 A I'm sorry, ^{Younger Sister} that's what I call her.
- 5 Q All right. Go ahead. Sorry to interrupt you. So, you got a phone call from?
- 6 A From ^{Older Sister}
- 7 Q From ^{Older Sister} And it was about Sis, something that was happening---
- 8 A To ^{Younger Sister}
- 9 Q Okay.
- 10 A So, I told my supervisor that I needed to get home and he told me I could go home.
11 When I got home ^{Younger Sister} was in her room and R. J. was in the living room on the couch.
12 And ^{Younger Sister} came and said Mama, said that R. J. had been touching us. She said I told
13 ^{Older Sister} that we need to let you know what was going on. I said what you talking about.
14 She said, Mama, R. J. has been touching me, fondling me, sometime he was having sexual
15 relations with me.
- 16 Q She said he was having?
- 17 A Sexual relations.
- 18 Q Did she tell you how long at that point it had been going on?
- 19 A She just said it had started when we moved in that house.
- 20 Q Did she tell you the location of where it was happening?
- 21 A She said he would do it in our room. After they get home, he would take them
22 downstairs. We had a barn, he would take them to the barn.
- 23 Q So, when you heard this, what did you do?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A I asked him about that and he was, like, he kept denying it. And then I pointed to
2 Younger and I said, it's not like I'm not believing you, but you know if we go to the police
Sister
3 they will take you from me. And she said, Mama, you know, let it be because I don't want to
4 be taken away from you.
- 5 Q How old was she?
- 6 A [] had to be ten, nine or ten.
- 7 Q So, she was still young enough to---
- 8 A. Yes.
- 9 Q And you were concerned that she would taken from you?
- 10 A Yes.
- 11 Q And do you know where you got that idea or where that came from?
- 12 A I just-- 'Cause you know, -- I mean, I hear but that kind of stuff at work and I
13 don't know if that's where I got it, but it's what I was thinking.
- 14 Q You didn't know if that was true or not, but---
- 15 A Yeah.
- 16 Q ---that's what you heard at work. is that right?
- 17 A Yes.
- 18 Q And did you have a discussion with her about that?
- 19 A Yes.
- 20 Q What did you do-- Did you have a discussion with the defendant about that?
- 21 A Yeah. And he said, how can you look at her and believe what she saying because you
22 and me having sex all the time. She just saying stuff like this. She just young and you know
23 I don't be touching her like that. And at the same time he was, like, I didn't do it, I love you,
24 stuff like that.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q Did you believe that or did you want to believe that?

2 A When she told me, I was, like, I also believed, but when she told me, I was thinking,
3 why, why would he do this to one of my kids when he got me. I mean, I was just afraid to
4 believe it.

5 Q So, you let him stay in the house, too?

6 A Yes.

7 Q Did you think of putting him out at that point?

8 A No. I mean, no. It's just like, it's hard to believe. I mean, it was hard for me to
9 believe that he would do something like this because we really loved each other.

10 Q And as time goes on y'all still stay at that house, you're still working. At some point,
11 did he get disability? Did that start coming in?

12 A He got disability before we moved in the house.

13 Q Okay.

14 A That's how we got the house.

15 Q Did he ever go back to or go to any type of regular job that you're aware of during
16 that time?

17 A He only work with, like, ^{Older Sister} boyfriend, help people with stuff.

18 Q Did he have the authority to discipline your girls or let them go places or not let them
19 go places during this time?

20 A Yes.

21 Q Going back to the disability part, did you help him actually get all that paperwork
22 together?

23 A Yes. He started working on it at first, but then I helped him with it, and I helped with
24 that, and I was the payee on the check.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q Tell us what does that mean?
- 2 A Well, see I was the payee on the check, so he would have to go with me to get the
- 3 check. Yes, I was the name on it. He couldn't cash it without me.
- 4 Q Could you cash his check without him?
- 5 A No. I mean, I could cash it, but every time I cash it he was with me.
- 6 Q Gave him the money?
- 7 A Yes.
- 8 Q Was he generous with his money?
- 9 A Yes.
- 10 Q Pay bills, things like that?
- 11 A Yes.
- 12 Q As time kind of ticks along, did you go to a doctor's appointment with ^{Younger} _{Sister}
- 13 A Yes. When she was getting ready to play basketball and stuff and they had to do a
- 14 physical.
- 15 Q Had she been complaining of any symptoms or anything that she wanted to go to the
- 16 doctor for, or was this just because of basketball?
- 17 A It was the physical. She also told me she was having a discharge.
- 18 Q Did you ask her any questions about that?
- 19 A No, she just say she having a discharge.
- 20 Q Did she tell you she thought she was having it or any of that kind of stuff come up
- 21 before?
- 22 A No.
- 23 Q You said y'all had to go to the doctor. Which doctor did y'all go to?
- 24 A New Horizons.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q Was that their normal pediatrician?

2 A Yes.

3 Q At that doctor's appointment did they diagnose her for something?

4 A Yeah. They said she had trichomonis (sic). And they started asking her-- They said
5 it's a STD, a sexually transmitted disease. They asking ^{Younger}_{Sister} how she get this disease.

6 She look at me, I look at ^{Younger}_{Sister} and she, like, was asking, if she should say. Like, at this
7 time, again, it was like, why you looking at me and I look at her at the time, and I'm, like,
8 okay. And they asking me about if she was lying about not having sex.

9 Q And that was in your presence, they were asking other questions?

10 A Yes.

11 Q So, she was denying having sex with anybody?

12 A She didn't really deny. She just look at me when they asking her about it.

13 Q At that point did you think you should tell the doctor what was going on? What's
14 going on in your mind?

15 A What's going in my mind, like, I was, like, oh, he done gave my child something and
16 he's not paying any attention to me. So, when we got home and I ask him about it and we
17 got into a altercation and he beat me. I left the house and I went to my mother's house.
18 Before I left the house, before he beat me up, I told him, I said, why you do this to my child
19 when you know you have this disease. And he was, like I ain't give that child nothing. A lot
20 of kids they get into something and how she got it, and you ain't got nothing.

21 Q Did that get you to thinking? Did that make you believe him?

22 A I was just, like, when he said that, I was, like, okay. She ain't got no boyfriend, but I
23 guess all kids do it if they could and she could have got something from---

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Mr. Stalvey: Judge, I would object. I believe she's getting into some opinion
2 testimony that she's not qualified to give. And I would ask for a jury instruction on that as
3 well, Your Honor.

4 The Court: I sustain the objection. Ladies and gentlemen, the objection is that lay
5 people, people like me and people like this witness, can't testify to highly specialized
6 information, such as medical diagnoses, and the origin of a disease or an infection of things
7 of that sort. Therefore, what I've done is I've sustained the objection as to any testimony that
8 this witness may have offered regarding a diagnosis or medical opinion.

9 Having said that, Ms. Hodge, you may continue.

10 Q So, you go home and confront the defendant about this. Did he deny doing anything
11 with her?

12 A He didn't deny. He just say how I give her something and you ain't got nothing. She
13 be around her friends and young boys. And I'm, like, no more of that. And we got into the
14 altercation and he blow some powder on me. And I went to my mother's house. Some type
15 of white powders. And I went to my mother's house.

16 Q You say he put some powder on you?

17 A Yes, white powder.

18 Q Do you know what that was?

19 A No, I didn't know what it was.

20 Q Had you ever hear him talk about Tarot cards or read cards?

21 A Yeah, he pull Tarot cards and work roots.

22 Q Roots?

23 A Yeah, he talk about it all the time.

24 Q And when he did the white powder thing, did he tell you what he was doing?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A He just blow it on me.

2 Q So, tell us how that all ended, what happened after you went to your mom's. Did you
3 come back and y'all get back together or work it out?

4 A No. I was just staying at my mom's and I said, that's my house, I need to stay in my
5 house. And I was, like, if I move-- I was nervous, you know what I'm saying. You know,
6 she my child, you know, but when he was saying that, I wasn't sure what to believe, you
7 know.

8 Q Part of you believed him even though you didn't want to?

9 A Yes.

10 Q And did you think that might be the time to kick him out?

11 A I mean, what I did at the time, when I got back, I asked him about that, and he said he
12 didn't do it. I wanted to put him out. But, you know, it's just that I couldn't just throw him
13 out, you know.

14 Q Did that make your relationship with your girls change in any way?

15 A I would call home and ask if everything was all right and they would always tell me
16 everything was fine.

17 Q Did you feel that somehow you could monitor the situation?

18 A I mean, I was at work, and they was home and he was there. And nobody was doing
19 nothing. They say he drink a lot of beer.

20 Q Did you ask them? Were you hoping they would tell if there was more?

21 A No, they didn't tell me no more. They just say everything's all right.

22 Q Did you ever-- So, that's ^{Younger}_{Sister} telling you there was an incident and then the
23 doctor's incident. How about ^{Older Sister} did she ever come to you and tell you anything was
24 going on with her?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A No.

2 Q Did you ever witness anything strange or see her come out of your bedroom anytime,
3 one time?

4 A One time me and ^{Younger}_{Sister} came home. I came home from work early. And we came
5 in the house and ^{Older Sister} run out of my room. And I went in my room and I looked down and
6 I saw her underwear, panties, underwear on the floor. And I said, ^{Older Sister} come here. I said,
7 why your underwear here on my floor. She say Daddy sick and I was cleaning up when he
8 throw up from drinking alcohol.

9 Q But her panties were on the floor?

10 A Yes.

11 Q So, the doctor's incident was sometime in September, 2008. Was there an altercation
12 between ^{Older Sister} and the defendant that January, that following January of 2009?

13 A You know, I was at work and ^{Older Sister} call me. It was about 2:00, 2:30. And she said
14 that her and R. J. had had an altercation and she told me to come home. And I told her I
15 couldn't come home, but I called my sister and had my sister go over there. By the time I got
16 home they was-- She told me him and her got in a fight. When I got home the house was
17 tore up. And my sister said the police came and took him to jail.

18 Q Did she tell you, did ^{Older Sister} tell you at that point there was an altercation or what the
19 reason was?

20 A She did. She said they was arguing about a boyfriend or something. And my sister
21 told me when I got home that---

22 Q You can't tell me what your sister said. Which sister was it?

23 A My sister, Doretha.

24 Q Doretha, what's her last name?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 A Doretha White, because I call her to come over to the house.
- 2 Q How many sisters do you have?
- 3 A I have two sisters.
- 4 Q And who are they?
- 5 A Doretha White and Michelle Barton.
- 6 Q After the altercation happened and he was taken to jail, did he come back into the
- 7 house?
- 8 A Huh-uh. Because he to make time and I told his son to come get his clothes because
- 9 he can't be in the house.
- 10 Q While he was incarcerated for that, did you still get his mail and things at the house?
- 11 A Yes.
- 12 Q Did something come in the mail that you didn't about, about him having a prior
- 13 conviction?
- 14 A I didn't know anything about the prior conviction until this ^{Older Sister} incident. That's
- 15 when I found out about the sex offender.
- 16 Q The sex offender registry?
- 17 A Yeah.
- 18 Q Did something come to the house about that?
- 19 A No. When that happened they did the paperwork and we had to come down and go
- 20 over the report.
- 21 Q And all the years before that, you didn't---
- 22 A I didn't know anything about no sex offender, any kind of sexual abuse.
- 23 Q When you met him, did he tell you that he was on the sex offender registry?
- 24 A Only thing I know is he went to jail for drugs.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q So, all that time you didn't have a clue about the past offenses?
- 2 A No. But we can't say his things, so I can't say anything.
- 3 Q But from his mouth to yours, he never told you anything about that?
- 4 A No.
- 5 Q So, after he got out of jail for the incident with ^{Older Sister} did he come back to the
- 6 house for a little bit?
- 7 A Yes.
- 8 Q And what did the girls, or what did ^{Younger Sister} or ^{Older Sister} feel about that?
- 9 A They ask me, mom, why you let him come to the house after we tell you what he did
- 10 to us. Why are you still with him? And I was just, I mean, I couldn't say nothing.
- 11 Q Can you tell us here on the stand today why?
- 12 A I really ain't got nothing to say. It's like I say, I was in love. I was just trying to have
- 13 somebody to help me bring my kids up. And he be nice to my friends and my family. And
- 14 my kids, they ask me, mama, why are still with him. And it was, like I say, I don't know.
- 15 Q Was it out of any kind of fear of you getting in trouble or was it-- What can you tell
- 16 us?
- 17 A I don't have a answer.
- 18 Q So, did you put him out of the house in 2010?
- 19 A He's out of the house.
- 20 Q Has he ever come back to the house?
- 21 A He's staying with his son, but he helped me, helped us move to another house.
- 22 Q That was all before anybody went to the police about this stuff.
- 23 A Yes.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q And did he continue to help, or did y'all continue to talk or see each other, anything
2 like that?

3 A Every now and then. When I get my income tax, I still sign my income taxes and I
4 put down the part that I was giving him. So, I would call and tell him I got his money. But I
5 just call and tell him the check came. He got a check every month.

6 Q Did you eventually get that out of your name?

7 A Yes. I told him to get it changed and he got it changed to his son and out of my
8 name.

9 Q Was that a good while before anything ever came up with the police?

10 A Yes.

11 Q Did you cut ties completely with him before the police were notified about this?

12 A Yes.

13 Q Tell us about this came to be in front of the police. How did that all come about?

14 A We, me and ^{Younger}_{Sister} we went to my sister house to eat lunch and we got there and

15 ^{Younger}_{Sister} mom, we can tell, tell your sister, my sister her aunt. And I said okay, so ^{Younger}_{Sister}
16 start telling her. And she call-- Can I say that she call him?

17 Mr. Stalvey: Judge, I couldn't exactly follow her testimony but I think she is
18 testifying to what somebody else said.

19 The Court: It's a preemptory objection, I guess. She hasn't done it yet. So, you may
20 proceed, Ms. Hodge.

21 Q Don't say what-- Which sister was this?

22 A Michelle.

23 Q So, don't say anything about what Michelle did.

24 A That's why I say can I say what she said.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 Q Thank you for asking, but no, you can't say what Michelle said. Michelle is going to
2 be a witness, so Michelle can talk about that. So, as far as what brought you to talk about it
3 in front of Michelle, did something help? Did you receive a phone call the day before?

4 A Me and ^{Younger}_{Sister} got home and R. J. call me and say that ^{Older Sister} she asking him for
5 money. So, I called her. I kept saying where you at. She kept saying, I'm riding around ,
6 and she put me on speaker phone. and I called ^{Older Sister} again and I ask where you at. She
7 said I'm riding around. And I said ^{Older Sister} I know you down there. I'm coming down there
8 because I heard him telling you that you took his money.

9 Q Could you hear her when he had you on speaker phone? Do you mean he had his
10 phone on speaker? Could you hear ^{Older Sister} in the background, too?

11 A ^{Older Sister} was telling him that, you know, I took the money because you owe me.

12 Q And then, did you have your phone also on speaker?

13 A Yes, because it was me and ^{Younger}_{Sister} listening.

14 Q So, you and ^{Younger}_{Sister} were listening on one speaker phone and he's on his phone with
15 speaker and you could hear that conversation.

16 A And he was telling that she down there. And I call her and ask her where she is and
17 she told me she out riding. And I told her, I said ^{Older Sister} I know you lying.

18 Q Did you then ask her what was it that he owed you for, or did you have any
19 conversation about the money?

20 A Every time I would ask her that he would cut the phone off and I couldn't hear it.

21 Q So, she was getting ready to say something he would make the phone go mute or
22 silent?

23 A Uh-huh.

24 Q So, you didn't really hear the reasoning behind it?

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

1 A Huh-uh.

2 Q Did she come home that night that all this happened and you had been looking for
3 her?

4 A Yes, she came home.

5 Q Did she say that y'all needed to talk about anything at that point?

6 A No. And I asked her, I say, ^{Older Sister} what's going on, why you tell me you wasn't
7 down there. She said, mama, I was down there because he had called down there and he said
8 he has money for her. She said she went in his room and stole some money. And she was
9 asking him, why you do this to me and he was saying, that's old stuff, I don't care about that.
10 So, I said ^{Older Sister} do you need to tell me anything. She said, mama, no. Then when we
11 went down to my sister's house, Michelle Barton, when me and ^{Younger Sister} went down there and
12 ^{Younger Sister} said mama, you want me to tell her about it, I want to tell Aunt Michelle about it.
13 And then Michelle said, ^{Younger Sister} we gonna get something done about this. She said we need
14 to take this to the police.

15 Mr. Stalvey: Judge, I object hearsay. She just stated what Michelle Barton said. I
16 allowed her to finish making the statement. That's hearsay. That's fine, Judge.

17 The Court: I overrule. It wasn't offered for the truth of the matter asserted. You may
18 proceed.

19 Q Did you say that this had happened to you before?

20 A Yes.

21 Q And you never---

22 A Did anything. I really don't know, but I had told my sister about it.

23 Q But you had never gone to the police and told anything about that?

24 A Huh-uh.

TAMMY FOSTER-DIRECT EXAMINATION BY MS. HODGE

- 1 Q Is there any reason why you wouldn't want to tell?
- 2 A I mean, I know now that the man had did it. That's all, I just....
- 3 Q Is it hard to talk about that kind of stuff?
- 4 A Yes.
- 5 Q Is that something you just want to go out and tell people?
- 6 A No.
- 7 Q So, the next day, or that same day that y'all had dinner with Michelle, y'all did go and
- 8 talk to the police. Right?
- 9 A We was supposed to. Michelle said we were gonna go the next day, but my sister
- 10 called me and said we couldn't. She went to work. She came home and she said we going
- 11 now.
- 12 Q So, y'all went down to the law enforcement center?
- 13 A Greenville County Detention Center.
- 14 Q Did ^{Younger}_{Sister} and ^{Older Sister} come as well?
- 15 A Yes.
- 16 Q And that's when y'all talked to the person at the desk?
- 17 A Uh-huh.
- 18 Q And an investigator followed up later?
- 19 A Yes.
- 20 Q And he talked to you, Investigator Brown, with the Sheriff's Office?
- 21 A You mean at the County Square?
- 22 Q The County Square.
- 23 A Yes.
- 24 Q Did you ever have to go to the city police department and talk to anybody---

TAMMY FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 A Talked to Detective Bradford. I mean, he was talking to Older Sister and Younger Sister but I
2 was always with them.

3 Q Thank you, Ms. Foster. Please answer any of Mr. Stalvey's questions.

4 **CROSS EXAMINATION BY MR. STALVEY:**

5 Q Ms. Foster, you described some of your work history during direct testimony. Is it
6 my understanding you worked at a nursing home?

7 A Three, I worked at three places.

8 Q Tell me if you could what three nursing homes you worked at.

9 A I worked at one nursing home and the rest of it was at the school district.

10 Q I didn't understand your answer. Where was the first nursing home that you worked
11 at?

12 A Greenville Rehab Center.

13 Q Is that a private nursing center?

14 A It's state, not private.

15 Q I'm sorry?

16 A It's not private.

17 Q Is it run by the county, that's my question?

18 A The State.

19 Q What State agency?

20 A Omega Health and Rehab.

21 Q Omega Health and Rehab?

22 A That's the name of the company was Advance Nursing, but they had several nursing
23 homes.

24 Q So, you worked at a nursing home in Easley and that was the first one?

TAMMY FOSTER-CROSS EXAMINATION BY MR. STALVEY

- 1 A No, I only worked at one nursing home.
- 2 Q I thought you said you worked at three.
- 3 A I said I worked three jobs.
- 4 Q One nursing home. Right?
- 5 A Yes.
- 6 Q And you may have already answered this, but what nursing center?
- 7 A Greenville Rehab Center.
- 8 Q When did you work there?
- 9 A Between 2004, to, like, 2007.
- 10 Q And did I also hear correctly that you worked for the school district?
- 11 A Yes.
- 12 Q What did you do for the school district?
- 13 A I was the head custodian.
- 14 Q All right.
- 15 A Check the rooms.
- 16 Q Was that at a specific school?
- 17 A I worked at Greer High and I worked at Tanglewood Middle.
- 18 Q Greer High and Tanglewood Middle?
- 19 A Yes.
- 20 Q Was that before or after you worked at the nursing home?
- 21 A Before the nursing home.
- 22 Q I'm sorry?
- 23 A It was before the nursing home.

TAMMY FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 Q Did you also testify that you worked for the Department of Disabilities and Special
2 Needs?

3 A That's where I work at now.

4 Q That's where you work at now?

5 A Yes.

6 Q How long have you worked there?

7 A Two years since February.

8 Q And what's your job there?

9 A I'm a med tech.

10 Q What does a med tech do?

11 A I do the meds intake for the clients.

12 Q So, you handle the clients?

13 A I do the meds, send them back and forth to the doctors.

14 Q Ms. Foster, during your direct examination you testified that you just didn't believe
15 that it was true. Is that fair to say, these allegations?

16 A I didn't say I didn't believe.

17 Q You didn't say that?

18 A I said I didn't believe what my kids said, I got to see.

19 Q But you weren't telling, that your children were telling the truth. Right?

20 A Yeah, I knew they were.

21 Q But you never reported it to anybody, did you?

22 A No.

23 Q And you never-- You never reported it to this doctor who diagnosed your daughter
24 with an STD. Correct?

TAMMY FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 A No.

2 Q And at that point you believed that Mr. Jones was sexually, or that Mr. Jones was
3 having sexual intercourse with your thirteen-year old daughter and you didn't report it to that
4 doctor?

5 A I didn't report it because I thought they would take my kids from me.

6 Q So, you believed that it would be better if your kids stayed with you and continued to
7 be sexually molested rather than go to DSS?

8 A Me and ^{Younger}_{Sister} talked about it and after we talked about it, we said that we thought
9 they would take my kids, so we said no, we wouldn't tell anybody.

10 Q But you thought that was in your children's best interest?

11 A I thought what was in my children's best interest?

12 Q That they stay in a house that they're getting sexually molested in rather than go to a
13 foster home?

14 A I wanted my kids with me.

15 Q Even if it meant they were going to get sexually assaulted and sexually molested
16 while they were growing up?

17 A I wanted my kids with me. That's all I got to say about that.

18 Q Isn't it true that you had some doubt as to what your children were telling you?

19 A When they told me, yes, I had a doubt because when the doctor told me you had to
20 have sex to get a STD, like I told, Ms. Kristi, we came home from the doctor and we had a
21 altercation, but still I thought my kids would be taken from me so I didn't tell anybody.

22 Q And in 2009, after Mr. Jones was arrested for assaulting one of your daughters and
23 was taken to jail, you still didn't report any of this sexual abuse that you were aware of to the
24 police?

TAMMY FOSTER-CROSS EXAMINATION BY MR. STALVEY

1 A I would ask my daughter, ^{Older Sister} if he had done anything to her, she would always
2 tell me no.

3 Q But you knew that-- Well, you at least were told or made aware of some allegation of
4 abuse against ^{Younger Sister}

5 A Can I say something?

6 Q Well, let me finish asking the question. And isn't maybe some reason for that that
7 you doubted the allegations just like you did back in 2008?

8 A You said I did what?

9 Q I mean, did you have some doubt? Isn't that why you didn't go to the police?

10 A I doubted because, once again, I felt like they would take my kids away from me.

11 Q You were working back in 2008. And I'm not sure where you were working, but I
12 believe-- Go ahead, tell me where you were working. You were working somewhere where
13 you got off work, or you worked from 6:00 a.m. to 3:00 p.m. Right?

14 A No, that's wrong.

15 Q And you were also going to school?

16 A Yes.

17 Q Did you get a degree?

18 A No, I didn't finish.

19 Q But you've always had full-time jobs. Right?

20 A Yes.

21 Q And you've always been a hard worker. Right?

22 A Yes.

23 Q And you've always made money to support your family. Right?

24 A Trying to what?

TAMMY FOSTER-RE-DIRECT EXAMINATION BY MS. HODGE

1 Q Made money to support your family?

2 A Yes.

3 Q And Mr. Jones, he helped out. Right?

4 A He helped, yes.

5 Q It was a mutual thing. Y'all were both building a family together. Right?

6 A Yes.

7 Q You weren't dependent on him for any money, were you?

8 A Because I worked.

9 Q That's right.

10 Mr. Stalvey: I don't have any further questions.

11 The Court: Any re-direct?

12 Ms. Hodge: Yes, Your honor.

13 **RE-DIRECT EXAMINATION BY MS. HODGE:**

14 Q Ms. Foster, did you think once you confronted the defendant about what he had done,
15 they had told you, did you think he would stop because you had confronted him about it?

16 A Yes.

17 Q When you went back to the doctor, is that when you realized it didn't stop?

18 A When I went where?

19 Q When she went to the doctor, that doctor between that first time she told you and the
20 doctor's visit, was it your thought or hope because you confronted him he would stop?

21 A Yes.

22 Q And then y'all went to the doctor and she had this STD. Did she say it's still been
23 going on, too, at that time, or did you have any idea?

24 A That's when I came back him that he gave my daughter STD.

TAMMY FOSTER-RE-CROSS EXAMINATION BY MR. STALVEY

1 Q Did you in your mind that was from previous sexual assault, or did you know?

2 A It was current.

3 Q Once you confronted him and y'all had that big argument, did you think then maybe
4 he would stop?

5 A Yes, I did.

6 Q But you didn't know that he didn't stop?

7 A I didn't know.

8 Q In your mind you felt that he would?

9 A Yes.

10 Q And by confronting him did you think he would stop?

11 A Yeah, I thought he would stop, but no, he didn't.

12 Q But you thought he would.

13 A Yes.

14 Q And when you were going to Virginia College, did ^{Older Sister} also do some classes at
15 Virginia College?

16 A Yes.

17 Q So, she would be out of the house at that time, too?

18 A Yes.

19 Q Thank you.

20 The Court: Re-cross.

21 **RE-CROSS EXAMINATION BY MR. STALVEY:**

22 Q Just two questions. The first question is you've always custody of ^{Older Sister} and

23 ^{Younger Sister} Right?

24 A Yes.

MARY FRAN CROSWELL-DIRECT EXAMINATION BY MS. HODGE

1 Q They've lived with you all their lives?

2 A Yes.

3 Q Since they were born. Right?

4 A Yes.

5 Mr. Stalvey: That's it, Your Honor.

6 The Court: Thank you, Ms. Foster. You may step down. Ladies and gentlemen,
7 we've been at it for about an hour and forty-five minutes. Why don't we take a break. We'll
8 come back in in about fifteen minutes and resume testimony. For your expectations I don't
9 anticipate going beyond five. If we go it won't be much beyond five. So, we'll come back in
10 fifteen minutes and resume testimony.

11 (whereupon the jury exited the courtroom and court was in recess)

12 **COURT IN SESSION**

13 (Transcriber's Note: Due to an apparent glitch in the backup audio system, the statements
14 regarding the resumption of court were not available for transcription. Also, the swearing in
15 of the next witness, Dr. Mary Fran Croswell, was not available for transcription and
16 transcription was begun with said witness' testimony in progress.)

17 **MARY FRAN CROSWELL**, duly sworn, testified as
18 follows:

19 **DIRECT EXAMINATION BY MS. HODGE:**

20 (testimony in progress)

21 Q And ultimately how many have you seen?

22 A I would say well over a thousand.

23 Q And can you just tell the basics of what you do?

1 A Yes. I, first of all take the medical history from the caregiver who brings the child to
2 the appointment. Then I obtain an intimate history from the child that I'm seeing, a verbal or
3 a written---

4 Mr. Stalvey: Judge, again, I'm sorry. We need to approach.

5 The Court: Approach.

6 (whereupon a bench conference took place between the court and attorneys)

7 Q When you are sent a sexual assault exam, you get the history and then what else do
8 you get at that time?

9 A. Perform a physical exam. I would use a reculoscope (phonetic). I use applications
10 using a light system. Then I determination whether any sexually transmitted evaluation or
11 testing needs to be done based on my examination.

12 Q And all the things that you said about special equipment, general pediatricians don't
13 have that special equipment. Is that right?

14 A That's correct.

15 Q When they come to see you at your location?

16 A Correct.

17 Q Do you administer or do you have tests administered for certain STDs?

18 A That's correct.

19 Q And what-- Are you familiar with Trichomoniasis? Am I saying that properly?

20 A Yes, I am.

21 Q What is that?

22 A Trichomoniasis is a common sexually transmitted infection that is caused by a
23 protozoan parasite that infects the genital area of males and females.

24 Q Is it a common or uncommon STD?

MARY FRAN CROSSWELL-DIRECT EXAMINATION BY MS. HODGE

1 A It's the most common, non-vital sexually transmitted infection in the United States.

2 So, it's very common.

3 Q Are there symptoms that go along with that?

4 A There's a broad spectrum. Many people infected with Trichomoniasis can be
5 asymptomatic. So approximately fifty percent of women may not present with any
6 symptoms. And about seventy-percent of men don't have any symptoms. And then there
7 can be a full-blown spectrum of having very mild symptoms, such as itching or burning, to a
8 vaginal discharge, penile discharge to very severe inflammation.

9 Q How do people get Trichomoniasis?

10 A It is a sexually transmitted disease. Because it is a parasite that's almost human, but a
11 host to, it cannot survive or live very long outside of the human host. So, it is obtained from
12 penile-vaginal penetration. It has been reported with vaginal-to-vaginal contact.

13 Q If fifty percent of people don't exhibit symptoms, would it be fair to say they don't
14 go and get treatment because they don't that they even have this?

15 A That's correct.

16 Q And what is the importance of having that test done or treating that? What would you
17 use for that?

18 A Because of the potential complications from having the infection, in women who are
19 infected with Trichomoniasis vaginally have twice the rate of susceptibility to HIV infection.
20 There can be potential complications with their reproductive tract if not actively treated.

21 Q Going back to the symptoms or the asymptomatic people, could a person, could a
22 man who might be having sex with multiple partners, these multiple partners, some might
23 show symptoms and some not? Would that be possible?

MARY FRAN CROSSWELL-DIRECT EXAMINATION BY MS. HODGE

1 A It would be possible. If you don't necessarily know the transition rate it's very
2 difficult to study. We do know the infection in men can often be transient which means that
3 they can have spontaneous resolution within ten days. Whereas, with women it tends to
4 persist for longer periods of time according to studies that we have available to us. So, there
5 could be a lot of different reasons why one person may receive an infection from someone
6 where someone else may not.

7 Q And how do you treat this parasite?

8 A It's treated with an anti-mycopial called Metronidazole, or Flagyl, is the trade name.

9 Q In you experience have you had children come to you with STDs in the various
10 exams you've done, in the thousand-plus exams?

11 A Yes, I have.

12 Q Have you ever had the experience of a child denying sexual activity and they still
13 have an STD?

14 A Yes.

15 Q Have you received referrals from a physician where the child was diagnosed with a
16 sexually transmitted infection but the child is not making any allegations or disclosure of
17 sexual abuse happening?

18 A Yes.

19 Q Is that possible? Is it possible for someone to not have sexual contact, penile-vaginal,
20 vaginal-vaginal, and still have Trichomoniasis vaginally?

21 A It would be extremely rare simply because of what we call phonyte is the organism
22 living outside the human body, and we know that it begins to die shortly after being outside
23 of the host. So, it would be extremely rare for transmission outside of direct sexual contact to
24 cause that infection.

MARY FRAN CROSSWELL-CROSS EXAMINATION BY MR. STALVEY

1 Q So, if someone presents with that, they must be sexually active at some level?

2 A It would be extremely rare for them not to.

3 Q Thank you. Answer Mr. Stalvey's questions.

4 **CROSS EXAMINATION BY MR. STALVEY:**

5 Q Dr. Crosswell, you never examined any of the witnesses in this case, did you?

6 A No, I did not.

7 Q And you said something about in your testimony about HIV and how it relates to this
8 disease. Could you tell me that again?

9 A So, a person who is infected with Trichomoniasis vaginalis, a woman who is infected
10 with Trichomoniasis vaginalis, has an increased susceptibility rate; meaning they are twice as
11 likely to acquire HIV if exposed than a person without Trichomoniasis vaginalis.

12 Q Thank you.

13 Mr. Stalvey: I don't have any further questions.

14 The Court: Re-direct.

15 Ms. Hodge: No sir.

16 The Court: Thank you, Ms. Crosswell.

17 Ms. Hodge: May this witness be excused?

18 Mr. Stalvey: No objection.

19 The Court: You are excused. Thank you, ma'am.

20 Ms. Major: Your Honor, the State calls Michelle Barton.

21

22

23

24

2 Clerk of Court: Please state your name for the record.

4 **DIRECT EXAMINATION BY MS. MAJOR:**

24 A Yes, I am.

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 Q You are their aunt?

2 A Yes ma'am.

3 Q Do you know the defendant?

4 A Yes, I do.

5 Q When did you come to know him?

6 A I first come in contact with him over the phone.

7 Q What year was that?

8 A I'm not quite sure of the year, it was when he first talking to-- Well, wait, 2003,
9 2004.

10 Q Did you know him outside of dating your sister?

11 A No.

12 Q Where were you living in 2003?

13 A I was living in Greer.

14 Q Just generally tell me about me the relationship with your sister. Did y'all grow up
15 together?

16 A Well, we, my mom actually separated us when we were small, but I stayed with my
17 dad in Greer. My baby sister went with my mom. So, Tammy stayed there and I stayed with
18 my daddy. We both stayed in Greer. So, we grew up together, but we wasn't in the same
19 household.

20 Q Are you close to your sister?

21 A Yes.

22 Q Did you have the opportunity to hang out with the defendant when you first met him,
23 when he first came into the picture?

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 A When he first came into the picture, like I said, I talked to him on the phone before
2 ever meeting him. And we had a conversation over the phone, he and I.

3 Q And did you finally meet him in person?

4 A Yes. I finally met him in person a little bit after that.

5 Q How often would you see the defendant?

6 A I would see him at least once a week because in the beginning me and my sister,
7 Tammy, would go out. And I would see him on the weekends. Sometimes they would come
8 to my house.

9 Q What would y'all do when y'all were together?

10 A Well, he and Tammy, they would go out. But when they come to my house they
11 would be dropping by and they would come to my house and stay for a while. Or I would go
12 over to their house and have, like, cookouts, or, like, Thanksgiving, stuff like that.

13 Q Would you describe it as a normal family relationship?

14 A Yes.

15 Q And you said your daughter and son are twenty-three and twenty-four?

16 A Twenty-three and twenty-six.

17 Q Would they hang out with their cousins, ^{Older Sister} and ^{Younger}
_{Sister}

18 A Yes.

19 Q Are they close?

20 A They were kind of close.

21 Q Did the defendant ever come to your house?

22 A A couple of times.

23 Q Was the defendant with Tammy at the time he came?

24 A Yes.

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 Q Did you like the defendant?

2 A No.

3 Q Why not?

4 A I didn't really like him. It was just something about it. I didn't know quite-- I
5 couldn't put my hand on it, but I just didn't like him. He rubbed me the wrong way. I just
6 knew to be careful.

7 Q From the beginning?

8 A From the beginning.

9 Q Did y'all ever fight, you and the defendant?

10 A We got into it once.

11 Q But during the normal course of hanging out during family events, was it a
12 contentious situation---

13 A Uh-huh.

14 Q ---or---

15 A We got along. That's her boyfriend, so we got along. I spoke to him. We had
16 conversations. I just didn't trust him.

17 Q How would he act around Tammy? Was it a normal relationship?

18 A It was normal. Their relationship was kind of normal. He was very arrogant.

19 Q How would he act around ^{Older Sister}

20 A Around ^{Older Sister} it was just too-- It didn't seem right. It didn't feel right.

21 Q From the beginning.

22 A Later on it didn't feel right, it didn't seem right. It didn't seem like a stepfather and
23 daughter. It just didn't seem right.

24 Q What would you see that didn't seem right?

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 A Touching. He be touching her or she would sit on his lap or something. It just, it
2 didn't seem right to me.

3 Q Was he-- How did he-- How did you observe him treating her?

4 A I....

5 Q Was he ever controlling over her?

6 A Yes, he was quite controlling. You could tell had control of the household just by
7 certain things he would say or how he would act, like he controlled that household.

8 Q How did he act around ^{Younger}_{Sister}

9 A It was somewhat like ^{Older Sister} but it wasn't, you know. ^{Younger}_{Sister} she, when they
10 would come to the house, she would be with Nekeesha, she would be with my daughter. So,
11 she really wasn't just right there. But ^{Older Sister} she was right there.

12 Q She was right where?

13 A Where they were.

14 Q With the defendant?

15 A With him and my sister.

16 Q Did you ever suspect there was a sexual relationship between ^{Older Sister} and the
17 defendant?

18 A Not in the beginning, but later on I just, you just felt that way. Me and my other sister
19 and my mom, we felt like something wasn't right because he was quite controlling of her.
20 Anything she wanted, he---

21 Mr. Stalvey: Judge, objection. It's hearsay and she's testify to what her-- I think she
22 said her mother and another family member felt about the situation. They're not here to
23 testify to that. So, that's my objection.

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 The Court: I'll overrule. She said we thought. Certainly she can't testify as to what
2 other people thought, but with respect to that particular statement, I'll overrule. You may
3 proceed.

4 Q And when say later on do you mean a couple of years after they started dating?

5 A Yes.

6 Q Did you ever ask ^{Older Sister} if anything inappropriate had happened?

7 A I asked her I know on two occasions, but one occasion for sure I asked her.

8 Q Did she deny it?

9 A She denied it..

10 Q Did you believe her?

11 A Not really.

12 Q Did you ever suspect a sexual relationship or anything inappropriate between the
13 defendant and ^{Younger}_{Sister}

14 A No, not really.

15 Q Did ^{Younger}_{Sister} ever-- Did you ever ask ^{Younger}_{Sister} about any---

16 A No.

17 Q ---such position?

18 A No, I don't believe ever asked her, but I didn't think that-- I wasn't really thinking of
19 her. It was ^{Older Sister} because I just wasn't thinking about ^{Younger}_{Sister}

20 Q Did you ever ask Tammy, your sister, did you ever go to her with your suspicions?

21 A No.

22 Q Why not?

23 A I didn't really want to, you know, have any family dispute when I didn't-- Because I
24 know, you know, normally you tell your sister or your sibling something about their mate,

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 and they life. And I didn't want to fall out with my sister. But I suspected, you know,
2 something was going on, but I didn't say anything to her.

3 Q Did you have any proof of anything?

4 A I didn't have any proof.

5 Q Did this continue over the entire course of their relationship, your suspicions---

6 A Yes.

7 Q ---and your general observations---

8 A Yes.

9 Q ---that you've testified to? Jump forward to June of 2012. Did you have an occasion
10 to go out to eat with ^{Younger}_{Sister} and Tammy?

11 A Yes. They came to my house. I was staying in Spartanburg at the time. And they
12 had come to my house. It wasn't as frequent as they used to, but---

13 Q When did you move to Spartanburg?

14 A I moved to Spartanburg in May of 2000 and, 11, 12. I'm not quite sure, but it was the
15 same period, the same year. They came the same year we reported. So, I can't remember the
16 date. I don't know if it was 2011 or 2012.

17 Q Go ahead. What happened that day?

18 A They came to my house and I had to work that day. And we went down the road
19 from my house to go eat, grab a bite to eat. And while we were there we was talking. And
20 the conversation, it felt funny, you know. I kind of felt they were trying to tell me something
21 and I wasn't sure what it was. We were sitting, talking and eating. We were there for about
22 an hour. And then they came back to my apartment because I had to get ready for work.

23 Q Just to clarify, who was there with you?

24 A Tammy and ^{Younger}_{Sister}

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 Q And y'all went back to your apartment and what happened?

2 A We got back at my apartment and I went in my room and I was going to get ready and
3 I could hear them whispering. And ^{Younger}_{Sister} she was, like, she come and sat in the chair and
4 she just started talking and I let her talk. And she was telling me---

5 Q Don't say what she told you.

6 A All right.

7 Q But did she tell you about sexual abuse?

8 A Yes, she did.

9 Q What did you do after ^{Younger}_{Sister} told you?

10 A After [] told me that, I asked her mother for Roy Lee's phone number.

11 Q What did you do?

12 A I called him.

13 Q And what did you say to him?

14 A Word for word?

15 Q Sure.

16 A I mean, I'm not gonna go graphic, you know. But the first thing I said to him was
17 R.J., because that's what called him. I said you remember when I first met you over the
18 phone I had a conversation with you. And the first time I had a conversation with him over
19 the phone and I told him that, I said, I don't quite know who you are. All I have to say is as
20 long as you don't do nothing to my nieces, you fine. You do anything to my nieces, it's
21 gonna be me and you. That's what I told him, the very first conversation I ever had. And
22 eight, nine years later, I called him, I said R. J., on the phone, I said you remember when I
23 talked to you back then; he said yes. And I told him, I said, you in trouble. Didn't I tell you
24 that if you touch my nieces you gonna have to answer to me. And he was trying to talk. And

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 I said, they me that you had sex with them. And he denied it, and he was, like, you gonna
2 believe them over me.

3 Q What did you tell him?

4 A Hell, yeah.

5 Q Did he say anything else?

6 A He just said if I go down, your sister gonna go down. And I said I don't give a fuck,
7 both of y'all can go. And he said, they're not gonna believe you, they're not gonna believe
8 you. And I said I'm calling the police and that's when I hung up the phone on and him and I
9 called the police.

10 Q Did you call ^{Older}_{Sister} after---

11 A As soon as I got off the phone with him I called ^{Older Sister} first and she was with her
12 boyfriend.

13 Q Did she disclose sexual abuse to you?

14 A She-- I asked her, I said, we need to talk. And she said she was with her boyfriend
15 and she asked me did I need to talk to her right now. And I said, well, we gonna talk. So,
16 she didn't tell me at that time because she was with her boyfriend.

17 Q Okay.

18 A But after I got off the phone with her I called the police.

19 Q Did ^{Younger}_{Sister} ever say the location of where the sexual abuse had occurred?

20 A I couldn't quite remember. I just know it happened when he was staying with them.

21 Q Did you go into work that day?

22 A I went to work. I actually supposed to be at work a hour early but I called and told
23 them I had to do something with my niece.

24 Q Okay.

MICHELLE BARTON-DIRECT EXAMINATION BY MS. MAJOR

1 A So, I went on to work anyway. After I talked to the cops, I asked them, I told them
2 that we would be in tomorrow. I told them about the situation, could we come in tomorrow
3 and they said yes. So, I went on to work. After I got to work and I got sick, because I was
4 thinking about it and it made me sick, and it still makes me sick. And I couldn't say. I told
5 my supervisor I had to go home. And so when I came home, I called Tammy and I said
6 we're going to the police department right now.

7 Q Is that what you did?

8 A And we went got ^{Younger}_{Sister} father.

9 Q Okay.

10 A And he went, all of us went to the police department that night.

11 Q Briefly, I just want to go back. You said that you would see them touching. Was this
12 out in front of everybody?

13 A It would be, like, they will be setting on his lap and he would have his hand on their
14 leg, you know, on their leg or above the shoulder. It was that kind of touching, which I
15 didn't like.

16 Q And was that with both girls?

17 A With both girls.

18 Q Was that a normal thing, for them
19 to be that touchy-feely?

20 A I don't know if it's normal, but---

21 Q Not normal, but was that how they acted around each other most of the time you
22 would see them?

23 A Most of the time I see them, yes.

24 Q And this person that you've been referring to as R. J., is here today?

1 A Yes, he is.

2 Q And where is he?

3 A He's sitting over there.

4 Q I don't have any more questions for you. Please answer any questions that Mr.
5 Stalvey may have for you.

6 **CROSS EXAMINATION BY MR. STALVEY:**

7 Q So, the first time you contacted the police about this situation was in 2012. Right?

8 A If that was the time this all happened, yes. I'm not sure if it was 2011, but it could be
9 2012.

10 Q But it was the time after y'all all went out to dinner. Right?

11 A Yes.

12 Q And y'all went straight to the police station that night. Right?

13 A Yeah, we went to the police station that night.

14 Q And you said y'all went before you had to go to work. Is that right?

15 A Excuse me?

16 Q Did you have to go to work later on that night?

17 A No, I had to go to work that day.

18 Q Okay. And that's the reason you went that night because you weren't gonna miss
19 work. Right?

20 A I had told the police that I was gonna take them the next day because I had to go to
21 work.

22 Q Okay. And did you testify that the girls' father went with y'all to the police station?

23 A Yes.

24 Q What's his name?

MICHELLE BARTON-CROSS EXAMINATION BY MR. STALVEY

- 1 A His name is Stacy.
- 2 Q What's his last name?
- 3 A Burnette.
- 4 Q Would you consider yourself, would you have considered your relationship with
- 5 Tammy and ^{Older Sister} and ^{Younger Sister} Y'all had a close relationship since Tammy knew Roy
- 6 Lee Jones. Right?
- 7 A We close.
- 8 Q So, you knew about the incident in 2009 with him choking her, choking---
- 9 A No.
- 10 Q ---^{Younger Sister} You didn't know about that?
- 11 A I knew after the fact. No, I did not know.
- 12 Q When you say after the fact, ---
- 13 A I knew way after the fact, like, a year or two after the fact. I knew he had put his
- 14 hands on her.
- 15 Q But you found out before you went to the police in August of 2012. Right?
- 16 A I think so, but it wasn't told to me when it was told. It wasn't told to me right away.
- 17 Q Did you know he got arrested?
- 18 A Yeah, I knew he went to jail, but I didn't know what had happened. All I knew is he
- 19 had put his hands on her and he went to jail. I didn't know the reason why he put his hands
- 20 on her.
- 21 Q But you knew he was accused of assaulting her. Right?
- 22 A Yes.
- 23 Q Did you talk to ^{Younger Sister} about that incident?
- 24 A No.

1 Q Even after you found out that he had put his hands on ^{Younger}
Sister

2 A No, he put his hands on ^{Older Sister}

3 Q No, I'm talking about in 2009.

4 A That was ^{Older Sister}

5 Q That was ^{Older Sister} about that?

6 A About that, no.

7 Q Why not?

8 A I talked, I had talked to her mama and my other sister. They knew about it. All I
9 knew was he was in jail for putting his hands on her.

10 Q But then your sister let him back in her house. Right?

11 A That's her.

12 Mr. Stalvey: I don't have any further questions.

13 Ms. Major: I don't have any further questions for this witness.

14 The Court: All right. Thank you, ma'am. I appreciate your being here. You may
15 step down.

16 Ms. Major: May this witness be excused?

17 Mr. Stalvey: No objection.

18 The Court: Yes, ma'am, you may be excused. I believe based on our conversation at
19 the break, you indicated this was the last witness you were going today. Is that correct?

20 Ms. Hodge: Yes sir.

21 The Court: All right. Ladies and gentlemen, we're going to adjourn for the
22 afternoon. As I told you before, please don't discuss the case. When you get home, your
23 significant other, your children, your parents, your friends may invite you to discuss the case.
24 Please resist the temptation to do so. If you begin to discuss the case with them, you begin to

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

JULY 17, 2014 – COURT IN SESSION – 9:00 A.M.

2 The Court: Is the State ready?

3 Ms. Hodge: The State is ready, Your Honor.

4 The Court: Is the Defense ready?

5 Mr. Stalvey: The Defense is ready, Judge.

6 The Court: Bring in the jury.

7 (whereupon the jury entered the courtroom)

8 Good morning, everybody. We're now ready to resume the case. Ms. Hodge, you may
9 proceed.

10 Ms. Hodge: Yes, Your Honor. The State calls Investigator Mike Brown.

11 **MIKE BROWN**, duly sworn, testified as

12 follows:

13 Clerk of Court: Please state your name for the record.

14 A Joe Michael Brown.

15 **DIRECT EXAMINATION BY MS. HODGE:**

16 Q Investigator Brown, who do you work for?

17 A Greenville County Sheriff's Office.

18 Q How long have been with them?

19 A In total approximately twenty-one years.

20 Q What rank do you hold in the Sheriff's Office?

21 A I've worked in uniformed patrol. I've worked in the warrant division. I've also been
22 the public information officer for the Sheriff's Office. And I've been in investigations for the
23 majority of my time there. Reached the rank of sergeant before I retired and then came back
24 on a limited basis.

1 Q So, you are back now on that limited basis?

2 A I am, yes.

3 Q Were you investigating or assisting in investigating back in June of 2012?

4 A I was.

5 Q Did you have a specific area you were assigned to, or just wherever?

6 A I worked in the criminal investigation division and primary for sex crimes and crimes
7 against children.

8 Q Did you have occasion to become involved in the case against the defendant in this
9 case?

10 A I did. The initial incident report was filed and forwarded to my office for me to do
11 the follow-up.

12 Q Tell us what your first step was to follow up.

13 A When I first got the report I initially reviewed it from the front desk officer in Greer.
14 And then I contacted the two victims to see about a time that they could come in and give me
15 further information and get statements from them as to what happened.

16 Q Were you able to set up that time, that meeting?

17 A I was. We set that up for June 18, 2012 and they came in at that time.

18 Q So, approximately five days after they'd come to the front desk?

19 A Yes.

20 Q Who came to that meeting you just referred to?

21 A Younger Sister one of the victims; Older Sister, the other victim; and also I spoke
22 at that same time, same date with an aunt, Michelle Barton.

23 Q When you were speaking to these witnesses, did you speak to them all together or
24 separately?

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

1 A I spoke to each of the three separately. They were interviewed separately and no one
2 else was in the room, except myself and the victim or the aunt at the time.

3 Q Who did you talk to first?

4 A Younger
Sister

5 Q How old was she at this point?

6 A She was seventeen at that time.

7 Q So, she didn't need parents or anyone to be in there with her?

8 A She did not.

9 Q Okay.

10 A We consider that to be an adult age that can be interviewed separately.

11 Q During your interview with her did she disclose that she had been sexually abused?

12 A She did.

13 Q Was she able to give you a time frame?

14 A Yes, she did. Initially I think she said she thought she was nine or ten years old. She
15 believed she was in fifth grade at Berea Elementary when the incidents first started with her,
16 and then progressed from that time. And I believe she indicated she thought the abuse ended
17 prior to entering the ninth grade, somewhere around the age of fifteen.

18 Q Did she give you the location of where the abuse occurred?

19 A She did. She said the abuse for her occurred at [REDACTED] which is a
20 residence in the Berea community of Greenville County.

21 Q Was she able to give you any specifics about where in the residence?

22 A She did. She talked about things that happened and the abuse that took place in the
23 bedroom. I believe she also said that it had taken place in the den. And there was an
24 outbuilding, or she called it a barn out to the back of the property where it also occurred.

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

1 Q How long does an interview like that last?

2 A It depends on the information that's available and my ability to type the information
3 up, usually no more than an hour; possibly an hour.

4 Q So, do you type as they're talking?

5 A We type as the interview is going on and they are providing the information to be
6 included in their statement.

7 Q And then they have an opportunity to review whatever you've typed?

8 A They do. They receive a copy and they are requested to read it. Any changes or
9 corrections that they feel like need to be made, then we make those.

10 Q After talking with ^{Younger}_{Sister} who did you talk to next?

11 A ^{Older Sister}

12 Q In interviewing her, in speaking her did she disclose that she had been sexually
13 abused also?

14 A She did.

15 Q Was she able to give you timeframes for this?

16 A She was. She initially said that she believed it began somewhere around 2003 on
17 Gower Street in the city of Greenville. And then they moved around 2006 and during her
18 tenth grade year they moved to [REDACTED] where the abuse continued.

19 Q Was she able to tell you where, specific locations where any abuse happened?

20 A She indicated that they occurred in the bedroom of the home and in the home itself.

21 Q And when you heard that there were incidents involved in a city location, what did
22 you have to do with that information?

23 A I forwarded that information to Detective Bobby Bradford with the City because they
24 would have jurisdiction over anything that occurred on Gower Street.

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

1 Q So, you would not be in charge specifically of investigating that piece, but then y'all's
2 investigations would overlap?

3 A That's correct.

4 Q And did your interview with ^{Older Sister} take about as long and go the same way as it did
5 with ^{Younger}
Sister

6 A As I recall, it did. We did the same type of procedures. We prepared a written
7 statement which she read and signed it.

8 Q At this time, how old was ^{Older}
Sister when she met with you?

9 A She was twenty-four.

10 Q Tell me about any other person you spoke with that day. I believe you mentioned a
11 Ms. Barton?

12 A Yes. Ms. Michelle Barton, who is an aunt to the two victims that had also come to
13 my office at the same time the victims did.

14 Q And did you do a prepared statement with her that she read?

15 A I did, yes.

16 Q What was your next step in this case after speaking with those three ladies?

17 A After that I contacted the defendant and asked if he wanted to come to my office and
18 discuss the allegations, which he did on June 27, 2012.

19 Q Was he coming to speak to you of his own free will?

20 A He was, yes.

21 Q Was he going to be arrested or placed in custody at this point?

22 A He was not.

23 Q Why did you contact him?

1 A Because it's our protocol and I believe, too, that we should talk to every individual if
2 they agree to that they may have information regarding the incident. And then certainly
3 being accused of sexual abuse, if he had information we would certainly take that from him
4 or listen to what he had to say.

5 Q So, did he come in and meet with you?

6 A He did.

7 Q And after meeting with him and hearing what he had to say, was he still free to leave
8 at that time?

9 A Yes, he was.

10 Q Did you continue on with your investigation?

11 A I did.

12 Q What was your next step?

13 A The next step, I contacted Tammy Foster, the mother of the two victims, and she
14 came to my office, I believe on July 2 for an interview.

15 Q What was your purpose of meeting with her?

16 A To confirm the information as best she could about locations that they lived as a
17 family with the defendant and what she was doing as far as time away from home. There
18 was some indication when I talked with the two victims that she worked a great deal. I
19 wanted to talk to her about that and also the extent of what she knew about what had taken
20 place with the victims.

21 Q Was she cooperative with you?

22 A She was.

23 Q Some of what she indicated, did that raise any concerns in you that maybe there was
24 some reason that she should be charged with anything?

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

1 A No, not at that time. The information that I had at the time from her and ^{Younger}_{Sister} was
2 that when an initial medical visit was done, Mr., the defendant, Mr. Jones was put out of the
3 home for an extended period of time. She confirmed that and ^{Younger}_{Sister} confirmed that in her
4 interview was well, even though he was allowed to come back later. And also, with the age
5 of the two victims when they came to me, they were seventeen and twenty-four, they were
6 considered adults. They could make any decision they wanted as to whether they remained
7 in that home or had any relationship with their mother, whatever. So, I didn't have any
8 information that I thought I would pursue charges at that time.

9 Q Speaking of the doctor's visits and the information you got, did you want some
10 confirmation of that's doctor's visit? Did you ask for that?

11 A I believe I asked her at the interview if she would bring me that documentation and I
12 believe you returned on July 10 with a document that verified a medical visit for ^{Younger}_{Sister} and
13 a diagnosis that was dated, I believe, September 30, of 2008. And that was within the time
14 frame of when ^{Younger}_{Sister} indicated she was being sexually abused.

15 Q What was the next step in your investigation?

16 A The next step after having that documentation on September 26, with assistance of
17 Investigator Mike Robertson of the Sheriff's Office we obtained warrants for the defendant at
18 that time. We obtained a criminal sexual conduct, second degree warrant in reference to
19 victim, ^{Older Sister} And then we got another criminal sexual conduct, second degree with a
20 minor warrant in reference to victim, ^{Younger}_{Sister}

21 Q And those warrants were only for the location on Sharon Drive when the alleged
22 sexual abuse may have occurred?

23 A That's correct.

24 Q You would not be seeking warrants for the Gower Street?

MIKE BROWN-DIRECT EXAMINATION BY MS. HODGE

1 A I would not have because I knew the City was doing a parallel investigation at that
2 time.

3 Q Do you share information when there is a parallel investigation going on?

4 A We do. We talk as to what information is being provided. And I had contacted, I
5 think, Detective Bradford several times during the course of my investigation and forwarded
6 copies of the information that I had obtained.

7 Q Do you actually serve warrants on people after you secure them?

8 A I did not serve the warrants that were issued for the defendant. I believe Dave
9 Steward, who is one of the judicial services deputies with the Sheriff's Office, he arrested the
10 defendant and served those warrants.

11 Q Do you know what date he was actually arrested?

12 A That was October 1 of 2012.

13 Q So, there was two and a half months approximately, to three months in between the
14 initial report and actual arrest?

15 A Yes, and approximately five days from the issuance of the warrants to the arrest.

16 Q Once those warrants were served did that conclude your participation in the case?

17 A It did.

18 Q Thank you. Please answer any of Mr. Stalvey's questions.

19 Mr. Stalvey: Judge, I hate to do this so early, but we need to take up a matter outside
20 of the presence of the jury.

21 The Court: Okay. Y'all come forward first real quick before I send them out.

22 (whereupon a bench conference took place)

23 Mr. Stalvey: Never mind, Your Honor.

24 The Court: You may proceed, Mr. Stalvey.

MIKE BROWN-CROSS EXAMINATION BY MR. STALVEY

1 **CROSS EXAMINATION BY MR. STALVEY:**

2 Q Detective Brown, you just testified that it's your policy to talk to every individual that
3 may have information about an incident?

4 A Yes sir.

5 Q And once you were told by ^{Older Sister} that during this alleged abuse Mr. Jones would--
6 Well, she said, I would try to leave with them-- Let me paraphrase. What she basically said
7 if any of my family members would come to the house while my mom was at work she
8 would try to leave with him, but Mr. Jones would prevent her from leaving. Do you
9 remember her telling you that?

10 A Yes sir.

11 Q And she mentioned in here, her grandfather, Ezekiel Foster, came over one time and
12 actually told Mr. Jones, I'm gonna take my granddaughter when I want to. Do you
13 remember her tell you about that?

14 A I do, yes sir.

15 Q Did you ever ask any of the family members about that?

16 A I did not.

17 Q Did you ever go speak to Ezekiel Foster?

18 A No sir.

19 Q Do you know if Ezekiel Foster was around?

20 A I'm not aware of his circumstances, no sir.

21 Q Did you get any names of any other family members that she may have informed?

22 A No sir.

23 Q But these people could have had information that would have at least corroborate
24 what she said about him not letting her go anywhere. Right?

MIKE BROWN-CROSS EXAMINATION BY MR. STALVEY

1 A I guess that's possible, yes sir.

2 Q Did you review the medical report from 2008, that showed the STD?

3 A The only documentation I had was what Ms. Foster brought to me. I did not have or
4 secure any other documents, no sir.

5 Q What was it?

6 A It was a single-page document, showing an appointment, or a visit for ^{Younger}_{Sister} dated
7 September 30 of that year. And it had some blanks handwritten, filled in, and some
8 information from the doctor that as I'm not a professional, so I could not interpret that.

9 Q Why did she bring that to you?

10 A She brought it because she indicated that ^{Younger}_{Sister} had been diagnosed with an STD at
11 that time, or when she had gone to the doctor for that visit. And since she had indicated that I
12 ask that she provide me a copy of that.

13 Q Did you ever attempt to get any medical records form the other daughter?

14 A No sir.

15 Q Did you ever attempt to get any medical records from the mother?

16 A No sir.

17 Q Did you ever attempt to get any medical records form Mr. Jones?

18 A No sir.

19 Q And if you wanted medical records form at least the mother and the daughter, the
20 other daughter, they could have signed a release and you could have gotten those easily.
21 Right?

22 A There was no indication from my interviews with either one of them that they had
23 exhibited any medical problems or had any medical problems that were of a concern.

MIKE BROWN-CROSS EXAMINATION BY MR. STALVEY

1 Q But you just testified that somehow this STD or this diagnosis of one of the daughters
2 with the STD somehow supported the fact that she had been sexually abused by Mr. Jones.
3 Right?

4 A Well, it wasn't that it supported. It was that the mother had indicated that during the
5 timeframe of the abuse of ^{Younger}_{Sister} that she had been diagnosed with an STD. It wasn't what I
6 used in my decision to recommend that we obtain warrants.

7 Q Right. But it went into your decision. Right?

8 A No sir, because I don't have a medical professional confirm whether that was a
9 correct diagnosis or not.

10 Q But you included it in your report. Right?

11 A Yes sir, I did.

12 Q So, you felt it was important to the case. Right?

13 A I knew because she had mentioned it. I thought it something that we needed to
14 confirm that she have that documentation.

15 Q Right. And you've obviously testified about it during your direct examination with
16 the prosecutor. Right?

17 A Yes sir.

18 Q So, it's fair to say she thought it was important to the case. Right?

19 A She thought it was?

20 Q The Prosecutor. She wouldn't have asked you about it on direct if she didn't think it
21 was important. Right?

22 Ms. Hodge: Your Honor, asked and answered.

23 Mr. Stalvey: I'll withdraw the question.

1 Q And if you wanted to-- Well, Mr. Jones could have given you consent to look at all
2 of his medical records. Right?

3 A Yes sir.

4 Q Well, let me back up. Isn't one way you get information about a defendant or a
5 suspect in a case with their help? But the two major ones are the person consents to your
6 searching, either their property or you get a search warrant. Right?

7 A If they don't consent we would get a search warrant. If they did consent then we
8 would ask for their signature on a consent form.

9 Q Right. So, you have those two options to get information from a suspect. Right?

10 A Yes sir.

11 Q And did you present either of those options, or did you give him the opportunity to
12 consent to turning over his medical records to you?

13 A I did not ask him for them.

14 Q Did you even ask him about any diagnosis about STDs or anything that would
15 corroborate what they had told you?

16 A I did not. At the time I interviewed him I did not have the information from the
17 mama that there was a document with any STD.

18 Q Did you go back and meet with him after you got the information about the STD to
19 talk to him about it?

20 A No sir.

21 Q And you could have done that, couldn't you?

22 A I could have made a phone call and requested, yes sir.

23 Q And he was arrested and actually in the detention center for a period of time. You
24 could have gone down there and talked to him about it. Right?

MIKE BROWN-CROSS EXAMINATION BY MR. STALVEY

1 A I could have requested to speak to him, yes sir.

2 Q If he had not given you consistent to look at his medical records, you could have
3 certainly got a search warrant to get those. Right?

4 A Yes sir.

5 Q Did you ever do that?

6 A No sir.

7 Q Detective, Ms. Foster, I'm going to show you the statement that you took from her.

8 A Yes sir.

9 Q When she first met with you and gave you this written statement did she admit to you
10 that she had stolen the money, or did she tell you that he was just accusing the money?

11 A May I? (indicating document)

12 Q Yes sir.

13 A In her statement I remember it being discussed. It says this all came up and R. J.
14 accused me of stealing some money.

15 Q Okay. So she never admitted to you she actually stole the money. Right?

16 A No sir, she did not.

17 Q Investigator Brown, you testified that you didn't look into charging the mother with
18 anything. And correct me if I'm wrong, but I think you said because the children were now
19 adults and they could decide if they wanted out of a relationship with their mother or not.

20 A Yes sir. That was part of my explanation. I never considered charging the mother.
21 My focus was on this investigation and what we needed to do for the victims themselves.
22 But those were considerations. I thought the age of the victims, the timeframe since the
23 knowledge that Ms. Foster, Tammy Foster had. And she had told me that ^{Older}_{Sister} had never

MIKE BROWN-CROSS EXAMINATION BY MR. STALVEY

1 admitted to her until a day or two before they all came to law enforcement that there had
2 been any abuse of her by the defendant.

3 Q So, she told you that the first time-- Tammy Foster, the mother, ---

4 A Yes.

5 Q ---told you the first time that she was aware of any abuse was in 2012, a couple of
6 days before she met with you?

7 A Any abuse of ^{Older Sister} She said that the physical and the medical visit took place for
8 I believe that she said she realized then there might have been some abuse and that's
9 when he was made to leave the home. But she told me that she never knew and had asked
10 ^{Older Sister} several times had anything happened with her, and each time she would say no.

11 Q But she also told you that she had let Mr. Jones back in the home after the medical
12 exam. Right?

13 A She did. Well, after some extended period of time, I think she and both
14 assumed and thought it was a approximately a-year he was out of the home, but she did admit
15 she allowed him to come back.

16 Q Did you ever consider charging the mother for anything based on that fact?

17 A I did not.

18 Q Could she have been charged with allowing somebody she reasonably thought had
19 sexually abused her child to be around that child?

20 A Yes.

21 Q What charge would that be?

22 A I would have to look at it more closely. Probably child neglect.

23 Q Do you know if she has been charged with anything?

24 A I'm not aware of anything, no sir.

BOBBY BRADFORD-DIRECT EXAMINATION BY MS. HODGE

1 Q Did you do any follow-up investigation after the summer of 2012 in this case?

2 A After September of 2012, no sir.

3 Q Thank you, sir.

4 Mr. Stalvey: No further questions.

5 The Court: Re-direct.

6 Ms. Hodge: No sir.

7 The Court: You may step down. Thank you, sir.

8 Ms. Hodge: May this witness be excused?

9 Mr. Stalvey: No objection.

10 The Court: Thank you, sir. You are excused.

11 Ms. Hodge: Your Honor, the State calls Detective Bradford.

12 **ROBERT BRADFORD III**, duly sworn, testified as follows:

13 Clerk of Court: Please state your name for the record.

14 A Robert Bradford III.

15 **DIRECT EXAMINATION BY MS. HODGE:**

16 Q Detective Bradford, where are you employed?

17 A Greenville City Police Department.

18 Q How long have you been employed there?

19 A Approximately twenty-seven and a half years.

20 Q Give us a brief rundown of the different positions you've held with the law
21 enforcement?

22 A Yes ma'am. I worked with the highway patrol for a period of time. Then I went to
23 the detective division of narcotics. Then I worked in crimes against persons, which I guess

BOBBY BRADFORD-DIRECT EXAMINATION BY MS. HODGE

1 some people would call it homicide. Then I went to juvenile, which I've been there since
2 1994.

3 Q What are the ways in which you in your capacity now pursue a case?

4 A Yes ma'am Some people-- We pursue it in several ways. We have people who
5 come directly to the police department to make reports. So, I get a call and they ask for an
6 officer to come out. We also receive reports from other places, such as Department of Social
7 Services, hospital and we also receive reports from other law enforcement agencies, such as
8 the Greenville County Sheriff's Office.

9 Q What is your jurisdiction?

10 A My jurisdiction is within the city limits of Greenville.

11 Q Do you investigate cases that are in the county but not the city?

12 A I do not investigate anything outside the city.

13 Q Did you receive this case from the Sheriff's Department?

14 A Yes ma'am.

15 Q Did you become involved in this case after receiving the reference?

16 A Yes ma'am.

17 Q What was your first step in investigating the case?

18 A Well, the first thing I did was I got in contact with the , which was ^{Older Sister} and
19 met with her and her aunt. I spoke with ^{Older Sister} to get her side of the story and to get a
20 statement from her in her handwriting.

21 Q Did ^{Older Sister} disclose sexual abuse to you?

22 A Yes ma'am, she did.

23 Q Did she say the time period that this occurred?

BOBBY BRADFORD-DIRECT EXAMINATION BY MS. HODGE

1 A The time period was when they lived at number [REDACTED] and number [REDACTED],
2 which was approximately April of 2003 to July, approximately, of 2006.

3 Q Would that have been sexual abuse within the city?

4 A That would have been within the city limits.

5 Q You said that you set up a meeting with Older Sister

6 A Yes ma'am.

7 Q And did she give you a statement?

8 A She did.

9 Q And did she write that statement or did you write it?

10 A She wrote the statement. I always get people to write, if they can write legibly, to
11 write their own statements so there will be no confusion as to what they have to say.

12 Q Did she have a chance to review that statement?

13 A Yes ma'am.

14 Q And did she have a chance to correct or make any changes to the statement?

15 A If there were any to be made she did.

16 Q After meeting with Older Sister did you get in contact with the defendant?

17 A Yes ma'am.

18 Q How did that go? Did he come down to the law enforcement center?

19 A Yes ma'am.

20 Q Did he come there voluntarily?

21 A He did.

22 Q Was he free to leave afterwards?

23 A Yes ma'am.

24 Q Was he cooperative?

BOBBY BRADFORD-DIRECT EXAMINATION BY MS. HODGE

1 A Yes ma'am.

2 Q Did you arrest him right after the statement?

3 A No ma'am.

4 Q After you met with the defendant in this case, who did you meet with after that?

5 A After the defendant?

6 Q Did you have a chance to meet with the aunt?

7 A I did meet with the aunt and I believe actually I met with the aunt on the same day
8 that I met with ^{Older Sister}

9 Q Okay.

10 A And did get a statement from her as well that day.

11 Q What did you do at that point, after meeting with the people that you've mentioned?

12 A I did meet with Mr. Jones one more time after that, and shortly after that I signed a
13 warrant.

14 Q Do you remember approximately when you signed the warrant?

15 A It was in September. I can't remember the exact date.

16 Q And---

17 A September of 2012.

18 Q Right. So, approximately how many months after you first met with them?

19 A I'm thinking it was approximately, I'm thinking, about two months.

20 Q Did you meet with ^{Younger Sister} in this case? Was she a victim in this case?

21 A She was not a victim in my case.

22 Q Please answer any questions the defense may have.

23

24

BOBBY BRADFORD-CROSS EXAMINATION BY MR. STALVEY

1 **CROSS EXAMINATION BY MR. STALVEY:**

2 Q Detective Bradford, were you aware-- You've been in the courtroom-- Were you in
3 the courtroom during Detective Brown's testimony?

4 A Yes sir.

5 Q And you heard me ask him about this medical report?

6 A Yes sir.

7 Q Were you able-- Was that ever brought to your attention while you were
8 investigating this case?

9 A That was not anything that I -- I don't ever remember talking about any type of
10 medical issue.

11 Q I understand your answer, but if you could be more specific. Did you and Detective
12 Brown ever talk about a specific medical examination of one of the daughters in this case?

13 A No, I did not talk to Detective Brown, no.

14 Q Did you talk to him about this case at all?

15 A Yeah, we did. He sent the information that started the investigation. So, we did talk
16 back and forth, but we didn't talk at length.

17 Q And he never provided you with the information about the report that showed one of
18 the daughters had been diagnosed with an STD during this alleged time of abuse?

19 A No sir, not that I can remember.

20 Q After you began your investigation, Detective Bradford, did you receive a recording
21 of a voice mail of one of the daughters in the case?

22 A I was contacted and was told there was a recording that had been left on the lady's
23 phone, a recording of my victim, ^{Older Sister} that was left on the phone.

24 Q Who were you contacted by?

BOBBY BRADFORD-CROSS EXAMINATION BY MR. STALVEY

- 1 A I believe the person who actually contacted me was a lady named Betty Staggs.
- 2 Q And she was, somehow, an acquaintance of---
- 3 A She was an acquaintance of the defendant.
- 4 Q Did you listen to the voice mail?
- 5 A I did.
- 6 Q If you could-- Did you make a recording of the voice mail?
- 7 A I did.
- 8 Q Do you have that recording with you today?
- 9 A I do not.
- 10 Q What happened to it?
- 11 A It got misplaced.
- 12 Q And did you-- Also, were you-- When you were shown the recording, it was actually
- 13 a voice mail message left on Ms. Staggs' phone and she played it for you on her phone.
- 14 Right?
- 15 A That's correct.
- 16 Q Is it fair to say it was a date on the phone when the voice mail was left?
- 17 A I didn't hear one. I was listening for the prompt. I heard the message, but I didn't left
- 18 on the phone.
- 19 Q Did you look for-- Do you know how you can look on a cell phone and see when
- 20 somebody left a voice mail?
- 21 A Yeah. I did not--
- 22 Q Did you---

BOBBY BRADFORD-RE-DIRECT EXAMINATION BY MS. HODGE

1 A I did not actually look on the phone. I listened to a recording left at a certain date
2 and time. That's the prompt that I was listening for. I don't think I actually physically
3 looked on the phone.

4 Q And you also—You spoke with Mr. Jones. Right?

5 A Yes.

6 Q Was there also a recording of Mr. Jones' interview?

7 A There was. I had intended-- We have devices to record our interviews. I thought I
8 recorded it. There is a button to push. I believe that I must have neglected to push that.

9 Q Is that just for the City of Greenville Police Department, this recording equipment
10 that y'all have for taping interviews?

11 A I don't know if the county has one or not. They can come and use ours. I mean, we
12 let them use it, but I'm not sure if they have a device like that or not.

13 Q But y'all kind of share that?

14 A Whenever they need it they are welcome to use it.

15 Q Who do they have to go through to get permission to use that?

16 A Basically they just come and we let them use it in interviewing.

17 Q Thank you, sir.

18 Mr. Stalvey: No further questions.

19 The Court: Re-direct.

20 Ms. Hodge: Briefly, Your Honor.

21 **RE-DIRECT EXAMINATION BY MS. HODGE:**

22 Q Investigator Bradford, did you feel that you needed to speak to ^{Older Sister} again after
23 listening to this recording?

24 A No.

BOBBY BRADFORD-RE-CROSS EXAMINATION BY MR. STALEY/RE-DIRECT EXAMINATION BY MS. HODGE

1 Q Is it fair to say that the recording was not important to the allegations you were
2 investigating?

3 A Correct. It didn't change my opinion one way or the other.

4 Q Thank you.

5 **RE-CROSS EXAMINATION BY MR. STALVEY:**

6 Q Detective Bradford, let's just talk about it. What was the recording?

7 A It was a recording of the person I was told was ^{Older Sister} who said, that basically,
8 you've done a good job taking care of, I believe she said, my stepdad or dad, something like
9 that. And then the young lady proceeded to sing a song.

10 Q Do you remember anything about a song?

11 A The song was, if I remember correctly, a Whitney Houston song, but I can't
12 remember which song.

13 Q Thank you, sir.

14 Ms. Hodge: One more question, Your Honor.

15 **RE-CROSS EXAMINATION BY MS. HODGE:**

16 Q Was there anything mentioned about money on that recording?

17 A No ma'am.

18 Q Thank you.

19 Mr. Stalvey: Nothing further.

20 The Court: You may step down. You may call your next witness.

21 Ms. Hodge: The State calls Freddy Gault.

22

23

FREDDY GAULT-DIRECT EXAMINATION BY MS. HODGE

1 **WILLIAM FREDERICK GAULT**, duly sworn,
2 testified as follows:

3 Clerk of Court: Please state your full name.

4 A William Frederick Gault.

5 **DIRECT EXAMINATION BY MS. HODGE:**

6 Q Mr. Gault, where are you currently employed?

7 A I am Clerk of Court for Union County.

8 Q What does the Clerk of Court do?

9 A The keeper of records.

10 Q Of all things in the courthouse?

11 A Yes ma'am.

12 Q Criminal records?

13 'A Yes ma'am.

14 Q And civil records?

15 A Yes ma'am.

16 Q In the course of your job as Clerk of Court are you required to keep copies, originals
17 and copies of indictments that are passed in criminal cases?-

18 A Yes ma'am, I am.

19 Q And if someone is found guilty or pleads guilty are you also required to keep copies
20 of their sentencing sheets?

21 A Yes ma'am.

22 Q Did the State request you to bring an indictment with a sentencing sheet to court
23 today?

24 A Yes ma'am.

FREDDY GAULT-DIRECT EXAMINATION BY MS. HODGE

1 Q Who is that in regard to?

2 A Roy Lee Jones.

3 Q Did you go to the file and pull indictment 85-GS-44-485 for the State?

4 A Yes ma'am.

5 Q Is that in relation to the State versus Roy Lee Jones?

6 A It is.

7 Q Did you make a copy of that indictment and the sentencing portion?

8 A I did.

9 Q May I see what you brought?

10 A (hands documents to solicitor)

11 Q Thank you. And did you also have it certified as a true copy?

12 A I did.

13 Q Have there been any or did you make any changes, alterations or do anything to this
14 indictment?

15 A No ma'am.

16 Ms. Hodge: At this time, we would move to admit State's Number One.

17 Mr. Stalvey: Judge, may we approach?

18 The Court: Sure.

19 (whereupon a bench conference took place)

20 Ms. Hodge: Again, I offer this as State's Exhibit One.

21 The Court: I believe there is no objection with the exception of a redaction that we
22 just discussed. The indictment will be admitted as State's Exhibit Number One, and
23 appropriate redactions will be made.

24 Mr. Stalvey: Thank you, Your Honor.

FREDDY GAULT-DIRECT EXAMINATION BY MS. HODGE

1 (whereupon State's Exhibit Number One was admitted into evidence without objection, with
2 State's Exhibit Two, redacted version)

3 Q Mr. Gault, one final question. Will you please tell the jury what the defendant was
4 convicted of, just the general charge and the date of the conviction?

5 A Yes ma'am. This was criminal sexual conduct, second degree, on the date of
6 November 21, 1985.

7 Q Thank you very much. That's all the questions that I have for you.

8 A Yes ma'am.

9 The Court: Now, ladies and gentlemen, at this point I need to give you an instruction
10 as to the evidence that has just been presented in this case. The State must prove beyond a
11 reasonable doubt with respect to the charge of first degree criminal sexual conduct with a
12 minor if there was a previous conviction for a sexual crime. This piece of evidence has been
13 introduced simply because it is a necessary element of the offense of criminal sexual conduct
14 with a minor in the first degree. It is not, however, introduced to demonstrate that this
15 witness, or, excuse me, that this defendant has a propensity to commit sexual crimes.
16 Therefore, you should not take or deduce from this evidence that the defendant is more likely
17 than not to have committed this offense. Understand that the only reason it is admitted is
18 because it is a necessary element to be proven by the State; that is, the prior conviction. It
19 cannot be considered for any other reason. And it cannot be considered to demonstrate a
20 propensity to commit a sex crime. Okay?

21 Mr. Stalvey, your witness.

22 Mr. Stalvey: I don't have any questions for the witness.

23 The Court: Yes sir. Thank you, sir.

24 Ms. Hodge: May this witness be excused?

BEVERLY PETIT-DIRECT EXAMINATION BY MS. HODGE

1 Mr. Stalvey: No objection, Judge.

2 The Court: You are excused, sir. Have a safe trip back to Union.

3 Ms. Hodge: Our next witness is Beverly Petit.

4 **BEVERLY PETIT**, duly sworn, testified as follows:

5 Clerk of Court: Please state your name for the record.

6 A Beverly Petit.

7 **DIRECT EXAMINATION BY MS. HODGE:**

8 Q Mr. Petit, where are you employed?

9 A Greenville County Sheriff's Office.

10 Q What are your duties with the Sheriff's Office?

11 A I am the sex offender registry unit coordinator.

12 Q What does that mean?

13 A That means we maintain the records for all registered sex offenders in Greenville

14 County?

15 Q Is that a State requirement and a national requirement?

16 A It is.

17 Q Who must register?

18 A Any male defendant who has been convicted of a sex crime that's listed in the statute

19 for registration.

20 Q Is criminal sexual conduct in the second degree a crime a crime that requires

21 registration?

22 A Yes ma'am.

23 Q Are you familiar with the defendant, Roy Lee Jones?

24 A Yes.

BEVERLY PETIT-DIRECT EXAMINATION BY MS. HODGE

1 Q Was he required to be on the sex offender registry?

2 A Yes, he is.

3 Q Did he register here in Greenville County?

4 A Yes, he is.

5 Q Is he currently registered in Greenville County?

6 A No, he's currently registered in Spartanburg County.

7 Q And is that a registering that is lifelong?

8 A In the State of South Carolina, yes.

9 Q How many times do sex offenders have to come in to register?

10 A Criminal sexual conduct would register four times a year.

11 Q Thank you.

12 The Court: Ladies and gentlemen, I instruct you again that this evidence again is
13 presented for the purpose of demonstrating that he is registered as a sex offender, because,
14 again, it's a necessary element for the State to prove under the statute for criminal sexual
15 conduct, first degree, with a minor. It's not introduced for the purpose of demonstrating that
16 he has a propensity to have committed sex crimes.

17 Mr. Stalvey, any questions?

18 Mr. Stalvey: Beg the court's indulgence.

19 The Court: Yes sir.

20 (pause)

21 Mr. Stalvey: I don't have any questions.

22 Ms. Hodge: May this witness be excused?

23 Mr. Stalvey: No objection.

The Court: The witness is excused. Thank you for coming. Okay, we'll take a break. I think there may be a motion with respect to the next witness. Therefore, ladies and gentlemen, there may be a matter of law I need to take up before the next witness testifies. It should be the last witness for the State, if I'm mistaken. Is that right, Ms. Hodge?

Ms. Hodge: That's correct, Your Honor.

The Court: So, we'll take a break. Please don't discuss the case. We'll be back on the record in either fifteen or twenty minutes, depending on how long the motion lasts. Don't discuss the case.

(whereupon the jury exited the courtroom for a recess)

The Court: Counsel, I understand that there are some motions with respect to the next witness, but I do need to take a break. Let's take a ten-minute break and then we'll come back in and take up this motion.

Mr. Stalvey: Yes sir, Your Honor.

(whereupon court was in recess)

COURT IN SESSION

The Court: Mr. Stalvey, you have a motion before the next witness is called to testify?

Mr. Stalvey: Yes sir, Your Honor. It's my understanding that the State intends to call Shauna Galloway-Williams, who they're gonna submit to the court as an expert. Judge, and I'm not even gonna attempt to tell the court what she's an expert in. Ms. Hodge did tell me yesterday what her description was.

Anyway, Judge, I'm gonna move-- I request that we proffer her testimony for purposes of determining if it's admissible under Rule 702. And then I'll make a motion at that time. I expect to make a motion at that time.

The Court: How long do you anticipate it will take to proffer her testimony?

1 Ms. Hodge: Fifteen, twenty minutes. I'm assuming you want her entire testimony?

2 The Court: Well, we're talking about whether she's qualified as an expert or whether
3 her opinion is based on reliable and dependable science that has peer reviewed and generally
4 accepted in the scientific community.

5 Mr. Stalvey: Judge, what I expect to be doing most of my argument about is whether
6 the science is reliable. I've looked at her resume. I can't speculate to her being an expert,
7 but I don't imagine that's going to be much of an issue. But the two, I guess, major issues
8 are going to be whether the underlying science is reliable as well as whether the court should
9 find that her testimony is beyond the scope, or beyond the knowledge of the jury, and
10 whether it's actually required to explain the facts.

11 The Court: So, it's my understanding that she's going to-- The crux of her testimony
12 is going to be that oftentimes victims of criminal sexual conduct with a minor, often victims
13 will delay their reporting and that that's not unusual. Is that the crux of it?

14 Ms. Hodge: Yes. And there's also going to be some testimony that the caregivers,
15 what their role is in that, what their role is in disclosure and why they respond. We will also
16 offer her as an expert in child sex abuse dynamics for the family.

17 The Court: The reason I'm asking those questions is I don't know if I need to hear
18 every single bit of the testimony that will be offered into evidence. I'd like to hear, have
19 proffered that testimony on those various issues which I will have to determine. And it
20 sounds to me like what I need to know is just very shortly, first of all, the credentials and the
21 credentialing process. And then in keeping with the Jones requirements, the technique to be
22 testified to established in peer review and that it is applied in this type of evidence, and that it
23 would be consistent with recognized scientific laws or proceedings.

24 So, that's essentially what I'm looking at. And that is: Is she credentialed? Is the
25 credentialing accepted? Then, is the subject matter to which she is testifying peer reviewed,

1 established and in keeping with generally recognized scientific methods? And that's really
2 what I'm looking for.

3 Ms. Hodge: Yes sir. And I would also point to the State versus White.

4 The Court: Yes ma'am.

5 Mr. Hodge: Because under State versus Jones, I believe, and I may be wrong, but I
6 believe that is for scientific evidence and this technically non-scientific evidence, it's
7 behavioral.

8 The Court: Yes ma'am.

9 Ms. Hodge: And they state, and of course, with the expert's qualifications are
10 recognized as reliable, but they do not offer the formula that they do in Jones. That was the
11 one that the dog tracker---

12 The Court: Yes ma'am.

13 Ms. Hodge: So, it would just slightly different than the Jones.

14 The Court: I'm with you. I've pulled both of them and looked at them and I have to
15 look at the testimony in view of that. And either way, I think we can be more surgical as
16 opposed to putting it all up.

17 Mr. Stalvey: Judge, and I don't know if this makes any difference, but I'm going to
18 argue during this process that it should be admitted under 403 no matter what your ruling is.
19 That's it, Judge.

20 The Court: And that's always a consideration that the court takes.

21 Mr. Stalvey: Judge, when you were going through what you expect your analysis to
22 be, if the other side, or the other factor, 702, not mentioned, it must assist the tryer of fact on
23 that. And that's going to take a little more time, too, so... Not much.

24 The Court: I gotcha.

25 Mr. Stalvey: Yes sir.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 Mr. Stalvey: Judge, when you were going through what you expect your analysis to
2 be, if the other side, or the other factor, 702, not mentioned, it must assist the tryer of fact on
3 that. And that's going to take a little more time, too, so... Not much.

4 The Court: I gotcha.

5 Mr. Stalvey: Yes sir.

6 The Court: You may call your witness, Ms. Hodge.

7 Ms. Hodge: The State calls Shauna Galloway-Williams.

8 **SHAUNA GALLOWAY-WILLIAMS**, duly sworn, testified as
9 follows:

10 Clerk of Court: Please state your name for the record.

11 A Shauna Galloway-Williams.

12 **DIRECT EXAMINATION BY MS. HODGE:**

13 Q By whom are you employed?

14 A I am executive director of the Julie Valentine Center.

15 Q And how long have you been with the Julie Valentine Center?

16 A I have worked with the Center the last ten years. I've been employed with the since
17 2007 and have served as the executive director for the past five years.

18 Q What other positions have you held there?

19 A I was the clinical director and I also worked as a contractor at one point in time.

20 Q And what is a clinical director in charge of?

21 A The clinical director supervises all of the clinical staff, and that's anyone who
22 provides therapy to children and adults in the center as well as any of their family members.

23 Q Is there a certain client base that you serve?

1 A At the Center we work with children and adults who have been impacted by abuse,
2 sexual abuse, physical abuse and neglect, or other types of trauma.

3 Q And prior to being employed with the Julie Valentine Center, can you tell us your
4 other work experience and tell us your educational background as well.

5 A I have a Bachelor's Degree in Psychology and a Master's in Counseling. I am
6 licensed as a professional mental health worker in South Carolina. I have experience
7 working with the Department of Mental Health. I worked in the Child and Adolescent
8 Services Division of Greenville Mental Health. And prior to that I worked with adults who
9 have been impacted by mental illness.

10 Q And in your working with children who have been sexually abused, does that include
11 providing counseling to them?

12 A I provide counseling as well as assessment and treatment.

13 Q Approximately how many hours have you logged in this area?

14 A In hours of treatment?

15 Q Yes.

16 A I don't know how many hours I have logged. I have provided 750 or more forensic
17 interviews throughout my entire clinical experience. I have probably assessed and worked
18 with 800 or more in addition to that.

19 Q Are you a member of any professional organizations or affiliations that deal with
20 child sex abuse?

21 A I am In addition to working at the Julie Valentine Center, I am also a member at the
22 University of South Carolina Upstate in their Child Advocacy Program. I am one of the
23 professors there. I am also the current past president for the South Carolina Children's
24 Advocacy Centers. I have served on the Silent Tears South Carolina Task Force and am also

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 a member of the Silent Tears Foundation. I also have been a board member previously for
2 the South Carolina Professional Society on the Needs of Children.

3 Q Do you attend continuing education classes, conferences, things of that nature?

4 A I do.

5 Q How about specific to child sex abuse and its dynamics?

6 A Yes. Throughout my career I have obtained more than 160 hours of skill-based
7 training. That would be training where you're not actually just receiving lectures, but you're
8 actually practicing skills and learning and doing at the same time. Additionally, I attended
9 other conferences and workshop. So, more than 125 hours of continuing education credit.

10 Q Have you done any teaching yourself, lecturing or training?

11 A Yes. As I said, as a faculty member at the University of South Carolina Upstate, the
12 course that I normally teach there is called Child Maltreatment. And I've been doing that
13 since the fall of 2013. Also, I provide training in the area of recognizing and responding to
14 child sexual abuse and reporting, interviews, dynamics of sexual abuse. Recently I've
15 provided training and instruction on the Silent Tears report and the response to that here in
16 South Carolina. I have also presented expert testimony related to child trauma as well as
17 working with those persons.

18 Q So, as part of your job as executive director do you have to stay current on issues of
19 child sex abuse, families that have been traumatized by sexual abuse?

20 A Yes. I regularly attend conferences. And also we encourage all of our clinical staff to
21 stay current with the articles as they come out. And we participate in a statewide peer review
22 as well as a national peer review.

23 Q Do you at the Julie Valentine Center provide community services as far as education
24 or outreach programs regarding sexual abuse?

1 A We do.

2 Q Tell us about the statewide initiative that you referenced, Silent Tears. What is that
3 about and what is its relation to child sexual abuse?

4 A Silent Tears is a public/private partnership funded by private donors to assess the
5 response to child sex abuse in South Carolina. It consists of interviewing front line
6 professionals who work in the field of child protection in South Carolina and creating a
7 report with recommendations of how to improve the system as well as addressing things that
8 are currently working well in South Carolina.

9 Q Have you presented to other people outside of South Carolina with regards to the
10 Silent Tears initiative?

11 A Yes. Most recently we presented to the National Association of Attorneys General
12 their national meeting about what we've done here in South Carolina and they have used
13 South Carolina as a case study for other states.

14 Q And that is specifically related to child sexual abuse?

15 A Yes. The Silent Tears initiative is specially related to child sexual abuse.

16 Q And do you stay current with the research in the field, the publications, articles that
17 come out in relation to child sexual abuse and how to deal with it?

18 A Yes.

19 Q Do you require your employees to keep up with that material as well at the Julie
20 Valentine Center.

21 A Yes.

22 Q Have you been qualified as an expert in child sexual abuse prior in court to today?

23 A Yes.

24 Q How many times?

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 A Nineteen times and always in the Thirteenth Circuit. So, Greenville and Pickens
2 Counties.

3 Q General Sessions?

4 A Yes.

5 Q And your purpose in testifying to that is on an educational basis. Is that correct?

6 A Yes. To provide education and information about child sexual abuse; how children
7 disclose as parts of that. All of those issues related to child abuse and specifically child
8 sexual abuse.

9 Q Why is there a need to educate people about that?

10 A Child sexual abuse is something that the vast majority of people will not experience
11 themselves. There are some very unique things, unique issues that relate to child sexual
12 abuse. In particular the type of abuse that happens with children, who the offenders are, how
13 the abuse happens, how children tell, why they don't tell right away. Lots of things that are
14 not common knowledge. It's not something that most people know about.

15 Q Does there seem to be constant questions of why does this happen and why would
16 somebody do that, why would somebody not report the abuse?

17 A Yes. The main question that I get asked all the time is why would a child not tell
18 right away, and why would someone do this.

19 Q Are the types of responses from children who are sexually abused counterintuitive to
20 what people who haven't been abused would think?

21 A Right. Most people would think that if someone does something that's abuse that you
22 would tell someone who do something to stop it. And if a child is being abused, if they're
23 being harmed, if something's happening to them, that they would do whatever they could to

1 stop that. There are a lot of issues and dynamics involved that would prevent a child from
2 doing that.

3 Q As far as not non-offending caregivers is there also a dynamic that revolves around
4 that when sexual abuse is committed?

5 A There is. Because one of the main things that makes a difference is most times when
6 children are abused, they are abused by someone they know, they love and they trust. Not
7 only does the child trust this person, but also family members, even the community trust
8 them as well. So, it's a very unique set of circumstances, not only for the child, but for the
9 caregiver, other members of the family, siblings. And that's where it becomes a little bit
10 more complex and sometimes needs a little more explanation to understand.

11 Q The matters that you're talking about and you will be testifying about, have these
12 dynamics been published in professional journals, trade publications and the like?

13 A Yes.

14 Q Have the articles that address this been subject to peer review?

15 A Yes.

16 Q Are they uniformly accepted and recognized within the area of child sex abuse
17 experts and professionals?

18 A Yes.

19 Q Are they relied upon for sexual abuse counseling and treatment?

20 A Yes.

21 Q And do counselors also rely on these principles in treating children who have been
22 abused?

23 A Yes.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 Q Does the Julie Valentine Center apply these same principles in treating the children
2 who come into the center for treatment?

3 A Yes.

4 Ms. Hodge: At this point, Your Honor, we would move to qualify Ms. Galloway-
5 Williams as an expert in child sex abuse study and treatment.

6 The Court: Do you have any questions specifically with respect to voir dire or with
7 respect to her qualifications? And if you don't, you certainly may preserve the same for the
8 jury if you'd like.

9 Mr. Stalvey: Judge, just so I understand your question. I think she-- I don't have
10 any questions as far as one of the three, in my opinion, one of the three elements that must be
11 met under 702. So, I mean, are we going to break up the cross-examination and---

12 The Court: You don't have to, not for the purposes of this hearing because I'm not
13 necessarily worried about it because it's not relevant to the determination ultimately that I'm
14 going to make on the issue; that is, I'm going to look at it in total. So, if you want to proffer
15 now the additional testimony that she's gonna enter, then you can do your entire cross
16 examination for purposes of this hearing at the end. Okay?

17 Mr. Stalvey: That's fine, Judge.

18 Ms. Hodge: I don't want to waste our time and let me be sure I understand what
19 you're saying, that qualification is not going to be an issue. The reliability of the subject
20 matter which is what she just testified to, I probably need to ask a few more questions
21 regarding that. Is that right?

22 The Court: Well, I don't know if I'm satisfied or not because I don't know precisely
23 what his motion is. But if I'm hearing you, if I'm hearing you correctly you want to hear
24 substantively what she has to say.

1 Mr. Stalvey: Yes sir, Judge. I mean, I understand-- First of all I don't know if I
2 could answer your question as to whether I have any objection to her being qualified as an
3 expert in child sex abuse dynamics because we haven't really talked about what child sex
4 abuse dynamics are. So, I think it would be premature for me at this time to agree to that.
5 And that's why I would prefer to just---

6 The Court: I'm not asking you to.

7 Mr. Stalvey: Okay.

8 The Court: And I don't know that you and I are going to discuss child sex abuse
9 damage that the expert has. And there's a certain degree of deference that I would give her
10 in that regard based on her education, training and expertise. So, I don't know to what extent
11 that very technical discussion is going to shed any light on the determination that I have to
12 make.

13 So, this is what I ask you: I don't want you to go into the full testimony. But the two
14 questions that I believe Mr. Stalvey is going to ask is, okay, is what she's saying about
15 delayed response, is that reliable. And then the second thing, is what she's going to say
16 about the caregiver's delayed response or is the caregiver's conduct reliable. Just ask her that
17 surgically those questions relating to delayed response and caregiver's response. And then
18 you can cross-examine. Okay?

19 Mr. Stalvey: Okay.

20 Q So, tell us about delayed disclosure.

21 A Delayed disclosure refers to children not telling about abuse right when it happens or
22 right after it happens. And that's much more common than uncommon. Most children don't
23 tell right away, whether it be a delay of a day, weeks, months, years. Many times adults tell
24 us that they never told when they were children. We know that most don't tell right away.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 And there are lots of reasons for us. The main reason that children don't tell right away is
2 because the person that's abused them is someone that they know they love and they trust.
3 And because of that it makes them very hard for them to tell. They're afraid of what's going
4 to happen to them. They're afraid of what's going to happen to that person. They're afraid
5 of the impact that that's going to have on their family, to the family member or a family
6 friend.

7 Children may have been threatened. They may have been directly threatened and told
8 that somebody will happen to them if they tell or something won't happen if they tell. They
9 may have been indirectly threatened. Sometimes children have witnessed their abuser being
10 abusive or violent with others and they in turn believe that that is going to happen to them if
11 they tell.

12 The other thing that keeps children from telling is that they often still have a loving,
13 caring relationship with the person that did this to them. Oftentimes when the abuse is
14 happening with the child, it's just one piece of that relationship they have with them and it
15 may be the most unpleasant, horrid, horrific thing about their relationship, but there may be
16 all these other things that they appreciate and enjoy about this person. In the same sense that
17 we all can have relationships with people that we tolerate one thing about them because all
18 the other things outweigh that.

19 Q And your information on delayed disclosure, is this information part of what your
20 educational training and your background is based on?

21 A Yes. In all of my training and experience delayed disclosure is referred to over and
22 over. It is referred in literature. It's much more common and it also has been my experience
23 in the work that we do. Most children who come in to see us have not told right away.
24 There's been some delayed disclosure and even with the adults that we work with. We

1 provide services to somewhere around 175 adult survivors of child sexual abuse every year,
2 and the vast majority of them are telling for the first time and never told as children.

3 Q And there's also been different studies done, there's been research conducted in the
4 field, is this something that's lectured during graduate courses that relate to child abuse, child
5 assessment, that kind of area?

6 A Yes. As part of our core training where anything related to the dynamics of child
7 sexual abuse there are lot of things to be cautioned about in going about delayed disclosure
8 and why children delay disclosure.

9 Q Then let's talk about the non-offending caregivers and how they play a role in the
10 dynamics of child sex abuse.

11 A As I said before, most times children are abused by someone they know, they love
12 and they trust. It is often someone who is also known, loved and trusted by the non-
13 offending caregiver. Many times what we see with non-offending caregivers is that they are
14 often in very challenging or impossible situations when they find out that their child's been
15 abused. In the same way that children have a hard time disclosing, non-offending caregivers
16 often their initial response is denial, to deny that it has happened.

17 Even when caregivers are being protective and supportive and believing, most of
18 them, their initial response is to deny that this happened. They just don't want to believe that
19 this really happened to their child.

20 Some caregivers are not protective. They do not believe. If this something that is
21 happening in their home they may choose not to leave and they continue to have a
22 relationship with the offender. Sometimes that's out of desperation. Many times the
23 offenders may be the sole source of income for the household and the children. It may not
24 have somewhere to live, may not have a car to drive, not having food on the table. There are

1 times when non-offending caregivers choose to continue in a relationship with the offender
2 over, you know, believing their children. There are a lot of dynamics going on like that.

3 There are two different groups that we provide to deal with those issues and one is
4 our protective caregivers group for caregivers who have been protective and believe in their
5 kids. And we have another group of help for the families where we provide education and
6 support for caregivers who may not have been protective initially. And the reason we do that
7 is we've seen so many caregivers who do not initially behave appropriate and protectively,
8 but we know that when they have skills and resources to be protective caregivers they can do
9 that and they need to choose to do that as well.

10 Q Is there research and studies that backup the dynamics involving non-offending
11 caregivers?

12 A There is. There's been research. Most of the research has been related to non-
13 offending caregivers, mothers of children who have been abused.

14 Q Are these type counseling principles and these dynamics being used by counselors
15 across the United States?

16 A Yes.

17 Q And subject to peer review. Do you participate in peer review of these type of
18 principles and dynamics?

19 A Yes.

20 Q Do you also present on this information, you personally---?

21 A Yes.

22 Q ---have done presentations on it?

SHAUNA GALLOWAY-WILLIAMS-CROSS EXAMINATION BY MR. STALVEY

1 A Yes. Actually one of the actual conferences that I just got done with, I'm working on
2 non-offending caregivers, is working with non-offending caregivers who may not have been
3 initially protective caregivers.

4 Q Do you counsel-- At Julie Valentine, approximately you counsel how many
5 caregiver groups?

6 A We facilitate-- Annually we do three family caregiver groups and three non-family
7 caregiver groups each year. And in those groups we average eight to ten participants in each
8 group.

9 Ms. Hodge: At this time, I believe that's all I have of this witness.

10 The Court: Mr. Stalvey.

11 **CROSS EXAMINATION BY MR. STALVEY:**

12 Q Now, just to narrow down what we're talking about today, the two, I guess the two
13 subjects that the State is requesting that you be qualified to are delayed disclosure. Right?
14 Isn't that one of them specifically, delayed disclosure?

15 A Yes.

16 Q And if I understand it correctly, that is basically a child victim of sexual abuse not
17 telling somebody about it because they're scared of what may happen. Is that-- I know
18 that's a generalization, but is that fair to say?

19 A Well, relating to delayed disclosure are all the reasons why a child may not tell. That
20 would be one of the main reasons, fear of what would happen to them if they tell.

21 Q And the no disclosure by a non-offending caregiver, because it's usually they don't
22 tell anybody anything, it's the kids that say something. Right? I mean, that's what we're
23 talking about, it's the parents that don't report it, the disclosure?

24 A What are you asking me?

SHAUNA GALLOWAY-WILLIAMS-CROSS EXAMINATION BY MR. STALVEY

1 Q I'm asking about-- All right. We're talking about delayed disclosure. That's one
2 specific topic. Correct?

3 A Uh-huh.

4 Q And then the second specific topic is failure to disclose by a non-offending caregiver.
5 Correct?

6 A The response by the non-offending caregiver.

7 Q Yes ma'am.

8 A Which could be-- There are multiple things that a non-offending caregiver can do,
9 yes.

10 Q Let's focus on delayed disclosure as it relates to child victims. You said that this
11 information has been peer reviewed. Can you tell me, or can you give me specific examples
12 of studies, or studies that have looked at this evidence as reliable?

13 A I don't have any here with me, but I could give you articles and studies that directly
14 relate to delayed disclosure with the full citations. It would take me a little bit of time to
15 gather that up. I didn't bring any of that with me. But during all of the training that I've
16 been to, including the 160 hours of skills training and the other CEs that I have obtained
17 those articles are on the basis of fact. Additionally, the text that I use for teaching the course
18 on child maltreatment includes information about delayed disclosure and non-offending
19 caregivers that reference these articles as well.

20 Q What text is that?

21 A The text is called Child Maltreatment and it is written by Stefanie Keen and I can't
22 remember the second author. And Dr. Keen is one of the professors at USC Upstate

23 Q Could you just briefly describe all these peer reviewers or these examiners have
24 accepted this-- Let me back up. Sorry.

1 Delayed disclosure. I'm assuming that you guys-- What-- I guess, what body of
2 information do you use to come up with the idea that children in some cases don't disclose
3 sexual abuse for whatever reason?

4 A In some of the settings the researchers have taken the participants and asked them
5 have any of them had experience in sexual abuse and then asked them questions related to
6 when they told and if they told and why or why not, what kept them from telling. Some
7 researchers will look at child abuse investigative reports and look at the time between when
8 the child was initially abused and when they reported, or when the disclosure was made.

9 So, most of the research is done by asking, asking survivors questions or asking those
10 who have now disclosed. So, most of the subjects have been known to have disclosed in the
11 past and then questioned around when they would actually do that.

12 Q At the Julie Valentine Center, do y'all keep records of all the delayed disclosure cases
13 that come into the office?

14 A We don't chart necessarily whether a child has delayed a disclosure, but we do keep
15 records on that. So, we certainly could look at all the children that have come in and then
16 look at the time period between when they were abused, how old they were when they were
17 abused and when they were actually referred to the center, and determine it that way.

18 Q And that's-- But that's not something that's actively being done at the Julie Valentine
19 Center?

20 A It's not one of the things that we track in our database. One of the first questions that
21 we ask when have a new referral that comes in is what was the age of the child when they
22 were abused and when did they disclose, or how did the disclosure come about. So, we
23 aren't tracking that information in our database, but we don't track whether the disclosure
24 was immediate or not. But the reality is most of them are not immediate. Generally, a child

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1 may make disclosure right after things have happened. If it's reported right away and they're
2 usually seen in the emergency room and they would be coming to us through a different
3 medium and we would then track it that way.

4 Q I guess the same question, but applying it to the-- Correct me if I'm wrong. I believe
5 Julie Valentine Center is associated with the National Child Advocacy Center. Is that--
6 What's the national organization.

7 A Well, there are two. We are an accredited children's advocacy center and we are
8 accredited by the National Children's Alliance.

9 Q Are you aware of any data that is kept by the National Children's Alliance that tracks
10 cases of delayed disclosure, information relating to those particular cases?

11 A Well, the National Children's Alliance does track information that we all have to
12 report to them the number of cases that we see, the type of abuse that we're seeing, the
13 information about the non-offending caregivers. I'm not sure, I'm not definite, but on their
14 website they would have resources and information where you link to information on child
15 sexual abuse. I'm sure there would be information there about delayed disclosure. But if
16 they are specifically conducting their own research around delayed disclosure, I don't know
17 about that.

18 Q Are you aware of any organization, including the National Child Alliance that have
19 found the methods that you've described on delayed disclosure, found that unreliable?

20 A Are you saying have I found any research that's been conducted that's shown that
21 that's been unreliable?

22 Q Sure.

23 A I don't know of any organizations that have done that. There may be publications or
24 there may be researchers that research that. I don't know of any off the top of my head.

1 Q Do you know of any studies that have found that there are, you know, alternative
2 explanations-- Let me simplify this. Have you ever seen any studies that explain that
3 delayed disclosure doesn't always equal child sexual abuse, that there are other reasons for
4 the delayed disclosure? Are there other reasons for the disclosure?

5 A When we're talking about delayed disclosure we're specifically talking about a delay
6 in disclosing abuse. And generally, that is related to child sexual abuse.

7 Q Uh-huh.

8 A So if you're talking about false allegations or something like that, delayed disclosure
9 is a totally different things from false allegations. So, is the question is are there other
10 explanations for why a child would make a disclosure? Is that your question?

11 Q Yes ma'am. Well, let me ask it like this: Are you aware of any cases involving a
12 delayed disclosure that were later determined to be based on false allegations?

13 A Certainly there have been cases where a child has not, where there may not have been
14 proof that a child had been abused. And statistically, two to four percent of allegations are
15 considered false allegations. The vast majority of false allegations are incorrect reports.
16 There are many more delayed reports of abuse than there is information to support that it's
17 happened than those who present a false allegation.

18 Q Does the Julie Valentine Center or the National Child Alliance keep track of cases
19 where the child may say disclosure and is later determined to be unreliable or false?

20 A We track whether children make a disclosure or not, so-- Well, we don't track in our
21 system whether it was a false allegation or not. That's not one of the things that we track.
22 We track whether a child made a disclosure of did not make a disclosure.

23 Q So, there's nothing-- Say, a child comes in, is evaluated at the Julie Valentine Center
24 and then, you know, you refer to law enforcement or DSS. And then you later find out that

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1 the child actually made up the allegations for some other legitimate reason in their mind and
2 the case was dismissed. But y'all don't keep track of that?

3 A We would note in our notes if the child had made a false allegation. If that
4 information did come about we would note that somewhere in our records. But it's really not
5 our role at the Center to determine whether a child has made a false allegation or not. We
6 firmly believe it's our role to gather information and report that, report what the child has
7 said and to work with our teams to make recommendations. It's law enforcement and DSS's
8 response to determine whether that is-- It's not our role to determine whether the child is
9 telling the truth or not.

10 Q Do you personally keep track of any of these types of cases where in your
11 experience, whether it's the Julie Valentine Center, through your work, through your
12 previous counseling, where a child has made a, where a child has been evaluated, disclosed
13 sexual abuse, and it's later determine that that disclosure was unreliable or it was a false
14 allegation? Do you personally keep track of any of that stuff outside of the Julie Valentine
15 Center?

16 A No.

17 Q Okay.

18 A All of the data, the statistics that I keep are part of my work there. So, everything is
19 collected there.

20 Q Okay.

21 A My personal experience, I've had more children who have initially denied abuse and
22 then confirmed abuse later than children who have totally fabricated an abuse scenario.

SHAUNA GALLOWAY-WILLIAMS-CROSS EXAMINATION BY MR. STALVEY

1 Q Are you aware of any cases where the child has come in, denied abuse, then after
2 being evaluated, admits that there's been some abuse. And then later it turns out it was false
3 to begin with?

4 A I've not had that experience. The experiences I've had have been with children who
5 come in and deny it's even happening; then they come in what's happened and they've
6 actually been abused.

7 Q So, you're not aware of any cases that the Julie Valentine Center or National Child
8 Alliance or any other data base or organization that keeps this type of information of any
9 instances where they come in, deny the allegation, later admitted that there was some abuse,
10 and then again came back and it turned out to be false?

11 A I'm not saying that hasn't happened before. I've not had that in my experience and
12 it's really not the general experience. That's not generally how, in my experience, or in the
13 research or in my work. That's not been the case.

14 Q So, you don't track cases as they go through the court system. Right?

15 A We do do specifics on the number of our cases that go to trial and what the outcome
16 of them is, yes.

17 Q What—

18 A At the Julie Valentine Center I last year saw 850 cases.

19 Q Okay. Do you know any statistics as to how many, you know, what happened when
20 they went through the court system?

21 A I don't have that with me.

22 Q What about cases that haven't actually gone through the court system that were just
23 referred to law enforcement or DSS?

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1 A We track what happens to it, whether it is closed by law enforcement or the
2 Department of Social Services, if it's a founded case; is the case still pending or awaiting
3 trial; was there a plea in the case; did it go to trial; was there a just verdict, a non-just verdict,
4 a mistrial. We track all of that in our database. And the purpose of that is, you know, passed
5 on to our national accredited advocacy center. We have to track that kind of information.
6 We have to report that, not only to the National Children's Alliance, but to our funders.

7 Q And again, generally speaking, wouldn't you agree that the only cases that-- The
8 cases that you see involving child sexual abuse, those are not the only cases of child sex
9 abuse out there. Right? I mean, there's probably-- Well, I'm not going to say that; you
10 could.

11 But, I mean, the only way you know that child sex abuse has occurred or you believe
12 it has is the child actually has to come to you or it's reported to you by law enforcement.
13 Right?

14 A Right. And when the report's made we don't know if the child may have been
15 abused.

16 Q Right. But there are other cases out there where reports aren't made. Right?

17 A Yeah. We know that there are lots of cases out there where reports aren't made.

18 Q How do you know that?

19 A Well, we know there are a lot of cases where reports aren't made right away. And
20 again, if we look at the research on adults who have survived childhood sexual abuse, we
21 know that many of them never reported and nothing was done with their cases. So, that's
22 what I base that on, or we base that on.

23 Mr. Stalvey: I don't have any further questions.

24 The Court: Do you have a motion at this time?

1 Mr. Stalvey: Yes sir, Your Honor.

2 The Court: I'll be happy to hear it.

3 Mr. Stalvey: Judge, based on the testimony that's been given, it is our position that
4 this witness should not be allowed to testify as an expert in the area of child sexual abuse
5 dynamics. Judge, there are no-- She says under Jones that there are four factors that must
6 be present to establish that the underlying science of the topic that the witnesses have
7 testified to is reliable.

8 Judge, I've heard about peer reviews, but there have been no specific examples.
9 We've heard in the peer reviews that they're supposed to determine that the method is
10 reliable if its accepted under scientific topics. We've heard that they are, but when I asked
11 her she didn't provide necessarily examples.

12 I'm not sure that there's been testimony as to how this method has been applied.
13 There have been no statistics that have been testified to. They only kept statistics of when
14 there's been disclosure and how it's turned out. And I may have specifically asked, I thought
15 I did, that you keep track of when there's been a disclosure and it's later turned out not to be
16 valid, which could be the disclosure was made and it was later turned into well, the child was
17 just making it up, or may have been involved in a custody dispute. But that information is
18 not being tracked or kept by the Julie Valentine Center or the National Children's Alliance.

19 Which goes into the third factor. I mean, there's no quality control. At least there's
20 been none that has been testified to in this case. And I don't know that there has been a
21 scientific method that has been testified to determine that any of this is reliable.

22 I mean, there's really no way of figuring that out because as the witness testified, I
23 mean, the only cases of sexual abuse that they see, unfortunately, are the ones that get
24 reported. And I think her testimony was that there are many more out there.

1 So, it's an unreliable, I guess-- I mean, they're not getting all the information that
2 would needed to make this a truly valid application.

3 The Court: Okay.

4 Mr. Stalvey: Judge, so that's the main-- I mean, I could get into the other aspects.
5 We've got our testimony this case so far that the kids say they didn't want to disclose it
6 because they were afraid they were gonna be taken away from their mom.

7 I don't know if the record will reflect this, but the two daughters got up there and
8 testified and were very emotional, said that they didn't say anything because they didn't want
9 to get their mom in trouble. The mother got up there and testified to that.

10 Judge, I don't think this witness' testimony that the reason kids don't disclose this
11 information, I don't think that will assist the tryer of fact to determine whether, or determine
12 a fact because they've already testified to why they didn't do it. And I think their testimony--
13 I mean, the jury could see them. They were upset about it. I mean, I think the jury can
14 determine whether they were telling the truth or not. Which gets into not for the proof

15 Your Honor, all this witness is gonna do, especially if she's qualified as an expert is
16 bolster the testimony of the daughters, and of the mom, possibly. I understand that she's not
17 gonna say in her opinion they're telling the truth, or this is why they didn't tell anybody
18 about them being abused until 2012. But, I mean, essentially, that's what is gonna happen.
19 And I mean, that's extremely prejudicial to my client and it's not necessary.

20 Judge, I don't know if I mentioned that the case that I was gonna bring up, back to the
21 702 analysis as far as this information assisting prior fact, it's Watson versus Moore. And in
22 that case, the Supreme Court said the trial court must find that the subject matter is beyond
23 the ordinary knowledge of the jury, thus requiring an expert to explain the matter to the jury.

1 What she's gonna testify to is not beyond the ordinary knowledge of this jury. It's
2 clear. They understand that these kids don't want to be taken away from their mom, and that
3 their mom knew about the abuse. They told their mom that he sexually abusing them. I
4 mean, that's not gonna help them.

5 Judge, based on all that, I ask that you not allow her to testify as an expert witness.

6 The Court: Ms. Hodge.

7 Ms. Hodge: I'm not really certain how to respond to the positions Mr. Stalvey has
8 taken. But as far as the reliability of the information, I believe the witness has stated as
9 information the college courses that she teaches, there's data, there's research she uses and
10 relies on. Her knowledge and ability are based on cases of actual survivors and studies of
11 non-offenders. There is ample evidence out there. It is widely accepted across the country.
12 It is admissible in court. Our Supreme Court has held it's admissible in State versus
13 Lieberling, the overriding case here for relying on experts, that they can come in and testify
14 to the behavioral evidence. As I stated in State versus White, the criteria for determining is
15 slight different than Jones because this is non-forensic evidence. There are factors that they
16 lay out that are laid out here. That information has been tested in articles in journals and by
17 professionals around the country and in state courts, in our state courts.

18 I do believe that it is something that is outside of the scope of the jury's common
19 knowledge. When we asked in voir dire if anybody had anybody had been a victim or a
20 family member or a suspect accused of, no one in the courtroom raised their hand, which at
21 first glance, I found somewhat odd. But, nonetheless, these people apparently don't have any
22 personal knowledge of this.

23 Time after time after time as the witnesses stated, the main question people want to
24 know is why, why did those kids not tell, why didn't tell a teacher, why didn't they tell their

1 dad, why didn't they tell their best friend. People don't understand unless they've been
2 through it. And I feel like her testimony will aid them in understanding why these girls were
3 in this scenario for such a long time.

4 And I think the bigger question here really is why this mother acted as she did. That
5 is against all common intuition for mothers. A general mom would say I would never let that
6 happen. And I think that Ms. Galloway will be able to educate them on that and let them see
7 that this does happen, and there are reasons for this. While this jury may not think that way,
8 it does happen and there is research to report that.

9 And for those reasons, plus the state's testimonials, it comes down to the state's
10 words versus the defendant's words, I believe that this information is relevant and that it
11 needs to be used to determine the issue.

12 The Court: I'll allow the testimony. I find that generally speaking the state of South
13 Carolina has accepted that expert testimony and behavioral evidence are admissible in cases
14 of this nature. The Court must look at and determine whether its probative value outweighs
15 its prejudicial effect. In this instance I find specifically that it does and there's no violation
16 of Rule 403.

17 Certainly the evidence is limited by Cromer which suggests that she can't be used to
18 bolster the testimony of the victims in this case. And based on what I have heard thus far, the
19 testimony that will be offered by the expert is not as a fact expert commenting on the
20 credibility of the victims, but rather offering expert testimony relating to delayed reporting
21 and caregiver reporting, which I find is outside of the common knowledge generally in the
22 public and the jury pool.

23 I also will tell you that the proposition that this isn't scientific testimony is well-
24 received. But even if of course you consider this scientific within the ambit of a academic

1 discipline and you review it in accordance with the holding in Jones, I think that there is
2 sufficient publications and peer reviews which is evidenced by the fact as part of an
3 academic curriculum which teaches this field of study.

4 And also that the methods have been applied at this time, that's evidence that the
5 method is consistent with the recognized scientific laws or academic disciplinary laws or
6 proceedings that are routinely applied to this field of study.

7 I think the questions that were posed suggest that perhaps the methodology should be
8 perfect. That's not the analysis because in any field of science or academic knowledge there
9 must be a certain tolerance for imperfection, and we all acknowledge that.

10 The threshold issue is reliability. And I find in this instance there is a threshold
11 reliability that would give this court reason to believe that she's qualified to testify in the
12 particulars of which her testimony has been offered. The questions that were posed to her I
13 think are appropriate to determine whether in fact she as a witness is credible and goes to the
14 value of her testimony to the jury.

15 Therefore, for all of those reasons I will allow the testimony and accept her as an
16 expert witness when appropriately offered on the record.

17 Mr. Stalvey: Your Honor, I meant to put this on the record, but I forgot to.

18 The Court: Yes sir.

19 Mr. Stalvey: Judge, I would ask that you-- I understand your ruling. I just ask that
20 you reconsider modifying the ruling to allow her to only testify to the delayed disclosure of
21 the children and not to testify to the failure of the mother to disclose it. I think the mother—

22 First of all-- And I think it's certainly relevant, but the mother has testified to that. I
23 think those are two separate issues that should be, require different analysis. And I ask that
24 you consider that.

The Court: You repose that objection because based on what I've heard from the proffered testimony is, at the Julie Valentine Center, they're concerned with all of the above. If in the questioning the jury there seems to be a cap; that is, the response, or the delayed response of the caregiver is outside the purview or ambit of the Julie Valentine Center or this witness' expert testimony, then I'll entertain that.

I remember, or I believe I remember the expert testify that that was in the ambit of the, or the scope of the expertise. Okay? So, you repose that because it may be that I'll hear it later on. It may be that she may testify in that particular that I remember. So, you propose it at the time. Okay? That is, when she is offered an expert in that particular field, or when she offers that testimony into the record. Okay?

Mr. Stalvey: Yes sir, Your Honor.

The Court: Let's take a five minute break and then we'll come back and proceed with the testimony.

(whereupon court was in recess)

COURT IN SESSION

(whereupon jury entered the courtroom)

The Court: Ladies and gentlemen, I apologize to you for making you wait so long, but I had to have a hearing and hear some testimony so I could determine what was best and what wasn't. In the final analysis it will speed us up and let us work a little more efficiently through the testimony that you will receive through the next witness.

So, having said that, Ms. Hodge, your witness.

Ms. Hodge: The State calls Shauna Galloway-Williams.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 **SHAUNA GALLOWAY-WILLIAMS**, duly sworn, testified
2 as follows:

3 Clerk of Court: Please state your name for the record.

4 A Shauna Galloway-Williams.

5 **DIRECT EXAMINATION BY MS. HODGE:**

6 Q By whom are you employed?

7 A I am executive director of the Julie Valentine Center.

8 Q What is the Julie Valentine Center?

9 A The Julie Valentine Center is a child abuse and sexual assault recovery center which
10 serves Greenville and Pickens counties.

11 Q And how long have you been the executive director?

12 A For five years.

13 Q What are your duties as executive director?

14 A As executive director I am responsible for all of the day-to-day operations. I oversee
15 the administration of the organization. In addition I provide clinical supervision of our
16 clinical staff which includes forensic interviewers, counselors, advocates, and case managers.

17 Q Had you been employed in other capacities before this?

18 A Prior to become executive director I was clinical director which included oversight of
19 the clinical program and providing more direct service, meaning that I provided counseling
20 services to children and families.

21 Q What is the client base or the type of people that you serve?

22 A We provide services to children and families, adults who have been impacted by child
23 abuse and neglect. That can include physical abuse, sexual abuse, neglect, or witnessing
24 trauma.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 Q What is your educational background and your other work background?

2 A I have a Bachelor's Degree in Psychology and a Master's in Counseling. I have
3 worked as a counselor for the State of South Carolina. I have been working with children
4 and families for the past thirteen years, particularly working with children and adolescents
5 and their caregivers. Prior to that I worked with adults through my experience with the
6 Trident Mental Health Commission. I have been working with the Julie Valentine Center. I
7 have been the forensic interviewer, clinical director, and now executive director.

8 Q Do you also have another job as well?

9 A I do. I am also a faculty member at the University of South Carolina Upstate in their
10 child advocacy program.

11 Q Is that an undergraduate degree program?

12 A It is, working in a child advocacy setting. And the course that I primarily teach is a
13 course called Child Maltreatment.

14 Q Are you affiliated with any professional organizations that deal with child sexual
15 abuse treatment?

16 A Yes. Are you a member of any professional organizations or affiliations that deal
17 with child sex abuse?

18 A Yes. I am a board member with the network of South Carolina Children's
19 Advocacy Center. I am the recent past president on that board. I have also served on the
20 South Carolina Professional Society on the Needs of Children as a board member. I am also
21 a member of the Silent Tears Task Force as well as Silent Tears South Carolina.

22 Q Do you and your staff at the Center, do you have to keep up with continuing
23 education seminars, conferences, courses?

1 A Yes. As part of my licensure I am required to attend continuing education seminars,
2 as well as all of our employees at the Julie Valentine Center. During my professional
3 experience I have attended more than 160 hours of skill-based training related to child abuse
4 dynamics. And also 126 or more hours in continuing education related to child abuse
5 treatment and dynamics.

6 Q Have you personally taught any courses dealing with the treatment of child sex
7 abuse?

8 A In addition to teaching at the University of South Carolina Upstate I also have
9 provided training locally, statewide and nationally. Most recently our group went to the
10 National Association of Attorneys General Volunteers, which was a statewide meeting,
11 dealing with response to child sexual abuse in South Carolina. I've also taught a course on
12 how to respond to child sexual abuse. I've held a number of conferences, state conferences
13 with the South Carolina Coalition Against Domestic Violence and Sexual Assault, a
14 conference in Charleston dealing with child sexual abuse, worked with people working at
15 children's center. I have presented to the school district of Greenville County on how to
16 respond to child sexual abuse in an educational setting, training more than 700 of the
17 employees of the Greenville County. I've also presented on general dynamics of child sexual
18 abuse, working with non-offending caregivers of children of sexual abuse and expert
19 testimony related to that trauma.

20 Q I believe you said earlier that you also worked with counselors who counsel victims
21 of sexual abuse?

22 A Yes. And I still do, facilitate a group for non-offending caregivers as well.

23 Q Tell us what is a non-offending caregiver.

SHAUNA GALLOWAY-WILLIAMS-DIRECT EXAMINATION BY MS. HODGE

1 A A non-offending caregiver is a caregiver of a child who has been abused, but they are
2 not actually the caregiver who abused the child.

3 Q And there is professional counseling for that?

4 A Yes, we have two groups at our center, one for non-offending caregivers and one for
5 protective caregivers. And the counselors work with them to teach them to respond
6 appropriately to children when they have been abused. And we have another group which is
7 for caregivers who may not have initially responded appropriately initially, been supportive
8 or believed their child to help with that relationship.

9 Q How many people do you counsel in the non-offending caregiver groups?

10 A I've been working with those groups through the Julie Valentine Center for
11 approximately ten years. And we provide three sessions for that a year, and there's
12 somewhere between five and eight individual groups, with varied numbers in the groups,
13 which are not continuous groups, but set us as needed.

14 Q As part of the services of the Julie Valentine Center, do you provided education and
15 outreach to the community regarding child sex abuse?

16 A We provide education through the center at the school district. We provide
17 educational programs to the students as well as the faculty there. I am also working with
18 local colleges and universities in offering the opportunity to learn about it.

19 Q Do you keep up with the research in your field, articles, studies, publications, journals
20 and the like?

21 A Yes.

22 Q Is that part of your job and also your staff's job?

23 A Yes.

1 Q Have these articles and research, have you used that as the basis for treatment that
2 y'all provide for children of sexual abuse and non-offending caregivers?

3 A Yes.

4 Q And those principles that you rely on, are they nationally accredited?

5 A Yes.

6 Q Are they taught in colleges and university settings?

7 A Yes.

8 Q And have they been recognized by other child sex abuse professionals and other
9 social workers?

10 A Yes.

11 Q Are those principles regarding child abuse used in counseling settings and in the
12 treatment of children who have endured sexual abuse?

13 A Yes.

14 Q Can you tell us in your contact with children of sexual abuse, is the context out of the
15 norm of what an ordinary person who has never been abused may be able to understand?

16 A Yes.

17 Q Why is that?

18 A Because the vast majority of people have not experienced this themselves. They may
19 know someone who has been abused. The vast majority of people don't have that
20 experience. And the way child sexual abuse affects a child and a family would be hard for
21 them to understand.

22 Q Can the response of children and adults be counterintuitive to people who have not
23 had that experience?

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1 A Yes. A lot of times the response that a child has or a lack of response, or not respond
2 at all is hard to someone else to understand.

3 Q And in your experience a child who has been abused but doesn't tell their caregivers,
4 is it hard for the caregiver to understand why children don't report the abuse?

5 A Yes. The question always is why didn't they tell right away; why didn't they tell me;
6 why didn't they tell someone else.

7 Q And what is that called, what is the terminology for that?

8 A We refer to that as delayed disclosure. Children don't always tell right after or years
9 after the abuse occurs. It may take weeks, months, years, and many children never tell. And
10 that is referred to as delayed disclosure.

11 Q The non-offending caregiver, we touched on that briefly. But what is that concept in
12 regard to the child sex abuse dynamic?

13 A What makes that unique or difficult actually is a lot of times children are abused by
14 someone they know, they love, and they trust. It's not always someone that they know, they
15 love and they trust, but their caregivers often know, love and trust this person. It may be
16 someone who lives in the home with them, and someone that the family relies on. And so the
17 response, or the initial response of the caregiver is not always exactly what we think their
18 response should be or would be in that situation because there are so many other factors at
19 play.

20 Ms. Hodge: At this time, Your Honor, we would offer Shauna Galloway-Williams as
21 an expert in child sex abuse dynamics.

22 Mr. Stalvey: Judge, I would renew my previous objections under Rule 702 as well as
23 Rule 403 of the South Carolina Rules of Evidence.

1 The Court: I overrule the objection and declare the witness as an expert witness.

2 Ladies and gentlemen, I told you yesterday, I believe, what an expert witness is and the
3 reason why someone would be qualified as an expert witness. I just remind you that an
4 expert witness' testimony is not preferred over any other witness' testimony. You would
5 view it just like any other piece of evidence and decide what weight and what value it has.

6 You may proceed.

7 Ms. Hodge: Thank you, Your Honor.

8 Q Let's go a little bit more into delayed reporting. Can you educate the jury about
9 delayed reported and the reasons why that is common or uncommon in child sex abuse
10 cases?

11 A Really, it's more common for children not to report right away or to delay disclosure.
12 And one of the main reasons for that is because the person that's abusing them is often
13 someone who, as I said, that they know, love, and trust, that the child know, loves and trusts.
14 Children often fear what's going to happen to themselves or the other person if they tell.
15 And they also fear what's going to their family, to their other caregivers, to their siblings, if
16 they tell. Children may have been threatened. They may have been directly threatened and
17 told that something's going to happen or that something will not happen if they tell.

18 But children may have also been indirectly threatened. They may have seen the
19 person that has abused them abused someone else or do something to someone else. And
20 that may, you know, cause them to be fearful about telling.

21 The other thing that may cause the child not to tell is related to that, having a
22 relationship with the person who abuses them. They no longer trust this person. The abuse
23 itself may just be that one thing that they don't like about that person. This may be the
24 person that gives them the most attention, that spends the most time with them, that provides

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1 support to the family. And giving up all those things sometimes outweighs telling, and the
2 risk of telling someone.

3 Q / Is it a factor where the children report or don't report the abuse that the perpetrator is
4 maybe a family member, someone close to them, someone living in the home?

5 A Yes. That definitely has an impact because that may be someone that they are very
6 close to, that someone else in the family is very close to. It may be someone that may be
7 someone the family is dependent upon. This may be the one person in the family that pays
8 all the bills, that provides a roof over the family's head, a car to get them to and from where
9 they need to go. And children sometimes know that if they tell that there is a risk of losing
10 those things. They fear if they tell that if those things will go away.

11 Q And are there feelings within the child themselves about telling, such as shame, or
12 guilt that they have been abused?

13 A Yes. Children, when they're abused often feel responsible for the abuse in some way,
14 even though it's not their fault. Children may often feel that they have done something that
15 caused this to happen. Young children are very ego-centered; they think everything is about
16 them, that the world revolves around them, and that they may have had some influence in
17 what has happened. They may also be really embarrassed and ashamed to talk about it.
18 Most of us are uncomfortable talking about sexual behavior and unpleasant sexual
19 experiences. You know, for a child who is not really accustomed to talking about sex at all it
20 can be really, really embarrassing and shameful to talk about sexuality, specifically when it's
21 something that they didn't want to happen.

22 Q Now, with disclosure of sexual abuse is there a timeframe from your experience
23 you've seen-- Are there short timeframes of disclosure, long timeframes?

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1 A Yes. I mean it can go across the board. There are some children who tell what has
2 happened right away. We don't see that very much. Children may wait a couple of days, a
3 couple of years, or they may wait weeks. And then there are many adults who keep that
4 secret for most of their lives and never tell anyone. Many of the adults that we treat at the
5 Julie Valentine Center are telling someone for the very first time when they come and see
6 one of our therapists and that is the first time they have told anyone that it happened.

7 Q Now, in your experience, is it common or uncommon for children to be abused by a
8 family member, and what would be the reason or rationale behind that?

9 A It is more common for children to be abused by a family member or someone that's
10 known to them. You know, a lot of times offenders are developing and cultivating trusting
11 relationships with children; they seek out access to children. And they do that through their
12 relationships with children in a family, youth service organizations, places where they have
13 access to children.

14 Q Would you say that this is a secretive type of abuse?

15 A Yes. Sexual abuse occurs in secrecy. I mean, it's not something-- Again, most of us
16 don't talk about sex in general. In particular, sexual abuse where someone is taking
17 advantage of someone else, where an adult is taking advantage of a child, where a child is
18 afraid of what's happening. For young children, they don't even have words to describe
19 what's happening. A lot of children don't even know. They know that something has
20 happened to them, it's wrong, a private thing, but they may not yet have knowledge or
21 understanding and words to be able to say this is what's happened to them.

22 Q What about adolescents or teenagers?

23 A Well, again, those who are younger when they are abused younger, into their
24 adolescent years, it generally not that common for them to really grasp and begin to

1 understand what's happened to them. Sometimes teenagers will tell then because they have
2 gained understanding of what's happened. Sometimes for teenagers, it makes it even harder
3 for them to disclose or to tell because they feel so responsible and guilty and ashamed of
4 what's happened. As teenagers they're reaching puberty and adolescence, becoming aware
5 of the sexuality in their body and it often makes it harder for them to tell someone what's
6 happened. That shame, responsibility and guilt often becomes much stronger during those
7 teenage years.

8 Q I think you mentioned in a response to an earlier questions about the perpetrator being
9 a family member and they're building a relationship. What types of things would they do to
10 try to gain access or to be able to accomplish the sexual battery?

11 A We refer to that as a bringing behavior, where they're bringing or testing the waters
12 or making the children more comfortable with abuse. And so with that they may provide the
13 child with special attention. They may give the child special gifts. They may give the child
14 privileges that they may not have given them before. They oftentimes really work hard in
15 developing that trusting relationship with them.

16 And so, the abuse may not be something that happens right away and it may progress from a
17 certain type of attention to something more-- It may progress from being, you know, a touch
18 on top of their clothes to something under the clothes, to full intercourse later on once they
19 have tested the waters and seen how far that they can actually go and what kind of trust they
20 can gain with the child.

21 Q What can finally bring disclosure about? Is there a scenario where a child can start to
22 feel that they can maybe can tell they've been sexually abused?

23 A Sometimes children purposely disclose. They make a conscious effort to tell
24 someone what's happened. They may reach a point where they have a trusting enough

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1 relationship with someone that they can tell that person what's happened. Sometimes
2 children become angry and intolerant about what's happening and then they finally tell
3 someone, find someone that they trust that they can tell. Sometimes it just takes someone
4 asking them the question. There may be a behavioral change or a mood change or something
5 that a caregiver or a teacher or someone notices and they finally just ask them what's going
6 on with you and the child will tell.

7 Sometimes children will tell to protect others in the family. They may keep it a
8 secret to protect the family and keep the family together. They may sometimes tell to protect
9 other members of the family. For instance, if one's being abused and younger siblings are
10 reaching the age that the abuse started with them, they may see that and tell that they don't
11 want that to happen to the other child.

12 Q Should there be some type of a support system in place for a child to be able to
13 disclose comfortably?

14 A We always, you know, with the education techniques, and the basics of all that, when
15 we're talking with parents and those who work with children is that you always keep the
16 lines of communication open so that if something were to happen to your child whether it's
17 abuse or bullying or anything happening with them, they feel comfortable enough to come to
18 you and talk. If not you, then you give them access to people they feel they can tell.

19 Q In your experience, what if a child tells a parent and then a parent doesn't do anything
20 about it, is that something that's common. Have you had that experience?

21 A We do see that happening. That's why we have the two different caregiver groups
22 that I mentioned earlier. Because we see that many parents, their initial response is not an
23 appropriate one. Sometimes when parents are told that their child is being abused, most
24 parents are in denial initially, that initial feeling is I cannot believe this happened to my child.

1 And then a lot of parents will appropriately respond and they will realize that my child is
2 telling me something that has happened, I need to make a report.

3 But sometimes parents get stuck in that denial and disbelief and they don't believe
4 their children and they don't make a report and don't do anything. Sometimes parents do
5 believe their children, but they don't have the resources or knowledge or skills or ability to
6 do anything about it. Again, in the same way that a child may not tell because they realize if
7 they tell, this person is the only person taking care of all the bills and the household, and we
8 may lose everything if I tell and this person leaves. The caregiver may be thinking the same
9 thing.

10 And when they're looking at needs, the basic needs of their kids and their family
11 versus losing that, making a report, sometimes the basic needs override telling, even though
12 that may not be the most appropriate first response. So, if they do see that happening and
13 there's every reason world why they have that feeling. And we see it often enough that we
14 know that if they have the appropriate education, understanding and resources that they can
15 make appropriate decisions for their family.

16 Q I guess this might be part of the delayed disclosure part. Is there something also
17 called piecemeal disclosure?

18 A Well, piecemeal disclosure refers to children not telling everything right away. We
19 know that most of the time when a child discloses abuse they may not tell us every, single
20 detail right away. They may tell us a little bit, test the waters, see how we react, then they
21 tell us a little bit more. The child who experience chronic sex abuse or who may be abused
22 multiple times, they may tell us about one incident, maybe tell about another. It may be that
23 it's not all coming out at one time. And they may not remember every, single detail about

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1 every abuse incident. Just as we may not remember every single detail about every sexual
2 experience that we've had, whether they were good or bad or otherwise.

3 Q And if the child had initially stated something was messing with them to a parent and
4 the parent continued to let the offender stay in the home, would that have almost a hushing
5 effect on the child telling any further at that point?

6 A Yeah. A lot of times that initial response to when a child tells is going to make all the
7 difference in the world. And so, if a child tells someone and nothing is done about it, a lot of
8 times that keeps a child from telling anyone else. It may be really telling the child that I
9 don't believe you, I'm not going to do anything about it. And so, a lot of times children may
10 recant their statement, they may take it back if they're not supported and believed. Or they
11 may just continue to endure what's happening because they don't believe that anything is
12 going to change.

13 Q And the thought of telling someone else would not be as appealing to them at that
14 point?

15 A A lot of time when a child is taking the risk to tell one person and that one person
16 didn't do anything to protect them, it's not likely they're going to tell someone else or it's
17 going to be even harder for them to tell. When we're educating we tell them that if a child
18 tells you that they've been abused you may be the only chance that that child has for the
19 abuse to stop. Because if the child is not encouraged to do that, if the response is not an
20 appropriate one, then they may never tell again.

21 Q On a lit bit lighter note, what do you and your staff at the center do to help with the
22 healing process?

23 A We provide individual and group therapy for children and adults and their caregivers
24 who may have been sexually abused. And we use evidence-based treatments that really have

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1 shown that children and adults can recover and can heal and move beyond their abuse and
2 not let that hold them back.

3 Q Thank you. Please answer Mr. Stalvey's questions.

4 **CROSS EXAMINATION BY MR. STALVEY:**

5 Q Did you ever meet with Tammy Foster, who is the mother of the two daughters in this
6 case?

7 A Not that I'm aware.

8 Q Have you met with any of the witnesses in this case?

9 A No.

10 Q Have you talked to any members of law enforcement about this case?

11 A No.

12 Q When did you first become aware of this specific case?

13 A When I was contacted by the Solicitor's Office?

14 Q When was that?

15 A Uh....

16 Q Just approximately.

17 A I believe about a month ago.

18 Q In your experience is medical evidence an important factor in evaluating cases of
19 sexual abuse?

20 A In most cases of sexual abuse there is not any medical evidence. Nine times out of
21 ten, the medical exam is conducted following a disclosure. The reserve---

22 Q What-- I'm sorry. I didn't mean to interrupt. Go ahead.

23 A The reserve memory is-- In many cases, the child, even if there has been injury to the
24 genital area that may have healed by the time that the exam is conducted. There are also

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1 times when children are abused and the abuse will not leave a lasting medical injury.

2 Fondling, oral sex, those kinds of things wouldn't likely leave a medical injury or finding on
3 the child.

4 We provide medical exams at our center. The primary purpose of that is to ensure
5 health and wellbeing of the child.

6 Q But what if you were aware that there was medical evidence that supported the
7 allegation of sexual abuse. You'd want to know that. Right? I mean, you'd want to know
8 more about it, wouldn't you?

9 Ms. Hodge: I'm going to object to this line of questioning. I'm not sure it's relevant
10 to this witness.

11 The Court: I'll overrule. Ask the question.

12 Q You said-- You answered the last question when I asked is it an important factor and
13 you said, well, you know, it's usually not present. I know I'm generalizing and over-
14 simplifying that.

15 But what if you were aware if it was present. Wouldn't that be something that you
16 would want to look at further? I mean, if you were aware that there was something present,
17 wouldn't you want to get the medical report or something like that?

18 A For purposes of?

19 Q Your overall assessment of whether the allegations are reliable.

20 Ms. Hodge: Your Honor, I'm going to have object again. That's not any part of her
21 job, position. Hers is more towards investigation and charging.

22 The Court: I'll sustain as to whether she would want it for purposes of reliability.

23 You can ask the question if she would want to see those in her role as a counselor.

24 Q Would you want to see those in your role as a counselor?

1 A If there were-- If there were a medical exam and if they were, if they'd had a
2 medical exam, then, yes, that would be part of our record at the Julie Valentine Center and it
3 would be part of what the information we would look at, but not for the determination of
4 reliability.

5 Q Thank you.

6 Mr. Stalvey: No further questions.

7 The Court: Any re-direct?

8 Ms. Hodge: No sir.

9 The Court: Thank you for coming. You may step down. Anything further from the
10 State?

11 Ms. Hodge: Nothing further from the State other than may this witness be excused.

12 The Court: Any objection?

13 Mr. Stalvey: No objection.

14 The Court: Thank you, ma'am. You are excused.

15 Ms. Hodge: Your Honor, at this time the State would rest.

16 The Court: Ladies and gentlemen, the State has rested which means that they have
17 called all their witnesses and have put into the record all the evidence they intend to put in at
18 this time. This is the point at which I need to take up some legal matters with both parties.
19 And I'm going to determine, too, upon questioning where we stand; that is, is the Defense
20 going to offer witnesses or any evidence into the record or not.

21 So, once I figure that out I'm going to do one of two things. I'm either going to bring
22 you back in here, or I'm going to tell y'all to go to lunch and come back. If in fact, we are
23 going to go to argument and charge, then the attorneys and I need to talk about the final

1 charge on the law, the verdict forms, things such as that, and prepare for the closing
2 arguments and the charge, and for your deliberation.

3 So, if you would please return to your jury room and don't discuss the case, and
4 you'll get an indication from me very shortly.

5 (whereupon the jury exited the courtroom)

6 Motions?

7 Mr. Stalvey: Judge, at this time I would move for a directed verdict based on the fact
8 that no reliable or credible evidence has been presented by the State to support a verdict of
9 guilty with the presentation of the State's case.

10 The Court: I will respectfully deny your motion. The standard is to determine
11 whether there is any evidence from this jury that the State has met its burden of proof and it
12 must be the same for both parties. And I deny the same, respectfully.

13 Anything else?

14 Mr. Stalvey: Judge, I renew all my previous objections made up to this point in the
15 trial.

16 The Court: Mr. Stalvey, I have you on the record. Mr. Stalvey, at this point, do you
17 intend to introduce any evidence in your case?

18 Mr. Stalvey: Judge, I need to talk to my client. I need to talk to some folks that are
19 here with him. So, I'd like to reserve that. If we could approach as far as scheduling.

20 The Court: Yes sir.

21 (whereupon a bench conference took place.)

22 We're back on the record. What we'll do is we have determined that Mr. Stalvey
23 needs to take the opportunity to discuss with his client both his right to remain silent or his
24 corresponding right to testify and to determine whether there's any additional evidence that

ROY LEE JONES-DIRECT EXAMINATION BY MR. STALVEY

1 Mr. Stalvey: Thank you, Judge. I call Roy Lee Jones.

2 **ROY LEE JONES**, duly sworn, testified as follows:

3 Clerk of Court: Please state your name for the record.

4 A Roy Lee Jones.

5 **DIRECT EXAMINATION BY MR. STALVEY:**

6 Q Mr. Jones, how old are you, sir?

7 A Sixty-four, I was sixty-four August 30.

8 Q You were here during my opening argument and you heard me tell the jury you are
9 fifty- four. I was wrong about that. Right?

10 A Yes.

11 Q Where were you living before you got arrested on this charge?

12 A I was living with my son.

13 Q Where is that, what town?

14 A In Spartanburg.

15 Q You and I have met about this case and one of the things that we did was went over
16 your criminal history. Right?

17 A Yes sir.

18 Q And one of the parts of that criminal history is you spent some time in federal prison.
19 Right?

20 A Yes sir.

21 Q Do you remember when you were released---

22 A Yes sir.

23 Q ---federal prison? I'm going to show you your criminal history report.

24 A I don't need to look at it. I know when I was released.

ROY LEE JONES-DIRECT EXAMINATION BY MR. STALVEY

- 1 Q Okay.
- 2 A 2004, sixth month, twenty-third day.
- 3 Q So, June 23, 2004?
- 4 A 2004, sixth month.
- 5 Q Mr. Jones, you've been in the courtroom during this trial and---
- 6 A Yes.
- 7 Q ---you've heard the testimony of the witnesses. Correct?
- 8 A Yes sir, I did.
- 9 Q I'm going to ask you straight-up. Did you ever have sexual intercourse with ^{Younger} Sister
- 10 ^{Younger} Sister
- 11 A No sir, I haven't.
- 12 Q Did you ever have sexual intercourse with ^{Older} Sister ?
- 13 A No sir, I haven't.
- 14 Q Did you ever sexually assault, fondle, do anything sexual with either ^{Younger} Sister or
- 15 ^{Older} Sister ?
- 16 A No, I have never.
- 17 Q You've had some medical issues in your past. Correct?
- 18 A Yes sir.
- 19 Q And you were on disability, or still are?
- 20 A Yes sir, still are.
- 21 Q What type of medical issues have you suffered from?
- 22 A I've had cancer and sickle cell anemia. I've got arthritis and carpal tunnel. I'm
- 23 supposed to have surgery on my arm, both my hands and my knees and my back.

1 Q When you were-- You don't deny you were in a relationship with Tammy Foster.
2 Right?

3 A I was.

4 Q And that relationship started when you were released from federal prison. Correct?

5 A Yes sir.

6 Q Which was in 2004. Right?

7 A I was released in 2004. Our relationship started about August of 2005, because I had
8 to go back to Anderson County jail and finish out my time.

9 Q But since-- And I'm talking about the health issues that you've had. When did you
10 start having-- Let me ask you a better way. Were you regularly seeing a doctor for---

11 A Yes, I was.

12 Q Did that start close to the time that you were beginning your relationship with Ms.
13 Foster?

14 A Yes sir, she would take me to the doctor.

15 Q And how often would go to a doctor?

16 A I would have to go all the time. I would have to get a physical so I could get my
17 blood pressure medicine.

18 Q Were you seeing a doctor on a weekly basis, a monthly basis?

19 A Each month.

20 Q What did you have to get a physical for?

21 A I needed medicine and I would have to go see the doctor and I would have to get a
22 physical all the time.

23 Q Did you have to get examined for your disability?

24 A Yes sir.

ROY LEE JONES-DIRECT EXAMINATION BY MR. STALVEY

1 Q Now, we've heard about this relationship you've had with Tammy Foster, and how it
2 was somewhat on-again/off-again. When did y'all break up and you moved to Spartanburg?

3 A I went on my own. They said they were gonna put me out, but I went on my own
4 because I just got tired of, you know, paying bills for them and not having no money because
5 I couldn't even shop and buy my clothes because I would have to buy clothes and food and
6 things. So, I was fully supporting them, the kids and her. It was a family thing. And at
7 Christmas I would have to give them money. But I was just their dad and everything. And
8 they started acting up and so I just got tired of it. I just, you know, I couldn't pay the bills by
9 myself.

10 Q What do you mean by they started acting up?

11 A Taking money and everything. And we had a checking account and she wouldn't
12 have the money to pay the bills and I would have to pay the whole thing.

13 Q Okay.

14 A And I just got tired of it. And they wanted to put me out because I was paying the
15 bills and it was my house. So, why would I have to be put out?

16 Q Tammy Foster was also paying the bills, or trying-- I mean, she worked---

17 A Yeah, she was---

18 Q ---at that time. Right?

19 A She would do a good job. She was helping me, but we would need to put money in
20 the account and she couldn't come up with her half. And so I couldn't come up with my
21 half. I wasn't getting but \$700 and I was signing my whole check over to her.

22 Q What were you doing for income?

ROY LEE JONES-DIRECT EXAMINATION BY MR. STALVEY

1 A Just odd jobs, selling real estate, working under the table for a man and his family. I
2 was, like, would work on the side, did painting. I was helping ^{Older Sister} boyfriend daddy
3 putting siding on houses.

4 Q You said you were working under the table. Was that when you were also getting
5 disability?

6 A No, I was getting cash money.

7 Q After you broke up with Tammy Foster and you moved to Spartanburg, who were
8 you living with?

9 A My son.

10 Q Would the daughters continue to have any contact with you?

11 A Yes. They would come down and we'd go out to eat and I would give them money,
12 wouldn't let them pay for nothing. ^{Older Sister} she would bring my check out there, down there
13 to me. And I would, you know, give them money and try to help them out.

14 Q I mean, you didn't, you never forced them to come over there in any way, did you?

15 A No. She would bring me check because ^{Older Sister} anything she need, I would co-sign
16 for her car, for everything she need.

17 Q How often would they--- Now, Tammy Foster, did she continue to come over there?

18 A Yeah. She would come and they would, too. I would see them very often. When I
19 was staying with my daughter from California, she had moved here and I would stay with
20 her, and they still come to see me. But I wouldn't tell ^{Older Sister} why I be staying there,
21 because my fiancé, she have cancer and I started a cancer drive for her, and I didn't want
22 them to come over. So, ^{Older Sister} found out where I stay and she started coming. But I still
23 was giving her money and everything.

ROY LEE JONES-DIRECT EXAMINATION BY MR. STALVEY

1 Q And that continued contact, at least, with the daughters, lasted up until 2012. Is that
2 right?

3 A Yeah. I had to stop it because when me and her got in a argument-- After that time
4 when I go to jail and I got out on bond, she was told not to have any contact with me, not to
5 call me and everything. And so, they would call me, but I couldn't call them.

6 Q And you just talked about it, when you went to jail, is that when you were charged
7 with assault and battery, high and aggravated?

8 A Yes.

9 Q Is that what we've heard about during this trial?

10 A Yes. That's when she call the police and I told the officer, just take me on, take me to
11 jail and my son will come get me and I will move in with him. So, I had enough of that stuff.

12 Q Now, you've heard ^{Older Sister} testimony about how that incident played out. Was she
13 telling the truth about that?

14 A No, she wasn't.

15 Q Well, why don't you tell the jury what happened?

16 A Well, she would come down to borrow the money from me to make her car payment.
17 And I would call the car people and tell them I gave her the money. He would tell me she
18 didn't pay it all, she wouldn't give him but half of it. So, I told her mama I was helping her
19 pay and she didn't want me to tell her. She would come to me and say she needed money.
20 She came a few times. My fiancé would give her money and she wanted to stay with us.
21 That was on the tape the officer had. She wanted to move with her and she was thanking my
22 fiancé for taking care of me and everything and giving me medicine, making sure I take my
23 medicine and all like that. But I would give her money. And all of a sudden she, my fiancé',

1 she got cancer. And when I give her the money and got ready to go, the next thing I know
2 she had stole money out of my drawer. That's when I call her mama and told her mama.

3 Q Okay.

4 A And I told her mama I was gonna put her in jail. And if I didn't get some back I
5 would call her mama and tell them to put her jail, and then they put me in jail. And that
6 didn't make any sense, so I just said pfft.

7 Q Now, that's what happened in 2012.

8 A Yes.

9 Q I'm talking about the incident where you were accused of choking her.

10 A No, I did not choke her.

11 Q Okay.

12 A I was on medication even then and I was laying down. So, when I woke up she was
13 in there taking my money. And I asked her, I said, what you doing and she try to run. And I
14 reach and I grab and my hand come off her and she run down the road and call the police.
15 That's when they come down there and I told the police what happened. And I told them, I
16 said, just take me on to jail and I'll get my son to come get me. That's not something I need,
17 I don't even need. I said I just can't take it no more.

18 Q So, that didn't have anything to do with you touching her in the shower and trying to
19 sexually assault her?

20 A No, I never, no, I never do that.

21 Q Okay.

22 A I never put my hands on her and they know I didn't.

23 Mr. Stalvey: I don't have any further questions.

24 The Court: Cross examination.

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 **CROSS EXAMINATION BY MS. HODGE:**

2 Q Mr. Jones, when you got out of federal prison, did you stay in a halfway house at
3 some point?

4 A I was in a halfway house.

5 Q And that was in 2004?

6 A I come out in 2004.

7 Q Okay. And---

8 A 2004, twenty-third.

9 Q Right. And you're very certain of that day. Right?

10 A Yes ma'am.

11 Q Did you talk to Investigator Brown in this case about when you were first questioned
12 about maybe sexually abusing these girls? Did you give him a statement?

13 A I talked to somebody. I don't know if it was Mr. Brown, but I talked to somebody.

14 Q The man who testified in the suit back there?

15 A It might have been.

16 Q And I'll show you, is this the statement that you gave?

17 A I don't read and write.

18 Q But you had someone with you at that time. Right? That day?

19 A I was there by myself. Ms. Staggs took me over there while we was in there.

20 Q So, you weren't by yourself?

21 A She took me over there. I don't drive. I don't have a license.

22 Q Were you in the office with the detective, the investigator, with Ms. Staggs?

23 A I was in there. That was him I was in there with. I knew I talked to somebody
24 somewhere.

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

- 1 Q And Ms. Staggs was with you. Correct?
- 2 A Yes ma'am.
- 3 Q And she was in the room with you when you gave the statement?
- 4 A Yes ma'am.
- 5 Q And she was reading this to you after you gave your statement. Correct?
- 6 A I think so. She might have.
- 7 Q So, what's in here is after you had read to you. Is that right?
- 8 A I think so. I can't remember back that far. But I was on medication at that time. I
- 9 knew I come over there and seen two officers, two peoples, two officers.
- 10 Q Right.
- 11 A I don't remember their name, but I seen two different mens up there.
- 12 Q What you told them was the truth. Correct?
- 13 A I told them what they asked me.
- 14 Q Did you tell them the truth?
- 15 A Yes, I told the truth.
- 16 Q Okay.
- 17 A I don't have no reason to tell no story.
- 18 Q Okay. So, in your statement you said that you had a relationship with Tammy and her
- 19 daughters and that was back in the first of 2004.
- 20 A That's when I got out of prison, 2004, the sixth month, the twenty-third day.
- 21 Q But that's not what that says. It doesn't say sixth month, twenty-third day.
- 22 A The paper didn't, but it got said.
- 23 Q Well, that's the paper that you read when---
- 24 A I already know in 2004 I was in prison.

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 Q Why didn't you tell the officer instead of saying back about the first of 2004? Why
2 didn't you tell the---

3 A It might have been the first, but I know it was 2004 when I got out because my son
4 and my brother pick me up at the station.

5 Q Okay.

6 A And brought me to the halfway house. And then I went to Anderson. I didn't go
7 straight home because if I had of found a job over here I couldn't have got my disability
8 because I was working for my disability and I couldn't have a job. So, you know what I'm
9 saying. After prison they send me back, they send me to Anderson. And I stayed in
10 Anderson because Ms. Foster and ^{Older Sister} visit me over there, her and ^{Older Sister} And the
11 daughter, ^{Younger Sister} they wouldn't let her come when I was in Anderson.

12 Q Now back to my question.

13 A Yes ma'am.

14 Q When you said that you started a relationship with Ms. Foster back about the first of
15 2004, was that the truth?

16 A I was seeing her when I was at the halfway house before I went to Anderson.

17 Q So, before, back in the first of 2004. Right?

18 A No, it wasn't the first. It couldn't have been the first because I got out in 2004, and it
19 couldn't have been the first.

20 Q But you know when you got out of prison. Right?

21 A I did because it's on my papers I have.

22 Q And you went and talked to an officer about being accused of sexually molesting
23 somebody and you gave the date of the first of 2004.

24 A I didn't. I didn't say exact. I said 2004.

- 1 Q You said---
- 2 A When I got home I got to look at the paper and I seen what the date was. When Ms.
- 3 Staggs got the paper and she seen what the date was, I told them it was 2004.
- 4 Q 2004, about the first---
- 5 A And that's when I---
- 6 Q About the first of 2004.
- 7 A That's when I got out.
- 8 Q So, y'all started a relationship and you ended up moving into a house on Gower
- 9 Street. Right?
- 10 A Yes. She had the house before I got out. I was giving her money to get the house
- 11 while I was in Anderson.
- 12 Q All right.
- 13 A So, when I got out she had it.
- 14 Q And you moved in with she and her two daughters, ^{Older Sister} and ^{Younger} _{Sister}
- 15 A Yes.
- 16 Q And ^{Older Sister} was about fifteen?
- 17 A I don't really know how old she was because I didn't know her. I met her about twice
- 18 when I was at the halfway house. When I got out of there, they pick me up from the halfway
- 19 house, from Anderson.
- 20 Q You know that you were in a relationship with Ms. Foster and living with her children
- 21 for at least nine years. Correct?
- 22 A Yes.
- 23 Q So, you know the ages of the daughters.

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 A I didn't know the age of the time, not what you asked me about. You asked me when
2 I met her. You asked me two different questions.

3 Q So, did you celebrate their birthdays?

4 A I gave them parties. I paid for it out of my money, my working hard money.

5 Q But you weren't working, were you?

6 A I was working under the table, what I said once before. Plus, I was getting disability.

7 Q You were getting---

8 A And the money I was giving them was so they would have a good lifestyle and was
9 happy.

10 Q Would you say, then, y'all had a good relationship? You had a good relationship
11 with them?

12 A I said from the beginning we was a good family when I first come walk up here.

13 Q You had a good relationship with both these girls?

14 A Yes, I did.

15 Q And there was never bad blood between you and the girls during this time?

16 A Yeah, they was bad blood. Just turn my family against me because my children
17 didn't want to have nothing to do with me because I was treating them just they was my kids.
18 It just turned bad blood against my kids.

19 Q Isn't it true that you told the officer when he talked to you that the girls had never
20 disrespected you and you had never disrespected them in any way?

21 A Yeah. Some of the time when she disrespected me was when she took my money.

22 Q Right, later.

23 A She did more than that. she took money from me through my card, my ATM card,
24 she's took that.

1 Q Uh-huh.

2 A That's a federal charge. She stole money from me out of my house. She stole money
3 from me in the place I stayed. Where I stayed with my son she stole money from me.

4 Q How much money are we talking?

5 A Ask her.

6 Q No, I'm asking you, sir. How much money are we talking about?

7 A It was a lot of money she stole. The most she ever stole was one time \$4000.

8 Q And when was that?

9 A That's when I stayed, when me and Staggs was staying together.

10 Q How about before that? Before something that was testified to in court.

11 A She be sneaking around my son house---

12 Q How much?

13 A Stole \$300 from me. And she stole money from me. If she ask me about it, I would
14 have paid it. But I had the card, she used my number to pay her phone bill, her mama phone
15 bill, her sister phone bill. She paid the furniture bill that was in my name with my card. She
16 was paying her car dues with my cards, stealing money out of my card.

17 Q So, so far we've got federal financial transaction card fraud. We've got theft. We've
18 got breach of trust. We've got grand larceny. Did you ever call the cops for any of this?

19 A No, I ain't called the cops.

20 Q You never called the police?

21 A And my check, my check for \$2100 come to me and it went somewhere and she
22 signed it because I had a receipt for the thing. It supposed to come to me.. It supposed to
23 come to me, but they sent it to they house. And what happened to it, I don't know,
24 somebody cashed it.

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 Q So, let's add another \$2100 you never called the police to report them stealing from
2 you.

3 A Because she said she was gonna pay me back. She would pay me back on the money
4 I loan her and she pay me back every two weeks, gives me \$50, \$60, like that.

5 Q Then, it's not stealing if she's paying it back.

6 A I made a deal with her to pay me back. She said she would pay me back. But then
7 she stole the \$4000 and that was too much. I was gonna call her mother and like I said, I had
8 them on speaker, and I told her, which her daughter heard me, I said I would call the police
9 on her and I didn't want to call the police on her, because that was too much money.

10 Q You didn't want to call the police because you knew then she was gonna say exactly
11 what she said---

12 A No, I wasn't worried about---

13 Q ---that you had been---

14 A No, you saying that, I'm not saying that. I never taught ^{Older Sister} no matter what she
15 said.

16 Q ---sexually assaulting---

17 A I never taught her. You saying I molesting or whatever. I never taught her. I'll die
18 and go to hell. It don't---

19 Q Taught her what?

20 A You saying she get mad at me. That's what you just said.

21 Q Sir, I didn't get to finish my question because---

22 A I never----

23 Q ---you interrupted me.

1 A I never taught her. Question or not question, I never taught her. You can't put words
2 in my mouth.

3 Q Let me ask you a question.

4 A Yes ma'am.

5 Q Please don't answer until you hear the whole question.

6 A Yes ma'am.

7 Q Isn't it true you didn't report it because you knew if you did she was gonna tell about
8 your sexually assaulting her?

9 A Why would I report it? That's what I said, why would I do that when I know she
10 would get back at me. That's why I called her mama and told her.

11 Q You told her mama because you didn't want to---

12 A Yes, and I---

13 Q ---her to tell her---

14 A ---had enough. I was tired of it. That's when I knew at that time I couldn't do
15 nothing about it.

16 Q That's right, because you were going to get caught for sexually abusing---

17 A No, because how I never did get caught, Miss Prosecutor. If I know I gonna get
18 caught I would have never called her mama and told her that she stole \$4000 out of my
19 account that I with my fiancé, out of her cancer money. That was my fiancé's cancer money.
20 I started her cancer money with that. That wasn't for ^{Older Sister} I had just gave her money to
21 get her car fixed. And then she come back and go back in my room, me and my fiancé's
22 room and steal money. Why would I call her? I would never do that.

23 Q The reason you didn't do it is---

24 A No, you don't---

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

- 1 Q ---because you didn't want her telling people. You---
- 2 A Telling her what? What she gonna---
- 3 Q ---didn't want her telling people that you---
- 4 A ---tell people for?
- 5 Q ---sexually molested her.
- 6 A I ain't never sexually molested nobody in my whole life.
- 7 Q I beg to differ.
- 8 A Right. I ain't never done that.
- 9 Q You plead guilty to---
- 10 A Union County, in Union County, when I was still married, to keep her from going to
- 11 jail because I was selling drugs around my kids. That's the only reason I plead because I was
- 12 doing time again.
- 13 Q I'm showing you State's exhibit number two where you plead to criminal---
- 14 A I did, I know I did.
- 15 Q ---sexual conduct----
- 16 A I just got done saying that. I plead guilty to keep my wife from going to jail because I
- 17 had drugs in the house, selling drugs in the house. I didn't have no job. I was selling drugs.
- 18 Q This didn't have anything to do with drugs. This is for---
- 19 A That's the only---
- 20 Q ---criminal sexual conduct.
- 21 A ---I said that. I just got done saying I said that. That was what I was pleading guilty
- 22 to.
- 23 Q Mr. Jones, that makes no sense. Why would you plead to criminal sexual conduct---
- 24 A Because---

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 Q ---for your wife?

2 A ---to keep her from going to jail. They say if I plead to it I will be able to run it
3 concurrent with that and they run it concurrent and I wouldn't be charged for the rest of the
4 time I had and come on out.

5 Q This sexual assault wasn't on your wife, though.

6 A I know it wasn't. I wouldn't be sexually assaulting my wife and her kids; they my
7 kids.

8 Q So, that's why you plead to sexual criminal---

9 A Because they was gonna get my wife on drugs in the house, which they couldn't find
10 no drugs in my house.

11 Q What does that have to do with sexually assaulting---

12 A Because my daughter was stealing drugs, stealing drugs and giving them to her
13 boyfriend. Her and her boyfriend was stealing drugs . . .

14 Q Oh, so when you were accused before, the reason you say you didn't do it, but plead
15 guilty to it was---

16 A I had to---

17 Q ---they were stealing from you, too?

18 A ---plead guilty because they told me I was gonna get a jury trial. James R. Thomas
19 was the lawyer. I was going to go to a jury trial and they told me if I plead guilty that they
20 wouldn't do anything to her. Because they told me they could charge my wife and take my
21 children from my wife and everything. So, I plead to it.

22 Q And so the whole theory of the kids getting taken from you and you going to jail,
23 you'd heard that before. Is that what you told Ms. Foster---

24 A Yeah, that was what was in---

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

- 1 Q ---when these allegations were made?
- 2 A ---my mind.
- 3 Q I'm not asking you what was in your mind; I'm asking you questions.
- 4 A And I'm giving you answers.
- 5 Q Isn't that what you told Ms. Foster, that if she was gonna report on you, her kids were
- 6 gonna get taken from her?
- 7 A I told her that her daughter was stealing my money, if she didn't give it back I was
- 8 gonna call the police to get it back for me.
- 9 Q Isn't it true, sir, that---
- 10 A No, I don't know about it being true. You asking me the questions and I'm
- 11 answering.
- 12 Q I'm not finished asking---
- 13 A Now, if you gonna be that, I'm gonna step down.
- 14 Q I'm sorry, sir. You've chosen to testify and you can't---
- 15 A Well, I'm testifying what you asking me about, not what I'm telling you to say. Now,
- 16 you telling me these things.
- 17 Q Isn't it true, sir, that back in May of 2007, 2008, you had whipped ^{Younger} _{Sister} --
- 18 A Never touched either one of them, never whapped them, never.
- 19 Q And that Tammy came to you because the child said you were whapping her because
- 20 she wouldn't let you have sex with her.
- 21 A Never did that, na'ar one of them. Never told Tammy, never told that to the kids,
- 22 nothing.
- 23 Q Isn't it true, sir, that you know that ^{Younger} _{Sister} was diagnosed with an STD in 2008?
- 24 Correct?

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 A I never had a disease in my whole life. But why she telling me because I never had a
2 disease, never had no kind of disease in my whole life, and I'm 64 years old.

3 Q Well, besides cancer and sickle cell anemia?

4 A Since I was born, yeah. I was born, couldn't read, couldn't write, with cancer and
5 sickle cell. Now I have arthritis and carpel tunnel, and I was born with that.

6 Q Isn't it true, sir, that you knew when ^{Younger}_{Sister} came back from the doctor's office that
7 she had been diagnosed---

8 A No, it's not true, not true. I---

9 Q ---with an STD?

10 A ---didn't know nothing. I would be on drugs, with everything they giving me,
11 oxycontin, morphine. You know what I'm saying. I would be on drugs. I didn't even know
12 she had went to the doctor.

13 Q You didn't know she went to the doctor?

14 A I just got through saying that I be in the bed because I had surgeries on my knees and
15 things. See, you can't put words in my mouth.

16 Q Isn't it true that you and Tammy got into a fight because she accused of giving her
17 daughter---

18 A You keep trying---

19 Q ---an STD?

20 A --- to put words in my mouth. I never had a fight with Ms. Foster. You can't get me
21 to tell no lie, because I not gonna tell a lie.

22 Q I want you to tell the truth.

23 A I'm telling you the truth. What I'm gonna lie for? What have I got no reason to lie
24 for? What?

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 Q You have to convince these twelve people---

2 A I'm telling it to them and I'm telling the jury that I'm telling the truth.

3 Q Where are your doctors' reports from the years 2007 and 2008?

4 A I don't know. You'll have to ask Ms. Foster. I don't know where they is. She took
5 care of all that.

6 Q So, when you would go to the doctor,---

7 A Ms. Foster take---

8 Q --- where are your reports?

9 A You got to ask Ms. Foster. I don't have that. She took care of all that.

10 Q So, Ms. Foster's your caretaker?

11 A She was. I couldn't cash my check unless she cash it.

12 Q Do you know Mr. Stalvey here?

13 A Yes, I do.

14 Q Your lawyer?

15 A Yes, I do.

16 Q Did you tell him to get your medical records?

17 Mr. Stalvey: Objection, Your Honor.

18 A Did I tell him?

19 Ms. Hodge: I'll rephrase that.

20 The Court: I sustain.

21 Q Where are the medical records that you had for all the doctors' appointments that you
22 went to?

23 A Ask Ms. Tammy Foster, ask her where it is.

1 Q You've known the charge that you've been accused of, committing assault, sexual
2 battery, molestation on these girls for two years now.

3 A No, I didn't know nothing and I didn't do nothing.

4 Q You know you've been accused---

5 A I didn't know nothing, I didn't do nothing. You cannot put words in my mouth, that I
6 told.

7 Q Sir,---

8 A I'm not a child. I'm a grown man.

9 Q Okay. Well, answer my---

10 A I'm answering the questions you asking me. You can't get me to tell a lie.

11 Q When were you accused of sexually assaulting them?

12 A I don't know when I was accused. I don't know the month or year or nothing. Every
13 time they would call me I would go up there and talk to the police.

14 Q Correct.

15 A Correct.

16 Q Did you ever tell them, get my medical records?

17 A Whatever they ask me, I told them.

18 Q Would you agree with me that you have known you were accused of this for two
19 years?

20 A No, I don't agree with you. Just like I told you they never asked. Just like you
21 asking, they never asking. If they asked me, I would have asked Ms. Foster, told them to ask
22 Ms. Foster down there because she kept up with all of that.

23 Q So, you didn't keep up with your own medical records. Is that right?

ROY LEE JONES-CROSS EXAMINATION BY MS. HODGE

1 A Ms. Foster did that. I don't drive. I don't read. She handle all that. Ask her, she
2 setting right back there.

3 Q So, you agree with me that you don't have, and you didn't bring them to court.

4 A I wasn't asked to bring them to court. If I was asked to bring them to court I would
5 have told Mr., my attorney to get them.

6 Q Isn't it true that you and Ms. Foster purchased a home on Sharon Drive?

7 A Which one home?

8 Q The one on Sharon Drive.

9 A Two was on Sharon Drive.

10 Q Which one on Sharon Drive?

11 A Oh, Sharon Drive?

12 Q Sharon Drive?

13 A We purchased that together.

14 Q And y'all purchased that house on August 1 of 2006. Is that correct?

15 A Yes ma'am.

16 Q Okay.

17 A I paid \$10,000 down.

18 Q Where are you getting all your money from, sir?

19 A That's not a question.

20 Q That is my question.

21 A I had money when I was living with her. You asking where I get it. I got disability. I
22 draw some of it.

23 Q Do you want to tell us where you got it?

24 A I draw a sum of money from my disability. She know that.

1 Ms. Hodge: I have no further questions.

2 The Court: Re-direct.

3 Mr. Stalvey: No sir, Your Honor.

4 The Court: Thank you, Mr. Jones. You may step down. Anything further from the
5 defense?

6 Mr. Stalvey: No sir, Your Honor.

7 The Court: The Defense rests at this point?

8 Mr. Stalvey: Yes sir.

9 The Court: Are you renewing your motions, sir?

10 Mr. Stalvey: Yes sir.

11 The Court: Do you need to put up any argument in that regard, or just the renewal?

12 Mr. Stalvey: Judge, it's the same argument that I've had on all motions that I have
13 raised.

14 The Court: Okay, good enough.

15 Mr. Stalvey: Including the motion for a directed verdict.

16 The Court: I understand. That's the one I was referring to. So, that is noted and the
17 same ruling applies as when you made it earlier.

18 Ladies and gentlemen, at this point, the Defense has rested. So, I'm presuming, Ms.
19 Hodge, you have nothing in reply?

20 Ms. Hodge: No sir.

21 The Court: So, now we will move to closing arguments. I told you when we first
22 began the case that closing arguments and the attorneys arguments, in general, are not
23 evidence to be considered by you. You've heard all the evidence to be presented in this

1 case. Now, the attorneys will essentially argue to try to persuade you to their respective
2 sides.

3 So, what we'll do is go ahead and start. Mr. Stalvey will have the opportunity to open
4 to you, and then Ms. Hodge will have the opportunity to close on behalf of the State.

5 Before we get started, is there anybody who needs to take a break? Going all the way
6 through the arguments and charge will be about an hour. If at the end of arguments, we need
7 to take a break before charge, we can do that. Does anybody need a break now?

8 (no affirmative responses)

9 The Court: Good enough. Mr. Stalvey, you may argue.

10 Mr. Stalvey: May it please the court.

11 The Court: Yes sir.

12 Mr. Stalvey: Ladies and gentlemen, if you've been watching TV for, I guess, the past
13 year, you can't help but notice the ads that are on TV. And I guess it's a reflection from
14 November. But anyway, if you have watched TV, you've noticed in the past, I don't know,
15 ten, fifteen, twenty years that it's like all the ads, all these political ads on TV are these
16 negative attack ads. And the person who actually started doing that was a guy named Lee
17 Atwater, who was from South Carolina. He was a political consultant and he ran President
18 Bush's campaign in 1988. But what Mr. Atwater was best known for the fact that he played
19 hardball. And he was kind of the father of these negative attack ads, and this kind of
20 negative political discourse that we all see today. And one of Mr. Atwater's famous quotes
21 as "Perception is Reality". And what he meant by that is, you know, you put a TV
22 commercial on that lasts twenty seconds that gets the people's emotions up. And if you do
23 that and you accuse your opponent of something that is an emotionally charged issue, after
24 thirty seconds, the person watching the commercial, they just, I mean, they not gonna

1 research any facts. And that really still happen today. I mean, now we've got all these
2 watchdog groups that will go back and say, you know, Governor Haley's commercials said
3 all these things, these facts are inaccurate. All this stuff is here today, but it doesn't take
4 away from the basic goal of these negative attack ads which is perception is reality. Let's be
5 honest, nobody's really gonna do all that research. I mean, that's why these watchdog groups
6 are out there because they know we're not gonna do the research, we don't have time to do
7 all that.

8 The reason that I bring this up is that in this case y'all heard some very emotional
9 testimony. You've heard from the two daughters, you've heard from the mother. They all
10 cried. I mean, it was very emotional. And what you perceived from that witness stand was,
11 you know, it would get your emotions going. But what I want you to pay attention to is the
12 actual facts that are present in this case.

13 Ladies and gentlemen, while it was emotional, while they cried, what is in dispute is
14 the fact that all this took place form 2003, they say. He told you he didn't get out of prison
15 until 2004. But, 2003. He moved out of the house in 2009. He actually got put in jail for
16 this arrest for this assault and battery for a period of time. Then in 2012, that's when this was
17 first reported to the police. That's a fact that cannot be disputed. I mean, they not gonna
18 dispute that. They never went to the police. They never talked to a doctor. One of them
19 went and saw a doctor, was diagnosed with a sexually transmitted disease in seventh grade,
20 never told the doctor about it, never told a counselor, never told anybody. And the first time
21 that this was reported to anyone was when one of the daughters stole \$4000 from my client.
22 Another fact that can't be disputed, she admitted to it, he testified to it. We've agree on that.

23 And during their testimony we've heard some just horrible things about how not only
24 was this abuse terrible, but how he was so controlling, how he wouldn't ever let them leave

1 the house. How their family members would come over and he would say, no, you're not
2 leaving the house. About how their friends would come over and he wouldn't let them go
3 anywhere.

4 The fact of the matter is we don't know if that's true or not. And we could have
5 found out. They could have told the investigator, one of the two that was in charge of this
6 investigation, you know, he was so controlling, he was doing all this, he wouldn't let us leave
7 the house. He was doing all this. Well, who else saw it. Give me some of the names of
8 your friends. Give me some of the names of your family members. And they would go out
9 and interview and corroborate that. Was that done in this case? No. Is there any excuse for
10 that not to be done in this case? No. The fact is it wasn't done, so we don't know if that's
11 true or not.

12 We also heard from Doctor Mary Fran Croswell, and you know, she's the one that
13 came in and testified about-- She was the medical doctor, the pediatrician. And again, I
14 mean, she's talking about-- She's a pediatrician that treats-- Her job is to treat kids who
15 have been sexually abused. Another emotionally, you know, hyperactive-type things. I
16 mean, when we hear about that, that tugs on your emotions. And she went into what she
17 does and how she does it.

18 But what is fact, what is reality? She never met any of these people. She never
19 examined any of the girls. She talked about this STD. She never looked at any of the other
20 reports. I don't even know if there are any other reports. She basically came in and-- Just
21 like I said, perception is reality. She came in. She's a child sex abuse doctor, but what did
22 she really tell you? What could she really tell you. She never examined any-- I don't think
23 she ever met the victims. Why do you think she was up there testifying? Is it maybe to tug
24 on y'all's emotions? Could that possibly be why she was up there testifying? I mean, she

1 had never met any of these people. She never examined them. And really, her testimony
2 was that this STD is contracted by sexually intercourse. So, okay? You need a child sex
3 abuse doctor to testify to that? I mean, you could get any doctor to testify to that. I don't
4 even know if you need a doctor to testify to that.

5 You know, perception is reality. Think about it. You also heard from Shauna
6 Galloway-Williams, who was expert from the Julie Valentine Center. She talked a long time
7 about sex abuse cases and her role as a counselor and how she runs the Julie Valentine
8 Center which is an organization which helps treat victims of sexual abuse. She told you
9 about all the conferences that she went to. I was impressed, I was impressed with what she
10 said. There is no doubt in my mind that she is well-qualified in what she does. And I'll tell
11 you right now I'm thankful that she's here in our community doing that because she knows
12 what she's doing obviously and she cares a lot about it.

13 But what did she do in this case? What did she do in this case with these victims?
14 Did she talk to them? No. Did she examine any records relating to all these incidents? No.
15 She had not even met any members of this family. In fact, she told you that she didn't know
16 about this case until two months ago when the prosecutor called her.

17 So, again, perception is reality. Why was she here? Why was she here to testify to
18 y'all? What did she add to this case other than to get everybody charged up and about all this
19 sex abuse, how it's a huge problem, how she does this work, which we all appreciate. But
20 why was she really here? What did she do in this case?

21 All this happened, the investigation-- This all started in 2012. Okay? I mean, all this
22 started in 2012. Well, it's almost 2014. The officer, one of the investigators, both of them
23 testified they never tried to get Mr. Jones' medical records to match them up with the

1 daughter's who had the STD. They never got Ms. Foster's medical records to match them
2 up to see if they all corroborated. It's been two years and they haven't gotten that?

3 I'll tell you what Shauna Galloway-Williams said that I find interesting. I asked her
4 do you-- I asked her about medical evidence or medical examination in these child sex abuse
5 cases. Do you remember what she said? Well, there, you know, there's usually, in most
6 cases they don't exist. They don't exist. Well, according to the State, one existed in this
7 case. In fact, that's the only real, in their opinion, direct evidence that some type of sexual
8 abuse occurred between my client and one of these children. That's it. Everything else is he
9 said-she said. So, we've got one piece of evidence that could have been scientifically
10 corroborated. And in two years they haven't done that and they haven't given it to y'all. Do
11 they have a good excuse for that?

12 Ladies and gentlemen, this is a tough case and these cases are, again, emotional.
13 They're hard to sit here and listen to. And, you know, but that-- That's y'all's duty. Y'all
14 gotta sit here and listen to it. Everybody does. I was subjected to the same thing. And what
15 you have to do is look at what you've heard and ask yourself is perception reality. Can we
16 rely on what we've heard. Can we rely on what the State has presented.

17 Now, if anybody here has any hesitation, any hesitation, you also have a duty to find
18 Mr. Jones not guilty. That's reasonable doubt. And it's not a hard concept. That's
19 reasonable doubt. A reasonable hesitation that causes a reasonable person to hesitate to act.
20 The Judge is going to instruct you on that more eloquently. But that's it. So, all I ask that
21 you consider what you've heard and you match it up with the reality. You match it up with
22 the real facts that you've got. Thank you.

23 The Court: Ms. Hodge.

24 Ms. Hodge: Thank you, Your Honor.

1 The Court: Yes ma'am.

2 Ms. Hodge: Ladies and gentlemen, I told you this is a case about a man and his
3 secrets. Those secrets, they're out there. They've come to light. They're over. They're over
4 for these girls. Now is the time for truth. Our entire court system is based on truth and
5 justice. If the truth is not brought out in this case, as in every case, it goes against the system.
6 We have to seek the truth. In this case, I submit to you, the truth is the State has presented
7 that the defendant is in fact guilty of all these charges.

8 You as jurors have one job to do and that is to render a verdict in this case and the
9 Judge will give you instructions. Verdict comes from the Latin word, verdicto, and it means
10 to speak the truth. Let your verdict speak the truth of what happened in this case.

11 Now, how are you to determine the truth, because you've heard two, totally opposite
12 sides. There's no in between. There's no agreement on anything. You heard the defendant's
13 testimony. When I began to ask him questions, he was not gonna concede to things we
14 agreed on. He wants to be over there and take the stand over there. So you have to decide
15 which is the truth. What should your verdict be, the State's verdict of guilty or the Defense's
16 verdict of not guilty. But it must speak the truth.

17 So, how are we gonna figure out who's telling the truth between the defendant and
18 the State's case? Well, you're gonna need three tools, simple. One of them is what the
19 Judge is getting ready to give you and that will be the law that applies in this case. You have
20 to have the law as it applies to this case to find the verdict. So, you need the law, then you
21 need to decide the facts, the facts of this case. What happened, were these girls in fact
22 sexually abused over a long period.

23 And the third tool that you need that all of you walked in with and you all will walk
24 out of here with. God willing, we will all have it till the day we die – our common sense.

1 You don't need specialized knowledge of medical, sociological, criminal justice system.
2 You need common sense to decide this case. Your common sense is what tells you about
3 everything you're thinking. Every decision you make, from the small stuff, should I have
4 that cake and ice cream, or should have that salad. You use your common sense all the time
5 with simple stuff. But it moves its way up. Where am I going to live. Where am I going to
6 work. Who am I going to be in a relationship with. Am I going to end a relationship with
7 somebody. Am I going to move. Am I going to take out a loan for a car or a house. You
8 have to use your common sense. Those are big decisions, big life decisions that we all have
9 to make.

10 So, the Judge is going to talk to you about the law and I'm going to just briefly jot out
11 a couple of things because I know that some of y'all have taken notes, have listened to me
12 verbally and I'm getting ready to talk to you just a little bit. (employing use of paper on
13 easel) I think this might be more concrete if what I say is on paper, but certainly if I say
14 anything different from what the Judge says, then you disregard my statements and go with
15 what the Judge says.

16 We've got two charges of lewd act on a minor in this case. Lewd act on a minor is
17 where someone touches or fondles a child who is under the age of sixteen. You will have
18 one indictment that will be for ^{Older Sister} According to the State's testimony she was fifteen
19 years old at the time the defendant moved into the home with them on Gower Street. And
20 that shortly after he moved in he began touching her and making comments, that kind of
21 thing. The touching is the lewd act charge. And she was only fifteen for a short period of
22 time. And that indictment covers the month of April. So, that's the part that states when this
23 occurred, the lewd act, the touching.

1 It progressed on to sexual, criminal sexual conduct in the second degree with a minor.
2 Again, we're talking about ^{Older Sister} She stated that before she turned sixteen, the defendant
3 committed sexual battery on her. It progressed from touching and went to oral sex. The
4 Judge is going to instruct you that oral sex is sexual battery. Sexual battery can be any
5 number of things: vaginal-penile penetration, anal-penile penetration, digital penetration,
6 oral sex, be it on a woman or a man. All of those qualify as sexual battery in criminal sexual
7 conduct in the second degree. And this she said occurred also before her sixteenth birthday.
8 She remembered getting ready to turn sixteen. So, she knows for a fact that she was fifteen
9 at that time, and then she said after she turned sixteen, that's what's he committed the sexual
10 battery of vaginal-penile penetration and that went on for some time.

11 So, in the law, once someone turns sixteen the charge changes and now we've got
12 criminal sexual conduct. Not with a minor or not because, believe it or not, in South
13 Carolina, once you turn sixteen they say you are an adult and you can choose to have sex
14 with anyone you choose and it is not illegal.

15 So, sixteen, he's still sexually abusing her. It's just changed the terms of the law, the
16 age requirement and it's accomplished with aggravated coercion in the form of threats to hurt
17 her, threats to hurt her family. Threats that she believed were actually going to be carried
18 out. Did he ever do black magic, work a root on someone, get somebody to cause brakes to
19 fail on a car? No, but she believed that. And that was slipped her mind early on and it was
20 repeatedly threatened to her, threatened against her from sixteen until she was twenty-one.
21 When she turned twenty-one – actually, she had been twenty-one for some time – but her
22 abuse ended on January 19, 2009, with assault and battery of a high and aggravated nature on
23 her.

That is the day the police were called. That is the day he was taken to jail. He tried to attack her because she finally had enough. She was done. It was over. Not gonna happen anymore. His threats were going to happen anymore. And she actually got away from him this time. That was the end for her.

So, here are the charges (indicating chart) and this will help you make some sense of why they are broken down this way.

Finally, in regards to ^{Older Sister} case, there is this charge down here. Criminal sexual conduct with a minor and this is in the first degree. This is the one we've been discussing with his prior record. In South Carolina, our legislature says that it's against the law and it is a criminal sexual conduct, first degree, violation if you have been previously convicted of a sex offense and you're on the registry and you commit a subsequent sexual battery on someone who's under sixteen. So, if you find that ^{Older Sister} was fifteen when there was a sexual battery, then you find that he has a prior offense for sexual assault which is on the registry, you can find him guilty of criminal sexual conduct with a minor, first degree.

The third one, it's pretty simple and there's not a whole lot of difference here as far as when we get to ^{Younger}_{Sister} She was much younger. Remember the evidence will tell you that she was seven years younger than her sister. So, things started with her at some point after they moved to Sharon, didn't start initially. He was working on the older sister at this point. And finally when they moved over to Sharon Drive, that was in August of 2006. If there's any discrepancy about that timeframe when they moved, you all need to remember that this happened with this child when they moved there in 2006, when she was eleven years old.

It started the same way with the touching and then pretty rapidly escalated to sexual battery. She was eleven, maybe twelve, somewhere in between eleven and twelve, when

1 criminal sexual conduct with a minor, sexual battery in the second degree occurred and
2 continued to occur until she was starting the ninth grade and she was fifteen years old.

3 Both girls testified that it happened whenever the opportunity arose. Is it even
4 possible, even probable that this happened a hundred times, if you've got three years in there,
5 365 days for three years, you're up into the thousand-something; let's just say a thousand,
6 round it out. You've got a thousand days. Is it possible or plausible to say that one out of ten
7 days this was happening, and that's a minimum. And the way they were testifying, it might
8 have been more than that. so, a hundred times sexual battery occurred between here and
9 here. For you to find him guilty of that you only have to find it only once with ^{Younger}_{Sister} and
10 the same think with ^{Older Sister} one time. But probably for her, it happened over the course
11 almost six years.

12 And again, there will be that final charge of criminal sexual conduct with a minor in
13 the first degree based on the prior record and sexual battery that occurred. So, that's the
14 outline of the law, briefly.

15 Let's go back. You're armed with that and you have been armed with the facts. The
16 facts are the evidence that has been presented to you in this courtroom. I heard Mr. Stalvey
17 say in his opening statement and I wrote it down. There is no evidence in this case. There's
18 gonna be testimony. The Judge is gonna instruct. There's testimony, there's evidence. It is.
19 You have a gracious plenty of evidence in front of you. Do you have physical evidence?
20 No. But you have five witnesses' testimony. Who better to tell you about a crime than
21 somebody who witnessed it, somebody who saw it, somebody who smelled it, somebody
22 who felt it, who is a witness. You have witness from ^{Younger}_{Sister} and ^{Older Sister} You have
23 evidence from their mother. And as terrible as it is, and as much as we all find it hard to
24 believe that she did not do anything about it, she owned it and she and her daughters are

1 working to try and mend that relationship for the improper response that she had to these
2 allegations.

3 You heard Shauna Galloway-Williams talk about that this is unfortunately a common
4 theme or thread that you see. They have to have classes at the Center. People come and
5 attend those classes and it helps them. And they have come voluntarily to say yes, I acted
6 this way and I need help. It is true it is an unfortunate response by a non-offending caregiver,
7 not knowing what to do. And the entire reason that we called Shauna Galloway-Williams is
8 because I needed to understand how could this mom not say anything, how could she not do
9 anything, how could these girls not talk about it. So, she was called to help educate me and
10 you so you can understand this situation when you go back to the jury room to start
11 deliberating.

12 In addition, we called Doctor Croswell. I'm not sure anyone had personal knowledge
13 of STDs or knows anything about Trichomoniasis, but it is important that you know what we
14 tell you one of the victims had that disease. And I don't know if any of you jurors had a
15 mother like mine, but you can get this from a toilet seat. Right? That's where it comes from.
16 That's not true. So, you need to know about that. The disease that ^{Younger}_{Sister} had when she was
17 in seventh grade and she slowly told was a sexually transmitted disease. That means it has to
18 come from sexual contact. And she testified there was no person having sexual contact with
19 her other than the defendant.

20 And that had to be quite a doctor's visit, quite an emotional time for her and her
21 mom. And they both told you what went down in that visit. They looked at each other,
22 asking should we tell. And again, the fear that was put into these children if they would say
23 anything was different from the fear of the mom. But the fear was that these children would
24 be taken away and they could not say anything.

1 That's part of what the State has put to you as fact, along with what the victims
2 testified to, along with what the officers testified to. All of those have been presented to you
3 to determine the truth of the facts when you go back to the jury room to deliberate and render
4 a true verdict that will speak the truth in this case.

5 So, it's important that you're going to take that common sense and apply it to the
6 witnesses and to their testimony. Common sense tells you a couple of things. And the first
7 thing that we talked about it tells you is something actually possible or reasonable. If I told
8 you I was going to jump off the Empire State building and not use a parachute, but I'm gonna
9 be fine, your common sense would say that's not right, that's not possible. In this case, with
10 these girls telling you that they were sexually abused, is it possible, it is reasonable. Did this
11 man have access to them, unlimited access to them. Did he have authority over them. Did
12 he appear to be a person that might be controlling or domineering or threatening. Is it
13 possible this happened. The mother worked a lot and did he have access, so is it possible.

14 The second thing your common sense is gonna tell you is who is telling the truth and
15 who is lying. Truth versus lies. This is something we all do, we analyze truth versus lies
16 every day. We probably don't sit down and think or go over a checklist, but mentally, what
17 we're doing when we're looking at someone who's talking to us, and we're saying do I
18 believe the content of what's being told. Is what this person is saying plausible, is it
19 plausible or possible.

20 The next thing we do is we're checking their non-verbal language, their body
21 language. Are they telling you what they are telling you in an appropriate way. Are they
22 making eye contact with you. Are they having make the appropriate motions. Are they
23 fidgeting one way or the other. I submit to you that these girls, these witnesses did have the
24 appropriate body language. They told you the truth of what was happening to them, and they

1 said it to you in a way that I submit was credible and it was genuine. There was emotion
2 because it is an emotional topic. There was contact, eye contact. They answered directly to
3 the questions. There wasn't any arguing. But the defendant acted differently, especially on
4 cross-examination.

5 Another way to tell if someone is telling the truth or a lie is what is their story, is what
6 they are telling you consistent with other witnesses have told you. Not only were they
7 consistent with the other evidence, it was consistent within itself. What these girls are saying
8 happened to them, they didn't change their story. They told you what happened and it was
9 consistent with each other and with their mother. And consistent with what they told the
10 police. And what they told you was also consistent with what the other witnesses were
11 telling you. Everything lined up, everything matched up.

12 And finally, one of the factors in determining if someone is telling the truth or a lie is
13 motivation. Who's got the motive, or was there a motive for what they're telling you. If I'm
14 a car salesman and I'm trying to sell you a car, that's motivation. And we all check that off
15 in our mind and say, hmm, can I believe what this person is saying, and why are they saying
16 it.

17 I submit to you, ladies and gentlemen, no one in this case, nobody is gonna have a
18 different life tomorrow whatever the result is. They have nothing to gain, nothing to lose.
19 No officer is going to get a pay raise or a day off. No doctor is going to get anything extra.
20 Shauna Galloway-Williams is probably gonna testify somewhere tomorrow, or counseling or
21 do one of the things she does. And ^{Older Sister} and ^{Younger}_{Sister} and their family, they're not gonna
22 have any easier of a journey. Their situation happened to them. Tomorrow is not gonna
23 change that.

1 So, who does have motivation to testify to something that may not be true. Who has
2 the most to gain or lose. The defendant. His life will be markedly different than it is today.
3 And I submit to you he's the person who's not being truthful. His statements and testimony
4 were not truthful or rational. He was not displaying truthfulness. He certainly had the
5 motivation to lie, to deny.

6 When you determine your verdict, use your common sense. Look at what's
7 reasonable, plausible, what's the truth of the matter based on your internal checklist. And
8 then finally determine the truth of the facts. I think I briefly touched on this. You make
9 decisions everyday of your life. The defendant's attorney touched on what the level of
10 reasonable doubt it. The Judge will give you that instruction. The State understands that
11 reasonable doubt is pretty much a doubt beyond a simple doubt. You must be firmly
12 convinced of the defendant's guilty to find him guilty. Reasonable doubt is a doubt which a
13 doubt which causes you to hesitate. And I hope you will talk about it and you will discuss it
14 in the jury room. But when it comes down to making the final decision you will be firmly
15 convinced. Your reasonable doubt may be different than your reasonable doubt. Your
16 doubt may be here. And you may be more comfortable with the level up here. Some maybe
17 down here. But each of you will discuss what reasonable doubt it and you must be firmly
18 convinced.

19 And it's not proof beyond all doubt. It is not proof that you hesitate for a second and
20 you must throw it all out. You should be firmly convinced based on the facts and the
21 evidence you heard in this courtroom, and then you will find according to the law and render
22 a verdict that speaks the truth. Thank you.

23 The Court: All right, ladies and gentlemen. It's going to take about twenty minutes

1 for me to give you your instructions. Does anybody want to take a break before we get
2 started?

3 (no affirmative response from jury)

4 Okay, good. When we started this case, of course I told you that you had certain
5 functions to serve and I had a certain rôle, too. My rôle is as judge of the law, which I told
6 you at the beginning means that I have the responsibility of charging the applicable law in
7 this case.

8 Now, if you come into this case with any prior opinions, any predispositions about
9 what the law is or about the law should be, then I charge now to disregard that. You must
10 accept the law as I give it to you in this case. Your job, of course, is to find the facts in this
11 case, and you will determine what the facts are based on your review of the evidence in this
12 case.

13 Now, I will start where I started at the very beginning, reminding you that in this
14 case, just in all the cases in the United States of America, the defendant is presumed innocent
15 until the State meets its burden of proving each and every element beyond a reasonable
16 doubt. Now, as I told you earlier, that's not just a legal theory, it's a fundamental premise
17 and a fundamental part of our justice system. So I want to make sure that you understand
18 that as you sit here right now the defendant continues to be presumed innocent until twelve
19 deliberating jurors determine that the State has met its burden of proof.

20 Now, you have multiple indictments in front of you. By my count, there are nine.
21 Am I right about that?

22 Ms. Hodge: Yes sir.

23 The Court: So, I'm right about that, there are nine. You must consider each and
24 every indictment, each and every charge independent of the other. That is, you must look at

1 every single charge and decide whether the State has met its burden of proof with respect to
2 each and every charge independent of the others. So, for instance, you have nine charges.
3 You can return a verdict of guilty on eight and not guilty on one; or correspondingly, not
4 guilty on eight and guilty on one. You can find differently on six of them and differently on
5 three of them. You don't have to find that just because the defendant may be not guilty on
6 one that he must then be not guilty on all; or if he is guilty of one he must then be guilty of
7 all. You consider each and every one of the indictments independent of the other. And
8 you'll determine whether the State has met it's burden of proving each and every element of
9 each offense.

10 Now, you've heard the term, reasonable doubt, so I think it's appropriate that I tell
11 you what that is. Proof beyond a reasonable doubt is that proof which leaves you firmly
12 convinced. Now, understand that there is very little wiggle room here. Okay? It does not
13 mean possible doubt. What is required is that the State prove this case beyond any possible
14 doubt. But after your review of the evidence, if you are firmly convinced of the defendant's
15 guilt, then you must find him guilty under your oath. Now, understand as well, that after
16 your review of the evidence, if you find that there is a real possibility that the defendant is
17 not guilty, then under your oath, you must find him not guilty of the offense.

18 Now, you'll determine whether the State has met its burden of proof by looking at the
19 evidence which was presented in the case. You'll decide which evidence is important and
20 which evidence may not be so important; that is, you will weigh the evidence and you will
21 value the evidence and determine what evidence you will consider in determining what the
22 facts are. Looking and weighing that evidence you determine the credibility of the
23 witnesses.

1 Now, you'll decide who's telling the truth and who's not telling the truth, who to
2 believe and who not to believe. You'll determine what portions of a witness' testimony may
3 be believable and valuable and what portions of a witness' testimony may not be believable
4 or may not be valuable here. Now, you know from your own common sense whether
5 somebody is believable or not. And you use your own common sense and your observation
6 of witnesses to determine whether in your estimation testimony was credible or whether it
7 was valuable. You look at a witness and you see the testimony. You see facial expressions.
8 You see body language. You see intonations and inclinations. You know whether a witness
9 has something to gain or something to lose as a consequence of his or her respective
10 testimony. And you determine from all that whether that witness' testimony is believable or
11 not believable. You give it whatever weight that you think is appropriate.

12 Also, you heard testimony from expert witnesses. And I told you when they came up,
13 they are qualified as expert witnesses because of their expertise, their education and their
14 experience. But just because they're qualified as an expert witness doesn't mean you give
15 any greater weight or any greater value. You, just like any other witness, determine what
16 weight and what value that testimony has. And you also determine whether that testimony
17 was credible or whether it was not credible.

18 Now, ladies and gentlemen, when you receive evidence, you receive it in one of two
19 different ways; that is, there are two different categories of evidence: direct evidence and
20 circumstantial evidence. Direct evidence is that evidence which immediately establishes
21 what actually occurred. Circumstantial evidence is proof of a chain of facts, of collateral
22 facts which, when taken together, prove a main fact to be proven.

23 Now, that is a simple definition but sometimes I find it's harder to understand and
24 easier if I give you an example. But, say, it's January, and when you are going to bed you

1 walk past your front door and you look on your front lawn, your front parking lot, and you
2 see there's no precipitation. You go to bed and the next morning when you come down, you
3 walk past that same door, and you look out on your front lawn or parking lot and you see
4 quite a bit of snow. You also see in that snow footsteps which lead to your door and then
5 lead away. Well, in that example, you have direct evidence that it snowed last night because
6 you see the snow. It's right there in front of you. You can touch it and feel it and taste it.
7 But you also have circumstantial evidence that sometime during that late night or early
8 morning somebody came to your door and walked away. You don't see the person; you
9 can't taste them or touch them. But you know as a consequence of the time that the snow fell
10 and the footprints in the snow that somebody must have necessarily come to your door and
11 walked away. That's an example of circumstantial evidence.

12 Now, the law doesn't prefer one type of evidence over the other. In the law it makes
13 no distinction between circumstantial evidence or direct evidence; that is, it doesn't direct
14 any value to one more highly than the other. You decide what value and weight you give to
15 circumstantial or direct evidence. But I will tell you that to the extent the State relies on
16 circumstantial evidence, all the circumstances must be consistent with each other and when
17 taken together point conclusively to the guilt of the accused, not a reasonable doubt.

18 Ladies and gentlemen, you heard testimony of the prior record of the defendant in this
19 case. I will tell you again that is offered for two purposes. In the first instance, as I charged
20 you, it was offered as a necessary element of the offense being brought you by the State. It
21 was offered for that sole and exclusive reason. Then, in cross examination, when the prior
22 record is introduced it can be considered for purposes of credibility; that is, believability for
23 you to determine whether it affects his credibility in answering the questions that were posed.
24 But I will tell you again, in neither instance can you consider it as a propensity for him to

1 have committed the acts in this case; that is, you cannot consider it to be, to show that he's
2 either more likely or less likely to have committed the offenses that at bar in this particular
3 case.

4 Now, ladies and gentlemen, I am going to read for you the charges that you have to
5 consider. I don't like to read, but it is important for me to get precise definitions precisely
6 right. So, we'll start with the first set of indictments that you will be considering, first degree
7 criminal sexual conduct with a minor. The defendant is charged with first degree criminal
8 sexual conduct with a minor. The State must prove beyond a reasonable doubt that defendant
9 engaged in a sexual battery with the victim. A sexual battery is sexual intercourse,
10 cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, to any part of a
11 person's body or any object into the genital or anal openings of another person's body except
12 when the intrusion is accomplished for medically recognized treatment or diagnostic
13 purposes.

14 Next, the State must prove beyond a reasonable doubt that the victim was less than
15 sixteen years old at the time of the sexual battery.

16 And finally, the State must prove beyond a reasonable doubt that the defendant had
17 previously been convicted of or plead guilty to a previous criminal sexual conduct charge or
18 been ordered to be included on the sex offender registry. Consent, willingness, indifference
19 or ignorance on the part of the minor in act that was taking place does not in any way affect
20 the charge of criminal sexual conduct minor because an unmarried woman under the age of
21 fourteen cannot legally consent to sexual intercourse.

22 Ladies and gentlemen, the next charge that you have before you is second degree
23 criminal sexual conduct with a minor. The defendant is charged with second degree criminal
24 sexual conduct with a minor. The State must prove beyond a reasonable doubt that the

1 defendant engaged in a sexual battery with the victim. . A sexual battery is sexual
2 intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, to any
3 part of a person's body or any object into the genital or anal openings of another person's
4 body except when the intrusion is accomplished for medically recognized treatment or
5 diagnosis.

6 The State must then prove beyond a reasonable doubt that the victim was less than
7 sixteen years old, but at least fourteen years old and that the defendant was either in the
8 position of a legal, custodial or official authority to coerce the victim to submit or that the
9 defendant was older than the victim.

10 Ladies and gentlemen, the next of indictments that you will have to consider is a lewd
11 act on a minor. The defendant is charged with committing a lewd act on a minor. A minor is
12 a person under the age of eighteen. The State must prove beyond a reasonable doubt that the
13 defendant was over the age of fourteen. Next the State must prove that the defendant
14 willfully and lewdly committed or attempted a lewd or lascivious act on or with the body or
15 its parts of a child under the age of sixteen years with the intent to arouse, appeal to, or
16 gratify the lust, passions or sexual desires of the defendant or the child. Willfully means to
17 voluntarily and intentionally with the specific intent to do something the law forbids. Lewd
18 means obscene, lustful, indecent or lecherous. Lascivious means tending to incite lust, lewd,
19 indecent, obscene or attempting to deprave the morals in respect to sexual relations.

20 Ladies and gentlemen, the last set of charges you will have is second degree criminal
21 sexual conduct. The defendant is charged with criminal sexual conduct in the second degree.
22 The first element which the State must prove beyond a reasonable doubt is that the defendant
23 engaged in a sexual battery with the victim. A sexual battery is sexual intercourse,
24 cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, to any part of a

1 person's body or any object into the genital or anal openings of another person's body except
2 when the intrusion is accomplished for medically recognized treatment or diagnostic
3 purposes.

4 If you find that the State has shown beyond a reasonable doubt that a sexual battery
5 occurred-- Excuse me. If you find the State has not shown beyond a reasonable doubt that
6 the sexual battery had occurred, you would stop deliberating and your verdict would have to
7 be not guilty. If you find that sexual battery did occur, you must then decide whether the
8 State has proven beyond a reasonable doubt that the defendant used aggravated coercion to
9 accomplish the sexual battery. Aggravated coercions means that the actor threatens to use
10 force or violence of a high and aggravated nature to overcome the victim. If the victim
11 reasonably believes that the actor has the present ability to carry out the threat, or that the
12 actor threatens to retaliate in the future by the infliction of physical harm, kidnapping or
13 extortion under circumstances of aggravation against the victim or any other person.

14 Now, ladies and gentlemen, I'm going to go over for you the verdict forms in this
15 case. As I told you, each and every indictment should be considered separately and
16 independently. So, I have a verdict form for each and every, separate and independent
17 indictment, and you must consider them all.

18 Now, I have them separated as to the victims. You will look at these, at each verdict
19 form and consider each charge respectively. Now, I'm just going to pick at random one of
20 these and show you what it says so you will have some idea of what you will see when you
21 get into your jury room. You have the case number, the caption, and then the indictment
22 number on the verdict form. Then it will start of -- And this one in particular says criminal
23 sexual conduct with a minor in the second degree as to the victim, TVF, between January 4,

1 2009 and January 3, 2011. We the jury unanimously find the defendant, Roy L. Jones, two
2 options, not guilty or guilty.

3 A couple of things I want to point out to you. First of all, you will notice it says
4 unanimously. Each verdict must be unanimous. Each of you must agree. It must be twelve
5 to zero in your decision. It can't be eleven to one or eight to four. It must be a unanimous
6 verdict. Your verdict must be based on the evidence that was presented in trial in this case
7 and the law as I have given it to you. It can't be based on sympathy or prejudice or passion
8 or any other element that has not been presented during the trial of this case. It must be a
9 reasoned decision based on the evidence and the law.

10 So, you see you have two options, not guilty and guilty. And Mr. Foreman, you will
11 once the jury has reached its unanimous decision check whichever one corresponds to the
12 decision that you all have come to, and then you will sign as the foreman of the jury.

13 And you will see in each instance I have also listed the dates that correspond to the
14 allegations from the State so that you will know which verdict corresponds back to the dates
15 on the indictments.

16 Also, you will see that I have it listed in order of not guilty or guilty. I just want to
17 make sure you know that I have to list them in some order because there are only two
18 options. Don't think that the order I have listed the possible verdicts that I have an opinion
19 one way or the other, because I truly don't. But if there are two, I have to put it in some
20 order and that was the order that I arbitrarily came up with in this case on these verdict
21 forms.

22 So, ladies and gentlemen, I am going to ask you to return to your jury room and ask
23 you to not begin any deliberations quite yet because I am going to give the attorneys the
24 opportunity to correct any mistakes that I may have made in my charge of the law. I may

1 have stated some inadvertently. It may be that I have left something important out. So, I will
2 give them the opportunity to correct any mistakes I may have made. If I have to bring you
3 back out I will and I will correct anything. If there are no exceptions, then what will happen
4 is I will send them back to you by way of the bailiff, these verdict forms and any evidence
5 that has been presented in this case and you can begin your deliberations at that time. Thank
6 you.

7 (whereupon the jury exited the courtroom at 3:42 p.m.)

8 Any exceptions to the charge?

9 Ms. Hodge: Your Honor, not really an exception, but I may have misheard what you
10 said I believe when you were reading the criminal sexual conduct with a minor, first degree.
11 At the end of your charge you said something about you can consent if you're fourteen. And
12 I just didn't know if that was something we ought to look at.

13 The Court: No, that's not what I said. I said an unmarried woman under the age of
14 fourteen cannot legally consent.

15 Ms. Hodge: Okay. Cannot consent under fourteen. I thought that the law is under
16 sixteen for that charge. I'm just curious where the fourteen came in.

17 The Court: It has to be unmarried. It has to do with the unmarried portion of it.
18 That's the standard charge.

19 Ms. Hodge: Okay.

20 The Court: It may be that I should have taken that particular portion out, particularly
21 with respect to that. So, my question is-- Well, let me read it real quick to see if we should
22 consider it out of context.

23 (pause to review charge)

1 The Court: We'll be in recess until such time as we receive a verdict.

2 (whereupon court was in recess. At 3:55 p.m. the court was notified that
3 deliberations had begun)

4 **COURT IN SESSION – 8:55 P.M.**

5 (whereupon the jury entered courtroom)

6 The Court: Ladies and gentlemen, I have been informed that you in your
7 deliberations have reached an impasse. I recognize that it is very difficult for twelve people
8 to agree on everything. Being married I recognize that it sometimes difficult for two people
9 to agree on anything. What I would encourage you to do is go back in your jury room and
10 resume deliberating. The majority of you should consider the views of the minority and the
11 minority should consider the views of the majority. I will tell you that under your oath you
12 swore to render a verdict according to the law and based on the evidence in this case.

13 Now, understand, there are no other more capable twelve people in the county of
14 Greenville who are more capable than you are of coming to a verdict in this trial. Understand
15 that if you are incapable of coming to a verdict then what will happen is another judge, an
16 additional jury, all the same parties and court personnel will come back and this will simply
17 happen again. And I tell you again, there are no twelve other people who will be in a better
18 position to determine this case than the twelve of you are.

19 So, I would ask that you return to your jury room and resume deliberations. I
20 recognize that it is late. I didn't want to stay here this late and I know y'all didn't either.
21 The problem is I can't send you home once you begin your deliberations except in very
22 exceptional circumstances. Because if y'all were to go homewhile you were in your
23 deliberations, there is the possibility that you might begin talking to your spouse or your
24 significant other about it and that would be deliberating.

Also understand that if one of you, just one of you, failed to show up for court tomorrow then I would have to call a mistrial because we must have all twelve jurors. So, we must stay, we must reach a verdict. So, I ask you respectfully, please return to your jury room and continue trying to reach a verdict. Thank you.

(whereupon the jury exited the courtroom to resume deliberations at 8:57 p.m.)

COURT IN SESSION 12:54 A.M.

The Court: I understand the jury has reached a verdict. Are we prepared to receive the verdict?

Ms. Hodge: Yes, Your Honor.

Mr. Stalvey: Yes sir, Judge.

The Court: Bring the jury in.

(whereupon the jury entered the courtroom)

Mr. Foreman, has the jury has reached a verdict?

Jury Foreman: Yes, Your Honor.

The Court: Would you give the verdict forms, please, to the bailiff?

(whereupon jury verdict forms are passed to the Court by way of the court bailiff)

Madam Clerk, would you publish the verdicts, please ma'am?

Clerk of Court: In the case of 2014-GS-23-9298, the State of South Carolina versus Roy L. Jones, Jr., to the charge of criminal sexual conduct with a minor in the second degree as to victim, TVF, between August 1 2006, and January 3, 2009, we the jury unanimously find the defendant, Roy L. Jones, guilty.

In the case of 2014-GS-23-5446A, as to the charge of criminal sexual conduct with a minor in the first degree as to the victim, TVF, we the jury unanimously find the defendant, Roy L. Jones, guilty.

1 In the case of 2014-GS-23-5445A as to the charge of lewd act upon a child as the victim
2 TVF we the jury unanimously find the defendant, Roy L. Jones, guilty.

3 In the case of 2014-GS-23-5477A as to the charge of criminal sexual with a minor in the
4 second degree as to the victim, TVF, between January 4 , 2009 and January 3, 2011, we the jury
5 unanimously find the defendant, Roy L. Jones, not guilty.

6 In the case of 2014-GS-23-5490A as to the charge of lewd act upon a child, as to the victim,
7 SDF, we the jury unanimously find the defendant, Roy L. Jones, guilty.

8 In the case of 2014-GS-23-5491A to the charge of criminal sexual conduct with a minor in
9 the second degree as to the victim, SDF, between April 1, 2004 and April 27, 2004, we the jury
10 unanimously find the defendant, Roy L. Jones, not guilty.

11 In the case of 2014-GS-23-5489A to the charge of criminal sexual conduct with a minor in
12 the first degree as to the victim, SDF, we the jury unanimously find the defendant, Roy L. Jones, ,
13 not guilty.

14 In the case of 2014-GS-23-9229 to the charge criminal sexual conduct with a minor in the
15 second degree as to victim, SDF, August 1, 2006 and January 19, 2009, we the jury unanimously
16 find the defendant, Roy L. Jones, not guilty.

17 In the case of 2014-GS-23-9300 to the charge of criminal sexual conduct in the
18 second degree as to victim, SDF, we the jury unanimously find the defendant, Roy L. Jones, , not
19 guilty.

20 The Court: Counsel, anything additional for this jury?

21 Ms. Hodge: Nothing from the State, Your Honor.

22 Mr. Stalvey: Nothing further from the Defense, Your Honor.

23 The Court: Ladies and gentlemen of the jury, I thank you very much for your service on this
24 case and I

1 want you to know I appreciate it. I do recognize that it was a very difficult case and you all were
2 obviously very careful in your deliberations in reaching the verdicts in this case and I appreciate that.

3 I'm going to release you at this time. During this trial, I told you that you could not discuss
4 the case, but you certainly are free to discuss this case if you would like, but you are also in your
5 rights not to discuss it; that is if anybody approaches to discuss it and you tell them you wish not to
6 and they proceed to try to discuss it with you, and you say no, and they persist, please get their name,
7 let me or the Clerk of Court know.

8 I am going to proceed at this point with sentencing. The parties will come forward and I will
9 hear any additional information with respect to matters that bear on sentencing in this case. I am
10 going to do that now. You are welcome to stay and observe if you like, however, you are certainly
11 not required to. It is completely in your discretion whether you want to stay or not. Sometimes I
12 find that jurors want to stay and at other times jurors aren't interested, but you might want to stay
13 and see it.

14 I will also tell you that after this for those of you who have any questions or have any
15 documents I need to sign or amend I'll do that. I'll be happy to do that after I have sentenced I will
16 come back to the jury room and any of you who need to talk to me or ask me any questions I will
17 make myself available.

18 Having said that, I again thank you for your service. You don't have to come back
19 tomorrow. Your jury service is ended and I appreciate everything that you have done.

20 Counsel, please approach for sentencing.

21 (whereupon counsel and defendant approach bar)

22 There are four verdicts for guilty and five for not guilty. Is that correct?

23 Ms. Hodge: Yes sir.

24 The Court: Ms. Hodge, I'll be glad to hear from you regarding the State's position on

1 sentencing.

2 Ms. Hodge: Yes, Your Honor. The State had filed a notice of intention to seek life without
3 the possibility of parole based on the prior criminal sexual conduct in the second degree. This was
4 served personally on the defendant as well as his defense attorney. The conviction was
5 already admitted into evidence on the record.

6 In addition, the defendant has a prior record, stemming back to 1982, distribution
7 of marijuana, distribution of cocaine; 1985, unlawful drugs, two counts; 1985, again. Criminal
8 sexual conduct, second degree; 1985 again unlawful drugs; 1990, criminal domestic violence;
9 2009, the assault and battery of a high and aggravated nature, which was discussed here in court.
10 Then he had federal time which I believe was also discussed in court for possession of a firearm
11 during a trafficking offense, and that was to be consecutive to his other drug charge.

12 The Court: What was that charge?

13 Ms. Hodge: Possession with intent to distribute cocaine, I believe. And that would be his
14 prior record.

15 The Court: With respect to the notice you noticed that you would seek life without the
16 possibility of parole for the criminal sexual conduct with a minor in the first degree and criminal
17 sexual conduct with a minor in the second degree. Is that correct?

18 Ms. Hodge: Yes sir, that's correct. Mr. Stalvey, I'll hear from you.

19 Mr. Stalvey: Your Honor, when Ms. Hodge was telling you about his prior record, he
20 disagrees with one of the charges and he wanted me to tell you that. Your Honor, I know you're
21 limited in the sentence that you can give him, so I don't have anything to say.

22 The Court: Mr. Jones, anything you want to say?

23 Mr. Jones: The drug charge, I didn't have no drug charge, it was dismissed.

24 The Court: I won't hold that against you. Mr. Jones, in this case, under the law, I don't have

1 any discretion so I'm not concerned with your prior record at this point because notwithstanding\
2 what sentence I think is appropriate, the law requires me to sentence you to life in prison.

3 The maximum possible penalty for lewd act is fifteen years. Is that correct?

4 Ms. Hodge: That's correct.

5 The Court: All right, Mr. Jones. Indictment 2013-9298, for criminal sexual conduct with a
6 minor in the second degree, it is the sentence of the Court that you be committed to the State
7 Department of Corrections for the remainder of your natural life.

8 In indictment 2014-5446 Alpha, criminal sexual conduct with a minor in the first degree, it
9 is the sentence of the Court that you be committed to the State Department of Corrections for the
10 remainder of your natural life.

11 In indictment 2014-5490 Alpha the sentence of the Court that you be committed to the State
12 Department of Corrections for a period of fifteen years

13 In indictment 5445A it is the sentence of the Court that you be sentenced to the State
14 Department of Corrections for fifteen years

15 The sentences all run concurrent. Credit for any time served to the extent that is necessary.

16 Mr. Jones, I wish you luck, sir.

17 Mr. Stalvey: Thank you, Your Honor.

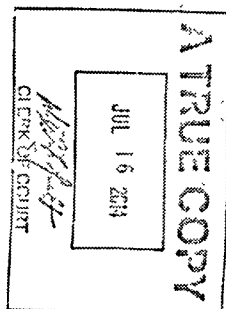
18 Ms. Hodge: Thank you, Your Honor.

19 The Court: All right. Ladies and gentlemen, I'll come back to the jury room for any
20 questions you have to ask me.

21 (whereupon court was adjourned at 1:15 a.m.)

22 (Transcriber's note: Court reporter's court notes indicate Court Exhibits of jury notes, marked as
23 Court's Exhibits 1-8, duly noted for transcription at this time)

24



RAIF B no. 8-10-50

PERCY COLELECTOR

SS

OKS

ROY LEE JONES
11-21-85
CRIMINAL SEXUAL CONDUCT 2nd Degree

Ray Lee Jones

James H. Miller

to go to court with
James H. Miller

Nov. 21, 1985

Ends

B-35

Warrant Number B 410827
The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

October 21, Term, 1985

THE STATE

vs.

Roy Lee Jones

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT FIRST
DEGREE
(S. C. Code 16-3-652)

(CDR Code 160)

TRUE BILL

Billy C. Smith
Foreman of Grand Jury
NOV 18 1985

Foreman

Witnesses

John H. Arrington

Verdict

The State of South Carolina

County of Union

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

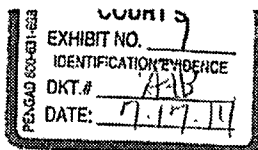
At a Court of General Sessions, convened on the 18th day of November
1985, the Grand Jurors of York County present upon their oath:

That Roy Lee Jones

did in York County on or about the Month of ~~April~~ July
19 85, did wilfully and unlawfully commit a sexual battery upon one
 Michelle Jones by having sexual intercourse with said Jones, age 15,
 without her consent and by means of aggravated force and coercion.

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

William L. Ferguson
 Solicitor



Can we have the
text testimony of
witnesses:

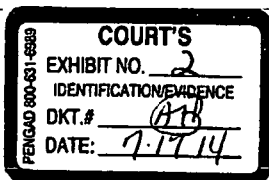
1) [redacted] Foster

2) [redacted] Foster

Amie Jones

I DO NOT HAVE
THE ABILITY, THE
TECHNOLOGY, TO PROVIDE
A WRITTEN TRANSCRIPT
IN THIS SHORT TIME, PLS

② What were the birthdays
of both victims?

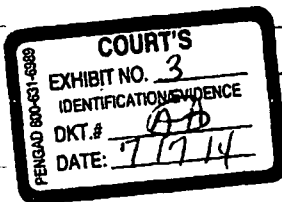


Amesbury

YOU MUST USE
YOUR RECOLLECTION
OF THE TESTIMONY
EVIDENCE.

Agg

- ③ Can we use the ~~whiteboard~~
Whiteboard Poster / easel
with a marker to write
with on paper?

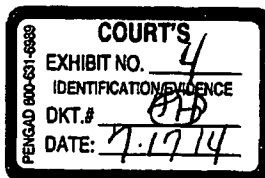


Can E. L.

Yes

IF WE CANNOT
REACH A UNANIMOUS
DECISION ON EITHER
COUNTS WHAT ARE
OUR OPTIONS?

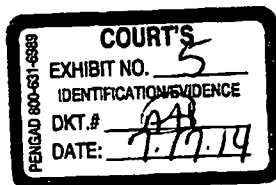
Ames



~~FOR~~ MUST REACH A
UNANIMOUS DECISION AS
TO ~~THE~~ CHARGE.
PLEASE CLARIFY YOUR
QUESTION IF THIS IS NOT
RESPONSIVE. RES

CAN WE TAKE A
SMOKE BREAK OR MAKE
A CALL ?

Amesbury



We are at a road block and do not see any way around it. At this point we ~~do not~~ do not foresee coming to an unanimous decision on all charges. Can we return a "hung jury" on any one of the charges or all of the charges?

Andrew J. [Signature]

HAVE YOU REACHED
A UNANIMOUS VERDICT
ON ANY OF THE
CHARGES? IF SO,
HOW MANY?

0
One

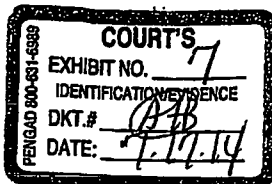
COURT'S	
EXHIBIT NO.	6
IDENTIFICATION REFERENCE	
DKT.#	203
DATE:	7.17.14

What were the reasons for
the separation of dates
for [redacted] (2 counts)?

1. August 1, 2006 & January 3, 2009
2. ~~August~~ January 4 & January
2009 3, 2010

Ans: [Signature]

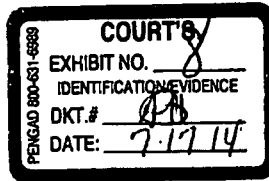
THE DATES CORRESPOND
TO THE ALLEGATIONS
IN THE INDICTMENTS.
IF YOU NEED FURTHER
CLARIFICATION, PLEASE
SPECIFY. RBS



Handwritten notes in cursive script, mostly illegible due to blurring and fading. The text appears to be organized into several lines, possibly representing a list or a series of observations.

We have decided on 2
accounts & are trying very
hard to move forward on
the other 7.

Amel



WITNESSES

Michael Robertson

Mike Brown

Greenville County Sheriffs Office

10/1/2012

ARREST WARRANT NUMBER

2012A2330202549

ACTION OF GRAND JURY

TRUE BILL

Nancy H. Ellis

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-009298

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2014

THE STATE

vs.

ROY LEE JONES

Amended Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR

2ND DEGREE

VIOLATION § 16-03-0655

ENTERED
ACCT. *LBH*

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

**AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE**

At a Court of General Sessions, convened on **JUN 24 2014** the Grand Jurors of Greenville
County present upon their oath:

That ROY LEE JONES did in Greenville County, between August 1, 2006 and January 3, 2009, commit a sexual battery on T. B. F., who was fourteen years of age or less but who was at least eleven years of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

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

W. H. D. C.
SOLICITOR BAR # 8245

WITNESSES

Mike Brown *JMB*

Greenville County Sheriff's Office

BM DOB

SSN

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

ACTION OF GRAND JURY
TRUE BILL

Nancy J. Ellis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-23-

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2014

THE STATE

vs.

ROY LEE JONES

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-0140

ENTERED
ACCT.

005445 A

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

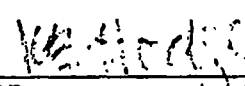
JUN 24 2014

At a Court of General Sessions, convened on
County present upon their oath:

the Grand Jurors of Greenville

That ROY LEE JONES did in Greenville County, between August 1, 2006 and January 3, 2011, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of T. B. F., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-0140 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 8245

005446A

DOCKET NO. 2014-GS-23-

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2014

THE STATE

vs.

ROY LEE JONES

WITNESSES

Mike Brown

Greenville County Sheriff's Office

BM DOB:

SSN

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3022

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655(A)(2)

Foreperson of Petit Jury

Date:

ENTERED
ACCT.

268

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

JUN 24 2014

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That ROY LEE JONES did in Greenville County, between August 1, 2006 and January 3, 2011, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in a sexual battery with the victim T. B. F., who was less than sixteen (16) years of age and the Defendant has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed under 23-03-0430(c), to wit: Criminal Sexual Conduct 2nd Degree, and/or has been ordered to be included on the sex offender registry. This is in violation of §16-3-655(A)(2) of the South Carolina Code of Laws (1976) as amended.

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

W. J. Jones
 SOLICITOR

BAR # 8245

WITNESSES

Bobby Bradford

Greenville Police Dept.

BM DOB

SSN

RBB

**ARREST WARRANT NUMBER
DIRECT PRESENTMENT**

**ACTION OF GRAND JURY
TRUE BILL**

Nancy AN Ellis
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-23-

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2014

THE STATE

vs.

ROY LEE JONES

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-0140

**ENTERED
ACCT.**

005490A

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

JUN 24 2014

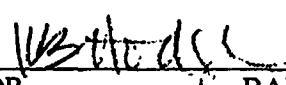
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That ROY LEE JONES did in Greenville County, between April 28, 2003 and April 27, 2004, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of S. D. F., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-0140 of the South Carolina Code of Laws (1976) as amended.

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

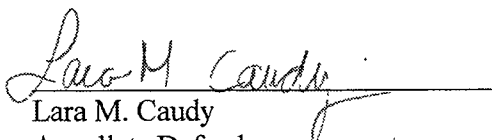

SOLICITOR

BAR # 8245

CERTIFICATE OF COUNSEL FOR APPELLANT

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

September 18, 2015


Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT